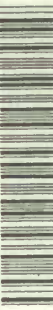
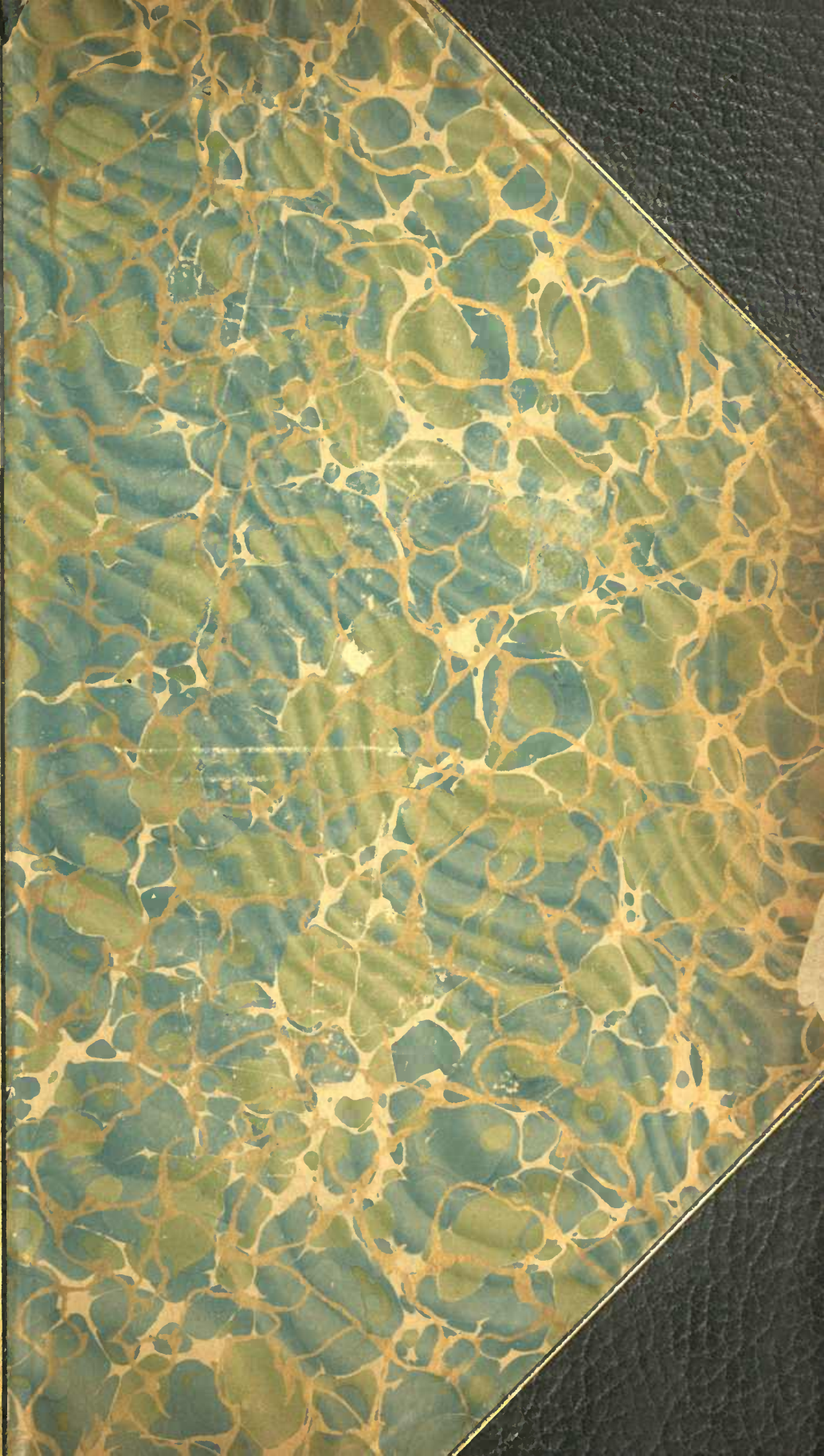


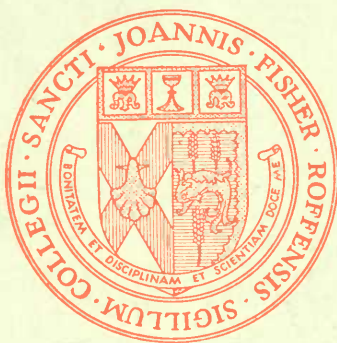
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IN TWENTY-TWO VOLUMES AND INDEX

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VOL. 17  
SECTION IX  
**THE PROVINCE  
OF ONTARIO**  
PART I









Engraving of James Oglethorpe

# CANADA AND ITS PROVINCES

A HISTORY OF THE CANADIAN  
PEOPLE AND THEIR INSTITUTIONS  
BY ONE HUNDRED ASSOCIATES

ADAM SHORTT  
ARTHUR G. DOUGHTY  
GENERAL EDITORS  
VOLUME XVII



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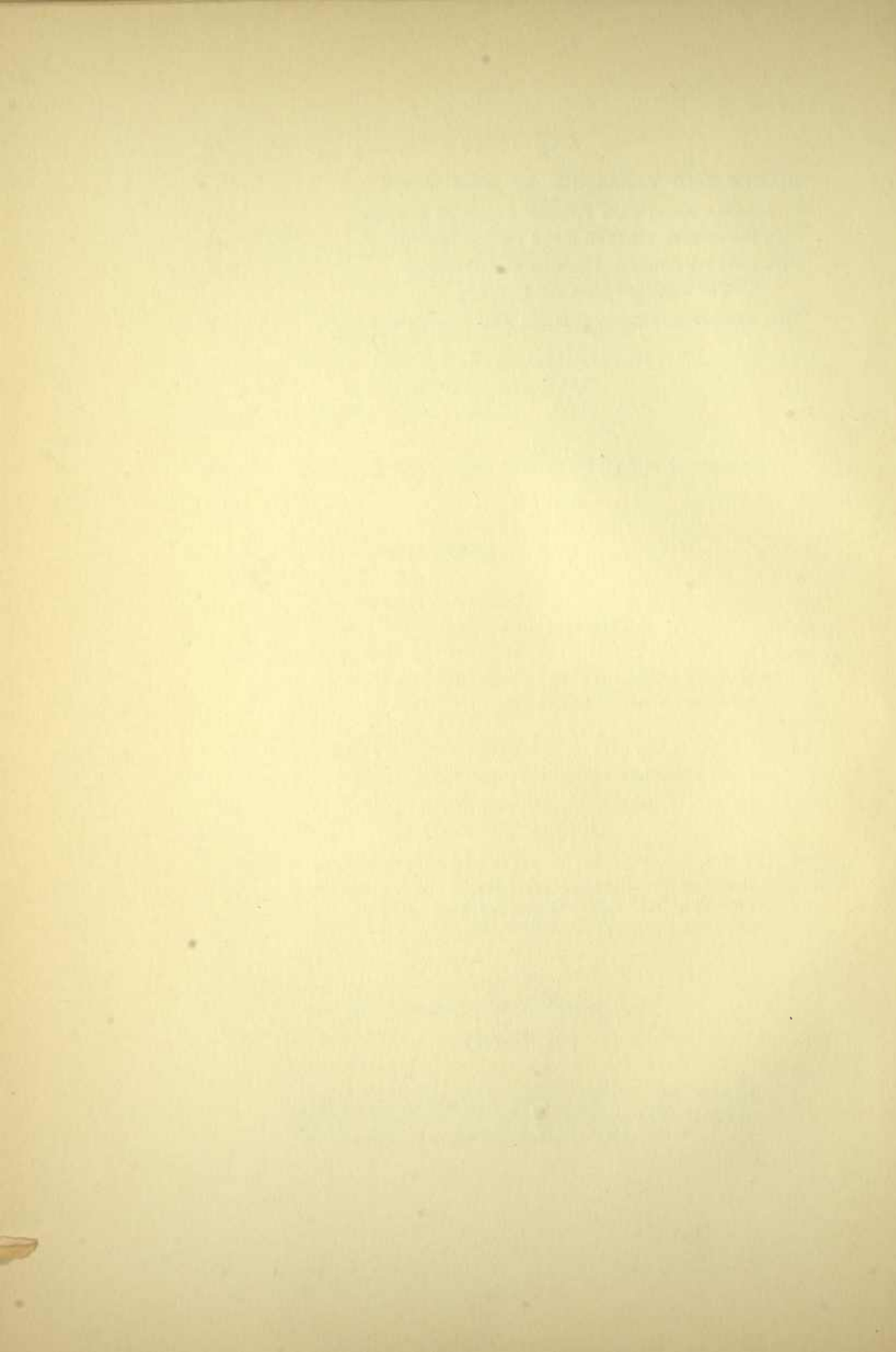
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ONTARIO IN THE DOMINION:  
GENERAL OUTLINES



## ONTARIO IN THE DOMINION: GENERAL OUTLINES

**T**HE circumstances under which Upper Canada was set apart as a community, and the character of its early settlers, fixed its future destiny. It was, by deliberate design, the region reserved for the English-speaking portion of the people, and it became, by the rapid issue of events, the shelter of the refugee loyalists of the American Revolution. This has remained a fundamental factor in the evolution of Ontario. That the genius of the English race for self-government should reproduce itself here, and that this should be accompanied by a steady and at times ardent attachment to British connection, were equally inevitable. Of the loyalists it may be said that they would have formed a valuable immigration for the upbuilding of any state, even for one less richly dowered by nature than this. They gave to Ontario the traditions and the impulses which are still its most precious possessions. The defects which they developed under trying conditions do not detract from the enduring nature of their achievements as a whole. During the years immediately following the migration their privations were many, and a bare living was only won by the most arduous toil. Under such conditions the progress of the new state was necessarily slow. Men could look ahead, but not with the prospect of enjoying prosperity themselves. Then came the war of invasion and the withdrawal from productive labour of the greater part of the male population. The loyalist settlers once more made a supreme sacrifice, and the courage with which they repelled the repeated attacks of superior forces denoted qualities that in all ages of the world have been held in high honour.



It may be that during the distinctively loyalist period the province developed at a snail's pace as compared with the neighbouring States of the American Union. Meagrely furnished with capital for public works or private enterprises, lacking a market for its surplus products, the province was deprived of those opportunities for rapid material growth which go far to reconcile men to the drawbacks of a rough environment and a crude social existence. To the natural barriers that separated the people from the French of Lower Canada were added the unhappy dissensions arising out of differences of race and creed. For these reasons an inland community, restricted in its intercourse with civilization, cut off from the main currents of thought in the Old World, was forced in many respects to subsist upon itself, with the result that undue emphasis was placed upon political controversy and agitation.

This brings us to another essential factor in the life of the province, and one that must be studied with care if we are to understand the Ontario of to-day. The lessons of the past have been potent in moulding the development of the province. The constitution has derived its strength and the policy its harmony from the experience and strife of previous generations. It has been said that the state which fails to honour and to profit by its own past must soon cease to exist. Ontario has never forgotten its history, nor has it omitted to learn and apply the teaching of a century and a quarter. At the outset Simcoe, a man of many virtues and considerable parts, was neither more nor less far-seeing than his contemporaries. Everywhere throughout the British Empire the forces of reaction were aroused. The young loyalist colony in Upper Canada had been forced into existence by one revolution. The greater revolution in France was now in its early stages. This event cast its dark shadow over the debates upon the Constitutional Act of 1791. If we look vainly in that measure for generous concessions to the British self-governing spirit at the hands of Pitt, Burke, and Fox, and if we wonder somewhat impatiently why disorder in France secured more attention from these brilliant statesmen than the details of the bill, a little reflection will supply

the explanation. The revolutions in North America and in France alarmed moderate men and resulted in postponing parliamentary reform and in checking the democratic movement generally. Simcoe, therefore, was in accord with the dominant ideas of the day when he endeavoured to set up an aristocratic system and to establish a governing class. This design, futile as it proved to be, bore a train of evils which harassed the politics of the province for half a century. It produced the Family Compact. Simcoe's successors, adapting their policy to changing conditions, followed in his footsteps, trying to stem a tide which could not be controlled. The energies of the young community were turned more to the solution of political problems than to internal development, to the exploiting of vast possessions in land, minerals, and timber, or to the possibilities of a rich agriculture and a great commerce, which in our day attract to Ontario the gaze of the world.

Finally, an armed rebellion, abortive in its effects but startling because it seemed to be proof of general discontent with British institutions, awakened statesmen to a sense of the danger. In 1837, we should bear in mind, English parliamentary reform was but five years old, and so far from cabinet responsibility being an unchallenged constitutional maxim, the royal prerogative had been exercised to dismiss a ministry as recently as 1834. The forced union of Upper and Lower Canada in 1841 was in no sense a wise expedient. What prospects it presented were rendered hopeless by the refusal of the crown's representatives to yield all executive control to ministers. When this error was ultimately rectified, the inherent weakness of the new constitution began to display itself. The two provinces were not without interests in common; but their ideals in education, in civil law, in the relations of church and state, and in the conduct of public affairs were utterly at variance. They could not be yoked together. The federal principle was the true remedy for communities so situated, and its adoption in 1867 brought relief to the body politic, conferred full liberty of action within an allotted sphere, and imparted to the spirit of advancement its required stimulus.

If the province spent seventy-six years in evolving the constitution best suited to its needs and wishes, the time was not devoted to a single object. Important as that object was, the attainment of efficiency in legislative machinery alone could never absorb all the energies of an intelligent people. However imperfect a parliamentary structure may be, popular aims and ideals will find means of asserting themselves. Upper Canada early displayed its zeal for systematic progress. It was foremost in planning the organizations that pertain to a well-ordered state. The resources of the people were narrow, but their ideas were on a large scale and their faith in the future undoubted. Municipal institutions, the judiciary, and the system of education date in embryo from the beginning. In these are to be found the real capacity of a community to govern itself. The story of parliamentary struggles can be more effectively staged. It impresses the superficial observer more deeply. But if we wish to apply the true test of a community's moral and material vitality, we seek it in the methods employed to train the people, to administer the laws, and to regulate civic affairs. The extent to which Ontario has been influential in national life is largely determined by the completeness of her development, and these methods are the basis of it. The schools, imperfect at first, gradually improved until a practical elementary training was within the reach of all. The vigour of the system dates from the appointment of Ryerson as superintendent, not the least of whose achievements is that he evoked a genuine ardour for education from a frugal rural population. By leaving the management of the schools largely in the hands of the people in each locality, he was able to place upon them the chief burden of support. The central authority retained sufficient control to conduct the training of teachers, to ensure harmony in the courses of study, and to expand the system as the years wore on. The excellent system of secondary schools, which owe so much to Paxton Young and John Seath, opened for talent and industry an easy path to advanced training. The long struggle for a non-sectarian state university produced an institution of the highest efficiency, whose graduates have attained dis-



tion in every walk of life. Thus by its educational institutions Ontario has provided men well qualified to fill the professions and to enter political life, while, in addition, they create and sustain an influential body of educated opinion. In administering their schools the people of the province received a sound training in the duties of citizenship, a discipline still further impressed upon them by the working of their municipal system. The evolution of these bodies is one of the most remarkable chapters in the annals of the state. The native of Ontario is well equipped for nearly every form of public duty. When he removes to some other portion of the Dominion he carries with him an experience of self-government and an insight into all its modern phases which enable him, if endowed with natural force of character, to perform the most useful functions of the citizen. The courts of justice date from the foundation of the province, and bear the impress of those lofty traditions and principles which we are accustomed to associate with the British courts of law. The bench, from the appointment of Osgoode, the first chief justice, in 1792, has maintained an enviable reputation for probity and talent. It has been recruited from the foremost members of the legal profession, and that profession itself has always occupied a place of dignity in public estimation. The reorganization of the Ontario system, following from time to time, in its general outlines at least, the English courts, has tended to meet the requirements of the province, and to afford adequate means of establishing the rights of individuals. The enforcement of law and order has a direct relation to the administration of justice. If Ontario bears a good name for absence of crime and for orderly habits of living, the respect for authority which prevails throughout its bounds has been stimulated by the judicial system. The following monographs upon these phases of the provincial structure are of striking importance because they deal with the sources of that strength and stability which Ontario has contributed to the Dominion.

Set free by the Confederation Act, the province was to work out her own future. The partnership of the previous twenty-five years had proved irksome. Lord Durham, in



one of the eloquent passages of his Report, declared that he had found two nations warring in the bosom of a single state. The condition he deplored was not merely perpetuated in the constitution of 1841, but so far intensified by a closer union that Upper Canada found her interests compromised and her legislation hampered at every turn. The history of this unfortunate experiment in government is given elsewhere in this work<sup>1</sup> and need not be repeated here. It is sufficient to point out that both parties to the arrangement were averse from it, and neither can be reproached for wishing to withdraw. In subsequent inter-provincial conferences they have demonstrated a willingness to work amicably together on behalf of objects common to both. The release was welcomed with special satisfaction by Ontario, and it was now to be seen how complete freedom would be employed. Her people had been substantially unanimous in favouring the new state of things, and oddly enough the chief opponent of the change became the first prime minister of the province. Only one legislative chamber had been created. In it were gathered many men of note. Divided, it is true, by party differences, they were pledged to unity by the oft-expressed desire to promote, without let or hindrance, those provincial interests which had been too long neglected. In the following pages the political record of Ontario for almost half a century is presented in detail for the first time, and we are thus enabled to judge the sincerity of past professions in the light of things accomplished.

The task was not taken up with absolute confidence. There were fears of a subordinate position in the Dominion where the greater would entirely overshadow the less ; of friction in jurisdiction so serious as to render nugatory the long-sought autonomy ; of a tendency to pettiness in aims and legislation ; of a heavy loss in men drawn away to the larger parliamentary sphere. All these fears proved groundless. The trustees of a great estate proved equal to the duty cast upon them. The provincial legislation developed on broad lines the various departments of moral, social, and civic life. There was no absorption into the Dominion in

<sup>1</sup> Section III, *United Canada, 1840-1867*.

the sense that the identity of the province dwindled away and men of the best calibre sought elsewhere the careers denied them at home. Ontario was incorporated into the federal system in the fullest meaning of the term, was the mainstay of the union during both extremes of fortune, and yet has asserted an individuality and maintained an exclusive entity without sapping the vigour of the nation.

The latest phase of provincial growth is the most complex to analyse because the marked expansion of natural resources seems to overshadow everything else, and may yet profoundly affect the moral and social forces. In 1867 Ontario was, as has been said, a great estate. But its realized wealth lay in agriculture. The manufacturing interest was not extensive. The mining industry was in its infancy. The province was essentially an agricultural one, and farming was carried on with skill and enterprise. The story of its beginnings and development possesses the fascination which must always attach to a pursuit forming the basis of the state. Untiring industry and enforced frugality had moulded the character of the people. The doctrines of *laissez-faire* were still in the ascendant, but the legislature thrust theory aside by actively assisting the farmer and increasing his voting power. Goldwin Smith declared that Ontario might have been a nation in itself. The statistics that represent Ontario's share of Canadian resources reveal greater opportunities than were even suspected by the pioneer explorers. They are a revelation to the average person who deems himself well informed. The extensions of the provincial boundaries have added large areas to the original domain, and the precise value of these the future must determine. Apparently the province is on the threshold of a remarkable expansion, and the effect of this upon institutions and character can only be conjectured. A century may elapse before it will be possible to depict with accuracy the effects of a transformation from moderate prosperity to opulence and power. We cannot as yet fully comprehend the modifications of tastes and standards and the displacements of political authority which may be wrought by great economic changes. These are the outstanding considerations

suggested by the writers who follow. Each has brought the fruits of long reflection and close investigation to his task. Upon the array of evidence here presented it is well to generalize with the prudence that should mark every form of inductive reasoning. This at least stands out in bold relief: Ontario is one of the most conspicuous examples in history of what may be accomplished by a state within a federal union, and such may be her most solid legacy to the ages and her best right to an enduring fame.

*A. H. U. Colquhoun*

PIONEER SETTLEMENTS





## PIONEER SETTLEMENTS

### INTRODUCTORY

**I**N 1763, when Canada passed from the control of France to that of Great Britain, there were few permanent French settlements in the immense territory now included under the name of the Province of Ontario. With the exception of the settlement on the Detroit River of about one thousand souls, one-third of whom lived along the eastern bank of the river between the present town of Walkerville and the mouth of the Canard River, the whole population of Canada, about sixty thousand, was within the confines of what is now the Province of Quebec. The centres of population were around the towns of Quebec, Three Rivers, and Montreal, and along the River St Lawrence between Quebec and Montreal.

If the permanent settlements were sparse west of the Ottawa River, it was not because the region was an unknown wilderness. Every lake, and every stream that would float a canoe, had been travelled by some intrepid Frenchman. The Récollets and Jesuits had planted missions in the country of the Hurons between Lake Simcoe and Georgian Bay, and at favourable places along the Great Lakes from the foot of Lake Ontario to the head of Lake Superior. More exploring expeditions had been sent out from French Canada than from any other part of the world. It is no exaggeration to say that the whole of North America was discovered through the mouth of the St Lawrence: Jolliet and Marquette, La Salle, Radisson, Vérendrye, Mackenzie, Fraser, and Thompson all first navigated the St Lawrence before venturing on their expeditions into the interior of the country, or to the Arctic, or Hudson Bay, or the Pacific.

For one hundred and fifty years France laboured to build up a strong colony in Canada, and the result at the end of that time was a scattered population of less than seventy-five thousand people. Historians are prone to put the blame for this comparative lack of success in colonization on the methods adopted by France. But during the time she held possession of New France the mother country did everything possible, according to her lights, both directly and indirectly, to build up a powerful colony in Canada. She granted monopolies to trading companies on condition that they should establish settlements. She sent out regiments of soldiers, and when they were no longer needed in the field she placed them on the land. But it cannot be said that France was eminently successful in establishing a strong, self-reliant colony in Canada.

Geographic influences tended to retard emigration from the homeland. The climatic conditions were harsher than those of sunny France. The arable soil was inferior in quality, and much labour had to be expended in clearing away the forest before food crops could be produced. Often the land after being cleared was found unfit for cultivation or so coarse and rocky as to be almost worthless for agricultural purposes. Conditions necessitated a reversion to a lower economic type of existence.

No part of the world furnished more luxuriant forests. In these magnificent forests roamed all kinds of game and fur-bearing animals. The French colonist was irresistibly drawn to the adventurous life of the trapper and the fur trader. The long rivers and numerous lakes furnished him a highway for thousands of miles from his home on the banks of the St Lawrence. Besides, his pelts found a ready sale in France, where fur-trimmed garments and beaver hats were the fashion.

The nomadic and adventurous life of the French pioneer, due to the influences of climate and of natural highways leading far into the interior, made him restless and difficult to control. He chafed under the exacting conditions laid upon him by a paternal government separated from him by an ocean barrier over two thousand miles in width.

The environment of the settler in New France was in sharp contrast with that of his hereditary enemies who occupied the narrow coastal plain between the Appalachian Mountains and the sea. Here, under a less severe climate and on a more fertile soil, the English colonist became a farmer and a tradesman. The density of the population led to unification. As yet there were no annoying regulations imposed upon them by the home government. Their territorial growth kept pace with the growth of population. Here was exemplified in the fullest degree that general law of expansion and strength—'The more nearly the political area coincides with the ethnic the greater is the strength and stability of the state.' The time came, however, when expansion beyond the Alleghany Mountains became a necessity. At length all the best farming land east of the mountains was occupied, and as the fertility of the western slope became well known, the struggle between the French and the English for possession of the Ohio valley commenced and could not end until one or the other was driven from the continent. From the beginning there was never any doubt which nation would be the ultimate victor. France fought valiantly, but was at last forced to yield and to leave Great Britain in possession of practically the whole of the North American continent.

#### THE LOYALISTS

The final struggle had taught the British authorities the immense possibilities of the territory they had won, and without loss of time they hastened to make laws for its government. While they were in the business of law-making, they thought that as the old colonies had been neglected in that particular for some years, a few acts might be passed for their benefit and for the good of the Empire as a whole. These laws were neither exacting nor arbitrary. While they were opposed by nearly the entire population of the thirteen colonies as being unnecessarily vexatious and irritating, there was a difference of opinion among the colonists as to the best method of correcting the abuses and leading the



British government to see the mistake it had made. A large number, not by any means a majority, were for separation ; fully as many, if not more, were opposed to separation ; and the remainder, in numbers not nearly so great as the other two classes, were neutral. Those opposed to separation contended that the British parliament was liberal and broad-minded enough to listen to argument and were confident that justice would soon be forthcoming.

It is not the purpose here to discuss the merits or shortcomings of either party in the great struggle that lost Britain her fairest colonies and was the means of building up to the north of these old colonies a dominion in all respects the most important of her present possessions. One party, the whigs, from the first were for separation. The other party, the tories, who were, if anything, more active than the whigs before the Revolution in seeking to correct abuses, believed that the best interests of the colonies would be served by remaining a part of the Empire, and that, after the peculiar crisis in political affairs in Britain had passed away, Britain's sense of justice would lead her to remove the causes of dissatisfaction. Trusting in this faith and never realizing that the dispute would have to be settled by a resort to war, they were unprepared when the supreme moment arrived. They were as reluctant to resort to force to compel their opponents to accept their opinions as they were to compel Britain to redress their grievances. Taken unawares, the tories in nearly every section were disarmed, imprisoned, and terrorized. Thus, at the beginning of the struggle, the whigs gained an advantage that they never lost. When armed resistance to authority was instituted the whole situation was changed. The rebellion must be crushed at any price. Their inactivity in the initial stages compelled the tories against their will to sanction Britain's military programme and to see relief only in the success of British arms.

When war broke out many of the persecuted loyalists fled to Canada. Those able to bear arms enlisted as soldiers and were formed into loyalist battalions to aid the British cause. Refugees from the valleys of the Mohawk and the

Hudson went to Niagara or to Chambly on the *Richelieu*. The refugees at Niagara were formed into a corps of Rangers commanded by Lieutenant-Colonel John Butler. Those who came to Chambly and Montreal were formed into the King's Royal Regiment of New York, commanded by Sir John Johnson. The courage and audacity of these two corps in the border warfare of New York made them objects of the most intense hatred of the whigs.

The unexpected success of the rebellious party blasted all the hopes of the upholders of the authority of the crown. All their efforts and suffering had been in vain, but the greatest blow of all, however, fell when, by the Peace of Versailles, signed in 1763, it was found that Britain had abandoned the loyalists to their fate. The active loyalists could not remain in their old homes. Their estates were confiscated and their families scattered; in many cases this had happened long before the struggle ended. Punishment in the most humiliating forms, even the death penalty, was imposed upon those who dared to return to their homes. Emigration was all that was left to these unfortunate people. Thousands went to England, some to the West Indies, and a few to Florida, then a Spanish colony, where they soon lost their identity. The larger portion, however, went northward to Canada, Nova Scotia, and New Brunswick. In these provinces liberal grants of land were made them. They were the first actual settlers of that part of Quebec now known as the Province of Ontario.

#### THE NIAGARA SETTLEMENT

The loyalist settlement at Niagara began a few years before that along the St Lawrence, Lake Ontario, and the Bay of Quinte; therefore it will occupy our attention first. The fort at Niagara was on the east bank of the river at its mouth and was in possession of the British until given up to the United States by Jay's Treaty of 1794, along with those of Detroit, Mackinac, Oswegatchie and others. The evacuation took place in 1796. These forts were held by the British



after the Treaty of Paris, signed on September 3, 1783, because the United States had not fulfilled their obligations regarding the loyalists. Niagara and Detroit were centres of British power and havens for distressed loyalists.

On September 13, 1779, General Haldimand, the governor-in-chief of Canada, knowing the rich character of the soil at Niagara, proposed to Lord George Germain that farmers should be encouraged to settle on land near the fort and raise produce to supply the garrison. By a treaty with the Senecas concluded by Sir William Johnson in 1764 a tract of land about fourteen miles long by four wide, comprising land on both sides of the Niagara River, had been ceded to the British. The Missisaugas claimed the land on the west side of the river, and they confirmed the treaty made with the Senecas. In 1778 log barracks were built on the west bank, and it was here that it was proposed to form a settlement. In 1780 Haldimand's plan was approved by Lord Germain. Haldimand conferred with Lieutenant-Colonel John Butler, commander of the Rangers, who was at Quebec, and gave instructions that, for the better accommodation of His Majesty's loyal subjects who had been driven from their homes, land should be divided into lots and distributed to refugees who were capable of cultivating the soil. If, after peace should be restored, any of them desired to quit Niagara and return to their old homes, they were to be at liberty to do so. The settlers were to have the land rent free and to sell the produce of it not required for their own consumption to the commander-in-chief, and not to traders. They were to have no claim to the lands, but if they left they were to have the right to dispose of their stock and produce and they would be paid for their improvements to the land. When land was so plentiful this regulation appears rather severe. Haldimand, however, was the firm friend of the loyalists, and in very many cases he advanced money and granted concessions to needy applicants without authority from the home government.

In the summer of 1780 the clearing and breaking up of the land had begun, so that winter wheat could be sown. The wheat arrived too late, and Butler applied for sixty

bushels of spring wheat and oats, twelve bushels of buckwheat and a barrel of Indian corn for spring planting. At this time Butler reports that four or five families were settled on the land and were building houses.

On May 20, 1781, Butler acknowledges the receipt of the grain and asks for a forge which had been promised in the preceding year, and for iron fit for ploughshares, axes, and hoes. He is very sanguine of the success of the settlement and says that it will be self-sustaining after one year. When the land for settlement was thrown open, seven or eight Rangers brought their families from the frontier near the Hudson and asked to be discharged and to be granted a year's provisions. In the summer of 1782 Butler wrote Haldimand that sixteen families, numbering sixty-eight persons, had settled, and that they owned forty-nine horses, forty-two cattle, thirty sheep, and one hundred and three hogs. The settlers had come from the Susquehanna valley in Pennsylvania and from Tryon County in New York. In 1783 the settlers petitioned Lieutenant-Colonel Butler for a more permanent tenure of their land. Under their present tenure they were subject to the whim of the officer commanding the fort and were liable to be turned off their land at any time. They suggested paying a fixed rent for a term of eight years.

If the loyalists had any hope of regaining their farms in the old colonies, their hopes were destroyed when they learned the nature of the provisional articles of peace and reconciliation agreed to between Great Britain and the United States. It is true there was a clause in these articles for their benefit; but they did not expect justice from their late opponents, and the reports from their old homes indicated clearly that they were correct in their judgments. Meetings were held in various districts in the old colonies and resolutions were passed ordering those who had returned to leave before June 10, 1783; if they remained they, along with any others who might return, were to be subjected to severe measures. Deserters from the provincial corps were sent away when they returned to their old homes, but those from the regulars were allowed to stay. The purpose of this discrimination

was probably to dissuade the loyalists from returning to claim their property.

At the end of 1783 an official report shows that forty-six families had settled in the vicinity of Niagara and had built forty-four houses and twenty barns, cleared seven hundred and thirteen acres and had one hundred and twenty-three acres sown with winter wheat, and three hundred and forty-two acres were ploughed ready for the spring sowing. The settlement already formed at this place was a nucleus around which soldiers from other corps, associated loyalists, and discharged soldiers from the regular regiments began to settle. The older settlement was of the greatest help to their distressed brethren who arrived later.

The war had been virtually concluded by the end of the year 1782, but the Treaty of Paris, as already stated, was not signed until September 3, 1783, immediately after the signing of the Treaty of Versailles. In direct violation of the fifth and sixth clauses of the treaty several States of the Union passed acts for the punishment of the loyalists and the confiscation of their estates. As the result of these acts not only pronounced loyalists, but moderate sympathizers, were driven out of the country. Hundreds of non-combatants were forced to go to the nearest place where British troops were stationed. The numbers already at cantonments of provincial corps at Niagara, Chambly, Ile-aux-Noix, Sorel, and Montreal were largely increased by these refugees, and the British authorities in Canada had a difficult task to shelter, clothe, and feed the numbers that arrived.

Persecuted by their enemies and seemingly abandoned by the British government, theirs was a hard fate. Haldimand, however, was equal to the supreme task before him. During his long and brilliant career as a soldier and administrator, no act of this able man stands out so prominently, or was ultimately to prove so valuable to the nation he served, as the location of the loyalist corps and their friends on the unoccupied land under his control.

Orders were received by Haldimand on November 24, 1783, to disband the provincials forthwith, but he deferred action till December 24, and these corps remained at their



stations until the spring, when their members were located at points advantageous for settlement. Butler's Rangers were sent to Niagara, and Colonel de Peyster and Major Ross, who were in command at the fort, were given instructions to receive them and to care for them until they were established in new homes.

#### SETTLING OF THE LOYALISTS

The foremost loyalist in Canada was Sir John Johnson, son and heir of Sir William Johnson. He occupies such a prominent place in the history of the critical period during and immediately after the War of the Revolution that a short sketch of his career is necessary to a proper understanding of his activity as a soldier and as a friend of the refugee loyalists and the Indians of the Six Nations.

On the death of his father on July 11, 1774, John Johnson succeeded to the title and his immense estates on the Mohawk River. The Six Nations, particularly the Mohawks, transferred to the son the implicit faith they had in the father, and, as superintendent-general and inspector-general of Indian Affairs, he rendered valuable services to the crown in dealing with the red men. At the outbreak of the revolution Sir John Johnson was living on his estate surrounded by loyal Palatine settlers and the newly arrived Scots Highlanders, principally of the clan Macdonell.

Philip Schuyler of Albany, who had at first been chosen for the task of invading Canada, was through illness compelled to relinquish his command to General Richard Montgomery. He was, however, soon able to undertake work attended with less risk than the capture of Quebec. With four thousand troops from New England Schuyler was sent to disarm the loyalists in the Mohawk valley and to exact assurances of neutrality from Sir John Johnson and his friends. Hostages from the Palatines and the Highlanders were taken and sent to Connecticut. Sir John and his friends gave up their arms and agreed not to leave the country if their property were not touched. In violation of this agreement the people were plundered and their stock was driven

off. After being subjected to every annoyance during the winter of 1775-76, Sir John was secretly informed by his friends in Albany that Schuyler intended to release him from his parole and take him prisoner. Hurriedly burying his papers and trusting to a negro servant to secrete his plate, he gathered about him two hundred of his loyal friends and set out by an unfrequented route for Montreal, where he arrived in the last week of June 1776, the day after the city, recently evacuated by the rebel invaders, was entered by the victorious British troops under Sir Guy Carleton. Sir John now applied for leave to raise a battalion from among his friends on the Mohawk. This privilege was granted on July 7, and soon the battalion was complete and was called the King's Royal Regiment of New York. In 1780 a second battalion was formed. During the progress of the war and at its close many of the members of these corps fled from their old homes, and with their families found their way over the Lake Champlain and Richelieu River route to protection under the flag of Britain.

Other loyalist corps, recruited in the old colonies and after their disbandment settled in what is now the Province of Ontario, are : the King's Rangers, commanded by Major James Rogers ; the King's Loyal Americans, commanded by Colonel Ebenezer Jessup ; the Queen's Loyal Rangers, commanded by Lieutenant-Colonel Peters ; M<sup>e</sup>Alpine's Corps ; and the first battalion of the 84th or Royal Highland Emigrants. A large number of this latter regiment settled in the county of Glengarry and at various points along the St Lawrence and Lake Ontario.

It has been said that it is more difficult to disband an army than to recruit one. When disbanded troops have no homes to which they may go, when they are encumbered with their families, when they must be supplied with food and clothing, and when it is proposed to place them on lands yet covered with primeval forest, lands yet unknown as to fertility or suitability for farming, the task becomes one so formidable that the most resolute might shrink from attempting it. The duty of performing this great work fell to the lot of General Haldimand and his secretary, Major Mathews.



Amidst the clamour of factions and irritated and annoyed by privilege-seekers, these officers, trained in all grades of that strict and exacting school, the British army, undertook this momentous task with a serenity and a cheerfulness that was superior to every form of vexatious annoyance. Duty was their watchword. It is an inspiration for one to read in the voluminous correspondence of these men how painstaking and careful they were in dealing with the varied interests that had to be appeased in one form or another.

First, much of the land had to be bought from the Indians. No advantage was taken of these people. Every claim they had to any part of the land on which it was proposed to place the loyalists was settled to their satisfaction. Surveys had to be made and a system of allotment of land had to be instituted so that the humblest private soldier would not feel that he was slighted because of his rank. Several claimed special privileges, but they were given clearly to understand that no favours would be shown. If there were to be any preference, it would be given to the loyalists who served during the war.

On May 26, 1783, the surveyor-general, Major Samuel Holland, was given instructions to survey the land from the last French seigniory to Cataraqui (Kingston) and from there along the north shore of Lake Ontario to Niagara. His deputy was John Collins. Other surveyors were McNiff and Sutherland, who surveyed the townships along the St Lawrence. Holland, Collins, and another surveyor, Louis Kotte, were engaged for the work from Cataraqui westward.

On September 19, 1783, Captain Justus Sherwood of the King's Loyal Americans, or Loyal Rangers, as they were sometimes called, set out from Montreal to report upon the land from the 'west end of Lake St Francis to the Bay Kenty.' Accompanying Sherwood were Lieutenant J. Johns and two men of the King's Rangers, and Ensign A. Botham and seven men of the Loyal Rangers. The work seems to have been pretty thoroughly done for some distance back from the river. Sherwood reports the land good from Lake St Francis

to twelve miles above Oswegatchie (Prescott) and that twelve townships six miles square could be laid out. He says : 'The six lower townships would be the best of the twelve, indeed, I think there cannot be better land in America.' The land on both sides of the Bay of Quinte he reports as good, but he does not speak so favourably of that portion from Cataraqui to Gananoque.

The loyalists—both soldiers and associated loyalists—who had arrived at the several forts were far from being a mild-mannered and submissive people. They made a great deal of trouble, particularly after the corps were disbanded. Some objected strenuously to going west into the wilderness. Some wanted to settle on land near Montreal, and others wanted to go to the land along the St John River, where they fancied the loyalists were receiving more favours than they would receive in the western settlements. Some deserted and went to their old homes, while others were released from their corps and given permission to go after being severely reprimanded. Major Mathews wrote to the officers who had charge of the camps to wink at the desertion of the loyalists, as the province was well rid of those who did not remain out of choice.

On May 13, 1784, orders were issued to the officers of the various corps to embark the loyalists under their charge and to proceed by boat up the St Lawrence to the townships allotted to them. The principal officers who had charge of them were Colonel Stephen de Lancey, chief officer, under whom were Captain Maurer, Captain Barnes, the officers of the various corps—Sir John Johnson, Major Campbell, Major Jessup, and Major Holland—Major Peter Van Alstine, who had charge of a party not connected with any of the corps mentioned, and Captain Michael Grass, head of a similar contingent lately arrived by boat from New York. Along with each party were sent tents, clothing, provisions, and tools, principally those required in clearing the land and erecting houses in preparation for the winter. It was no light task to provide for the large number, and it is a marvel that the arrangements were so perfect.

Sir John Johnson's first battalion of the King's Royal

Regiment of New York, sometimes called Royal Greens, or Royal Yorkers, were to occupy the townships from Charlottenburgh westward. Lancaster was considered too low and wet for settlement ; therefore it was not settled at first. In June the whole party landed in New Johnstown, now Cornwall, and after deciding which party would take certain townships the land was drawn by lot ; slips of paper with the number of the lots on them were put in a hat and each person drew from it his own. Exchanges were made to accommodate friends who wished to settle near each other.

The first battalion of the Royal Greens was composed principally of Scottish Highlanders and German Palatines. Some of the Highlanders were Roman Catholics and some Presbyterians. Some of the Palatines were Presbyterians and some Lutherans. Those of the same religion asked to be placed together, and Haldimand gave his consent, provided the regulations as to settlement were observed. It was arranged that the Scottish Roman Catholics were to be placed in township number 1, Charlottenburgh ; then, in order, the Scottish Presbyterians, the German Presbyterians, the German Lutherans, and the Anglicans. The townships settled by this regiment were numbers 1, 2, 3, 4, and 5, now known as Charlottenburgh, Cornwall, Osnabruck, Williamsburg, and Matilda. Part of Jessup's corps settled upon townships numbers 6 and 7 and part of 8, now known as Edwardsburgh, Augusta, and Elizabethtown.

In the autumn of 1783 a party of the loyalists from the city of New York, principally artisans, arrived under the leadership of Captain Michael Grass. They were assigned township number 1 from Cataraqui (Kingston). Number 2 was settled by part of Jessup's corps and part of the 84th Regiment. The third township from Cataraqui, Fredericksburg, was settled by Major Rogers's corps and part of the second battalion of the King's Royal Regiment. Number 4, or Adolphustown, was settled by the remainder of the second battalion of the King's Royal Regiment and by Van Alstine's party of loyalists which had sailed from the port of New York in seven vessels convoyed by the brig *Hope* of forty guns. Van Alstine's party left New York on September



8, 1783, and arrived in Quebec on October 8. They passed the winter at Sorel with Grass's party and other loyalists. The fifth township, Marysburgh, was occupied by the soldiers of the various regular regiments that were leaving Canada. These soldiers had served for twenty-one years, or nearly that time, and preferred to stay in Canada. Part of this township was settled by a detachment of the Hessian troops under Baron Reitzenstein.

In October the disbanded troops and loyalists settled on the St Lawrence and west of Catarauqui were mustered. The result was as follows :

East of Catarauqui			West of Catarauqui		
Township	Persons	Acres cleared	Township	Persons	Acres cleared
1	456	12	1	220	86½
2	517	101½	2	416	146½
3	75	30	3	580	no return
4	203	101¾	4	240	66
5	177	56½	5	251	33
6	166	122	Hessians	48	7
7	228	124			
8	185	39½			
	2007	587¼		1755	339

There were 620 persons at Niagara, but there is no return of the land cleared.

The settlers were mustered for the purpose of granting rations. Governor Haldimand had received instructions from the home government to reduce the supply of rations to the loyalists, but he knew that the people were in need of help, and took upon himself the responsibility of allowing a full ration. Tools of all kinds, such as axes, grindstones, saws, nails, hammers, augers, hoes, glass for windows, cooking utensils, and many other necessaries were supplied at once. By the above return it will be seen that the settlers had not been idle. Houses of logs had been constructed and some fall

wheat was sown on the newly cleared land. A number of the loyalists had during the first year by great effort cleared land early enough to plant potatoes. After the transportation of provisions, tools, and clothing was completed, bateaux were provided for each township. The settlers were not granted any live stock, but every assistance was given them to bring in cattle from the old colonies. By the second year several cattle, horses, and hogs were in the settlements. Fish abounded in the lakes and rivers and game was plentiful, but firearms were not granted. From the first, however, many of the settlers had a flint-lock musket and a supply of powder and bullets.

Saw-mills and flour-mills were established along streams in all the districts, one mill often supplying three or four townships. The first boards were split out of logs and smoothed with a broad ax or sawed by hand with a whip-saw. The wheat was ground in hand-mills and in many cases pounded fine, by means of a large smooth stone, in a mortar made by hollowing out the end of a short section of a large maple tree.

#### LOYALIST LOSSES CLAIMS

In July 1783 the British parliament appointed a commission of five members to classify the losses and services of the loyalists. The board began work in London and all claims had to be submitted in writing before March 25, 1784. Many of the loyalists who were connected with the various corps sent in their claims through their commanding officers. It was seen, however, that to do justice the time for reporting losses would have to be extended and that representatives of the commission would have to visit America. Hence Colonel Thomas Dundas and Jeremy Pemberton came to Canada. They began work at Halifax on November 17, 1785, and continued until 1788. Their final report was handed in on May 15, 1789. Evidence was taken at Halifax, St John, Quebec, and Montreal. Only a small percentage of the loyalists from the St Lawrence and westward could afford the time during the season of open navigation to go



to Montreal, and the journey in winter was too long and arduous, so that relatively few claims were presented. For the 1401 claims heard in Canada \$2,745,000 was paid, ranging from \$50 to \$221,000, the latter sum being paid to Sir John Johnson.

#### GRANTS TO LOYALISTS

The amount of land granted to the loyalists is set forth in instructions to General Haldimand dated July 16, 1783 :

Whereas many of Our Loyal Subjects Inhabitants of the Colonies and Provinces, now in the united States of America, are desirous of retaining their Allegiance to Us, and of living in our Dominions, and for this purpose are disposed to take up and improve Lands in Our Province of Quebec ; and We being desirous to encourage our said Loyal Subjects in such their Intentions, and to testify our approbation of their loyalty to Us, & Obedience to our Government, by allotting Lands for them in our said Province ; And whereas We are also desirous of testifying our approbation of the Bravery and Loyalty of our Forces serving in our said Province, and who may be reduced there, by allowing a certain quantity of Land to such of the Non-Commissioned Officers and private Men of Our said Forces, who are inclined to become settlers therein. It is Our Will and pleasure, that immediately after you shall receive this Our Instruction, you do direct our Surveyor General of Lands for our said Province of Quebec, to admeasure & lay out such a Quantity of Land as you with the advice of our Council shall deem necessary & convenient for the Settlement of our said Loyal Subjects, the non-Commissioned Officers & private Men of our Forces which may be reduced in our said Province, who shall be desirous of becoming Settlers therein ; such Lands to be divided into distinct Seigneuries or Fiefs, to extend from two or four leagues in front, and from three to five leagues in depth, if situated upon a Navigable River, otherwise to be run square, or in such shape and in such quantities as shall be convenient & practicable—and in each Seigneurie a Glebe to be reserved and laid out in the most convenient spot, to contain not less than

300 nor more than 500 Acres ; the propriety of which Seigneuries or Fiefs shall be and remain vested in Us, our Heirs and Successors, and you shall allot such parts of the same as shall be applied for by any of our said Loyal Subjects Non-Commissioned Officers & Private Men of our Forces reduced as aforesaid, in the following proportions ; that is to say

To every Master of a Family, One Hundred Acres, and Fifty Acres for each person of which his Family shall consist.

To every single Man Fifty Acres.

To every Non-Commissioned Officer of Our Forces reduced in Quebec Two Hundred Acres.

To every private Man reduced as aforesaid One Hundred Acres.

And for every Person in their Family Fifty Acres.

The said Lands to be held under Us Our Heirs & Successors, Seigneurs of the Seigneurie or Fief in which the same shall be situated, upon the same terms, acknowledgements and services, as Lands are held in our said Province under the respective Seigneurs holding and possessing Seigneuries, or Fiefs therein ; and reserving to Us our Heirs and Successors, from and after the expiration of Ten years from the Admission of the respective Tenants, a Quit Rent of one half penny P Acre.

Supplementary instructions, dated August 7, authorized the governor-in-chief to allot to every field-officer one thousand acres, to every captain seven hundred acres, and to every subaltern, staff or warrant officer five hundred acres, and he was advised to intersperse these allotments with those of the non-commissioned officers and privates of their own corps, with the object ' that the several settlements may be thereby strengthened and united, and in case of attack be defended by those who have been accustomed to bear arms and serve together.' Members of the organization known as the Associated Loyalists were placed on the same footing as those of other corps. Applicants were required to take the oaths of allegiance, supremacy, abjuration, and declaration before receiving their certificates, and grants were to be made within twelve months, providing that they actually settled upon their lands.

Instructions of August 23, 1786, to Lord Dorchester, who succeeded Haldimand as governor-in-chief, regarding the land grants are the same as those to Haldimand, but exception was made in the case of the officers and men of the 84th Regiment, now reduced, who wished to settle on lands in Canada, or Quebec, as it was then called. The cause of this exception was to fulfil a promise to all who would enlist, made in instructions to the governors of New York and North Carolina on April 3, 1775. The amount granted was as follows :

To Field-Officers . . . . .	5000	acres
„ Captains . . . . .	3000	„
„ Subalterns . . . . .	2000	„
„ Non-Commissioned Officers . . . . .	200	„
„ Privates . . . . .	50	„

On April 11, 1785, scarcely a year after settling on their lands, the loyalists, along with Sir John Johnson, petitioned the king as follows :

To the King's Most Excellent Majesty.

The Petition of Sir John Johnston Baronet, and others whose names are hereunto subscribed, on Behalf of the Officers and Soldiers of the Provincial Troops and Indian Department, who served under their Command during the late Rebellion ; and of the other Loyalists, their Associates, who have taken refuge in Canada.

Most humbly Sheweth,

That the Persons of the above Description, animated by your Petitioners' Example, having sacrificed their Estates and Properties in support of Your Majesty's Laws and Government, did faithfully serve in Canada, and on its Frontiers, till the Reduction of these Corps ; when being still actuated by the same Principle of Loyalty and Affection, they, to the number of several Thousands, resolved to settle within Your Majesty's Government, on the Lands assigned them as a Reward for their Services, and in pursuance of the Proclamation of Your Majesty's Commissioners in the year 1776 ; and entered earnestly on the Improvement thereof, with a Prospect of making a Provision for their Families, and



thereby contributing greatly to the Advantage, Strength, and Security of that Province, and to the Increase of Your Majesty's Revenues.

That the Tenure of Lands in Canada is such as to subject them to the rigorous Rules, Homages and Reservations, and Restrictions of the French Laws and Customs, which are so different from the mild Tenures to which they had ever been accustomed, and which continue to be enjoyed by the rest of Your Majesty's subjects, has occasioned a general Discontent, and would have induced many to decline accepting their Locations, and to resolve on abandoning their Enterprize, but for the Influence of your Petitioners, who had first led them into the Service, and on whose Endeavours they relied for obtaining, through Your Majesty's Favour, the Grant of such Terms and Tenures, and the Establishment of the same Laws as they formerly enjoyed under the auspices of Your Majesty's Government. In full Confidence of this happy Event they were prevailed upon to persevere in their Settlements, on which they have already, at some Expence, and much Labour, erected Habitations, and cleared Part of the Lands allotted to them.

For the Attainment of these Objects, so essential to the Happiness of Your Majesty's faithful Subjects, so conducive to the Increase of these new Settlements, and so salutary in their Consequences to the Public, we have, upon mature Deliberation, formed a Plan, which with the reasons in support of it, we humbly presume to submit to Your Majesty's Royal Consideration.

1st. It is proposed, that the County of Point Boudet, on Lake St François, in the River St Lawrence, and from thence Westward, shall be comprehended within One District, distinct from the Province of Quebec, under the Government of a Lieutenant Governor and Council, to be appointed by Your Majesty, with the necessary Powers of internal Regulation, but subordinate to the Governor and Council of Quebec, in the same manner as the Island of Cape Breton now is, to the Government of Nova Scotia. This Territory will include all the Settlements made or intended to be made by the disbanded Corps, and the other Loyalists, while it leaves all French Canada and the French Seigneuries as they were before.

2dly. That this Territory shall be subdivided into smaller Districts or Counties, Cataraqui being the Metropolis, with Courts of Justice, to be established by Your Majesty.

In support of such an Arrangement, we beg leave to remark, that it will be productive of the most beneficial Consequences, not only to the Settlers, but to the Nation at large. Whilst this Territory remains a Part of the Province of Quebec, and the Inhabitants amenable to the Courts of Justice there and at Montreal, the Delay and expence of an Attendance on those Courts, both to Suitors and Witnesses, will be enormous, the distance from Detroit to Montreal being not less than Six hundred Miles, without any Road whatsoever, and the water communication exceedingly tedious, precarious, and during the Winter Season absolutely impassable : Crimes will be committed with Impunity, from the difficulty of Prosecutions ; and Civil Remedies in effect rendered burthensome from the same causes.

The Inhabitants of this Territory, already amounting to several Thousands, conceive with all Humility that they have the strongest Grounds to hope for such an exempt Jurisdiction as they ask for ; They were born British Subjects, and have ever been accustomed to the Government and Laws of England. It was to restore that Government, and to be restored to those Laws, for which from Husbandmen they became Soldiers, animated with the Hope, even in the most gloomy Aspect of Public Affairs, that should they fail in their Attempts to recover their former Habitations by a Restoration of Your Majesty's Government, they would still find a Resource in some Parts of the British Dominions, where they might enjoy the Blessings of British Laws and of the British Government ; and they still possess the greatest Confidence, that by Your Majesty's Gracious Interposition they will be exempted from the Burthens of French Tenures, which, however congenial they may be to Men born and bred under them, would be in the highest Degree exceptionable to Englishmen.

The Petitioners have the more Confidence in the Success of their Application, from reflecting that they do not ask for more than has already been granted to their Fellow Sufferers in Nova Scotia, for less indeed than is enjoyed by those who are settled in the Province



of New Brunswick, and only to be in the same situation with the Settlers in the Island of Cape Breton. A distinction between men under the same circumstances of Prescription, Confiscation, and Attainder, and who have been invited into the Public Service, and to take Part in the Royal Cause, by the same assurances of Protection, and the same Gracious Offers of Rewards, in the one case continuing to Settlers the Blessings of the British Constitution, and in the other subjecting them to the Hardships of French Tenures and French Laws, they trust will not be permitted by a Gracious Sovereign who is the Father of all His People.

In consideration of the vast extent of this Territory, along an important and valuable Communication, which is not only the Channel of the Fur Trade, but the Residence of those Nations of Indians who took part in Support of the Royal Cause, the Security, growth and extension of these Settlements, must evidently be an object of the utmost Consequence, not only as it will most essentially secure and promote that Trade, but as it will preserve those Indians in their adherence to Your Majesty.

The United States are duly impressed with this Idea, and have already manifested a purpose of supplanting us in the Friendship of the Indians; and unless they are counteracted, the British Interest with those Nations will very rapidly decline. We humbly presume that effectually to counteract them nothing would be so conducive as the Establishment of a liberal System of Tenure, Law, and Government in this new Settlement; this would best contribute to the Growth and Increase of it; whilst it would stimulate the Adventurers themselves to the most vigorous Exertions, it would invite and encourage Emigration to it; for as the present Inhabitants before the Rebellion principally resided in the now United States, their extensive connections there, from their Attachment to your Majesty, their ancient Predilection in favour of the British Government, their Dislike of the Republican Government they now live under, as well as from their Family, and Personal Attachments, would be strongly induced to remove to this new Colony. Should Your Majesty graciously vouchsafe Your Royal Protection to these Settlements, we are confident that in every Competition for the

Favour of the Indians Your Majesty will have a decided Advantage, not only from the Influence which many of your Petitioners are known to have over them, but because Numbers of the present Settlers have long been in Habits of Friendship and mutual good Offices with them, sharing the same Dangers, and fighting in the same Cause, and whose former Prepossession would thus, by means of a familiar and constant Intercourse with Your Majesty's Faithful Subjects, be best preserved and rendered permanent.

Upon the whole, whether we consider the Relief and Prosperity of the Settlers as Sufferers in the Cause of their King and Country, for whom Your Majesty has ever expressed so Benevolent a Disposition, or the Advancement of the Settlement, as conducive to the Benefit of the Nation, in either View, and much more in both respects, do we conceive that the Plan now proposed is such an one as will merit and obtain Your Royal Attention and Patronage.

For our Part, we conceive ourselves bound by the strongest Ties to use every Endeavour in our Power to promote the Wishes of these People ; It was by our Example that numbers of them were induced to quit their former Possessions, and to take up Arms, by which they have been deprived of their Property, and Banished from their Country ; and it was from their expectation of the Success of our Representation to their Sovereign, that they have entered upon the arduous undertaking of forming Settlements in a wild and inhospitable Country : Well knowing the Disposition of these People, and the habits in which they have been bred, we think it our Duty most respectfully to declare it to be our opinion, that unless they can obtain the object they are in pursuit of, they will be discouraged from carrying on their present Enterprize, and prefer some other part of Your Majesty's Dominions, where they may enjoy the Blessings of the British Constitution, but where perhaps they would not be equally useful as they will be in their present situation, should they receive the Protection they solicit.

Your Petitioners, therefore, impelled by motives of Humanity towards a Number of Distressed Families, by a sense of Honor and Justice to a set of Deserving Men, who placed their Confidence in them, and to

whose Eventual Loss of Property and Reverse of Fortune, they consider themselves in a great Degree accessory, and at the same time by a Conviction of the Public Utility of the Measure, most humbly implore Your Majesty that the Blessings of the British Laws and of the British Government, and an exemption from the Tenures, may be extended to the aforesaid Settlements.

*11th April 1785.*

(Signed)

GUY JOHNSON, Col. 6 Nations  
& Superintendant of their  
Affairs.

ROB<sup>t</sup> LEAKE, Major late 2<sup>d</sup>  
Batt<sup>n</sup> K.R. Reg<sup>t</sup> New York.  
JOHN MUNRO, Cap<sup>t</sup> late 1<sup>st</sup>  
Batt<sup>n</sup> K.R. Reg<sup>t</sup> New York.

JOHN BUTLER, L<sup>t</sup> Colonel Com-  
manding late Rangers.

EBEN JESSUP, late L<sup>t</sup> Colonel  
Command<sup>g</sup> King's Loyal  
Americans.

P. DALY, Cap<sup>t</sup> late 1<sup>st</sup> Batt<sup>n</sup>  
K.R. Reg<sup>t</sup> New York.

JAMES GRAY, late Major K.R.  
Reg<sup>t</sup> New York.

THO<sup>s</sup> GUMMERSAL, Cap<sup>t</sup> late  
1<sup>st</sup> Batt<sup>n</sup> K.R. Reg<sup>t</sup> New  
York.

EDW. JESSUP, Major Commd<sup>g</sup>  
late Corps of Royal Rangers.

These settlers again showed their dissatisfaction through their magistrates, who wrote to Sir John Johnson in December 1786 making several suggestions. These suggestions were embodied in another petition, which is as follows :

To His Excellency the Right Honorable Guy Lord Dorchester Captain General and Governor in Chief of the Colonies of Quebec, Nova Scotia, and New Brunswick, and their dependencies, and Vice Admiral of the same. General and Commander in Chief of all His Majesty's Forces in the said Colonies, and the Island of Newfoundland.

The petition of the Subscribers, residing in the new settlement, in behalf of themselves and the Inhabitants at large, in the respective Townships, from Point au Baudet on Lake St Francis Westward, as far as Niagara.

Humbly sheweth,

That your petitioners impressed with the more lively sentiments of gratitude, beg leave through the Channel of your Lordship, to offer their sincere, and united



tribute of thanks to their most gracious Sovereign for the singular, and multiplied favors conferred on them; at the same time they presume that your Lordship will with your wonted Goodness, interest yourself in regard to some propositions they have to make which with submission, they conceive are very essential to promote the happiness of the People, and facilitate the progress of the settlement; and they humbly hope, that what your Lordship cannot with propriety grant yourself, you will be so condescending as to recommend to His Majesty, for His Royal approbation and consent.

1st. It is the confirm'd opinion of your Petitioners from the fullest conviction, that if the blessing of the British Constitution was extended to this infant Settlement, and their lands granted according to English Tenures, such a change wou'd produce many happy effects, among the rest to augment the happiness of the People, to strengthen the bands as well as the Interest of Government, to give a Spur to Industry, to population and Commerce and damp the hopes, and the expectations of their enemies;—at the same time they must confess, it is not without some degree of envy that they reflect on privileges, and indulgences, granted to their fellow Sufferers in Nova Scotia which they themselves do not enjoy—especially when the same motives which engaged them in the Honourable and Glorious cause of defending the rights of their Sovereign, and the dignity of the Nation, places them on the same footing, and gives them equal pretensions, but notwithstanding they rest satisfied in the hope that your Lordship's representation of their situation, will induce his Majesty to interpose his Royal favor in their behalf, to remove all cause of Jealousy and crown the happiness of your Petitioners; the arrangement for this purpose so anxiously wished for, and the arguments in support of it, are so well described in a petition drawn up by Sir John Johnson and others, in behalf of themselves and the Loyalists at large in this Province (and presented to His Majesty in Council the 11th April 1785) renders it unnecessary to add anything further on the subject at present, except to beg leave to refer your Lordship to the aforesaid Petition and to transmit you a Copy, which will accompany this.

2d. Your Petitioners pray for some assistance in establishing the Church of England, and Scotland, in this Infant Settlement, and that a Glebe of Four Hundred Acres of Land in each Township, may be set apart for a Clergyman.

3d. They pray for some assistance towards establishing a school in each district, viz. New Johnstown, New Oswegatchie, Cataraqui and Niagara, for the purpose of teaching English, Latin, Arithmetic and Mathematics.

4th. They pray for a prohibition of Pot and pearl Ash and Lumber from the State of Vermont, to prevent a door being opened for an Illicit Trade from the United States, which wou'd be a detriment to the Province in general, to this Settlement in particular, and only beneficial to a few interested Individuals—they also pray for a Bounty to be laid on the above Articles, as well as on Hemp, in order to stimulate their Industry, and encourage their internal Trade.

5th. They pray that Government will be so generous in addition to former Bounties, to grant them a loan of three months' provisions, consisting of the article of Pork only,—to be paid by the Settlers in three Years, under such restrictions and obligations as may be thought most expedient to insure the punctual payment of the same.

6th. They beg to inform your Lordship that a number of the Inhabitants who have been in the service are so unfortunate as not to have drawn any Clothing by reason of their not being in the Province at the periods when it was issued, and that others who cannot be put in this class are yet notwithstanding on account of their distress'd situation rendered objects deserving of such an indulgence.

7th. They pray that some Plan may be adopted to expedite the Business of running the division lines in the respective Townships, to prevent the increase of an evil already experienced on account of that not being done.

8th. They pray that a Post Road may be established from Montreal to Cataraqui with Post Offices for Letters &c at New Johnstown, New Oswegatchie, and Cataraqui.

9th. They pray that a passage may be opened from



the head of the Bay of Quinty through Lake Huron for the Benefit of the Indian Trade, a Channel which at the same time that it is universally acknowledged to be Superior to the Old holds out a prospect of the most flattering advantages, not only to the Commerce of this Province in general, but to this settlement in particular. It is also humbly requested that the shipping may be allowed to Rendezvous at Cataraqui and the Inhabitants have the free use of the Lakes for whatever craft they may chuse to build.

10th. They pray that three places may be pitched upon between Point au Baudet and Cataraqui for the purpose of receiving Grain from the Settlers when they have any to Spare, in consequence of your Lordship's generous proposal communicated to them thro' the Inspector of Loyalists.

11th. They pray your Lordship will be so kind as to use your influence with the Commissioners appointed to examine the Claims of the Loyalists, to induce them to make a Journey to New Johnstown, New Oswegatchie, and Cataraqui to investigate the Claims of the Loyalists on this Communication, as the poverty of the Settlers in General and the expence of an attendance at Quebec or Montreal in the prosecution of their Claims, will discourage them from the attempt, or oblige them totally to relinquish them.

12th. They also pray that your Lordship will be so good as to confirm to them the use of the Locks or Canalls as hitherto granted by his Honor, Lieut. Governor Hope, and that you will likewise please to put them on an equal footing with the 84th Reg<sup>t</sup> in Regard to the proportion of Lands granted to that Corps ;—this is a flattering object to your petitioners whose finances are mostly exhausted in the expensive and Arduous task of forming a Settlement in a New Country, and which on that account as well as the justice of their pretensions they hope will induce your Lordship to take this Matter into consideration.

Upon the whole your Petitioners have the fullest confidence that your Lordship will be so good as to pay every attention to the several Articles contained in this Petition that accord with Reason and Justice, and those which may appear otherwise they conceive your Lordship will kindly impute to a mistaken opinion, or want

of proper information. And Your Petitioners as in duty bound will ever Pray

(Signed)

	PETER VAN ALSTINE	4th Township	ALEX <sup>r</sup> McDONELL	Township	No. 1
	GEORGE SINGLETON	3 do	S. ANDERSON	do	No. 2
	ARCH <sup>d</sup> McDONALD	5 do	JOHN McDONELL	do	No. 3
	JOHN EVERITT	1 do	RICH <sup>d</sup> DUNCAN	do	No. 4
	HENRY SIMMONS	2 do	JOHN MUNRO	do	No. 5
			W <sup>m</sup> FRASER	do	No. 6
			JUSTUS SHERWOOD	} do	No. 7
			JAMES CAMPBELL		
			JOHN JONES		
	NEW JOHNSTOWN,		THOS SHERWOOD	} do	No. 8
	<i>April 15th, 1787.</i>		PETER FRUL		

If this petition be compared with the Constitutional Act of 1791, it will be seen that the settlers lately arrived from the old colonies got all they asked for. It is also a proof that the loyalists were not subservient subjects depending for their privileges upon the will of their sovereign. They believed in agitation by constitutional methods, such as by petition. The Constitutional Act, as an answer to their petition, fortified them in their belief. Because of their faith in petitioning their sovereign instead of hastily flying to arms to redress grievances, they were forced to defend a sovereign whose acts they did not endorse. Their children, holding a like faith, in the thirties of last century had to take up arms to save Canada for the British Empire, happily with more success than their fathers in the old colonies.

On July 24, 1788, it was proclaimed by Lord Dorchester, by the advice and consent of the council, that that part of Quebec west of the eastern boundary of the township of Lancaster be divided into four districts called Lunenburg, Mecklenburg, Nassau, and Hesse. The selection of these names and also of the names of the townships in which the loyalists first settled shows their affection and devotion to their sovereign. Many townships were named after his children, and the districts after principalities in Hanover.

Land boards and courts were organized in each district. The land boards proceeded to grant lands to loyalists, who continued to enter the province until nearly the end of the century. Those who came in later were called 'late loyalists' and were subjected to some annoyance unless they came

from some of the eastern provinces. By instructions of Lord Dorchester on June 2, 1787, these boards were authorized to grant two hundred acres of land to all who had improved their former grants and two hundred acres to all new applicants who could establish their claims as loyalists.

On November 9, 1789, at the council of the Province of Quebec,

His Lordship intimated to the Council, that it remained a question, upon the late Regulation for the disposition of the Waste Lands of the Crown, whether the Boards constituted for that purpose were authorized to make Locations to the Sons of Loyalists, on their coming to full Age, and that it was his wish to put a mark of Honor upon the families who had adhered to the Unity of the Empire, and joined the Royal Standard in America before the Treaty of Separation in the year 1783.

The Council concurring with his Lordship, it is accordingly ordered :

That the several Land Boards take course for preserving a Registry of the names of all persons falling under the description aforementioned to the end that their posterity may be discriminated from future settlers, in the Parish Registers and Rolls of the Militia of their respective Districts, and other Public Remembrances of the Province as proper objects, by their persevering in the Fidelity and Conduct so honourable to their ancestors, for distinguished Benefits and Privileges.

And it is also ordered, that the said Land Boards may in every such case provide not only for the Sons of those Loyalists, as they arrive to full age, but for their Daughters also of that age, or on their Marriage, assigning to each a Lot of Two Hundred Acres, more or less, provided nevertheless that they respectively comply with the general Regulations, and that it shall satisfactorily appear that there has been no default in the due Cultivation and Improvement of the Lands already assigned to the head of the family of which they are members.

(Signed) J. WILLIAMS, C.C.

Through this proclamation many names were added to the United Empire Loyalist list. Lieutenant - Governor Simcoe was very anxious to increase the population of Upper



Canada, therefore, on April 6, 1796, he issued a proclamation containing the following paragraph :

Whereas it appears by the minutes of the Council of the late Province of Quebec, dated Monday the 9th day of November, 1789, to have been the desire of His Excellency, Lord Dorchester, the Governor General, to put a mark of honour upon the families who adhered to the Unity of the Empire and joined the Royal Standard in America, before the Treaty of Separation in the year 1783, and for that purpose it was then ordered by His Excellency in Council that the several Land Boards take course in preserving a registry of the names of all persons falling under the description aforementioned, to the end that their posterity might be discriminated from future settlers in the parish registers and rolls of the Militia of their respective districts and other public remembrances of the Province, as proper objects, by their persevering in the fidelity and conduct so honourable to their ancestors, for distinguished benefits and privileges. But as such registry has not been generally made, and as it is still necessary to ascertain the persons and families who may have distinguished themselves as abovementioned, &c., do hereby direct all persons claiming to be confirmed by deed under seal of the Province of their several possessions, who adhered to the Unity of the Empire and joined the Royal Standard in America, before the Treaty of Separation in the year 1783, to ascertain the same upon oath before Magistrates in the Michaelmas Quarter Sessions assembled, now next ensuing the date of this Proclamation, that if they neglect to ascertain according to the mode set forth their claims to receive deeds without fee, they will not be considered as entitled, in this respect, to the benefit of having adhered.

Under this proclamation many names continued to be added to the United Empire Loyalist list<sup>1</sup> even as late as 1824.

<sup>1</sup> The most important list of United Empire Loyalists is that published in Toronto, in 1885, in *The Centennial of the Settlement of Upper Canada by the United Empire Loyalists, 1784-1884*. It contains 5985 names arranged in alphabetical order. It gives the residence, corps and other information, but the copying and proof-reading has been badly done, the long 's' where 'ss' occurs in a name frequently being written 'p.' A much better list could now be prepared if all the original sources were carefully compared.



The land boards granted lands to many claimants, but the boards were occasionally imposed upon, and several names were expunged and others suspended. Some of these were restored.

#### INDIAN IMMIGRATION

The Six Nations, or, as commonly called, the Iroquois, remained loyal adherents of Great Britain throughout the War of the Revolution. They took this stand chiefly through the influence of Sir John Johnson and his brothers-in-law, Daniel Claus and Guy Johnson. The most prominent chief of the Six Nations and the greatest Indian of his time was Joseph Brant (Thayendanegea), a pure-bred Mohawk who had received a good English education and was in every way a capable leader of his people and a person not inferior to any of the leaders of whites, either on the field of battle or in the council-chamber. He was held in high esteem by Haldimand, and until the day of his death implicit confidence was placed in him by the Indians and the English alike. When provision was being made to place the active loyalists on lands in what is now Ontario, Brant made application for a tract of land that his people might continue to live under the protection of the flag for which they had shown such a strong attachment and had sacrificed so much. In 1784 some of the Mohawks, under the chief John Deserontya, had settled along the Bay of Quinte, where they were granted lands, which their descendants still occupy.

Many of the Mohawks and some others of the Six Nations were living at Niagara at the close of the war and, like the loyalists, were not allowed to go back to their old homes on the Mohawk River in New York State. On Brant's application General Haldimand, on March 23, 1784, gave directions for the purchase of lands from the Missisaugas of the tract between the three lakes, Ontario, Erie, and Huron. Out of this purchase a tract six miles wide on each side of the Ouse or Grand River from its mouth to its source was to be reserved for the Mohawks and such other of the Six Nations as wished to join them, the rest of the purchase to be reserved

for loyalists. This grant was authorized by General Haldimand on October 25, 1784.<sup>1</sup>

#### IMMIGRATION IN THE EARLY YEARS OF UPPER CANADA

When the Province of Quebec was divided by the Constitutional Act of 1791 into Upper Canada and Lower Canada many persons continued to come into the upper province from the United States. The various land boards tried to exercise a due discrimination in allotting lands. Only persons of good character and undoubted loyalty were given grants after taking the oath of allegiance. When the first lieutenant-governor, Colonel John Graves Simcoe, assumed office his desire was to people Upper Canada with a loyal population. He was confident that thousands then living in the United States would rather live under the British flag than under the Stars and Stripes; consequently restrictions were relaxed and free grants were given very promiscuously, the taking of the oath of allegiance being the only test. Simcoe was aided in this work by the British consuls at Philadelphia and other places. The result was a great influx of settlers from the United States, even from as far south as the Carolinas. The lieutenant-governor had set his mind on building up a powerful British colony in the territory that was left to Britain after the peace of 1783. Shortly after Simcoe came to Upper Canada war between the mother country and France broke out, and this hindered immigration from the homeland. An active immigration policy was instituted to overcome the loss of population from Great Britain. Agents were dispatched to the various States to advertise the advantages of Upper Canada. This, coupled with dissatisfaction with the government in several of the States, caused many to seek new homes under the British flag. Simcoe carefully supervised the class of persons admitted to Upper Canada, but during the administratorship of Peter Russell lands were granted to all applicants. Major-General Hunter, the

<sup>1</sup> For the history of the relationship of the Six Nations Indians with the British and their settlement in Canada, see 'Indian Affairs, 1763-1841,' in section II of this work.

latter's successor, said that Russell was so easily satisfied that he 'would have granted lands to the devil and all his family as good loyalists providing they were able to pay the fees.'

In 1793 Simcoe had to deviate somewhat from his original policy of granting only two hundred acres to any one person. To encourage the chief men of the province to make an effort to bring in settlers, entire townships were granted to individuals or associations. The township of Haldimand was granted to Abel Spencer and Hazleton Spencer; the township of Murray to Jacob Watson, Stephen Graham, John Barker, and Ebenezer Cooley; the township of Hope to Jonathan Walton, Abraham Walton, and Elias Smith; the township of Hamilton to Marshall Jones and others; the township of Bristol to Andrew Price, Samuel Jarvis, and others; the township of Cramahe to Silas Hodges and others; and the township of Clarke to Jasper Murdoch.

When Simcoe assumed the lieutenant-governorship he wished to have a loyal corps to enforce his authority and to protect his person. A battalion of about four hundred and fifty officers and men was formed in England for this purpose. It was called the Queen's Rangers, after the corps Simcoe commanded during the Revolutionary War. Many men and officers of the old corps were in the new corps. This corps performed a variety of duties, such as cutting roads and clearing land for the site of Toronto, the projected seat of the government. In 1805 the Queen's Rangers was disbanded and all its members settled in Upper Canada.

The Rev. Samuel Peters sent from London, England, fifty-one families consisting of loyalists and others. These immigrants settled in the township of Pittsburgh and adjacent to Kingston.

Many of the settlers on Yonge Street came from the Northern States and held in contempt the officers of the province, both civil and military. They brought in with them their own school-teachers, and in their schools used American books that ridiculed British institutions and lauded the institutions of the United States. Indeed, this



state of affairs existed in some parts of the province until the middle of the nineteenth century.

Many settlers avowing republican principles settled along Lake Erie west of Long Point, as well as in the district about Newcastle along Lake Ontario. These people also brought with them American teachers and American school-books. Itinerant Methodist preachers, who were soon active among them, propagated political doctrines intended to show the superiority of the republican form of government over the monarchical form. The lieutenant-governor and the loyalists were cognizant of this, but were powerless to stop it. Had the government of the province been in less vigorous hands than those of the United Empire Loyalists, whose love for British connection was only exceeded by their hatred of the United States, it would have been hard to predict the outcome. Brock believed that these Americans were a menace to the province, and events proved that he was not in error. Hull's invasion of Upper Canada from Detroit was the signal for an uprising in the London district of a large party under Simon Watson, a surveyor, which raided the country without opposition as far as the township of Westminster. The capture of Detroit and the victory of Queenston Heights put a stop to active demonstration in favour of the United States. Hundreds of open sympathizers with the enemy left the country, and others who were less pronounced in their attitude deemed it wise to remain neutral and respectful to the government. But this hatred of British principles took a long time to die out. With scarcely an exception these same districts—about London and the northern part of the county of York—were the recruiting grounds of the participants in the rebellion under Mackenzie in 1837.

The War of 1812 was in a sense a blessing to Upper Canada. It put a stop to the reckless granting of land to persons holding republican views, and caused the authorities to direct their efforts to secure settlers from England, Scotland, and Ireland, upon whom no suspicion of disloyalty could rest.



THE SETTLEMENT OF THE SOCIETY OF FRIENDS  
OR QUAKERS

The Quakers who settled in Upper Canada came from Pennsylvania and New Jersey. They were non-combatants during the War of the Revolution and had not suffered persecution like the active loyalists. After the war, however, law and order were relaxed and taxes were oppressive. These people became dissatisfied and longed for the old order of government, and sought it in Canada. They settled principally in the township of Whitchurch in the county of York. The Quakers continued to come to the province for more than twenty years after its formation. The later immigrants came from Dutchess County in the State of New York. These settled in Prince Edward County, the township of Norwich in the London district, and in other townships in the county of York.

One of the most striking personages connected with the Quakers was David Willson, who located in East Gwillimbury in the county of York. This man was the son of John Willson, who emigrated to America from Carrickfergus in the county of Antrim, Ireland, in 1770. John Willson proceeded up the Hudson to Dutchess County, where David was born. In 1801 David married and came to Canada and settled among the Quakers on Yonge Street. Being of a religious turn of mind he associated himself with the Quakers, but he advocated opinions not in accordance with the orthodox views of that sect, and he was expelled from the society. He, with a few other families, established the Church of the Children of Peace. At first these people worshipped in private houses and in the schoolhouse, and later in a building, erected for the purpose, called 'The Old Meeting-house.' Their numbers increased, and between 1825 and 1830 they built in the village of Sharon an edifice called 'The Temple,' the ruins of which may yet be seen. The principal point of difference between them and the Quakers was the introduction of music in their services. They practised this art to such purpose that at one time the

## SETTLEMENT OF MENNONITES AND TUNKERS 47

community had the finest band in the province. Some members of the sect joined Mackenzie in his march on Toronto, but for the most part they were steadfast loyalists. Not a few of those who espoused the cause of the rebels suffered imprisonment, among them being Willson's two sons. Dissensions arose from time to time, through politics, and after the death of the founder in 1866 the members joined other denominations. Scarcely a single adherent of the Church of the Children of Peace is now to be found in Ontario.

### THE SETTLEMENT OF THE MENNONITES AND TUNKERS

Shortly after the War of the Revolution had ended, the Mennonites and Tunkers, chiefly of Dutch and German origin from Pennsylvania and New Jersey, came to Canada and settled in the Niagara district along Black Creek and Twenty Mile Creek. A little later another band migrated to the county of York, settling chiefly in the rear of Markham township and the south of Whitchurch township. Their descendants still live there and are among the most efficient farmers of the county.

By far the largest settlement of Mennonites in Upper Canada was in what is now the county of Waterloo. In 1799 Joseph Schorg, or Sherk as he came to be called, and Samuel Betzner came from Franklin County, Pennsylvania, to Canada. Sherk stayed during the winter near Niagara Falls, while Betzner went on to the vicinity of Ancaster. Seeing no desirable place for settlement in these districts, they pushed on about thirty miles and located on the Grand River in the county of Waterloo. In the spring they moved their families to their new home. They bought their farms from Richard Beasley, who, along with James Wilson and John B. Rosseau, had purchased 94,012 acres from Joseph Brant. By the end of the year 1802 several families had settled on this land, but they accidentally discovered that the territory purchased from Brant was mortgaged for \$20,000. This put a stop to immigration to this district for a time, and Beasley was unable to dispose of any more of his land. He therefore proposed that the Mennonites

should form a company and buy the whole tract. The settlers met in January 1804 and decided to send Joseph Sherk and Samuel Bricker to their friends in Franklin County, Pennsylvania, to make an effort to raise the money to lift the mortgage. They failed in both Franklin and Cumberland Counties, and Sherk returned to Canada in despair. Bricker proceeded to Lancaster County, and a meeting of his co-religionists was held at the house of John Eby. Strong companies were being formed to buy land in Maryland and Virginia for the poorer members of the sect, and the project advanced by Bricker to buy land in Canada, 'the out-of-the-world country,' and ruled by the 'Crown,' was not favourably received until 'Old Hannes' Eby arose and said they should not look upon the matter in the light of a speculation, but as a Christian duty to help their brethren in distress, and, if it yielded them no pecuniary profit, it would be doing their duty, an act the Lord might in His own good time bless in a way none of them thought of. Any one who now views the many happy and prosperous homes of the descendants of these Germans in Waterloo and surrounding counties must conclude that the words of Hannes Eby were prophetic. A joint stock company was organized. The stock consisted of eight shares, one share being the maximum and one-eighth share the minimum any stockholder could possess. Daniel Erb was appointed Bricker's assistant, and with \$20,000, all in silver dollars in a strong box, these two men travelled in a light buggy to Canada. By the help of the Hon. William Dickson the affair was adjusted, and Richard Beasley conveyed to Daniel Erb and Jacob Erb as trustees 60,000 acres of land for \$20,000 Canadian currency. The tract was surveyed by Augustus Jones into lots of 448 acres each, and a map of the township of Waterloo was sent to the stockholders in Pennsylvania. Each stockholder drew his land by lot. Immigration now set in, and the glowing accounts brought back by those who visited the new settlement induced numbers to emigrate to Upper Canada. Live stock was driven all the way from Pennsylvania, thirty days being taken to make the trip. Until the year 1835 families came into the township, and soon land was taken



SPADINA AVENUE  
Between Oxford and College Sts  
1864.



TORONTO

- (1) SPADINA AVENUE BETWEEN OXFORD STREET AND COLLEGE STREET, 1864
- (2) THE FIRST POST-OFFICE IN TORONTO, 1792-1827
- (3) THE FIRST ROMAN CATHOLIC SCHOOL IN TORONTO, BUILT 1825, AT THE SOUTH-WEST CORNER OF JARVIS STREET AND HOSPITAL STREET

*From the John Ross Robertson Collection in the Toronto Public Library*





## SETTLEMENT OF MENNONITES AND TUNKERS 49

up in the adjacent townships, some of the settlers coming direct from Germany.

About 1816 Absalom Shade from Pennsylvania was appointed agent for the Hon. William Dickson of Niagara, who owned the township of North Dumfries. The first settlers were Scots from New York State, who were afterwards joined by others who came direct from Scotland. Many Germans also took up land in this township.

The township of Wilmot was settled by German nonconformists—Tunkers—holding a doctrine similar to the Mennonites, but differing from the latter in dress and cut of hair and beard. They came originally from Amsterdam, in 1822, to New Orleans and travelled northward to Lancaster County, Pennsylvania, under the guidance of their leader, Christian Noffziger. Here Noffziger was advised to continue his journey to Canada, where he arrived in August 1822, and carefully examined Wilmot township and found it suitable for settlement. Noffziger then went to York to interview the lieutenant-governor, Sir Peregrine Maitland, with a view to securing this tract for his fellow-countrymen in the fatherland who proposed emigrating. The lieutenant-governor generously offered to give each family fifty acres free, with the privilege of purchasing more at a low rate. Noffziger then went to Europe and interviewed the British authorities to make sure that the immigration was desirable. He was assured that the lieutenant-governor's promise would be carried out to the letter. As a result of Noffziger's work a number of German immigrants arrived in Upper Canada in 1824 and 1826. These were soon followed by others from Bavaria, Alsace, and other parts of Germany. The settlements were extended to other neighbouring townships in the county of Perth, where they soon became prosperous. The descendants of these people have extended greatly beyond the original settlements. The large German population of the western peninsula had its beginning when Sherk and Betzner plunged into the wilderness of Waterloo county in 1800, and there formed a nucleus around which their countrymen gathered from their old homes in the United States and from the German states of Europe.

## THE MARKHAM SETTLEMENT

Shortly after the separation from Britain the different States of the American Union made strenuous efforts to direct the tide of immigration to their shores. They succeeded in a marked degree in securing settlers from England, Scotland, Ireland, and Germany. Patents for lands were granted to favoured individuals, who proceeded to let the land to tenants secured by them in Europe. This 'patroon' system, which prevailed in the State of New York, fell into disfavour when settlers found that they could own their lands outright in Upper Canada by paying a small fee and doing settlement duty.

In 1794 William Berczy brought out from Hamburg a large number of German Protestants to locate on the Pulteney domain in New York State. He soon learned of the easy terms granted to settlers in Upper Canada, and journeyed to York to investigate the situation. He was favourably impressed and made application for land, and was granted 64,000 acres in the township of Markham. The whole country was then a wilderness. The nearest place of any size was Niagara. York had been marked out only in the preceding summer; and Yonge Street had been opened northward for but a short distance. Berczy, however, was resourceful and very energetic, and under his guidance sixty-four families made their way across the Niagara River and along the lake shore to York. They cut a wagon road from York north to the southern border of the township of Markham. These immigrants were prepared for wilderness travel. Their wagons were fitted with boxes made watertight, which they could use as boats in an emergency. In these they occasionally rowed across small streams with quite a large load of supplies and settlers' effects. They took up their farms along the banks of the Rouge, a river flowing into Lake Ontario about twenty miles east of York. For many years the route by this river and the lake was the easiest method of getting to York. Berczy built saw and grist mills on the river, and in a few years the settlement was a

thriving one. From the beginning of the nineteenth century this township has been looked upon as one of the wealthiest in the whole province.

A great deal of money was expended by Berczy in getting the settlement started, but the government considered that not enough settlers had been brought in to warrant a grant of the whole 64,000 acres, consequently that part not used was thrown open for settlement. Berczy became involved financially. According to his own statement he had spent £30,000 in locating the settlers under his charge, and he had no means by which he could recoup himself. He left the settlement in disgust and took up his residence in Montreal. He considered that he had not been fairly dealt with, and for several years urged his claims, in numerous letters, on the government.<sup>1</sup> Unable to get justice, he sold his mills in 1805 to Captain Nolan of the 70th Regiment, then stationed at York. Berczy returned to the United States, and died in New York in 1813.

In October 1818 Berczy's son made application for a grant of land, as heir of his father, and sought an adjustment of the claim his father had against the government. The land council considered the whole question and ruled that the son under the circumstances was entitled to 2400 acres of land. Sir Peregrine Maitland, in a dispatch to Lord Bathurst of March 1, 1819, requested that this grant might be confirmed by the Prince Regent.

Undoubtedly Berczy was harshly dealt with. The injustice was occasioned by a misunderstanding, and Maitland had the rare faculty of distinguishing between the worthy and the unworthy in just such cases as this. But the grant to the son was a tardy reward for the sacrifices of the father.

#### THE SETTLEMENT OF THE ÉMIGRÉS

During the progress of the French Revolution and the Reign of Terror thousands of the supporters of the Bourbons left France and went to England. Many of these people

<sup>1</sup> This correspondence is contained in two large volumes now in the possession of the Dominion Archives, Ottawa.



were a charge upon public and private charity. To the credit of England it can be said that no homeless exile ever appealed to her in vain. It is estimated that by 1806 over \$9,000,000 had been expended on these exiles.

The clergy of France were particular objects of the hatred of the revolutionists, and the Bishop of Quebec asked leave of the British government to bring many of the exiled priests to Canada, where they were much needed. This request suggested to the government the idea of sending the *émigrés* to Canada as colonists. Consequently in 1792 three clergymen and a naval officer went to Canada. They were well received by Bishop Hubert and by Lieutenant-Governor Simcoe. A township was set apart for them near the head of Lake Ontario. Just when all arrangements had been perfected, the Bourbon party gained new life and the republic appeared to be near its end. The exiles hoped to return, and England being nearer home than Canada, the idea of becoming colonists or ministering to their fellow-countrymen in Canada was abandoned. The order setting apart a township for them in Upper Canada was rescinded. From time to time several of the French refugees addressed letters to the British government asking to be given lands in Canada and aid to establish themselves there. To these appeals no attention was paid.

In 1797, however, a memorial was presented to the British government outlining a plan by which a French colony could be sent to Canada. The plan was drawn up by Comte de Puisaye, and its provisions were convincing enough to enlist the active aid of the government.

Briefly, de Puisaye's plan was to use some of the fund that was being expended for the refugees in England for establishing them in Canada. In this way he expected that the recipients would soon be self-supporting and a source of strength to the British Empire. Land was to be allotted to them and they were to be allowed their expenses for three years, which included food, clothing, farm implements, and seed-grain. Every paragraph of the memorial was carefully worded and for the purpose of showing the government how it was to gain at every point by following the plan outlined.

First, to ensure enough colonists, all those refusing to go to Canada were to have no claim on the bounty of the British government. The expense of the passage was to be a first tax on the land. Land was to be cleared and buildings constructed by a regiment of soldiers, whose pay should be a charge on the military establishment of Canada. The officers should be *émigrés* under a colonel who should be head of the colony under the governor. Not more than three hundred or four hundred should be allowed to go the first year.

The proposer of this scheme was no ordinary man, and in modern times could have maintained his fortune unimpaired by becoming a promoter. His career had been an eventful one and full of action. Born of noble family in the province of Perche in 1754, he was destined for the church, but the profession of arms was too alluring, and at eighteen he entered the regiment of Conti as lieutenant. Later he purchased the colonelcy of the Hundred Swiss, a part of the household troops of the king. In the States-General of 1789 he represented his native province of Perche. He voted with the reformers who wished for a constitutional monarchy. When the new constitution was completed he retired to his estate and was placed at the head of the National Guards of the district of Evreux. The Jacobin party gaining the upper hand, de Puisaye raised an army in Normandy to ensure to the king power to conduct the government constitutionally. On July 13, 1793, the Norman army was routed and his château and estate pillaged, and he was forced to fly to Brittany with a price upon his head. By pretending to be of royal blood he completely won the Breton peasants. By 1794 he had organized an army in Brittany and was ready to strike a blow for the Bourbons that would give them control of Western France. To make success sure he resolved to go personally to England to seek aid for his enterprise. His mission was successful, and it was proposed that a descent upon Brittany should be made by a force of British troops and *émigrés* under Lord Moira, which in conjunction with the army of Brittany would sweep the republicans from the country. In de Puisaye's absence, however, the Breton leaders signed a treaty with the republic, and the work of years was lost.

In no way daunted, de Puisaye sent an insurgent leader, de Saint-Tronc, to organize anew while he devoted himself to holding the aid of the British. It was arranged that Admiral Warren was to transport an army to Quiberon Bay. Contrary winds delayed the transports and, after landing, a divided command gave time to the republican leaders to close round the invaders and destroy them. Six thousand surrendered and 690 of these, all *émigrés*, were executed. De Puisaye escaped to the British vessels, but landed again in Brittany, and never ceased to work for the Bourbon cause until all was hopelessly lost by the western provinces laying down their arms. De Puisaye was never included in the pacification. He was advised to look after his personal safety, but this he refused to do until he found the cause hopeless and himself repudiated by the agents of the king. Then he went to London and resigned his commission as lieutenant-general in the Bourbon army. His restless disposition and untiring activity must have something upon which to work. It was at this time that his plan to transport *émigrés* to Canada took shape.

In July 1798 a small party of forty-four was got together and embarked at Portsmouth on the government packet *Betsy* bound for Quebec, which city they reached on October 7. They took a smaller vessel to Montreal, where they were looked after by the assistant commissary-general for a few days until bateaux could be got ready at Lachine to convey them to Kingston. Here they arrived on October 29 and were housed and given supplies from the government stores. It was proposed that de Puisaye, de Saint-Tronc, and Marchand, de Puisaye's servant, were to go on to York to prepare for the reception of the emigrants there, as it was near this place that they were to be allotted lands.

The personnel of the *émigrés* differed vastly from that of an ordinary body of emigrants, and a brief description of a few of the most distinguished should be of interest. Among the company were four that fought at Quiberon: de Saint-Tronc, Comte de Chalus, the Marquis de Sainte-Aulaire, and Quetton St George.

The most distinguished by birth, family, and education



was de Beaupoil, the Marquis de Sainte-Aulaire. He had staked everything for the Bourbon cause, but had to leave the country. In England he kept in touch with French affairs and was of some material use to Britain in warning her of French designs on India. The marquise and their son accompanied the marquis, besides a cousin, Gui de Beaupoil, who had been a page at the court of Marie Antoinette. The marquis was to be military head of the colony; but a few weeks at Kingston damped his ardour for pioneer life in Upper Canada, and he sought to return to England. By the aid of the Hon. Richard Cartwright, the leading merchant of Kingston, passports for the marquis and his family and Coster de St Victor were made out and they were sent to Montreal. The marquis, Gui de Beaupoil, and St Victor in the fall of 1799 took passage for England. The marquise stayed behind with her son and later joined them in England. The marquis took service with Russia in 1806 and fought against France. In 1817 he returned to his native country and was made a field-marshal the next year. St Victor went to Paris, plotted against Napoleon, was suspected, and fled to England. Returning, he entered into plots with Pichegru and others, was arrested, tried and condemned, and guillotined on June 25, 1804.

The Comte de Chalus and his brother, Vicomte de Chalus, were Bourbon enthusiasts from Maine. They received grants of land, but sold them and returned home. De Saint-Tronc and Marzeul, along with many others, after getting their grants sold them and left the country. Quetton St George became a trader with the Indians and amassed great wealth. It was he who bought most of the land from the other *émigrés*. He had the friendship of the chief men of Upper Canada. He returned to France and married, but never came back to North America. His only son came to Canada about 1847 to look after his father's estate, which in 1831 amounted to 26,000 acres of land. In his father's absence it was looked after by William Warren Baldwin. The son took up his residence on Yonge Street about twenty miles north of Toronto, where the site of his estate may now be recognized by a long avenue of closely planted pine trees.



Peter Russell, as president of the council, was the administrator of the government of Upper Canada, and from correspondence with the home secretary and others he learned that the British government was behind de Puisaye's enterprise. Some of the leading men were opposed to settling the *émigrés* in a body, particularly under the leaders they had.

When de Puisaye arrived at York on November 18 the council appropriated the townships of Uxbridge, Gwillimbury, part of Whitchurch, and a township to the north of Whitby not yet named. De Puisaye was to have five thousand acres and the others according to rank, the same as were granted to the disbanded regiments that took part in the Revolutionary War. Titles were not to be granted until after the expiration of seven years. The council was divided upon the proposed question of giving the settlement a military character, but Russell had a plan by which the soldiers would be divided among the king's posts.

After some weeks' stay in York de Puisaye requested that twenty-two lots of two hundred acres each on Yonge Street should be given him for the nucleus of a town. The conditions were that each patentee would build a house and occupy it within a year and that he would clear and fence five acres of land and open a road. By January 4 the survey had been finished, and by February 14 de Puisaye with sixteen others had erected houses, and later a church and parsonage. De Puisaye called the new town Windham after the secretary of war, who had shown such marked respect for his plan and through whose influence the *émigrés* had been so kindly treated by the officials at York. By spring several more of those at Kingston had joined the colony, but the servants had deserted.

Less than one year of work trying to carve out a home in the wilderness had thoroughly disgusted most of the members of the little colony, and as soon as possible they sought other means of gaining a livelihood, and in a short time Windham was deserted. Several sold their claims and went home to France. De Puisaye, the only one with ready money, began to look out for a more desirable situation for a town and a place for other colonists he expected from England. He



## TORONTO

- (1) THE FIRST COURT-HOUSE, BUILT 1810, ON THE NORTH SIDE OF WEST RICHMOND STREET WHERE THE CONFEDERATION LIFE BUILDING NOW STANDS
- (2) THE NORTH SIDE OF FRONT STREET EAST, 1860
- (3) THE NORTH SIDE OF KING STREET WEST FROM TORONTO STREET TO CHURCH STREET, 1834

*From the John Ross Robertson Collection in the Toronto Public Library*



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tried to buy land from the Indians, but without success, because the executive council would not concede that Brant, their leader, had the right to sell lands. After staying with Brant at the head of Lake Ontario for some months, he visited Niagara, and was so pleased with the situation that he purchased a house and three hundred acres along the Niagara River about three miles from its mouth. He rebuilt the house, fitted it up lavishly with furniture, carpets, mirrors, and other accessories purchased in Europe. The grounds were laid out, shrubs and trees were planted, stables and barns built, and all manner of live stock purchased, all at an expenditure in improvements of about £5400. Like many another enthusiast, he found that little encouragement was given him. Colonists did not arrive as he expected, and he had, therefore, reluctantly to give up his project. In May 1802 he, Mrs Smithers, his housekeeper, whom he afterwards married, and de Saint-Tronc left for England by way of New York. For the first few years after his return to the Old World he was engaged in writing his memoirs in five volumes, chiefly to vindicate his character in connection with the Quiberon affair. He died near Hammersmith in England, December 13, 1827.

De Puisaye's fate was similar to that of Berczy, Selkirk, MacNab, and others who devoted their talents and their fortunes to try to colonize Upper Canada. The government officials of the day were incapable of discerning the value of such men to the infant province. Most of the officials profited personally from the expenditures of these promoters, and the government, which the officials controlled, in many instances dealt unfairly with them. In nearly every case, too, the homeless emigrants they helped on the way to independence turned against their benefactors in the hour of their adversity.

The story of de Puisaye is given at length because it furnishes a picture of the tribulations of the early pioneers, and not for any permanent result his efforts at colonization had upon the settling of a portion of Upper Canada.



## THE TALBOT SETTLEMENT

In the year 1790 there landed at Quebec a young man, nineteen years of age, to join the 24th Regiment as lieutenant. In June 1792 Colonel Simcoe, recently appointed to the lieutenant-governorship of the new province of Upper Canada, left Quebec for the seat of his government. As one of his staff he selected the experienced and dashing young lieutenant of the 24th Regiment. The party reached Kingston on July 1, and leaving there on the 24th of the month they reached the mouth of the Niagara on the 26th. This was the first introduction of Thomas Talbot, our young aide, to a province that was to be the scene of his activities for fifty years. The career of Thomas Talbot is so distinguished, so remarkable, and so full of romance, and is so closely interwoven with the settlement, progress, and development of Upper Canada that one feels a desire to know every little detail of his private, as well as of his public, life.

The Talbots were an ancient and honourable family, one, Richard de Talbot, being a baron of the Conqueror. When Henry II conquered Ireland a grandson of this de Talbot received from the king a grant of the barony and castle of Malahide, about nine miles from Dublin. If we were to read closely the history of the kings of England down to the present, we would find a Talbot near each monarch. So noticeable is this fact that it has been said: 'Since William the Bastard died there has been no day when the adhesion of the head of the Talbots has not been distinctly important to the acting government of England.'

Thomas Talbot was born in the old castle of Malahide on July 19, 1771. He was destined, in the wilderness of Upper Canada, to play an important part in the history of the British Empire. Seemingly by intuition he could distinguish a loyal from a disloyal applicant for land, and when the hour of trial came to Canada, Talbot and his settlers were factors in repelling invasion during the War of 1812 and crushing rebellion of disloyal settlers in 1837. Although his work was less spectacular and its scene farther

removed from the radiance of the throne than that of his distinguished forbears, perhaps it was as necessary as theirs for the preservation of the Empire.

Like all young scions of nobility, Thomas Talbot entered the army early in life, becoming an ensign at twelve and a lieutenant on half-pay a few months later. From then until his sixteenth year he attended school. After leaving school he was on the active list of the 24th Regiment as aide to the lord-lieutenant of Ireland, and associated with him was Arthur Wellesley, better known later as the Duke of Wellington, who was a year or two Talbot's senior. The friendship so early formed continued throughout their long lives. During Talbot's last visit to England he called on the great duke at Apsley House, and the two octogenarians no doubt discussed pioneer life in far-off Canada.

When Talbot was on the staff of Simcoe he was entrusted with important diplomatic business at Philadelphia and he attended two Indian councils on the Miami. It is said that he became enamoured with life amid the beautiful forests and waterways of Upper Canada by reading Charlevoix' history, particularly that portion describing the 'Paradise of the Hurons.' It is more probable, however, that the lure of the forest took hold of him during his various trips with Simcoe to Detroit through the western peninsula. On these trips he revelled in the beauties of the wilderness and was in his element when pitching the tent or cooking the meals, work which no remonstrance from his chief could make him leave to the servants of the party. There is no doubt that on one of these journeys he formed the determination to seek in Upper Canada a grant of land such as was given to officers of his rank. In June 1794 he left Upper Canada on being summoned to join the 85th Foot, as major. In January 1796 he was promoted to the lieutenant-colonelcy of the 5th Foot. He took part in the Duke of York's ill-fated expedition in the Netherlands and was in garrison at Gibraltar for a time. By the end of 1800 the active service which his nature craved seemed at an end, and on Christmas Day of that year, to the amazement of hosts of his military associates, he sold out and withdrew from the army. There

was much speculation as to the cause of his unusual action. Disappointment in love and the infatuation of the king's daughter for the gay and handsome officer were reasons that gossip gave for so unheard of an action. But he was tired of conventional life. He had seen much of the frivolous and artificial life of society at the time, and, perhaps, was on the verge of being swept into its vortex and lost. The soft and low murmuring of the pines was still in his ears. He would go to Upper Canada, away from temptation, and build up a great estate and devote his wealth and his talents towards inducing hundreds of needy ones of the British Isles to come to the province, where they might become independent and happy subjects of their sovereign. In this he was, no doubt, influenced by the enthusiasm of Simcoe.

Talbot returned to Canada early in 1801 expecting to get a township for himself on which he might place settlers. Simcoe had promised him land, but the warrants had not been made out and the regulations regarding land grants had undergone change since his previous visit. Fees and settlement duties were required, and to evade these he sought the aid of the Duke of Cumberland. It may be observed, however, that Peter Russell and the other members of the executive council were too busy granting lands to themselves to pay much attention to Talbot. The Babys were granted a large part of the township of Yarmouth, Talbot's original selection. Talbot deserves praise for evading the payment of fees when he found that none were paid for large grants given to friends of the executive. He wished the duke to ask the king for a grant of a township and then to transfer the grant to him. As a royal patent it would be exempt from fees. The duke turned the matter over to his brother the Duke of Kent, who wrote to Lord Hobart, colonial secretary, a strong letter in Talbot's favour.

Talbot on his arrival in Upper Canada went to his favourite location on the shore of Lake Erie near the present Port Stanley and began a clearing. It is not known how long he remained here, but, becoming impatient at not receiving a grant, he returned to London in October 1802. Here he busied himself giving information to the govern-



ment regarding the soil, climate, and brilliant prospects of the Lake Erie district. He wished to direct emigration towards Canada rather than to the States. He likewise pointed out to the authorities the danger to Canada from the character of the settlers then coming in from the United States.

Simcoe, now in London, on February 11 wrote to the colonial secretary strongly pressing Talbot's claim for five thousand acres. This appeal was successful, and in four days Talbot was the bearer of a letter from Lord Hobart to Lieutenant-Governor Hunter granting him five thousand acres in Yarmouth township. If this tract were already allotted, he was to have his grant in any other township he might select. As Yarmouth South had been granted to the Babys, Talbot chose Dunwich and at a later date Aldborough. In the township of Dunwich, at the mouth of a little stream, he landed with four helpers on May 21, 1803. Climbing the steep bank he selected a beautiful elevation for his home and with his own hands felled the first tree. Thus was begun the Talbot settlement. In the following year carpenters were brought from Niagara, and houses and outbuildings were erected. Here he spent the rest of his days, except for occasional visits to York (Toronto), Quebec and Europe, and for a short period of incapacity before his death. Here he performed all the duties of his household—cut wood, built fires, baked the bread, and cooked for the men clearing his land. Here he received the chief men, the finest minds of the province. Here he welcomed distinguished travellers and writers, titled aristocrats, noted churchmen, and provincial governors. Some of these were Dr Howison, Mrs Jameson, Isaac Brock, Francis Gore, the Duke of Richmond, Lord Taunton, Lord Wharncliffe, Sir Peregrine Maitland, Sir John Colborne, Sir George Arthur, Lord Aylmer, Chief Justice Sir John Beverley Robinson, the Hon. Peter Robinson, the Earl of Derby, his brothers—Richard Talbot, afterwards Lord Talbot, and William Talbot,—his nephews—Lord Airey, and Julius and John Airey,—Dr Dunlop, Bishops Stuart and Strachan, Lady Emeline Stuart-Wortley, and her daughter, afterwards Lady Victoria Welby, and hosts of others of lesser note. All who have written of Talbot and



his settlement have borne testimony to the remarkable work he accomplished in peopling the district with a large population that in a few years became loyal and prosperous farmers willing to extend the welcome hand to immigrants and help them on the road to independence. No other settlement had made such progress. It must be remembered that while he was granted special privileges by the British government the result justified its confidence. Others had been granted similar favours, but they failed to fulfil their contracts and lost their grants. The townships of Oxford, Townsend, and Burford were granted to persons who had the same opportunity as Talbot, but failed.

For every settler Talbot placed on fifty acres of land he was to receive two hundred acres for himself. His policy was to have permanent settlers and a compact settlement. No clergy reserves were allotted in the townships under his charge. No certificates for patents were to be given to settlers unless they had cleared a strip one hundred feet wide across their lot along the road, built a house at least fifteen feet by twenty feet, and resided on their lots for five years. These exactions might retard the settlement at first, but would prevent speculation and would ultimately make the settlement more permanent. By 1809 the first settlers appeared, and the system of roadmaking inaugurated by Talbot was an inducement for settlers to come in. Settlement went on slowly and was hindered by the three years of war. The raiding Americans in 1814 gave his project a set-back by burning his mills. By 1820 he informed Sir Peregrine Maitland that he had completed the location on the lands allotted to him. He did his work so well that the whole of the south-western part of the province was placed under his charge by the provincial government. This enabled him to complete the Talbot road extending from Delhi to Sandwich and from Port Talbot to London.

By the year 1826 Talbot had expended all his wealth in building roads and making the district desirable for settlers. True, he held about sixty-five thousand acres of land, but much of it was unproductive and his agricultural experiments failed to bring in an adequate return ; hence he wrote

to Lord Bathurst that he had placed on lands about twenty thousand persons without expense to the government, but at a cost of £20,000 to himself. This appeal resulted in getting him a remuneration of £400 per year for the services he continued to render in locating settlers. Talbot has been criticized for having made a fortune out of lands, but his recompense was not at all excessive for the great service he performed for Upper Canada in the early days of her history. Nearly all the settlers he placed on land were his staunch friends to the last. A few agitators, ungrateful for the help he gave them when they arrived in the settlement penniless, desired to rob him of the lands he held. According to a return laid before the house of assembly in 1836 we learn that 518,000 acres, situated in twenty-eight townships, had at one time or another been placed at his disposal. In 1831 the settlers he had been influential in locating were estimated at forty thousand.

The townships of Dunwich, Aldborough, the north of Yarmouth, and South Dorchester were settled principally by Scottish Highlanders, the Talbot road east and including the north branch into Southwold by people from the United States, Southern England, and an overflow from the Long Point settlement and the Niagara district. The south of Yarmouth was settled by Quakers from Pennsylvania and New Jersey, but not under the auspices of Talbot. Many of these took an active part in the rebellion of 1837, but were captured and held in check by the loyal Talbot settlers. Malahide was occupied by settlers from New York State, Long Point, and Nova Scotia.

Not much remains to be said of the 'Father of the Talbot Settlement.' Although appointed a member of the legislative council of the province he seldom attended its sessions. He was a tory of the old school, honest, upright, benevolent, and an uncompromising opponent of cant. He was often opposed to the actions and methods of both political parties, hence he frequently found it necessary to ignore the government of the province and get authority for his actions from the home government. His unflinching loyalty to his sovereign made him the inexorable opponent of the party associated

with the rebellion. He delivered but one political speech, and that was in 1832 at St Thomas. When William Lyon Mackenzie and his followers rose in arms, he called together his settlers and in scathing terms denounced rebellion. The militia in his district overawed any centres of incipient risings. For this many sympathizers with reform were thankful when they saw the collapse of the Mackenzie fiasco and the odium attached to the active rebels.

Near the close of his eventful life he wished to leave his estate to some relative who would maintain the dignity of the ancestral Talbot line in the New World. Julius Airey, son of his sister Margaret, was invited to visit his uncle. The surroundings were not to the liking of a young man brought up in the polished society of the old land. No visions of a vast inheritance could make up for the dreary monotony of life at Port Talbot. After a year he returned home. Richard Airey, brother of Julius, had visited his uncle when secretary to Lord Aylmer, Governor of Canada. Afterwards, in 1837, he was stationed at St Thomas with his regiment, the 34th, of which he was lieutenant-colonel. When military secretary to the Horse Guards Colonel Airey decided to come to Canada with his family and reside at Port Talbot and care for his aged uncle. Instead of humouring the old man, the Aireys sought to bend him to their way of living. Becoming dissatisfied, Colonel Talbot resolved to spend the rest of his days in England. Accordingly, he conveyed to Colonel Airey the Port Talbot estate of one thousand three hundred acres and all his lands in Aldborough. In less than a year Colonel Airey returned to his military duties in London after renting Port Talbot. He served as quartermaster-general during the Crimean War and was afterwards elevated to the peerage.

Colonel Talbot had scarcely set out for the old land when he was taken seriously ill, but to the surprise of all he rallied, and after spending nearly a year in England, he returned to Canada, to live in a small room in the house of the widow of his old and faithful servant Jeffrey Hunter, within sight of the home he had occupied for nearly fifty years, now in the possession of strangers. Tiring of this, he went to London,



Ontario, to live with George MacBeth, his helpmate and companion for some years and who accompanied him to England on his last two trips. Here he died on February 5, 1853, bequeathing the whole of his estate to MacBeth.

His remains were placed in the graveyard at Port Talbot, where rested hundreds whom he had helped on the way to a competency in the days when he ruled the Talbot settlement with a kindly and benevolent despotism. His grave is marked by a plain slab bearing the inscription: 'The Honourable Thomas Talbot, Founder of the Talbot Settlement.'

#### THE GLENGARRY SETTLEMENT

The front township of the county of Glengarry and Cornwall in the county of Stormont were settled in 1784 by the disbanded soldiers of the King's Royal Regiment of New York. These soldiers were Scotsmen who had emigrated, just before the War of the Revolution, to the colony of New York and had settled near Johnstown, the home of Sir William Johnson.

The back townships of Lochiel, Kenyon, Roxborough, and Finch were at the beginning of the nineteenth century a wilderness. It was quite natural that these loyal Scotsmen would induce their friends in Scotland who thought of emigrating to locate beside them in the British colony of Canada. The first emigration was in 1786, when the Rev. Alexander Macdonell (Scotus) came to Glengarry with five hundred settlers, principally of his kinsmen from the estate of Knoydart in Glengarry, Scotland. This band left Greenock on board the ship *McDonald*, Captain Robert Stevenson, arrived at Quebec on September 7, 1786, and immediately proceeded to the Glengarry settlement. Macdonell was one of the earliest priests to minister to his coreligionists in Glengarry and Stormont. He founded the parish of St Raphael, the first in Glengarry, and, indeed, in Upper Canada, and here he built the first church, known as the 'Blue Chapel.' This edifice was succeeded by the present beautiful church erected by his successor and name-



sake, Alexander Macdonell, afterwards better known as Bishop Macdonell.

In 1792 Macdonell of Greenfield emigrated to Glengarry with a number of his clan. He was married to a sister of Colonel John Macdonell of Aberchalder, who was the first speaker of the first legislature of Upper Canada. Each year brought out settlers from other clans to make their homes in Glengarry. Among them were a number of Camerons, Macmillans, M<sup>c</sup>Phersons, M<sup>c</sup>Leods and others who came out in 1796. The northern part of the township of Lancaster was cut off from it in 1816 and named Lochiel after the celebrated chieftain of the Camerons. Nearly every Scottish clan was represented in Glengarry before the close of the eighteenth century.

The last emigration of Scotsmen on a large scale took place in 1803, under the auspices of the Rev. Alexander Macdonell, the first Roman Catholic bishop of Upper Canada. In 1792 this well-known prelate, when a young missionary on the borders of Inverness and Perth, affected by the distress of his countrymen and hearing that an emigrant vessel which had sailed from the island of Barra, one of the Hebrides, had in a wrecked condition put into Greenock, where she had landed her passengers in a most helpless and destitute state, went to Glasgow to plead in their behalf. Here Macdonell secured an introduction to the professors of Glasgow University and the leading manufacturers of the city, and proposed that the latter should take into their employment the shipwrecked emigrants and the Highlanders lately turned off their farms. This they promised to do, but there was great difficulty in getting the Highlanders satisfactory situations, chiefly because they were ignorant of the English language and because a majority of them were of the Roman Catholic religion. The latter obstacle was due to the inimical attitude of the lower orders of the people of Glasgow towards the Roman Catholics on account of the Lord George Gordon riots. The energetic priest succeeded in allaying the fears of the manufacturers, and after a few months' residence in Glasgow managed to procure employment for upwards of six hundred distressed Highlanders. After two years of

employment the doctrines of the French revolutionists began to take hold of the people of Great Britain. The chief sympathizers with the Revolution were in the manufacturing districts. To check the spread of the doctrine war was declared against France. This had the effect of reducing exports of manufactured goods to France, and consequently the factories closed and the Highlanders were again out of employment.

At this juncture the young priest conceived the idea of raising a Roman Catholic corps in His Majesty's service with Macdonell of Glengarry as colonel. In 1794, at a large meeting at Fort Augustus, an address was drawn up and the Chief Macdonell and John Fletcher of Dundas went to London to present it to the king, who graciously received it. A letter of service was issued authorizing the raising of the first Glengarry Fencible Regiment as a Roman Catholic corps, the first since the Reformation. The Rev. Alexander Macdonell, contrary to the then existing law, was gazetted as chaplain. Four or five Scottish regiments refused to extend their services to England and mutinied when ordered to march. The Glengarry Fencibles through their chaplain offered to extend their services to England or Ireland or even to Jersey or Guernsey. This offer was accepted by the government. From 1795 to the summer of 1798 they were in Guernsey, but rebellion having broken out in Ireland in the latter year the regiment was ordered to that unhappy country. After serving in Ireland to the eminent satisfaction of the government, application was made for the augmentation of the regiment, but the Peace of Amiens in 1802 closed the war and the regiment was disbanded. Its members were soon as destitute as they had been before its enrolment, and their chaplain proceeded to London to seek aid in sending the disbanded soldiers to Upper Canada. Here the young missionary was received with honour by the Duke of York and the premier, Addington, who proposed to send the people to Trinidad. This offer was refused by Macdonell, as was also one to send them to Nova Scotia or New Brunswick or Sault Ste Marie. He persisted in his intention to take his people to Upper Canada, and the secretary of state for

the Colonies, Lord Hobart, addressed the following letter to Lieutenant-General Hunter, Lieutenant-Governor of Upper Canada :

DOWNING STREET, 1st March, 1803.

SIR,—A body of Highlanders, mostly Macdonells, and partly disbanded soldiers of the Glengarry Fencible Regiment, with their families and immediate connections, are upon the point of quitting their present place of abode, with the design of following into Upper Canada some of their relatives who have already established themselves in that Province.

The merit and services of the Regiment in which a proportion of these people have served, give them strong claims to any mark of favour and consideration which can consistently be extended to them ; and with the encouragement usually afforded in the Province they would no doubt prove as valuable settlers as their connections now residing in the District of Glengarry, of whose industry and general good conduct very favourable representations have been received here.

Government has been apprised of the situation and disposition of the families before described by Mr Macdonell, one of the Ministers of their Church and formerly Chaplain to the Glengarry Regiment, who possesses considerable influence with the whole body.

He has undertaken, in the event of their absolute determination to carry into execution their plan of departure, to embark with them and direct their course to Canada.

In case of their arrival within your Government, I am commanded by His Majesty to authorize you to grant, in the usual manner, a tract of the unappropriated Crown lands in any part of the Province where they may wish to fix, in the proportion of twelve hundred acres to Mr Macdonell and two hundred acres to every family he may introduce into the Colony.—I have the honour to be, sir, your most obedient, humble servant,

HOBART.

In the same year that the Glengarry Fencibles arrived in the St Lawrence, a shipload of one thousand one hundred souls, chiefly from Glenelg and Kintail, joined their friends in Upper Canada. To enumerate the prominent men that



this emigration gave to Canada would be but to quote the names of the gallant officers and men that helped to keep Canada British in the War of 1812. Red George Macdonell, the hero of Ogdensburg and Chateauguay, is a notable example. Colonel John Macdonell, aide-de-camp to Sir Isaac Brock, member for Glengarry in 1812, was with his chief at the capture of Detroit, where he drew up the terms of capitulation. He was killed at the battle of Queenston Heights, and his body reposes with that of Brock under the monument erected on Queenston Heights in honour of the 'Hero of Upper Canada.' Two regiments were recruited in Glengarry at the beginning of the War of 1812, the Glengarry Light Infantry and the Canadian Fencibles. The moving spirit in the work was the Rev. Alexander Macdonell, who was appointed their chaplain. The gallantry of the Glengarry men on all occasions is ably set forth by the historians of the war. Later, in the Rebellion of 1837, their sons were the backbone of the defence of the province.

The influx of so many loyal adherents of the crown to Canada has had a marked effect upon the history of the country. War was not the only occupation in which they served with honour. In the legislative halls they were foremost in advocating just and good laws for the government of the province.

#### THE SETTLEMENT OF THE TOWNSHIP OF DUMFRIES

The township of Dumfries was originally part of the land set apart by Great Britain for the Six Nations Indians. On February 5, 1798, Joseph Brant sold Block No. 1, containing 94,305 acres, to Philip Stedman for £8841. This block was afterwards known as the township of Dumfries. The government sanctioned the sale. Stedman died without direct heirs shortly after receiving the deed from the crown. In 1811 the Hon. Thomas Clarke purchased the land from Stedman's sister and mortgaged it to the Indian Trustees for the original purchase-price. Clarke sold the lands in 1816 to William Dickson for £15,000 and the assumption of the mortgage.



Dickson was born in Dumfries, Scotland, in 1769 and came to Canada in 1792, settling in the Niagara district, where he practised law. During the War of 1812 he was taken prisoner and sent to Greenbush in New York, but was subsequently released on parole. He was challenged to a duel by a fellow-lawyer and former friend named Weekes.<sup>1</sup> Dickson accepted the challenge, and the two men met behind the American Fort Niagara. Weekes was killed at the first exchange of shots. It appears that Dickson and Weekes were engaged as counsel on the same side of a case at the assizes at Niagara. Weekes in his address to the jury commented very severely on the conduct of Lieutenant-Governor Simcoe. At the conclusion of this address Dickson arose and addressed the court, saying that although on the same side of the case as Weekes he disapproved of the language used in reference to the late lieutenant-governor. As a result of Dickson's action Weekes sent him a challenge to a duel that, as stated above, ended fatally for the challenger.

In 1816 Dickson was appointed a legislative councillor and continued to take a prominent part in all affairs that pertained to the welfare of the province. In 1837 he collected the militia of Niagara district and took them by steamer to Toronto in time to assist in the defeat of the rebels under Mackenzie at Montgomery's Tavern. He lived until February 19, 1846.

After the purchase of Dumfries William Dickson proposed to build mills somewhere near the centre of his land and to invite settlers to purchase lots adjoining this nucleus of the town. In seeking for an agent to look after his affairs in Dumfries he met a young man named Absalom Shade, a native of Pennsylvania, but then a resident of Buffalo, who was an unsuccessful tenderer for the building of the courthouse at Niagara. Dickson offered Shade the position of agent of his enterprises in Dumfries. Shade agreed to look over the ground, and both he and his employer set out on horseback by the road leading to the Grand River near where Paris is now situated. Here they obtained the services of an Indian guide, who took them northward along the bank of

<sup>1</sup> See section II, p. 185.

the river. When they arrived at the present site of Galt they came to the conclusion that there was sufficient water-power for milling purposes in the creek that here joins the Grand. Dickson left for Flamboro, but Shade stayed a few days longer to look thoroughly over the district. He found that some of the German settlers of Waterloo had moved over into Dumfries, but no site for a mill and a town appeared so suitable as the one first selected. Shade was a man of unusual energy and determination, very necessary characteristics in a pioneer to whom is entrusted the great and varied work of building a mill, laying out a town, and locating settlers in a wilderness. He, however, was equal to the task, and in 1816 employed men to clear the land and build a house and a mill. By the end of 1817 there were thirty-eight families settled in the township, chiefly Scotsmen who had lived some time in Genesee County, New York.

#### THE SELKIRK SETTLEMENT

The name of Lord Selkirk is usually associated with the settlement on the Red River in and about the site of the present city of Winnipeg.<sup>1</sup> It is not generally known that one of his emigration schemes was to bring settlers to Upper Canada. In 1802 he applied to the British government for a grant of land near the present town of Sault Ste Marie. An agent was actually sent out to examine the site, but he was refused the grant because it was outside the jurisdiction of the province. The noble lord had various schemes of settlement. He obtained a grant of land in Prince Edward Island and in 1803 brought out about eight hundred Highlanders to occupy it.

In the next year he brought out one hundred and eleven Highlanders to Upper Canada and located them on a tract of land, Baldoon, consisting of nine hundred and fifty acres along Lake St Clair near the mouth of Bear Creek. The colonists came from Tobermory, island of Mull, Scotland. On account of the war with France the final sailing was delayed until May 1804. They crossed the ocean in the ship *Oughton*

<sup>1</sup> See 'The Red River Settlement,' section x.

of Greenock and ascended the St Lawrence to Kingston in bateaux. At Kingston they took ship for Queenston and portaged to a safe place above Niagara Falls, and again took bateaux to Amherstburg and located on their land in September. The Baldoon settlement did not succeed, partly on account of the low nature of the land. Forty-two of the settlers died the first year and others removed to more favourable locations among their countrymen. In 1812 the settlement was raided by Hull during his invasion of Upper Canada, and a good deal of the stock of the settlers was taken. Many of the merino sheep, one thousand in number, furnished by Selkirk to the settlers, were driven to Detroit to supply Hull's army with food. These settlers were raided again in 1813 by the Americans under McArthur. By 1817 only nine or ten families remained on the site of the original settlement, and on September 17, 1818, Selkirk sold Baldoon to John MacNab, a Hudson's Bay trader.

The hardships encountered by the settlers on the Red River caused them to seek another location nearer civilization than their new home. A number of families left the Red River Settlement for Upper Canada by the old North-West route. The greater number settled in the townships of East and West Gwillimbury near the shores of Lake Simcoe. A few joined their relatives in the townships of Markham and Aldborough.

#### IMMIGRATION AFTER THE CLOSE OF THE NAPOLEONIC WARS

Several causes contributed to the great influx of settlers to Upper Canada from about 1816 or 1817 to 1840. The War of 1812 with the United States brought Upper Canada to the attention of the British people. The officers and men of the various regiments, when they reached their homes in the British Isles, spoke favourably of the climate and resources of the province. The debates on the proposed union of the Canadas in the British parliament in 1822 and 1823 brought the upper province still further into public notice.

The close of the long war with France was the cause of a





TORONTO

- (1) VIEW OF KING STREET IN 1836  
(2) RESIDENCE AND WAGON-MAKER'S SHOP NEAR THE CORNER OF KING STREET AND YONGE STREET, 1815

*From the John Ross Robertson Collection in the Toronto Public Library*





large number of persons being thrown out of employment. There was a surplus population without any occupation. The disbanded soldiers, the weavers, the tailors, the shoemakers, the shipwrights, and others who had been thrown out of work soon became a heavy tax on the country, and their only hope lay in emigrating.

The story of Richard Talbot of the south of Ireland, a relative of the Hon. Thomas Talbot, and of his immigration to the township of London in Upper Canada is similar to that of many others in a like situation. When the door of military preferment was closed against his sons he resolved to emigrate. He made application to Lord Bathurst for a grant of land in Upper Canada, aided by the intercession of Lord Rosse. Lord Bathurst replied stating that twenty-five acres was all the encouragement that could be given to individuals, but that he was ready to receive proposals from persons who would undertake the cultivation of large grants under the following conditions: ten settlers at least were to be taken out and one hundred acres granted to each; the person applying for land was required to deposit ten pounds for every settler, which was to be repaid him as soon as the settlers were located on the land; a grant was to be given free of expense to the person agreeing to the above proposals; and free passage was provided for the settlers and the leader of the party, but the party would have to supply their own victuals.

Talbot agreed to the above proposals, and forty-four families, consisting of nearly two hundred persons from the south of Ireland, made their way to Cork to embark for Canada. Talbot bore a letter from Lord Bathurst to Sir John Coape Sherbrooke, governor-in-chief of Canada, stating that he had engaged to take to Canada the settlers whose names were annexed, and that a grant of one hundred acres was to be given to each male over seventeen years of age, and when the settlers were located he was to repay to Talbot the sum deposited as a surety that the persons he brought out would take up land.

On June 13, 1818, the party embarked in the *Brunswick* of 541 tons burden, carrying 150 tons ordnance stores for

the garrison at Quebec and three months' provisions for Talbot's settlers. Accompanying Talbot were three other 'families of respectability,' those of Mr Geary, Mr Hardy, and Mr Burton. On July 27, after a voyage of forty-three and a half days, the ship anchored before Quebec. The party lost by death twelve persons, all children under fourteen years of age ; such was the toll of human life exacted by the Atlantic voyage in the days of the sailing vessel.

Before embarking for the western province Talbot called upon the Duke of Richmond, who had recently arrived as governor-in-chief of Canada, and presented his letters of introduction and the order from Lord Bathurst for the land he was entitled to. The duke referred him to Lieutenant-Colonel F. Cockburn, deputy quartermaster-general, who tried to persuade Talbot to settle in Lower Canada, but without success. Talbot then received an order for the provisions for his party on their way to the west and also for one hundred and seventy blankets for their use.

The party left Quebec for Montreal on August 3, 1818, in the steamboat *Telegraph*, and arrived at their destination on the morning of the 5th. They expected the government to provide passage from Montreal to the land upon which they were to settle, but after remaining in that city for a few days it was found that no provision had been made for the rest of the journey. An appeal to the governor for bateaux was unsuccessful. While in Montreal thirty-one of the settlers and their families, on the persuasion of Colonel Cockburn, accepted land near Perth, which was just then being opened as a military settlement.

The remainder of the party left Lachine on August 18 in bateaux for Prescott, which place they reached on September 1. Two days later they embarked in the schooner *Caledonia* for York, where they arrived after a voyage of six days. Here Talbot was informed by the lieutenant-governor that he might select his land in any township open for settlement. He was referred to the surveyor-general, but received little information. In a short time Talbot met his kinsman, Colonel Thomas Talbot, who gave him full information and particularly recommended the township of London. Acting

upon this recommendation the party left York for London township on September 11. They went by schooner to Niagara, then by water to Queenston, thence to Fort Erie by land, and from Fort Erie to Port Talbot by water. The vessel that conveyed the party was wrecked on the southern shore of Lake Erie, but only one life was lost. The party soon after arrival at Port Talbot lodged the women and children in houses in the township of Westminster, while the male portion proceeded to the township of London to build houses on their land for the reception of their families. This was accomplished by the beginning of December. Talbot was allowed one thousand two hundred acres of land for himself for his part in the undertaking.

Six months of travel by sea, by lake, by river and by land, and then only a home in a forest wilderness, was the price paid by the pioneer for freedom. In a few years of arduous toil grain-fields took the place of the forest, and horses, cows, and sheep the place of wild animals. The labour was hard, but the reward was great.

#### THE MILITARY SETTLEMENTS

As already stated, the close of the war with Napoleon changed the industries of Great Britain to such a degree that thousands were thrown out of employment. The soldier found his occupation gone and the government proposed to form a military settlement in Canada, where disbanded soldiers and officers might become farmers. The St Lawrence route was considered too hazardous in time of war with the United States, and several surveys were made of a route to Upper Canada by way of the Ottawa and Rideau Rivers to Kingston. This was the first suggestion of the building of the Rideau Canal and the improvement of navigation on the Ottawa River. Accompanying the scheme of improved navigation was the project of settling the disbanded soldiers and loyal settlers along the route of the proposed canal, so that it would run through a country peopled with men of undoubted loyalty.



The first emigrants to reach the new settlement were from Scotland. They left Greenock in three transports late in May 1815, but were on the ocean until September, when they landed at Quebec. They were taken up the St Lawrence to Prescott and Brockville, where they spent the winter. Early in April 1816 they travelled along blazed trails to their future home. The centre of the settlement was the present town of Perth on a little river named the Tay, both names being taken from the home of the immigrants in Scotland. The land was good and the settlement prospered from its very inception. About two hundred and fifty people formed the first pioneer community. From time to time additions were made to it by emigrants from Scotland and Ulster in Ireland. The most notable addition was the disbanded soldiers of the Glengarry Fencibles, the Canadian Fencibles, and de Watteville's regiment. These men were inured to the hardships of a life in the new country, and, moreover, were familiar with the work of clearing forests and with the building of log-houses. They could handle the ax to advantage, and were therefore employed in building homes for the settlers from the Old World and in clearing the land. The town of Perth was laid out, roads and bridges were constructed; soon good reports of the advancement of the settlement reached Scotland, and there was a great influx of people. Several circumstances combined to ensure the success of the settlement from the beginning. The settlers had a good location and the example of experienced bushmen to follow, and the military authorities granted them rations, clothes, and implements. According to a report of Lieutenant-Colonel Cockburn, issued during the governorship of Lord Dalhousie, between one thousand five hundred and two thousand heads of families had not been the stipulated time on their lands to entitle them to receive their deeds. Under the terms each settler had to clear and cultivate a part of his hundred acres and live on it for a stipulated time before receiving his deed. Lieutenant-Colonel Cockburn feared that if the military authorities withdrew their aid, as Lord Dalhousie advised, the settlers would get their deeds and dispose of their lands to speculators and Americans, who

would not be desirable persons so near the projected military highway.

#### THE LANARK SETTLEMENT

The good reports from the Perth settlement induced several persons in the shires of Lanark and Renfrew to petition the government of Great Britain for aid to emigrate to Upper Canada. Lord Bathurst, the colonial secretary, approved of the plan laid down by the Lanark and Renfrew petitioners, and procured for those who wished to emigrate large grants of land in what is now the county of Lanark. These grants were given on the understanding that rations and passage as far as Quebec were to be furnished to the emigrants by the societies promoting the emigration. In addition each man was paid one pound. To defray the expenses of those without means £500 was raised in London. The government gave to each head of a family one hundred acres of land on condition of residence and that a certain amount of land should be cultivated within a limited period. When the settlers arrived at the place of settlement each was to be advanced £3 and they were to receive an additional £3 six months after arrival. The lands were to be surveyed by the government, which also agreed to defray the expenses of transportation from Quebec to the settlement. During the years 1820 and 1821 over two thousand persons were brought to Canada under the joint auspices of the several societies and the government. Their principal places of settlement were in the townships of Dalhousie, Ramsay, and Lanark, named respectively after the governor-general, Lord Dalhousie, his family name, and the county in Scotland from whence the settlers had come.

In 1821 the governor-general stated that nearly one thousand two hundred emigrants from Lanark in Scotland were placed in Lanark in Canada. The chief needs were teachers and clergymen and aid to build schoolhouses and churches. The money for these purposes, £300, was raised in Scotland, mainly through the exertions of the Duke of Hamilton.

## THE PETERBOROUGH SETTLEMENT

The first township of the county of Peterborough to be surveyed was Smith, in the year 1818. In that year a number of people sailed from Cumberland, England, and some found their way to the township just surveyed. They came in by the way of Rice Lake and Otonabee River, as there was no road in from Port Hope. Near the limits of the present city of Peterborough they erected a temporary log-house, where they all lived until they had built a small house or shanty on each lot selected. In the same year other settlers came in from the older settlements along the front, but their difficulties were as nothing compared with the privations undergone by the pioneers who came from the old land. The latter, totally unaccustomed to life in the wilderness, suffered incredible hardships before they cleared, under the greatest difficulties, small plots of land on which they raised some potatoes and wheat.

The township of Otonabee was surveyed in 1819 and a large number of settlers arrived in the next few years. Captain Spilsbury, a half-pay officer, brought in a number of settlers, but all but one, George Kent, besides the captain, found pioneer life too arduous, and left for the old settlements. In 1820 about twenty men with families took up land, and along with them some eight single men. Most of these were emigrants from the British Isles and came out singly or in small groups. It often happened that emigrants from one district in Great Britain or Ireland left the old land together, but took up locations far apart when they arrived in Upper Canada. Among the arrivals in the township of Otonabee in 1820 were some army officers and discharged soldiers. The most prominent of these was Captain Charles Rubidge, R.N., who was the first to perform settlement duties and secure a title to his land. Much of the land near the front of the township was held by half-pay officers who did not become actual settlers. These non-resident owners hired others to perform settlement duties for them. Some of these officers, it is true, took possession of their land, but for the most part they found life in the bush distasteful, and



abandoned their land for homes in the centres of population more congenial to their habits.

Another settler of Otonabee who deserves special mention is Samuel Strickland.<sup>1</sup> He was one of the famous Strickland family whose literary productions have a high place in the field of English and Canadian literature. He came out from Suffolk, England, in 1825, and after a short residence in Darlington moved to a lot in Otonabee about a mile from the present city of Peterborough. About 1831 he went to the township of Douro and commenced again the hard life of a pioneer. His farm near the village of Lakefield shows that he made no mistake in changing locations. Strickland took a prominent part under John Galt in the work of settlement on the lands of the Canada Company in the Huron Tract. He was a justice of the peace and took an active part in the volunteer militia during the Rebellion of 1837, subsequently retiring with the rank of colonel. Colonel Strickland's book, *Twenty-seven Years in Canada West*, was published in London in two volumes in 1853. In this work he gives a faithful and entertaining description of his experiences in Upper Canada.

Colonel Strickland was soon joined by two of his sisters. One of these was Susanna, wife of J. W. Dunbar Moodie, a retired half-pay officer. The hardships endured by highly cultured English people who took up land in the wilderness are graphically described in her work in two volumes entitled *Roughing it in the Bush*.<sup>2</sup> This book had a wide circulation in England and deterred for a number of years immigration to Upper Canada. Mrs Moodie lived to see beautiful fields and orchards laden with grain and fruit where once the stubborn forest held possession of the soil. In a subsequent volume, *Life in the Clearings versus the Bush*, she mitigates somewhat the harsh opinions recorded in her former work, but not even time could wholly efface the awful recollections she had of the first few years in the bush north of Peterborough.

Catharine Parr, another of the Strickland sisters, married Lieutenant Thomas Traill, and with him emigrated to Upper Canada, where her husband took up land on the shore of

<sup>1</sup> See section VI, p. 543.

<sup>2</sup> See *ibid.*, p. 544 *et seq.*



Rice Lake. She was a contributor to Canadian and British magazines and in 1835 published *Backwoods of Canada* and later *The Female Emigrant's Guide*, two books that affected immigration to the province.<sup>1</sup>

The settlement of the Strickland family in Upper Canada had an elevating influence on the social life of the province. At the time of their arrival the people of Upper Canada were of necessity engaged in a sharp struggle to produce the necessaries of life. This had the effect of deadening the finer feelings. At great personal expense the Stricklands tried to awaken the slumbering literary taste, and in a measure they succeeded. Before they passed away they saw Upper Canada the home of a peaceful, happy people, rich in material things and appreciative of the fine arts, willing to aid the struggling immigrant from across the sea to acquire a home within the British Empire.

Although the life of the pioneer settler of a century ago was a strenuous one, it was conducive to health and longevity. As an instance of this it may be mentioned that out of twenty-six settlers from the parish of Tulliallan in Kincardine, Scotland, seventeen were living forty-six years afterwards. Of the nine that had died three exceeded eighty-two, two were between seventy and seventy-five, and four between fifty and fifty-five years of age. The healthfulness of the climate, combined with an outdoor life, more than makes up for the dangers and privations of pioneer life.

The township of Douro was occupied in the fall of 1822, a year prior to its survey, by two brothers-in-law, Alexander Stewart and Robert Reid, and their families. These men on leaving Ireland were furnished with letters of introduction to the lieutenant-governor, who assigned them land in Douro. Stewart got a grant of one thousand two hundred acres and Reid one of two thousand on condition of actual settlement and the performance of settlement duties. They also had permission to hold the entire township for five years, so that they could place on it any friends in Ireland whom they might induce to emigrate. This right they cheerfully relinquished in 1825, when the Hon. Peter Robinson arrived

<sup>1</sup> See section VI, pp. 543-4.

with his settlers. These two men attained prominence and accumulated wealth in their new home. Stewart was appointed to the legislative council in 1833 as a reward for his exertions in promoting settlement.

Mrs Stewart has left a short narrative of her personal experiences that clearly indicates the difficulties that had to be overcome and the privations that had to be endured before the immigrant and his family could pause from the constant struggle for existence. According to this narrative the party with which the Stewarts came to Canada left Quebec by steamer for Montreal on June 1, 1822. From Lachine to Prescott they took bateaux and then steamer to York, which place they reached in August. After making arrangements for settlement they left for Cobourg about October 1. Here Stewart was detained through illness. Reid and some hired men went to their locations and began work on two clearings and the erection of a shanty. In November Reid brought his family to their new home, and Stewart and his family joined them in February. When the Stewarts arrived in the dead of the night at the shack prepared for them, they found it in a very unfinished state. The door had not been hung, no partitions had been put up, the chimney had not been completed, and the floor was covered with a thick coating of ice and mortar. There was a cheerful fire in the fireplace, and the smoke escaped through a gaping hole in the roof. After a supper of tea, bread and butter, and pork, they spread their mattresses on some shingle shavings and slept soundly, although the stars could be seen through the hole in the roof. About half a mile away Reid lived under equally hard conditions. His home was a mere shanty to which the winter winds found easy access.

Conditions soon improved, but as all provisions had to be brought from Cobourg over bad roads and across Rice Lake, great inconveniences and losses had to be borne. On one occasion boots for both families, about twenty pairs in all, were ordered from Cobourg, but they were lost in crossing Rice Lake and could not be recovered, and for several months a number of the party had to go barefoot. Pea-soup and pork were the principal food of the settlers. Bread was

in general use when flour could be obtained. Rye-flour was often a substitute, and one season they were obliged to use boiled wheat and corn. On one occasion they were forced to subsist on bran and oatcakes.

The township of Asphodel was surveyed in 1820, but only about twelve families came in during the next five years. In 1825, however, like the other townships, Asphodel received its share of immigrants.

The township of Dummer was surveyed in 1823, but no attempt was made to settle it until 1831. In the summer of that year many emigrants from Great Britain arrived at Quebec. The Marquis of Bath sent out one hundred and fifty, the government sent out one hundred commuted pensioners and their families, while about one thousand seven hundred came at their own expense. These people were taken charge of by agents and conducted to Peterborough, where Captain Rubidge, R.N., who acted as immigration agent, located them on the unoccupied lands. A large number were located in Dummer, and the remainder were distributed among the other townships.

The mode of location was a very fair one. Guides were sent out with an advance-party to examine the land, and when a selection was made the agent issued a location ticket that entitled each immigrant to one hundred acres on the fulfilment of certain conditions. A small sum of money, under five dollars, was given to the settler if he needed it, and with the help of older settlers near him a shanty was erected, into which, as soon as possible, he moved with his effects. Grants of one hundred acres were made to heads of families and grown-up sons on condition that after the expiration of four years an annual payment of one shilling per acre would be made during each of the second four years. At the end of eight years' actual settlement and upon the payment of eighty dollars the settler would receive a title to his land. The government, however, was very lenient, and if payment was not made within the specified time an extension was granted. The provincial government allowed living rations while the immigrants were travelling through the country and during the time of location.



The settlers that were located in 1831 were almost exclusively from the British Isles and were of a high type. They were thankful for the little aid given them, and national pride was an impetus that moved all to put forth their best efforts to succeed. The next year others came out under the auspices of a private emigration society in Glasgow. Such societies sprang up in all large cities of England, Scotland, and Ireland. Their object was to change the current of emigration from the United States to a British colony. The Glasgow society had authority from the government of Canada to offer intending settlers a grant of fifty acres of wild land with the privilege of purchasing an additional fifty acres at a fixed sum. The story of these pioneers reads like a romance. After their arrival at Peterborough they set out to locate their lots. These were distant about twenty miles and could only be reached by journeying over a primitive road and trail. Two or three of the intending settlers went together loaded heavily with provisions—pork and flour being the staples—an ax for chopping a clearance and building huts, blankets for their covering at night, a tinder-box for starting a fire—matches were not in common use—and a can of whisky, the only medicine in general use in the bush. After the lots were located the settlers worked together, amid swarms of mosquitoes and black flies, to erect huts. When the provisions were nearly exhausted one of the number was sent to the store for supplies. Instances are recorded where the lone traveller lost his way, and after several days in the forest arrived exhausted at the settlement. The first years were years of incessant toil, but after a small clearing was made rude plenty was the rule if the chosen lot had a fair percentage of good soil. The perseverance and energy displayed by the pioneers is worthy of remembrance by those who in a large measure enjoy the fruits of their constant labours.

The townships of North and South Monahan were settled in 1818 and 1819, when about a dozen settlers took up land and, under the usual difficulties, made homes for themselves in the forest.

The township of Ennismore was surveyed in 1825 and



received some of the settlers of the great immigration in that year.

In 1832 a number of men of gentle birth settled in Harvey near Pigeon Lake. The only recommendation for this settlement was that the region abounded in game, no small item in the life of a pioneer. The land, however, in many cases proved to be poor, and after the settlers had expended their money in building fancy log-houses and clearing away the forest they found that the soil yielded poor crops. Inability to cultivate the land, distance from market, and the lack of good roads and bridges were serious drawbacks to the prosperity of the settlement. In a few years all had left the district. Some purchased improved farms elsewhere or engaged in other work more suited to their tastes and early training.

The other townships in the county of Peterborough and its vicinity have been settled at later dates mainly by sons of the first pioneers, but the process occupied nearly fifty years. Railways and good government roads and the experience gained in the older parts of the province have enabled the later settlers to become self-sustaining and prosperous in a shorter time and at less inconvenience than was the lot of the pioneers who came in during the first two or three decades of the nineteenth century.

#### THE IMMIGRATION OF 1825

Before 1825 only about five hundred settlers occupied the country north of Rice Lake. There was only one settler, a Mr Scott, where the flourishing city of Peterborough now stands. In the autumn of 1825 a large accession was made to these settlers through an emigration from the south of Ireland conducted by the Hon. Peter Robinson under the auspices of the British government. Four hundred and fifteen families, comprising in all 2024 souls, embarked for Canada. The ships sailed from Cork in May 1825, and after a speedy voyage for those days of less than a month they arrived at Quebec, from whence they were immediately sent on to Kingston. Here they were sheltered in tents for some weeks. In the meantime Robinson sailed from Liverpool

to New York and came to Toronto by way of Niagara. He at once went to Cobourg and thence to Peterborough, and in company with Colonel M<sup>e</sup>Donell spent a week exploring townships suitable for the location of the settlers. On August 11 Robinson embarked five hundred of the immigrants at Kingston and reached Cobourg the next day. The remainder arrived at intervals of a week. The first task was to repair the road from Cobourg to Rice Lake to make it passable for heavily laden wagons. Boats were brought from Lake Ontario and launched on Rice Lake. From Rice Lake the Otonabee River is navigable for twenty-five miles, but the water was so low in the rapids that it was found necessary to build a boat suitable to their navigation. It was flat-bottomed, sixty feet in length and eight feet wide, and could carry from twenty to thirty persons and a large amount of baggage. This task took eight days and was entirely successful. The chief difficulty was the fever and ague that attacked every member of the first party, consisting of twenty men of the country hired as ax-men and thirty settlers, two of whom died. When the settlers arrived at the present site of Peterborough with their supplies and household goods, they constructed huts of logs, or of whatever material came handy, to shelter them from the weather.

Robinson had for his purposes erected five buildings. They were all built of logs and had shingled roofs. One was used as a residence by Dr Reade, surgeon to the immigrants, and as a church in which mass was celebrated by the Rev. Mr Crowley; two were used as storehouses; one was Robinson's office, where all the business was transacted; the fifth and largest was occupied as a dwelling-house by Robinson, Colonel M<sup>e</sup>Donell, and John Smith, the surveyor who helped to locate the immigrants.

During the initial days of the enterprise rations were dispensed by the government. These consisted of one pound of pork and one pound of flour for each person over fourteen years of age, and half that amount for children between five and fourteen; every four children under five were granted an adult ration. These rations were continued for a year and a half.

The most troublesome part of the work was to locate the settlers, but in this Robinson was ably assisted by M<sup>c</sup>Donell and Smith, and by Captain Rubidge, who gave his services gratis. The plan adopted was to send the immigrants in groups accompanied by a guide to select their lands. One hundred acres were allotted to each family of five persons. If sons were of age they were given a similar lot. When a lot was chosen, former settlers were hired to erect a shanty on each lot, where, after roads were constructed, the settler and his effects were taken by ox or horse teams, hired for the occasion from settlers south of Rice Lake. With the exception of a few who wintered in Peterborough, all the immigrants were located before the winter set in. Each family was supplied with a cow, an ax, an auger, a hand-saw, one hundred nails, two gimlets, three hoes, one kettle, one frying-pan, one iron pot, five bushels of seed-potatoes, and eight quarts of Indian corn.

While the government did all it could for these people, the death-rate was high on account of sea-sickness during the Atlantic voyage and the fever and ague and the hardships inseparable from life in the wilderness. Fifteen died on the passage to Quebec and eighty-seven after their arrival in Canada up till March 1826. Dysentery and fever played havoc with them. Eleven victims of these diseases were buried in one day in Kingston. They were not without medical aid, for a surgeon of the royal navy was on board each ship, and, as stated above, Dr Reade remained with them after their arrival in Canada.

Besides the 2024 who embarked at Cork, twelve joined in Canada, and thirty-three were born in Canada before March 1826. The location of these immigrants was as follows :

In Douro . . .	60 heads of families
„ Smith . . .	34 „ „ „
„ Otonabee . . .	51 „ „ „
„ Emily . . .	142 „ „ „
„ Ennismore . . .	67 „ „ „
„ Asphodel . . .	36 „ „ „

Grave doubts were entertained as to the success of the



undertaking as far as the province was concerned. There were not wanting persons ready to publish calumnies ; but from the first these people made excellent progress in clearing the land and in raising crops and live stock. The estimated value of their products up to November 1826 was £12,525, Halifax currency.

An attack was made upon the loyalty and patriotism of these people by William Lyon Mackenzie in the *Colonial Advocate* of December 8, 1826, but this was promptly refuted. Not a dozen years were to elapse before many of these settlers enlisted to quell the incipient rebellion fomented by their slanderer. Descendants of these immigrants occupy leading positions in the learned professions to-day and in a large degree retain the vivacity, wit, and brilliancy so characteristic of the Irish race the world over.

In the winter of 1826 Peterborough was visited by Sir Peregrine Maitland, then lieutenant-governor of Upper Canada. Accompanying him were Colonel Talbot, the Hon. John Beverley Robinson, George G. Bethune, and the Hon. Zaccheus Burnham. Passing up the Otonabee they were met by the Hon. Peter Robinson, Captain Rubidge, and many of the settlers. Dinner was served at the home of Captain Rubidge. The party stayed some days in the settlement and were housed in Robinson's commodious dwelling, which caused it to be known locally as 'Government House.' The governor received deputations from the various townships and listened to addresses and visited the settlers in the township of Ennismore. It is quite characteristic of these Irish settlers that the only note of grievance in their address was 'the want of clergymen to administer to us the comforts of our Holy Religion and good schoolmasters to instruct our children.'

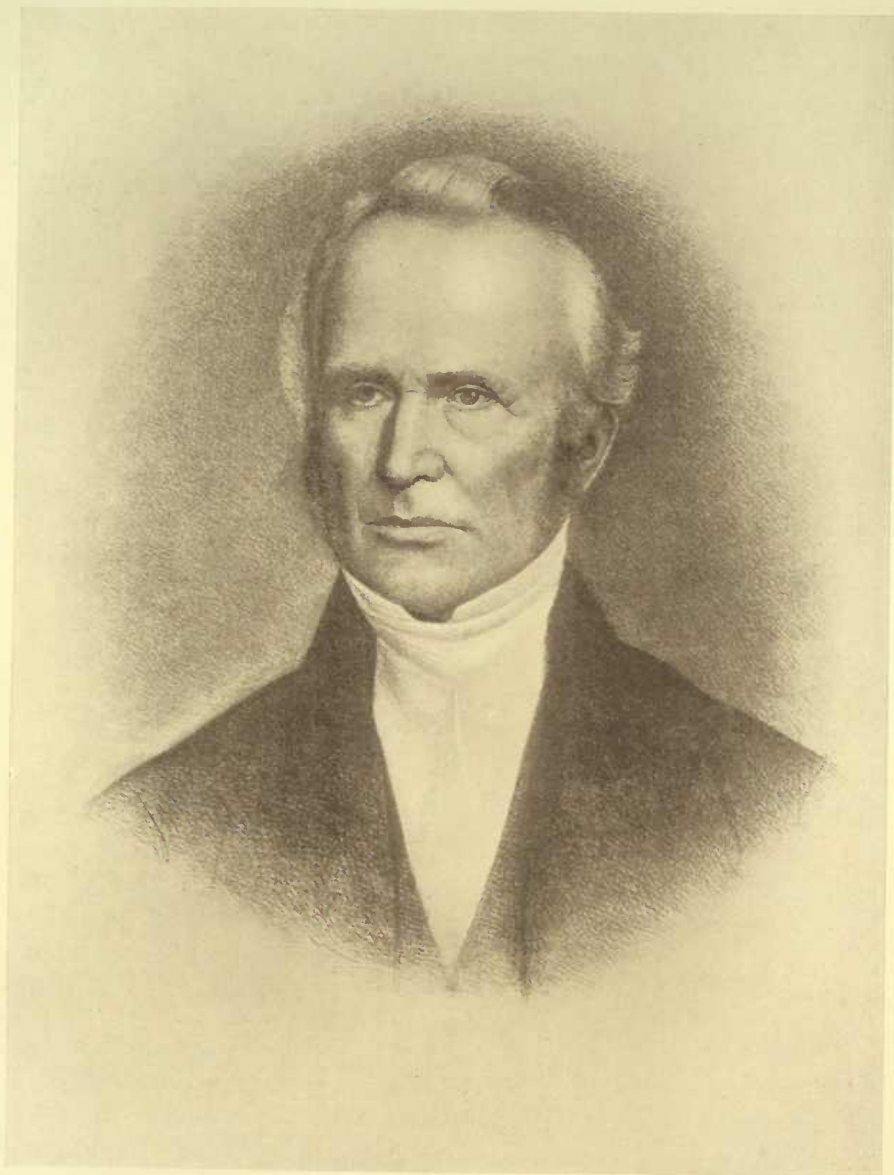
The visit of the lieutenant-governor had a very cheering effect upon the settlers. It was an evidence that the government was not unmindful of them so far from their native land, and they laboured in their wilderness homes with a cheerfulness that no discouraging event could damp. They sent loyal and thankful addresses to Lord Bathurst, and were the means of enticing to Upper Canada many

more of their countrymen, who have greatly enriched the province.

For his great work in forming this settlement Robinson received the thanks of the Emigration Committee of the British parliament. The settlers always looked upon him as their benefactor and friend. At a meeting to select a name for the town, then called Scott's Plains, it was proposed to name the place Peterborough as a compliment to Robinson. The name has also been chosen for the county, which was formerly called the north riding of Northumberland.

#### THE GUELPH SETTLEMENT

Many philanthropists had schemes for bringing out emigrants. One of these men was John Galt, the Scottish writer. His scheme was to purchase a large tract of land in Upper Canada and place upon it hundreds of people of Great Britain who had no occupation and who desired an opportunity to raise their families in some colony where they would not be a tax on the community. Galt had travelled much and had thus extended his education and widened his knowledge of public affairs. He wrote on subjects of public interest in the papers and magazines of the day, and consequently, when he outlined his plans of forming a company to settle the vacant lands of Canada, the greatest attention was paid to his suggestions by the people and the government. He did not wish at first to take any active part in the undertaking. Tired of a life of adventure, he had taken up his residence at Eskgrove, near Musselburgh, and intended to devote his remaining days to literature and the education of his three sons. He had not been long there before he was called to a consultation on Canadian affairs by Frederick John Robinson, afterwards Viscount Goderich, who was then chancellor of the Exchequer. Upper Canada was at this time seeking assistance from the home government for the purpose of meeting liabilities that it had incurred in bettering the internal communications of the province. The chancellor of the Exchequer was prepared to satisfy the existing claims against the province provided it would guarantee to pay half its civil



SIR JOHN BEVERLEY ROBINSON

*From a painting in the Department of Education, Toronto*





expenses. Galt, through this interview, renewed his interest in emigration to Canada and consulted many persons well versed in Canadian affairs, particularly Bishop Macdonell. The knowledge he now received caused him to modify to some degree his original ideas regarding emigration. The result was the formation of the Canada Company, of which he was appointed secretary.

In 1824, shortly after this company was formed, a government commission, consisting of Galt, Sir John Harvey, Colonel Cockburn, Mr M<sup>c</sup>Gillivray, and Mr Davidson, was appointed to visit Canada and make a valuation of the crown reserves in the upper province which it was proposed to sell to the company. The commission decided that 3s. 6d. per acre would be a fair price. But those interested in the clergy reserves bitterly opposed the sale of the reserves. The matter was finally left to arbitration, and in 1826 the company received the great Huron Tract instead of the reserves, a decision much more favourable than the one proposed.<sup>1</sup>

The company was duly chartered with a capital of £1,000,000, and preparations were at once made for active operations. In October 1826 John Galt set out for Canada, and arrived at York, now Toronto, in January 1827. It was not long before he had over three hundred offers to purchase land. On his first visit to the province he had been favourably impressed with the land near the township of Dumfries, the chief town of which had been named Galt after him by his friend, the Hon. William Dickson. A further inspection was made, and it verified his early impressions. He therefore resolved to make this the centre of the first settlement under the auspices of the company. After a trip to New York on business he arrived at Dundas on April 21. The next day, accompanied by a number of persons from the vicinity of Dundas, he set out for Galt. St George's Day, April 23, was the day fixed upon for the commencement of operations. Accordingly, on that day the whole party set out from Galt for the site of the new town, under the guidance of Dr William Dunlop, 'Tiger Dunlop,' an eccentric character who had seen service in the War of 1812 and who was

<sup>1</sup> See section II, p. 515.

now 'Warden of the Canada Company's Woods and Forests.' The doctor lost his way, the party wandered about in a pelting rainstorm, and it was not till nearly sundown that they reached their destination. Having dried themselves as best they could beside a fire started by an advance-party, Galt, Pryor and the jovial doctor, accompanied by two ax-men, went to the site of the town, and choosing a large maple tree as the first to be felled in the new settlement, Galt took an ax from one of the men and gave it the first stroke ; he then handed the ax to Dr Dunlop, who gave it a second stroke ; Dunlop in turn gave way to Pryor. The woodmen then felled the tree. The occasion was not without a degree of solemnity, which was relieved by the doctor taking a flask of whisky from his pocket and all three drinking to the prosperity of the future city of Guelph. The name was chosen in compliment to the royal family. Thus was founded the present city of Guelph, so beautifully situated on the banks of the River Speed in the midst of a rich agricultural country. The work of clearing the land and building habitations for the workmen was begun the next day. Galt, when in New York, had engaged, through Buchanan, the British consul, a number of artisans, carpenters, blacksmiths, wheelwrights, and bakers. During the summer several lots, about forty in number, were taken up by settlers, and in the following year a large party of immigrants arrived from Scotland and took up land between Guelph and Elora, since named the Scotch Block.

At this time York was the nearest place from which supplies could be obtained ; but York was too remote and could be reached only by the circuitous route through Dundas and Galt. To assist the settlers Galt conceived the plan of establishing a depot for supplies at the head of Lake Ontario. He applied for and received a grant of land on the canal connecting Burlington Bay with the lake.

While engaged in this work Galt was surprised by the arrival of a large party of immigrants forwarded from New York by Buchanan. These people, fifty-seven in number, had been sent to Caracas in South America by the Columbian Company, and finding that the glowing picture of conditions



in the southern continent painted by the agents in England was a delusion, decided to proceed to North America, and, with the help of British officials, managed to reach New York, but in a destitute condition. Buchanan, not knowing the terms under which persons might locate on the company's lands, forwarded them to Galt. From motives of humanity these people were sent on to Guelph, but they were so weak from exposure and sickness that they could not earn enough to support their families; consequently they had to receive advances from the funds of the company. Galt considered these people a charge upon the country, and, when making his annual payment to the government, retained the money advanced them. The receiver-general at York said that the retention of this money would embarrass him; thereupon Galt paid over the money retained, and the subject was left for future investigation and settlement. From the first there were persons both in England and Canada who were opposed to the company and who lost no opportunity to injure Galt. This case of humanity to a starving people was so misrepresented to the directors in London that Galt barely escaped censure for his generosity. However, he had made no mistake. These people, who each received fifty acres of land, fulfilled all their obligations to the company for advances, and in other ways kept faith with their benefactor without the loss of a cent of interest or principal.

The choice of the name of the town was another cause of annoyance. It was represented to the directors that Galt had deliberately slighted Lord Goderich, and he received a letter from the directors condemning him for his choice of a name and ordering him to change it from Guelph to Goderich. As deeds and legal documents in which the name Guelph appeared were made out, Galt pointed out that it would take an act of the legislature to change the name. He was quite willing to have the name changed if given directions to this effect. No more was heard of the matter, and to show that he had no ill-will against Goderich he named after his lordship a new town that he founded two years afterwards on the shore of Lake Huron.

In 1828 Galt sent Pryor to survey the Huron Tract, and

in February of this year he employed Samuel Strickland, already referred to as a settler near Peterborough, to superintend the outdoor department in the absence of Pryor. Strickland's duties were to look after the company's stores, keep the labour rolls, and oversee the road-making and bridge-building and everything connected with the practical administration of the settlement. Strickland in his book, *Twenty-seven Years in Canada West*, speaks in the highest terms of Galt as an administrator and a man. He served three years with the company, then left it because his salary was reduced after Galt severed his connection with the enterprise.

Early in the spring of 1829 John Galt left Canada never to return. For his remaining days he devoted himself to literature, but in this he eked out but a precarious existence, until his death at Greenock on April 11, 1839. John Galt is chiefly remembered in Canadian history as the father of Sir Alexander Tilloch Galt, one of the most distinguished Fathers of Confederation and minister of Finance in the first Dominion cabinet.

After the retirement of Galt the impetus he gave the affairs of the company continued, and thousands flocked from the mother country and the continent to settle on its fertile lands. Hardy sons of the older pioneers went to the new lands, and the prosperity that came in the first days of the settlement has continued, so that the Huron Tract is now one of the most prosperous sections of the province.

#### THE MACNAB SETTLEMENT

Along the Ottawa River in the county of Renfrew lies the prosperous township of MacNab. It takes its name from Archibald MacNab, the last chief of the clan to hold the family estate. The story of its early settlement is as full of romance, misunderstandings, and quarrels as any pioneer settlement in the province.

The ancestral home of the clan was in Perthshire, Scotland, adjoining the town of Killin. It was here in Kennel House that the laird was born in 1775. The MacNabs were firm

adherents of the Stuarts, and some of them paid the death penalty for their loyalty. The MacNab estate was heavily involved when the last laird came into possession, and the burden was still further increased by his extravagance and lack of ordinary business ability. His unrelenting creditor, the Earl of Breadalbane, was suing for possession, and the officers of the crown were on the track of the proud chieftain. If he were brought before the court he would have to hand over the deeds of his estate or forfeit his liberty. Therefore, anxious to maintain his liberty and to have an opportunity of redeeming his estate by paying off the amount he owed, he left his ancestral home to consult with his cousin, Dr Hamilton Buchanan of Leny. After considering the question from all sides these representatives of the once powerful houses of MacNab and Arnprior decided that MacNab should go to America, there retrieve his fortunes, and return to Scotland and recover the home of his ancestors from his creditor. He was to start the next day, but the king's messengers were on his track, and he was barely able to retreat, partly dressed, out of the back door of Leny House when the officers tried to gain entrance at the front door. Dr Hamilton Buchanan, with a shot-gun at an upper window, threatened to shoot the zealous officers if they attempted to gain entrance forcibly. Foiled in their purpose, they set a watch on the house and went to Callander. MacNab, after receiving food and clothes in the glen, crept back to the house after nightfall, but was seen by the spy, who was off at once to inform the officers that the chief was in Leny House. While on the way to give this information he was seized by four sturdy Highlanders, gagged, blindfolded, and carried to a mill and kept a prisoner for two days. Two servants of the laird's kinsman prepared the coach and horses, and at midnight MacNab and Buchanan set out for Dundee, where they arrived safely. Here MacNab took ship for London, and thence to Quebec. It is interesting to note that the two faithful servants afterwards came to Canada. They were John Buchanan, who lived for many years at Point Fortune, and Peter MacIntyre, who died at Calabogie Lake in 1868.

Meanwhile the Earl of Breadalbane had officers looking



for MacNab in Scotland, but the first tidings they learned of him were from the Montreal papers, which recorded a great banquet given in the Canadian city to the recently arrived Highland chieftain. In Canada the decree of the court had no power, hence MacNab was free. From Montreal MacNab went to Glengarry, visited the Highlanders there, and was for two weeks the guest of that noble friend of the Scottish immigrant, Bishop Macdonell. Having received from the bishop a great deal of valuable information, the chief proceeded to Toronto to make application for a township on which to locate a settlement. There had recently been surveyed a township in the county of Renfrew containing eighty-one thousand acres. This township, which had not yet been named, was offered to him, and he was told that if he undertook the settlement of it he might name it himself. The chief at once accepted the terms of the government and named the township MacNab after himself.

The agreement entered into with the government is dated November 5, 1823, and in part is as follows :

That a township of the usual dimensions be set apart on the Ottawa River, next to the township of Fitzroy, for the purpose of being placed under the direction and superintendence of the Laird of MacNab for settlement. That the said township remain under his sole direction for and during the space of eighteen months, when the progress of the experiment will enable the Government to judge of the propriety of extending the period. That patents may issue to any of the settlers of said township, on certificate from the Laird of MacNab stating that the settling duties are well and duly performed, and his claims on the settlers arranged and adjusted ; or patents may issue to Petitioner in Trust, for any number of settlers, certified by him as aforesaid ; the fee on each patent to be One Pound Five Shillings and Fourpence, sterling. That the Laird of MacNab be permitted to assign not less than One Hundred Acres to each family or Male of Twenty-one years of age on taking the oath of allegiance. That an immediate grant of 1200 acres of land be assigned to the Laird of MacNab, to be increased to the quantity formerly given to a Field Officer, on completing the settlement of the township. That

the old settlers pay the interest on the money laid out for their use by the Laird of MacNab, either in money or produce, at the option of the settler; and that the settler shall have the liberty to pay up the principal and interest at any time during the first seven years.

During the next summer MacNab visited his township to make preparation for the settlers he intended to get from his estate in Scotland. He was in high spirits and enthusiastic regarding the future. He built a large house on the banks of the Ottawa, which he called 'Kennel Lodge' after his Scottish home. From here he addressed a letter to Dr Hamilton Buchanan, which speaks for itself of his high and noble purpose.

KENNEL LODGE,  
ON THE BANKS OF THE OTTAWA,  
10th Aug., 1824.

MY DEAR LENEY,—From my last letter you will have gleaned what my intentions are, and of the progress I have made. Now I am happy to inform you that all my arrangements for settlement are complete. The township of MacNab has to-day been handed over to me by Sir Peregrine and it contains 80,000 acres of fine, wooded, arable land—and upwards. You will send out to me, according to your offer, twenty families, at first. Give them three months' provisions, and make each head of a family, before you give him a passage ticket, sign the enclosed bond, which has been specially prepared by the Attorney-General. . . . I will meet the settlers in Montreal, and see each one on the land located to them, and will provide for their transport to their lands. They should embark early in April, and I should feel obliged if you would personally superintend their embarkation at Greenock. Now I am in a fine way to redeem the estate at home, and in a few years will return after having established a name in Canada, and founded a transatlantic colony of the clan.

The preparations can all be made this winter for their emigration, and I shall be fully prepared to receive them. I have a large log house erected close to the banks of the Ottawa, which, as you will see by the heading of this letter, I have called after my estate on Loch Tay.

(Signed) MACNAB.

On the receipt of this letter Dr Hamilton Buchanan got together a band of emigrants consisting of twenty-one heads of families, each of whom signed a bond to pay £36 for himself, £30 for his wife, and £16 for every child, with interest either in money or produce. On April 19, 1825, the emigrants, eighty-four in all, embarked at Greenock in the *Niagara* for Canada. They arrived in Montreal on May 27 and were met by the chief, who gave them a genuine Highland welcome. The settlers set out from Lachine for the ascent of the Ottawa River in bateaux, and in two or three days landed at Point Fortune. The luggage was hauled to Hawkesbury, where it was put on a slow steamer which plied on the Ottawa from that place to Hull. The voyage up the Ottawa to the Chats Falls was toilsome, and the whole journey from Montreal took twenty-eight days.

The settlers were soon located on the land, but, as in the case of all pioneers, their hardships were great. For two or three years their cleared land would not produce enough to keep their families, hence the men had to work for the older settlers in the adjoining townships to get provisions. In their distress they blamed the chief for all their misfortunes, and after a time misunderstandings arose. MacNab wished to rule the township as a feudal lord and to be the intermediary between the settlers and the government. Many tales of the harshness of the chief have been related. It is just possible that the settlers rued their bargain made in Scotland when once they were in Canada, where land was cheap. They never seemed to consider that the chief had expended a large sum to bring them to Canada and that he should be reimbursed for his outlay. The chief was arbitrary, and no doubt acted in a high-handed manner in some cases, but he was undoubtedly a fine type of the Scottish gentleman. His detractors did not bear nearly so high a reputation for probity. While the settlers were in Scotland or stranded in Montreal they eagerly accepted the terms laid down by the chief, but when on their lands they forgot their promise and wished to repudiate their bargain.

In 1830 MacNab met a band of immigrants at Montreal and induced them to settle on his land and to pay a quitrent



for ever of two barrels of flour or its equivalent in Indian corn or oats for every two hundred acres. Again, in 1834, another large party came from Blair-Atholl, Scotland, and settled in the township.

After a series of lawsuits with the settlers a truce was called. The government stepped in, purchased the chief's rights to the township for \$16,000 and freed the settlers from any semblance of feudal vassalage. Shortly after this the chief quitted the township for ever, and for a few years lived in Hamilton in a small house purchased from his kinsman, Sir Allan N. MacNab. In 1843 he left Hamilton for the Orkneys, where he had an estate to which he had recently fallen heir. He soon squandered this in foolish and lavish expenditures, and in 1859 he retired to France. His death took place on April 22, 1860, at Lannion, a small fishing village in Brittany.

Some writers would have their readers believe that MacNab was a tyrant who revelled in the oppression of his people and that he expended thousands of pounds in bringing poor people to Canada to live in the township allotted to him just for the joy of lording it over them. But he was undoubtedly actuated by the highest motives. He thought he saw a way to improve the lot of poor people of his native country. He knew that in Upper Canada, with diligence and perseverance on their part, they would soon reach a position of comparative affluence. He also thought that as the settlers prospered he would prosper. His plan failed for himself, but not for the people who settled in his township. They and their children were the gainers. MacNab believed that his scheme was a practical one; so thought Selkirk, and Galt, and Talbot, and dozens of others of theirs. Every one profited by the efforts at settlement excepting the promoters who originated the schemes. Not even to-day, after a hundred years of experience, is there an exact science of promoting immigration. It is shifted now from the individual and the company to the government, and the errors are as expensive and as evident as at any time in the history of immigration.

## THE HALIBURTON SETTLEMENT

In 1861 the Canadian Land and Emigration Company of London, England, purchased ten townships from the Crown Land department of Upper Canada. The townships were Dysart, Dudley, Harcourt, Guildford, Horburn, Bruton, Havelock, Eyre, and Clyde, and one in the county of Victoria. After a good deal of misunderstanding the purchase was concluded in May 1865. The company bought 362,125 acres at fifty cents per acre, water areas being excluded. Ordinary settlement duties were to be performed on 261,544 acres in fifteen years. Ten per cent of the purchase-money was to be refunded to the company for constructing leading roads through their lands. Chiefly through misunderstandings with the crown officials, the company, after operating for about two years, came to an end. The settlement was slow in starting, but within a few years prospered, and the towns of Haliburton and Minden are now thriving centres.

In the review of the various settlements notice has been taken only of the large migrations from England, Ireland or Scotland under the auspices of philanthropists such as Talbot, Selkirk, MacNab, or Galt. Besides these there were many others who in a quiet way promoted emigration to the province. In some remote part of the kingdom of Great Britain and Ireland a family had courage and, of course, the means to leave their home and brave a two or three months' sea-voyage to America. Once located on a grant of land, they found themselves, after a year's toil, on the way to affluence. What they had done their friends from 'home' could do; therefore, anxious for company and to spread abroad the good news of plenty, they wrote flattering letters of the fertility of the soil and the wealth that might be gained by healthy if unremitting labour. In many cases their friends secured the necessary passage-money and crossed the Atlantic and took up land beside them.

Thus by land companies, by government effort, and by individual effort the wilderness of Upper Canada became

populated and the forests fell before the ax of the pioneer builders of Canada. Wheat-fields and stock-farms, peach and apple orchards and vineyards now cover the land. Thriving villages, towns, and cities have sprung up on the shores of the mediterranean seas known as the Great Lakes. The prosperity of the twentieth century is largely due to the foundation laid by the pioneers of the close of the eighteenth and the opening of the nineteenth century.

*A. Casselman,*





POLITICAL HISTORY

1867-1912





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THERE has been attempted as yet no continuous account of the history of Ontario politics. C. R. W. Biggar's biography of Sir Oliver Mowat and Colonel Clarke's *Sixty Years in Upper Canada* both rank as authorities; but one of them is biographical, and the other is autobiographical; while both are confined to a part of the period. No adequate use, moreover, is made in either of them of the wealth of material to be found in the back files of the *Globe*, the *Leader*, and the *Mail*, in defunct periodicals such as the *Canadian Monthly and National Review*, the *Nation*, the *Week*, and the *Bystander*, or in the very considerable pamphlet literature of the time. In one sense, therefore, this essay may be said to break virgin ground. It cannot pretend to be exhaustive or definitive. The time for writing the *histoire intime* of Ontario politics has not yet arrived. But within the limitations imposed upon it, it is an attempt to do what has not been done before.

### I

#### THE PATENT COMBINATION

THE Province of Ontario was created by the British North America Act, and came into existence on July 1, 1867. The organization of the government of the province, however, was not completed in a night. It was not until July 8, 1867, that the representative of the crown was sworn in under the title of lieutenant-governor; it was

not until July 20 that the cabinet of ministers was completed ; and it was only on December 27 that the first legislative assembly of Ontario met at Toronto in the old Parliament Buildings. Nor were these arrangements final. The appointment to the lieutenant-governorship was merely a provisional one : Major-General Henry William Stisted, C.B., Ontario's first lieutenant-governor, was a purely military personage pressed into service to fill a gap. 'The principal duties of the Provisional Lieutenant-Governor,' it was announced, 'will be to form a local administration, to direct the issue of the writs for an election of the Assembly of Ontario, and to call the Assembly together when it has been elected. When the character of the House has been clearly ascertained, the duties of the Provisional Governor will be about at an end, and the time will have come for the appointment of his more permanent successor.'<sup>1</sup> Just why a provisional lieutenant-governor was necessary to perform these duties is not immediately clear ; but it may safely be assumed that the arrangement was dictated by party exigencies at Ottawa. The truth is that, after Confederation, Sir John A. Macdonald was in the strange position of having more offices to fill than men to fill them. In any case, General Stisted was relieved of his duties the next summer, and William (afterwards Sir William) Pearce Howland was appointed in his stead. 'Yankee Howland,' as Howland was popularly named, owing to his American birth and upbringing, was a tradesman who had risen to prominence as a liberal politician ; he had entered the Great Coalition in 1864 with George Brown, but had remained in the government when George Brown left it. He was minister of Inland Revenue in the government formed by Sir John A. Macdonald in 1867 ; and his appointment as lieutenant-governor of Ontario was perhaps an attempt on Sir John A. Macdonald's part to get him out of the way, perhaps an attempt to reward him for his past services, or possibly both.

The gentleman upon whom Lieutenant-Governor Stisted called to form an administration was John Sandfield Macdonald. In doing this Stisted was of course acting upon

<sup>1</sup> The *Leader*, July 9, 1867.



THE FIRST PARLIAMENT OF ONTARIO

Convened 1867. Dissolved 1871

Sir William P. Howland, Lieutenant-Governor

John Sandfield Macdonald, Premier





instructions from Ottawa. The hand was the hand of General Stisted, but the voice was the voice of Sir John A. Macdonald. Sir John A. Macdonald and John Sandfield Macdonald had been political opponents for many years : one was a moderate conservative, the other was an advanced reformer ; one was an Orangeman, the other was a Roman Catholic ; one had fathered Confederation, the other had opposed it. Yet Sir John A. Macdonald saw, with his usual eye for strategical advantages, that, partly because of these very facts, Sandfield Macdonald was the best man to be placed in charge of the upper province. The conservative foothold in the upper province had become, since the advent of George Brown and his agitation for ' Rep. by Pop. ', somewhat precarious ; and a purely conservative administration would have had difficulty in getting a majority at the polls. But by enlisting the services of Sandfield Macdonald, Sir John effected a coalition (or, as Sandfield Macdonald afterwards named it, a ' Patent Combination ' ) which, he felt sure, would carry the province. The only reformer who had been able to get together a stable administration during the last years of the Union, Sandfield Macdonald might be counted upon to win over a considerable number of reform votes ; an opponent of Confederation who had resolved to make the best of the new order, he might serve to conciliate that large element which had been strongly anti-Confederationist ; and a Roman Catholic, he would be able to carry with him the Roman Catholic vote, for which George Brown in the *Globe* had been angling openly.<sup>1</sup> At the same time, Sir John felt that he could swing the conservative vote into line also ; for even if some of the old guard rebelled at voting for a reformer like Sandfield Macdonald, it was only necessary to point out that the alternative was George Brown. Thus Ontario would be assured a strong administration, ready to work in harmony with the government at Ottawa in setting the Confederation scheme a-working.

John Sandfield Macdonald was a native Canadian, of Highland-Scottish extraction. At an early age he had entered on the practice of law in the town of Cornwall, and

<sup>1</sup> Editorials in the *Leader*, May 29 and July 6, 1867.

had eventually amassed a considerable fortune. He was at the time of Confederation one of the oldest members of parliament: he had entered the first Union parliament in 1841, when Lord Sydenham was governor-in-chief, and he had continued to sit in parliament since that time. His political course had been a somewhat curious one. He had been elected for Glengarry in 1841 nominally as a conservative; but when parties began to form, he was found voting with Robert Baldwin and the liberals. Between Baldwin and himself there was always the greatest harmony; from 1849 to 1851 Sandfield Macdonald was solicitor-general in the Baldwin-La Fontaine administration. The rise of George Brown and the Clear Grit party, however, drove him to the cross-benches. An advocate of the 'double majority' principle and of fair play to the French Canadians, he could not sympathize with George Brown's agitation for 'Rep. by Pop.' and his cry of French domination. Between the two men there was never any real cordiality. Sandfield Macdonald, indeed, stood so much aloof from the Clear Grit section of the reform party that Sir John A. Macdonald had on one occasion at least tried to tempt him with the sweets of office. It was not surprising, therefore, that he should have chosen him in 1867 to form the first administration of Ontario.

It was the desire of both Sir John A. Macdonald and John Sandfield Macdonald to establish the new administration on a no-party basis. The work of the legislative assembly promised to be more administrative than legislative, to partake more of the character of a county council than of a parliament; and there seemed, therefore, to be, under the circumstances, no broad principles at stake to divide parties. Sir John A. Macdonald even took the hustings and denounced the evils of partyism: 'Party,' he said, 'is merely a struggle for office; the madness of many for the gain of a few.'<sup>1</sup> A coalition had carried Confederation; and it was deemed advisable to entrust a coalition with the task of putting Confederation into effect in Ontario. This coalition, explained the government organ, was not to be 'what is understood

<sup>1</sup> Speech at Chatham (the *Leader*, August 1, 1867).

by a coalition to carry certain measures, but a combination to complete that constitutional superstructure which must precede ordinary legislation.'<sup>1</sup>

It was on these lines that Sandfield Macdonald constructed his administration. On July 15 the first three members of it were sworn in: the Hon. John Sandfield Macdonald as attorney-general; John (afterwards Sir John) Carling as commissioner of Agriculture and Public Works; and Stephen Richards as commissioner of Crown Lands. The appointment of 'honest John Carling,' a wealthy brewer, met with general approval; he had moderate conservative leanings and had already occupied the post of receiver-general in the Cartier-Macdonald government of 1862. Without pretension as a speaker, he was yet an excellent administrator, and a very useful man about the lobbies.<sup>2</sup> The name of Richards did not meet with such a favourable reception. The *Globe*, with that crude humour which characterized it during the régime of George Brown, inquired in capital letters, 'Who is Stephen Richards?' And even the *Leader* admitted that Richards would not have been its choice. Nevertheless a very much worse appointment might have been made. The commissioner of Crown Lands proved himself a man of high principles and good average ability, and after four years the *Globe* was constrained to pay him an unwilling tribute. 'Mr Richards,' it confessed, 'is slow, hesitating, hair-splitting, and shabby, but he works.' On July 20 the remaining members of the cabinet were sworn in: Matthew (afterwards Sir Matthew) Crooks Cameron as secretary and registrar of the province, and Edmund Burke Wood as treasurer. Both these men were distinguished members of the Upper Canada bar. Cameron was a high tory, who openly avowed on more than one occasion his admiration for the Family Compact, and deplored the advent of democratic government. Wood (who rejoiced in the political sobriquet of 'Big Thunder') was a reformer,

<sup>1</sup> The *Leader*, July 16, 1867.

<sup>2</sup> 'Mr. Carling is not a prominent man in debate, but a tolerably active man in those matters which do not require much speaking in public. No man was more active than he in doing what business is done in the corridor.'—Edward Blake, speaking at St Catharines (the *Globe*, December 8, 1870).



and had hitherto been rated in the ranks of the Clear Grit party.

It was freely charged against Sandfield Macdonald that in the formation of his cabinet he submitted to dictation from Ottawa. His government was derided as a *fantoccino* ministry, the strings of which were pulled by Sir John A. Macdonald; and the way in which the two Macdonalds 'hunted in couples' during the elections of 1867 gave colour to the charge. Sandfield Macdonald, however, was not the sort of man to submit to interference or dictation;<sup>1</sup> his most distinguishing characteristic was perhaps his independence;<sup>2</sup> and in Sir John A. Macdonald's official biography there are not wanting signs that he was not at all amenable to advice from Ottawa.<sup>3</sup> The charge that he was under the thumb of Sir John A. Macdonald may therefore be dismissed as baseless.

It was evident from the first that the Sandfield Macdonald government was going to meet with opposition. A reform convention had been held at Toronto in the spring of 1867 under the auspices of George Brown and the *Globe*, at which the attitude of the reform party toward coalition governments had been defined.<sup>4</sup> The coalition of 1864, by means of which Confederation had been carried through, was justified on the ground of sovereign necessity; but coalitions of opposing political parties for ordinary administrative purposes were condemned as resulting in 'corruption, extravagance, and the abandonment of principle.' The resolution embodying these views was not carried unanimously; for W. P. Howland and William M<sup>c</sup>Dougall, both of whom had remained in the Great Coalition after George Brown had left it, defended the continuance of coalition government with force and courage. But George Brown and his friends had been able to carry the convention with them. Sandfield Macdonald knew, therefore, that in forming a coalition government he would have to count on the hostility of George

<sup>1</sup> Editorial in the *Leader*, November 23, 1867.

<sup>2</sup> 'Perhaps the most specially distinguishing characteristic of Mr Macdonald's mind was his personal independence.'—Obituary notice in the *Globe*, June 3, 1872.

<sup>3</sup> Sir Joseph Pope, *Memoirs of Sir John Macdonald*, vol. ii. pp. 20 and 141.

<sup>4</sup> John Lewis, *George Brown* ('Makers of Canada' series), pp. 208-9.



Brown and his wing of the reform party. Indeed, he was openly warned by the *Globe* that if he did not form his administration on an exclusive party basis, his blood would be upon his own head.

It is difficult to justify the introduction of partyism into Ontario politics by George Brown and his friends in 1867. It is true, as Edward Blake pointed out later, that the two-party system is essential to the proper working of the English form of responsible government. But it must be admitted that there were in 1867 no principles at stake drawing hard and fast lines between the parties. The new administration had not announced its programme; and, in any case, its work promised to be so much like that of 'a glorified county council' that there seemed to be no excuse for reviving in connection with it the political feuds of the Union. If parties had to come, they should have been allowed to grow up naturally; they should not have been perpetuated in the new arena from the pre-Confederation period. As it was, the only charge that could be levelled against the government, apart from the baseless charge that it would be subservient to the conservative politicians at Ottawa, was that its members had not, in quite other times and circumstances, belonged to the same political party. The term 'factionist,' therefore, which was applied to the followers of George Brown, was not wholly inapplicable. Partyism was their *raison d'être*.

The secret of George Brown's attitude was that he believed that his followers were in a majority in Ontario, and that he should have been entrusted with the administration of the province. And it must be confessed that he had a considerable following in the country and some men of outstanding ability as his supporters. At first the government newspapers had attempted to belittle the 'Brownites.' 'Only fancy,' said the *Leader*, 'a Government composed of Alex. Mackenzie, Millionaire Edgar, Black Bottle Blain, and Billy Burns.' But it soon came to be realized that a party which contained men like Edward Blake and Adam Crooks, for instance, was not to be despised. The faculty which George Brown showed at this time of attracting brilliant

lawyers such as these to his standard was remarkable. Blake especially would have been an acquisition to any political party. A young man of only thirty-four years of age, he was already the leading Chancery lawyer in Upper Canada, and was in receipt of a professional income of over \$20,000 a year. He had had no political or parliamentary experience, but his ability as a speaker was great, and his knowledge of parliamentary and constitutional law profound. He was, moreover, actuated by the purest public spirit; office had no mercenary attractions for him. It was doubted whether, with his forensic style and his rigid integrity, he would loom as large in the political arena as he had in the court-room; but the doubt might have been spared. No lawyer ever took to political life more rapidly and naturally than Edward Blake.

The elections, not only for the provincial legislature, but also for the Dominion House of Commons, took place at the end of the summer of 1867 (August-September). In both the opposition fared with less success than they had anticipated. The redoubtable George Brown was defeated in South Ontario when running for the House of Commons, and so bitterly did he feel the defeat that he resigned the leadership of the liberal party and never again sought election to any political assembly. In the local elections Adam Crooks was defeated in Toronto, and Archibald M<sup>c</sup>Kellar, another of Brown's lieutenants, was defeated in Kent (although he was elected later for Bothwell); and when the month-long elections were over the 'Brownites' found themselves in a decided minority in both the provincial and the federal houses. Almost their only consolation was the brilliant double victory that Edward Blake succeeded in winning in West Durham and South Bruce.<sup>1</sup> On the other hand, the 'Patent Combination' fared very well. Not only were all the ministers returned, but some private members of experi-

<sup>1</sup> In the *Leader*, July 6, 1867, there is an amusing picture of Blake's campaign methods: 'Mr Edward Blake is a man of business and infinite ambition. He publishes an address to the electors of South Bruce in the morning, declaring himself a candidate for the representation of that Riding in the Local Legislature, and on the same day jumps into his yacht and sets out for West Durham with the intention of wooing the electors of that Riding, for the sake of their dowry in the

ence and ability were elected as its supporters. Sir Henry Smith, who had been solicitor-general in the MacNab-Morris government of 1854, and speaker of the house of assembly in 1858-59, was returned for Frontenac; and R. W. (afterwards Sir Richard) Scott was elected for Ottawa. In a house of eighty-two members the government numbered among its supporters almost fifty.

The first legislative assembly of Ontario met on December 27, 1867, in the old Parliament Buildings in Toronto, the scene of many a fierce political struggle in the days of the Family Compact. In the first session it was not to be expected that there would be much work done. The great majority of the members (seventy-two out of eighty-two) had never sat in parliament before, and it was thought they would require time to orient themselves. Even the speaker chosen, John Stevenson of Lennox, 'one of those Reformers who at the last election stood shoulder to shoulder with Conservatives,' was innocent of parliamentary experience. Moreover, the financial terms of Confederation had not yet been finally arranged. Until the accounts between the Dominion and the Provinces of Ontario and Quebec had been settled, and the exact financial position of Ontario ascertained, it was necessary to proceed very slowly in all matters involving the expenditure of money. The speech from the throne contained, therefore, the promise of few public bills, and it was confidently expected that the session would be a short and uncontentious one.

The expectation proved unfounded. Hardly had the house got down to business when the prime minister began to have trouble with his supporters. When the house re-assembled after the New Year's recess, the private members began to flood it with private bills. Although the government had only two bills to introduce, Sir Henry Smith, for instance, had no less than five, and several of these dealt with matters that ought properly to have been the subject of government of a seat in the House of Commons. . . . We expect to hear that West Durham was startled from its propriety on the arrival of the political wooer in his yacht. Accustomed to the severe simplicity of farmer Monroe, we very much fear that the yacht, the eye-glass, and a high style of convention eloquence will be too much for it.'



ment legislation. 'If the Attorney-General is not careful,' said the *Globe*, 'it will soon become a doubtful point whether he or Sir Henry Smith is to lead the House, and direct its legislation.' For several days Sandfield Macdonald allowed matters to take their course; but when John Coyne introduced a bill respecting Division Courts, the premier rose in his place and remonstrated with his followers. 'He would say that there appeared to him an unusual desire on the part of honourable members to take out of the hands of the government that responsibility which attached to the government at all times. The laws of the country ought not to be legislated upon—no alterations should be made in them, at all events—without asking the government. Several bills, mostly of an important nature, had already been introduced in this way, without any previous consultation with the Government; and the Government were no longer prepared to sanction this course.'<sup>1</sup> Sir Henry Smith, in reply, attacked the premier, and accused him of wishing to 'carry the whole policy of the administration in his breeches' pocket.'

During the session there were open disagreements even among the ministers. 'We cannot permit the occasion to pass,' said the *Leader*, at the close of the session, 'without pointing to the somewhat uncalled-for displays of divergent views upon many subjects which were made by ministers in the House.' Perhaps the most notable instance of ministerial disagreement was in connection with what was known as 'the Battle of the Gauges.' The legislature had been approached by a number of small railway companies seeking incorporation for the purpose of building local lines. On account of their greater cheapness these companies sought permission to build narrow-gauge roads; in some cases it was a question of a narrow-gauge road or none at all. The Grand Trunk Railway Company, however, was hopeful of being able some day to absorb these local lines, and therefore fought hard in the Railway Committee to force them to build broad-gauge roads. The provincial treasurer, E. B. Wood, was somewhat under Grand Trunk influence, and when the

Speech, Legislative Assembly, January 22, 1868.



Toronto, Grey, and Bruce Railway Company sought the privilege of building a narrow-gauge road, he brought pressure to bear on the committee to refuse the privilege.<sup>1</sup> In the country at large, however, feeling was very strongly in favour of the narrow-gauge road; the farmers wanted railways as quickly and cheaply as they could be got (regardless of how long the day of satisfactory railway transportation in Ontario might be deferred); and so, when the Railway Committee reported its bill, another minister, the provincial secretary, M. C. Cameron, rose in the house and forced through an amendment conceding the narrow-gauge road. The lack of union, indeed, throughout the ministerial ranks on this and other questions was only too marked.

The opposition was compact and aggressive. There had been, at the beginning of the session, a movement to make Blake the leader of the opposition; but Blake, feeling himself too inexperienced in parliamentary affairs, had declined the honour. The leadership then devolved upon Archibald M<sup>c</sup>Kellar, and for nearly three sessions Blake and the greater part of the opposition worked loyally under the leadership of the member for Bothwell. Early in the session the opposition very nearly won a victory in the debate on dual representation. Many of the members of the assembly, including the leaders on both sides, occupied seats not only in the legislature of Ontario, but also in the Dominion House of Commons. There was a time when even Sir John A. Macdonald had thought of occupying a seat in the local house.<sup>2</sup> The close connection between the two houses which this system of dual representation brought about was regarded by the opposition as a source of danger; it was their theory that the two houses should be as separate and distinct as possible. Blake, therefore, although he held seats both at Ottawa and Toronto, introduced a bill forbidding dual representation—a sort of self-denying ordinance by which a member of one house was unable to occupy a seat in the other. This bill was opposed by the government, on the ground that the question was one for the constituencies to

<sup>1</sup> *The Globe*, February 26, 1868.

<sup>2</sup> Sir Joseph Pope, *Memoirs of Sir John Macdonald*, vol. ii. p. 20 footnote.

decide upon as individual cases might arise—a very proper argument, especially at a time when there was an unprecedented demand upon the parliamentary talent of the country. Yet the bill was defeated only by the narrow majority of two. An even greater success attended the ingenious attempt of the opposition leader to sow discord in the government camp by moving 'that an address be presented to His Excellency praying him to recommend an appropriation of \$4000 to Isabella Mackenzie, widow of the late William Lyon Mackenzie, for her sole use and benefit.' However much one may deplore here the resuscitation of dead issues, it must be confessed that the motion proved very embarrassing to the government. The display of divergent views on the part of different members of the cabinet which it called forth can only be described as amusing. The provincial secretary jumped up and delivered himself of a panegyric on the Family Compact ; the premier absented himself from voting ; and the commissioner of Crown Lands, alone among the ministers, cast his vote in favour of the motion.

The second session of the first legislative assembly of Ontario, which began on November 3, 1868, opened under auspices somewhat more favourable to the government. Sandfield Macdonald had been able before the end of the first session to get his followers a little more in hand, and during the summer a troubler in Israel was removed by the death of Sir Henry Smith. Moreover, during the early part of the second session, Sandfield Macdonald succeeded in detaching from their allegiance to the opposition leader a number of members to the left of the speaker. These were, for the most part, reformers who had been elected as anti-coalitionists, but who were not willing to submit to the dictation of George Brown and the *Globe*. They were known as the 'Nine Martyrs,' a name which was attached to them by the *Globe* when they wrote to that journal in aggrieved terms complaining of the treatment they had received at its hands. They brought an accession to the voting strength of the government, but probably in the long-run they did the government more harm than good. A *volte-face* is always liable to shock people, and there was no doubt that most

of the Martyrs were guilty of going back on their election pledges. The means, moreover, by which some of them had been won over were not thought to be above reproach ; many believed the *Globe's* assertion that they had been 'gradually bought up.' 'Their price,' said the *Globe*, with an agility in dodging the law of libel born of long practice, 'is known to every member of the Assembly.'

Notwithstanding this defection from their ranks, however, the opposition pursued their attack on the government with unabated vigour. Their first victim was the provincial secretary. Cameron, who was a criminal lawyer with a reputation second to none in the province, had been engaged to defend the prisoner Whelan in the D'Arcy M<sup>c</sup>Gee murder trial. Contrary to all right usage, he had carried out his engagement ; and Blake, therefore, took the first opportunity that presented itself of moving a resolution that 'No Minister of the Crown shall act as Counsel against the Crown, on a Crown prosecution.' The principle here laid down was so proper, and the conduct of the provincial secretary so indefensible, that even the premier was forced to abandon his colleague. 'I rather excused than justified him,' was the best he could say ; and he promised that 'the government would not permit any more offences of this kind.'<sup>1</sup>

The opposition scored heavily in the country also by attacking the estimates for the new Government House. 'The reputation of the attorney-general for economical administration,' said the *Globe*, 'has been a good deal damaged by the extravagance in connection with the Governor's residence.' And undoubtedly, to the hard-working farmers of Ontario, \$120,000, which was the estimated cost of the new building, seemed an unnecessarily large sum. It was pointed out to farmers whose houses had cost \$1000 that no less than \$7000 was to be spent on the housing of the lieutenant-governor's horses. Several thousands, moreover, of public money ('of Methodist money,' exclaimed the *Christian Guardian*) were to be expended upon a ball-room. This iniquitous waste of public money was all over the country imputed to the government for unrighteousness.

<sup>1</sup> Speech, Legislative Assembly, November 13, 1868.



It was in the third session, however, which began on November 3, 1869, that the opposition won its greatest tactical success. In order to conciliate the people of Nova Scotia, among whom there had arisen a widespread movement towards the repeal of Confederation, the government of Sir John A. Macdonald had been induced to pass an act, known as the Nova Scotia Act, granting Nova Scotia better financial terms than had been arranged at the Quebec Conference. This action of the Dominion government had been attacked by Blake during the previous session of the legislature, in a series of resolutions declaring that the financial arrangements made by the Nova Scotia Act were unfair to Ontario, and should not have been entered into without a general revision and readjustment of the financial arrangements as between the several provinces. This was an attack, not on the government at Toronto, but on the government at Ottawa. The opposition, however, was aware that Sandfield Macdonald was anxious to preserve the fullest harmony between the Dominion and the provincial governments, and these resolutions were calculated, therefore, to put the Sandfield Macdonald government in something of a dilemma. It would have to condemn the action of the Dominion government, or seem to betray the interests of Ontario. In the second session a way had been found out of the dilemma by the moving of the six months' hoist. But when the house reassembled in the autumn of 1869 Blake again moved a series of resolutions, thirteen in number, condemning the Nova Scotia Act in very much the same terms as before. The first eleven resolutions were defeated by the moving of the six months' hoist; the twelfth resolution was withdrawn; but when the thirteenth, which embodied the main principle for which the opposition had been contending, came to be voted upon, it became apparent that the government would not be able to carry the house with it. Thereupon, in order to save itself from defeat, the government executed a right-about-face, and voted in a body for the very principle against which it had been contending. It was many a day before the government was allowed to forget 'the thirteenth resolution.'

Toward the end of the third session there was a change in the leadership of the opposition.<sup>1</sup> M<sup>c</sup>Kellar had up to this point led the party in the house, and Blake, although prominent in debate, had occupied only the fourth seat in the second row. M<sup>c</sup>Kellar now, recognizing the superior ability of Blake, magnanimously insisted that the leadership should be transferred to him ; and Blake was no longer able to plead inexperience, since he had already shown himself an admirable parliamentary tactician. Blake was therefore installed in the first seat to the left of the speaker, and led the party during the rest of the third and all of the fourth session.

The attack of the opposition during Blake's period of leadership was concentrated largely upon one point in the government's defences—the way in which the government was administering the public moneys. The charge was not one of extravagance. Except for the single awful lapse in connection with Government House, Sandfield Macdonald was admitted even by his enemies to be an exemplar of economy : Blake, indeed, on more than one occasion had criticized him for his parsimony.<sup>2</sup> What proved the undoing of the Sandfield Macdonald government was its surplus. Partly as the result of rigid economy, but still more because of the excellent terms awarded Ontario in the financial arbitration between the provinces and the Dominion after Confederation,<sup>3</sup> it very soon became clear that Ontario would have a surplus of several millions. The greater part of this surplus was invested in the debentures and other public securities of the Dominion of Canada ; but it proved too great a temptation not to use a little of it in the interests of party patronage. Sandfield Macdonald was a frank practitioner of the spoils system : there is something refreshing in the honesty with which he avowed it. During the elections of 1867 he made a speech at Hamilton which revealed his attitude at the outset : ' If you have any axes to grind,' he said to the electors, ' send them up by my friend Mr O'Reilly.'<sup>4</sup>

<sup>1</sup> Editorial in the *Globe*, February 10, 1870.

<sup>2</sup> Speech, Legislative Assembly, February 18, 1868.

<sup>3</sup> Editorial on ' The Ontario Surplus ' in the *Globe*, December 5, 1868.

<sup>4</sup> The *Globe*, September 3, 1867.

And when he was attacked in the house for this speech, he boldly defended himself: 'His principle was, that if the Government had anything to give, they would give it to their friends, and if they had anything to give after that, they would give it to their opponents. That had been the practice of every administration since he had been in public life.'<sup>1</sup> Hamilton, when it failed to return O'Reilly, was made to feel the weight of the government's displeasure. The Deaf and Dumb Institute, which had been situated there, was removed to Belleville; for Belleville had returned a government supporter. And Strathroy, which had gone Reform, received no better treatment at the government's hands. When a deputation waited on the premier with a petition that the government prison should be built in Strathroy, they were met by the famous retort, 'What the hell has Strathroy done for me?'<sup>2</sup>; and the prison was built in another riding. Some of Sandfield Macdonald's *obiter dicta* have a distinctly Walpolean ring: 'Stick by me, and I will stick by you'; 'What do you want, gentlemen? Name your price, and you shall have it'; 'A government must support its supporters,' etc. On the other hand, it is only fair to remark that Sandfield Macdonald did not always mean all he said. He himself explained that 'he had a bad habit of joking with a grave face'; and in his last session he complained bitterly that 'he could not make any jocular remark in the lobbies or in the halls of a hotel without there being some spies around him to tell it; and the next morning it would appear in the *Globe*, with the worst possible construction put upon it.'<sup>3</sup> To regard Sandfield Macdonald as personally corrupt would be a grave mistake; he had merely the idea of nearly every other practical politician of his day regarding the distribution of patronage. And even here he was not a bad guardian of the public interests. There was a somewhat unusual sincerity in the apology he made for himself when Blake detected in the budget a small item of which no very satisfactory account could be given. 'I have been very economical,' said the

<sup>1</sup> Speech, Legislative Assembly, January 13, 1868.

<sup>2</sup> The *Globe*, August 24, 1871.

<sup>3</sup> Speech, Legislative Assembly, January 6, 1871.



premier ; ' but sometimes it is very hard to resist these people.'<sup>1</sup>

The policy, moreover, which Sandfield Macdonald adopted of keeping the administration of the public moneys as far as possible in his own hand proved a second point of attack for the opposition. In the legislative assembly of United Canada Sandfield Macdonald had been a sleepless champion of the right of parliament to control expenditure ; but in the Ontario legislature he seems to have felt that the business to be transacted was of so much more local and administrative a character that it called for a different policy. Sir John A. Macdonald believed in circumscribing the sphere of the provincial legislatures ; he had been in favour of a legislative rather than a federal union, and would doubtless have been glad to see the provincial legislatures reduced to administrative councils, such as those that exist in the South African provinces to-day. And there is some reason for believing that Sandfield Macdonald agreed with him in this view.<sup>2</sup> Sandfield Macdonald never made any attempt to magnify the sphere of the provincial assembly, as Sir Oliver Mowat did later ; and it is difficult to explain on any other hypothesis his determination to substitute executive for parliamentary control of public business. A foretaste of the premier's policy was given the house on the second day of the first session : when it was proposed to appoint a committee on emergencies, the government declared itself opposed to such a step, and made it clear that it intended to take the appointment of all offices in the house into its own hands. ' Such an attempt,' said the *Globe*, ' to reduce the Legislature to the position of a mere department of the Government, comes very strangely from an old Liberal like the Attorney-General.'<sup>3</sup> During the second session several large appropriations of money were made without any detailed knowledge on the part of the legislature as to the manner in which the money was to be spent. A lump sum of \$20,000, for instance, was voted to compensate dismissed officials ; but no explanation was offered

<sup>1</sup> Speech, Legislative Assembly, January 16, 1871.

<sup>2</sup> C. R. W. Biggar, *Sir Oliver Mowat*, p. 146.

<sup>3</sup> Editorial, January 13, 1868.

as to how the money was to be distributed.<sup>1</sup> But the estimates for the year 1871 afforded perhaps the most striking exemplification of the government's policy. For a Central Prison there was voted \$150,000; for an Agricultural College, \$100,000; for a College of Technology, \$50,000; for drainage works, \$153,000; for colonization roads, \$50,000; and (an item of which much was destined to be heard) for railway grants, \$1,500,000: a sum altogether of over \$2,000,000 to be expended at the discretion of the ministers, and without any real parliamentary control. 'A sum equal to four-fifths of the ordinary revenue is handed over to the sole discretion of a man who has openly announced "axe-grinding" to be part of his system of government.'<sup>2</sup> The opposition took a strong and definite stand against this policy. In the session of 1870-71 Blake moved a resolution to the effect that every order-in-council granting railway aid should be subject to ratification by the legislative assembly. The resolution was voted down, but it became a principal plank in the opposition platform in the elections of 1871.

The enthusiasm and fervour with which the opposition threw itself into the campaign had in it something fanatical. 'Popular self-government in all that relates to municipal affairs and interests; resistance to arbitrary and irresponsible authority; local government of all local affairs; parliamentary control of the public expenditure; strict ministerial responsibility to the legislature; economy, not merely in theory but in practice, as regards the expenditure of the public money'<sup>3</sup>—this was their official platform. It sounded like an echo from the days of the struggle for responsible government. The editorial of the *Globe* on the eve of the election campaign ended with the words: 'GOD DEFEND THE RIGHT.' And even Blake fell into a devotional strain. 'We are not afraid,' he said at Hamilton, 'to appeal to the constituencies of the country for their intelligent judgment—to appeal to Him in whom we live and move and have our being—to appeal to Him without whom not a sparrow falleth to the ground—to appeal to Him in this crisis of our national

<sup>1</sup> Editorial in the *Globe*, January 25, 1869.

<sup>2</sup> *Ibid.*, March 20, 1871.

<sup>3</sup> The *Globe*, February 15, 1871.

existence and to call upon Him, as I ask you to join with me in doing, in the prayer that God may defend the right.'

This method of attack proved not unsuccessful. During the course of the elections Sandfield Macdonald was confined to his room with a serious attack of illness, and in his absence from the hustings many old liberals reverted to their party allegiance. The impression, moreover, had been sedulously spread by the opposition that Sandfield Macdonald was in league with Sir John A. Macdonald, and subservient to him. 'The country,' said the *Globe*, 'has not forgotten the doings of the last election, when J. S. played the part of John A.'s shadow, or Man Friday, in so many different places and in so many ways.' Consequently there was a decided falling-off in the coalitionist vote; and when all the returns were in, it became clear that the government would have difficulty in getting together a working majority. Its fate, in fact, seemed to depend on the votes of a few independent members.

The situation with which Sandfield Macdonald was confronted, when he came to call the newly elected assembly together, was a singularly difficult and unprecedented one. After the elections there had been the usual number of election appeals. Under the old system, which was in force up to 1870 in Ontario, election appeals had been heard by special committees of the house after the house had assembled. But in the last session of the legislature there had been passed a new Act for Controverted Elections, which threw the burden of hearing election appeals on the courts. When, therefore, Sandfield Macdonald came to call the assembly together, he found that no fewer than six members had been unseated under the stern rule of the new election law; and most of these were government supporters. There were, moreover, two other seats which were vacant for one reason or another. This meant that the government would be almost certainly in a minority in the house until the by-elections could be held. Yet the writs for the by-elections could not be issued until the assembly had met together and elected a speaker to issue them.

That the situation was not hopeless was the opinion of no less distinguished a politician than Sir John A. Macdonald.



'I am vain enough to think,' he wrote, 'that if I were in his [Sandfield Macdonald's] place just now, and had his cards, I could carry him through the first three weeks of the session—wherein alone there is any danger.'<sup>1</sup> What Sandfield Macdonald should have done was clearly pointed out afterwards by Goldwin Smith, at that time a recent arrival in Canada, but an interested spectator of the struggle in the Ontario legislature.<sup>2</sup> The obvious course of the government, said 'A Bystander,' was 'to summon Parliament in the first instance only for the election of a Speaker who might receive the report of the judges and issue the new writs; and then to move an adjournment till the number of the House should be complete; or, if it was desirable to proceed with ordinary business, they might have appealed to their opponents for a postponement of party questions till the balance of parties had been decided. No leader of an Opposition could have refused to respond to such an appeal.' Neither of these courses, however, seems to have occurred to the cabinet. Instead of trying to avert a straight party vote, they openly courted it. Although they could scarcely hope to command a majority, they called the house together on December 7, 1871, and after a speaker had been duly elected, they opened the session for general business with a speech from the throne of the ordinary sort, claiming credit for the success of the administration, and thus directly challenging a vote of no-confidence.

The opposition was not slow to take up the challenge. There was one question at least on which it was certain of a majority in the house—the question, to which reference has already been made, of the policy of handing over to the executive \$1,500,000 for subsidizing railways, without the further control of the legislature. The policy of the government in this regard had proved so unpopular in the constituencies that some of the members who were otherwise well disposed toward the government had been compelled to

<sup>1</sup> Sir Joseph Pope, *Memoirs of Sir John Macdonald*, vol. ii. p. 142.

<sup>2</sup> See the paper by 'A Bystander,' 'The Recent Struggle in the Parliament of Ontario,' in the *Canadian Monthly and National Review*, February 1872. This was the first of the 'Bystander' papers.

pledge themselves against it. Blake, therefore, took the first opportunity of moving the following amendment to the address :

But we feel bound to take the earliest opportunity of informing your Excellency that we regret the course taken by the Legislative Assembly last Session under the guidance of your present Ministers in reference to the large powers given to the Executive as to the disposition of the Railway Aid Fund, and to state that in our opinion the proposal of the Government to grant aid to any railway should be submitted for the approval or rejection of the Legislative Assembly, so as not to leave so large a sum as \$1,500,000 at the disposal of the Executive without a vote of this House appropriating the same to particular works.

This amendment, it should be observed, was highly improper. It amounted not so much to a vote of censure on the government as to a vote of censure on the previous parliament ; and while it is always open to a parliament to repeal the acts of its predecessors, it is never open to it to censure them. To censure an act of parliament is to condemn not only the legislature which passed the act, but the crown which assented to it. This objection, however, apparently did not occur to the ministers ; for they immediately proceeded to move, through a private member, a resolution, 'That inasmuch as one-tenth of the constituencies of the province remain at this time unrepresented in this House . . . it is inexpedient further to consider the question involved in the amendment till the said constituencies are duly represented on the floor of this House.' If this resolution had been couched in the form of an appeal from the premier to the leader of the opposition, it might have borne some weight ; although it must be confessed that the government had already abandoned this ground when it opened parliament with a speech from the throne of the ordinary kind. But as a formal resolution it was indefensible. If the principle which it involved were admitted, it would condemn most legislatures to a chronic state of suspended animation.

In the divisions which followed the government was

defeated. The amendment to the amendment was rejected by a majority of eight (40-32), and the opposition amendment was carried by a majority of seven (40-33). There was, however, in this vote, it should be observed, no reason why the government should resign. The vote had been confined to a single measure, and that a measure which had been passed with all constitutional regularity by a previous parliament. 'It is a false sense of honour which leads a Government to throw up the reins when defeated on any question not really of a vital kind.' Sandfield Macdonald, therefore, refused to regard the vote as one of no-confidence, and announced that he would stay at his post. In this determination he was supported by all the ministers but one. That one, the provincial treasurer, E. B. Wood, had convinced himself that the government had lost the confidence of the house, and now took what is perhaps one of the most distasteful steps that a public man can be called upon to take : he sent in his resignation to the premier, and left his colleagues under fire.

In connection with Wood's resignation occurred a famous incident known as the 'Speak Now' episode. A couple of days after Wood's resignation a note was observed to pass from Blake to Wood across the floor of the house, and Wood was seen, after reading it, to tear it up and throw it in a spittoon. One of the members of the house, his curiosity being roused, afterwards investigated the contents of the spittoon, and succeeded in piecing together the fragments of the note. All that it contained was, 'You had better speak now.' Yet on this very flimsy evidence Cameron built up a charge, which he threw out on the floor of the house, that Blake had employed corrupt means to induce Wood to resign. That the charge was groundless will be evident to any one who takes the trouble to examine the facts. What happened was this : Wood, having been attacked by his late colleagues as a deserter, wished to reply at the end of the debate, and knowing that Blake had control of the house, he naturally applied to him to find out when the debate was likely to close ; Blake told him the debate would continue for some time, but when it showed unexpected signs of flagging, he sent a note over to Wood telling him that he 'had better speak now' ;



Wood, however, did not speak. That is positively all there was in this too famous incident.<sup>1</sup>

The opposition, finding that it had failed to dislodge the government by its first amendment to the address, now proceeded to move a second. Alexander Mackenzie, who had been elected member for West Middlesex, moved 'That the House has no confidence in the ministry which is attempting to carry out, in reference to the control of the said fund of one and a half million, an usurpation fraught with danger to public liberty and constitutional government.' Against this motion several objections might have been urged. It was little more than a repetition of the first amendment, framed with the same object of catching stray votes on the railway question; and the use of the word 'usurpation,' as applied to a power duly conferred by parliament, was an absurdity. The government, however, made no objection to the form of the motion, and blandly accepted it as a general motion of no-confidence. In the division that followed the government was defeated by a majority of one (37-36).

It would seem that the government ought now to have resigned. The general question of confidence had been debated on both sides, and it was clear that the ministers had lost control of the house. Instead of resigning, however, the government brought down in answer to the address a message from the lieutenant-governor, which contained the following paragraph:

With reference to that portion of the answer to the speech which expresses the disapproval by the Legislative Assembly of the large powers given to the Executive under an Act passed by the last Legislature, appropriating a million and a half of dollars in aid of railways, . . . I have to observe that no action has been taken by my advisers in regard to the disposition of any portion of the said fund, except in accordance with the powers vested in them by virtue of the Act referred to, and that I will give every constitutional consideration to any

<sup>1</sup> Most of the versions of this episode are confused in their chronology. Wood's speech announcing his resignation preceded and did not follow the receipt of Blake's note. The best account will be found in the *Globe*, March 7, 1881, after Wood's death.

bill that may be presented for my sanction, either repealing or amending the said bill.

All this was true, pertinent, and in fact a complete answer to the attack of the opposition. But it came too late. The government had accepted the amendment of the opposition as a general motion of no-confidence, and it had to abide by the consequences. If the point made in the lieutenant-governor's message had been made earlier in the struggle, it would have told heavily in the government's favour; but it seemed as if the government had only wakened up to the strength of its position after the gates had been stormed.

Blake at once moved a string of resolutions condemning the ministers for continuing in office against the expressed opinion of the house, concluding with a threat of stopping the supplies. Sandfield Macdonald then played his last card; he moved in amendment to Blake's resolutions that 'when this House adjourns this day, it do stand adjourned till Tuesday, the 9th day of January, 1872.' In the divisions that followed was seen the extent of the demoralization that had overtaken the ministerial ranks. The government amendment was defeated by a majority of 17 (43-26), and the original motion carried by a majority of 19 (44-25).

The next day (December 19) Sandfield Macdonald announced to the house that the ministry had resigned, and would continue to discharge its duties only until His Excellency<sup>1</sup> could form a new administration. 'The little Premier' was not accounted an orator, yet the speech in which he took farewell of official life might well rank among the classics of Canadian public speaking. In its restraint and courtesy it revealed the measure of Sandfield Macdonald's greatness as nothing else in the session had done. 'I hope,' he said, 'that notwithstanding what has been said, credit will be given to myself and my colleagues that we did not do as we did because we desired to retain office, or for the sake of the emoluments of office, or through any desire to be considered as the only persons worthy of the

<sup>1</sup> This was the title by which the lieutenant-governor was referred to until 1873.

confidence of the House and the country, but because we believed, as I have said, that there was a duty which devolved upon us to wait till all the constituencies were represented.<sup>1</sup> This, indeed, was the key to the government's attitude during the whole crisis.

There is no doubt that in the struggle which culminated in his defeat Sandfield Macdonald was outmanœuvred. He did not begin to take advantage of his opportunities. 'It is vexatious,' wrote Sir John A. Macdonald a few days after the *débâcle* to John Carling, 'to see how Sandfield threw away his chances. He has handed over the surplus, which he had not the pluck to use, to his opponents; and although I pressed him on my return to make a President of the Council and a Minister of Education, which he half promised to do, yet he took no steps toward doing so. With those two offices, and that of Solicitor General and the Speakership, he had the game in his own hands. You see that, as I prophesied would be the case, the first act of the new Government was to increase the Cabinet.'<sup>2</sup> Sandfield Macdonald was a poor political manager. Had Sir John A. Macdonald been in his place, there might easily have been a different tale to tell. Yet it must be remembered that during those December days Sandfield Macdonald was far from well in health. In the summer of 1871 he had been warned by his medical advisers that continuance in office would be fatal to him;<sup>3</sup> but he had refused to leave his post, and it was only after the defeat of his government that he retired from the leadership of the party and went back to his home in Cornwall. There he died, less than six months later (June 2, 1872), of the malady that had been threatening his life for some time.

Sandfield Macdonald deserved much of Ontario, and received little. It was he who did the ditch-work for the foundations of the Confederation scheme in the province; and he administered the affairs of the province with great honesty and economy for four years and a half, under circum-

<sup>1</sup> Speech, Legislative Assembly, December 19, 1871.

<sup>2</sup> Sir Joseph Pope, *Memoirs of Sir John Macdonald*, vol. ii. p. 142.

<sup>3</sup> Obituary notice in the *Globe*, June 3, 1872.



stances where neither honesty nor economy was easy. That he had the public interest at heart is the unanimous testimony from the most diverse quarters ;<sup>1</sup> for even George Brown confessed in later days that ' Sandfield Macdonald was a man who would neither do wrong himself, nor allow those around him to do wrong ' :<sup>2</sup> a tribute that stultified the editorial policy of the *Globe* during the five years from 1867 to 1872.

## II

## THE BLAKE ADMINISTRATION

IT was on December 18, 1871, that Sandfield Macdonald handed in his resignation to the lieutenant-governor. On December 19 the lieutenant-governor invited Edward Blake to undertake the formation of a new administration. Blake was the official leader of the opposition in the house, and he had become since his entrance into political life the hope of the liberal party in Ontario. It was therefore learned with some surprise that he was loath to accept the invitation of the lieutenant-governor. Office had apparently no attractions for him ; and he had, moreover, already come to regard his main interests as lying in the House of Commons at Ottawa. On the other hand, he doubtless felt the moral obligation incumbent on him of fulfilling his election pledges ; and he therefore agreed, on the solicitation of his political friends, to form a cabinet, and undertake the duties of the premiership until other arrangements could be made. No secret, however, was made of the fact that his tenure of office was only temporary at the best.<sup>3</sup>

<sup>1</sup> Clarke, *Sixty Years in Upper Canada*, p. 138 ; Cockburn, *Political Annals of Canada*, p. 505 ; Goldwin Smith, *Reminiscences*, p. 436 ; speeches of Sir James Whitney, A. G. MacKay, D. B. Maclellan, and the Lieutenant-Governor of Ontario in the *Proceedings at the Unveiling of the Statue of John Sandfield Macdonald*, in the Queen's Park, Toronto, November 16, 1909 ; and obituary notices and editorials in the *Globe*, the *Leader*, and the *Mail*. The editorial in the *Mail* is especially valuable, since Sandfield Macdonald had been one of the founders of the paper, and the editor, T. C. Patteson, was a close personal friend of his.

<sup>2</sup> Quoted in an election dodger, *Opposition Campaign Sheet Answered : Mr Sandfield Macdonald and the Opposition*, 1879.

<sup>3</sup> Editorial in the *Globe*, March 1872.

The formation of the new cabinet was announced by Blake on December 21. The office of attorney-general was entrusted to Adam Crooks, who had been defeated in the elections of 1867, but who had been returned in 1871. The office of provincial treasurer went to Alexander Mackenzie, the stone-mason who became a few years later the first liberal prime minister of Canada. Archibald M<sup>c</sup>Kellar, the predecessor of Blake as leader of the liberal party in the house, was made commissioner of Agriculture and Public Works; and Peter Gow, the member for Guelph, was made provincial secretary. The only appointment which caused surprise was that of R. W. Scott as commissioner of Crown Lands. Scott had entered the legislature in 1867 as a supporter of Sandfield Macdonald. In 1871 he had been elected, on the nomination of the government, speaker of the house; but at the time of the fall of the government he had been attacked by the government press, and when he attempted to make a personal statement from the chair, there had been a violent scene between himself and Sandfield Macdonald.<sup>1</sup> Never perhaps a very enthusiastic supporter of the 'Patent Combination,' Scott had been easily persuaded by Blake to resign the speakership and join the new administration. There was in this action nothing irregular. It was open to the speaker to resign at any time. Yet it must be confessed that, to the public eye, the course adopted by Scott seemed to savour somewhat of opportunism. It was, moreover, openly charged against him that he was 'the paid agent' of the lumber interests; certainly on many occasions he had acted as their legal representative; and it was not unjustly deplored that he should have been given, of all offices, the office of commissioner of Crown Lands. Just why Blake should have gone to the speaker's chair for a commissioner of Crown Lands is not as yet clear; there were other men on the floor of the house no less capable of filling the position than Scott. Probably the true explanation of his appointment was that it was necessary to give the Ottawa valley a representative in the cabinet.<sup>2</sup>

<sup>1</sup> Debate, Legislative Assembly, December 20, 1871.

<sup>2</sup> 'A Bystander,' *op. cit.*, p. 149.

Blake himself, being 'both unable and unwilling to go through the drudgery incidental to a regular department,'<sup>1</sup> became president of the council without salary. This was a very adroit arrangement. There was no statutory provision in Ontario at that time for more than five portfolios in the cabinet, although the lieutenant-governor was able to appoint extra executive councillors without portfolio. By virtually entering the cabinet without portfolio Blake was able to increase the number of ministers from five to six (and in the existing state of political parties he was not blind to the advantages of having five instead of four portfolios to distribute) without expending one cent more of public money, and at the same time he was able to consult his own private inclinations. This increase in the size of the cabinet was immediately made a point of attack by Sandfield Macdonald. On the day before the house adjourned for the New Year recess, and after the resignation of all the new ministers, even of Blake himself, to appeal to their constituencies, Sandfield Macdonald introduced a resolution condemning the government for the increase in the number of ministers. The division that resulted was a measure of the disaster that had overtaken the 'Patent Combination': the resolution was defeated by a majority of thirty-eight votes (50-12).

In order that the new ministers might familiarize themselves with their departments the house did not reassemble after the New Year recess until January 18, 1872. During this interval the by-elections were held, both for the purpose of filling the seats vacated by the election petitions and for the return of ministers. Of the six ministers five were returned by acclamation, and the sixth, Adam Crooks, met with only a nominal opposition in West Toronto. Of the eight constituencies that were vacant, every one returned a member favourable to the government. The explanation of this sweeping victory lies partly in the issue on which the by-elections were largely fought. This issue, strange to say, had little or nothing to do with Ontario politics. During the Red River troubles of the previous year an Orangeman

<sup>1</sup> Dent's *Portrait Gallery*, p. 125. The sketch of Edward Blake's life in this work was revised by Blake himself.



named Thomas Scott had been shot at Fort Garry by order of Louis Riel, president of the provisional government at the Red River Settlement; and the authorities at Ottawa had shown themselves somewhat dilatory in bringing the murderers to justice. It was freely charged that Sir John A. Macdonald had allowed the French interest at Ottawa to tie his hands, and was shielding the perpetrators of the crime. Now the government of John Sandfield Macdonald had been persistently represented as in league with that of Sir John A. Macdonald; and even after the fall of Sandfield Macdonald's government the liberals did their best to identify the remnants of the 'Patent Combination' party with the government of Sir John A. Macdonald. The result was that the electorate, unable for the moment to lay hands on Sir John, turned about and rent his supposed ally, John Sandfield. A more senseless issue never invaded the political arena. The Ontario opposition had no more to do with the failure to punish Thomas Scott's murderers than the babe unborn, yet it was made by the electorate the scapegoat of Sir John A. Macdonald's sins. The liberals, who professed to believe in the absolute divorce of provincial and Dominion politics, were guilty here of a grave confusion between the two.

When the house reassembled Blake therefore found himself in possession of a majority more than adequate for the transaction of public business. During the first few days of the session his majority ranged all the way from twenty to sixty. On the other hand, the opposition met in a disheartened and disorganized condition. Its former leader, although he was able to appear occasionally in the house, declined to resume the leadership of the party, and the thankless position devolved upon M. C. Cameron. Cameron was a very distinguished lawyer and a man of the strictest integrity;<sup>1</sup> yet it cannot be said that he proved a success as a parliamentary leader. In the first place, he was not born to be a politician. 'Must I shake hands with

<sup>1</sup> Clarke, *op. cit.*, p. 184. 'He was so precise in his ideas of honesty that he would not send an unstamped letter to the house post-office if it were on any other than public business.'

everybody in this way ?' he once plaintively inquired when engaged in a canvass as a candidate for the mayoralty of Toronto ; and when he found that shake hands with everybody he must, he retired from the contest.<sup>1</sup> His political views, moreover, were of that pure and old-fashioned tory character which it is now possible to admire from a distance : he believed that responsible government was no improvement on the Family Compact system ; he regarded the secularization of the clergy reserves as robbery ; and he deplored any extension of the franchise as a step towards revolution. His views, therefore, were hardly in accord with those of most of his followers. Moreover, during his régime he seldom consulted the wishes of his supporters ; under him the opposition caucus became almost an extinct institution ;<sup>2</sup> and members had to be content to follow the leader. To make the situation more intolerable, Cameron's attendance in the house became later on fitful and intermittent, and his plan of campaign was often ill-conceived. 'His tactics,' observed 'A Bystander' in 1872,<sup>3</sup> 'appeared too forensic for a political assembly. Extreme tenacity in fighting every possible point, however secondary and however doubtful, may be the duty of an advocate, and may gratify a client, but it never fails to produce a bad effect upon statesmen.'

Cameron's conduct of the opposition during Blake's premiership was erratic and quixotic. On the one hand, he made mistakes so egregious that it is difficult to see how he could have committed them. On the floor of the house he made charges against both E. B. Wood and R. W. Scott. He accused Scott of being the 'paid agent' of the lumber interests and of having abandoned his allegiance to the 'Patent Combination' because a grant had been refused to a railway in which he was interested ; yet he made no attempt to furnish proof of these allegations. He accused Blake of having induced E. B. Wood by corrupt means to resign the provincial treasurership ; yet the only ground he had for this accusation was that Wood had received, a few hours before

<sup>1</sup> Biggar, *op. cit.*, p. 720.

<sup>2</sup> *Ibid.*, p. 720.

<sup>3</sup> 'The Late Session of the Parliament of Ontario,' in the *Canadian Monthly and National Review*, April 1872, p. 320.

his resignation, an envelope addressed in the handwriting of Blake, and two days after his resignation a note running, 'You had better speak now.' And when a committee was appointed to investigate his charges against Blake and Wood, Cameron declined to appear before it on the ground that the motion that he had submitted had been amended by the government and the responsibility for the investigation removed from his shoulders. A great deal of time was wasted during the session on these recriminations; nor did Cameron come out of the fray with flying colours. In the debate that took place on the Independence of Parliament Bill, with regard to the increase in the size of the cabinet, Cameron perpetrated another ineptitude. In amendment to Blake's resolution that the number of cabinet ministers should be limited to six, Cameron moved: 'That in case any member of the legislative assembly hereafter becomes a member of the executive council, his election shall be void and his seat vacant.' This motion can only be described as a curiosity of parliamentary literature. If it meant anything, it meant the divorce of the executive and legislative functions of government and the abolition of responsible government. To the credit of the legislature be it said, only four other members were found to vote for Cameron's amendment.

Yet, on the other hand, in the debate on the apprehension of the murderers of Scott, Cameron alone took the attitude which must commend itself to every dispassionate historian. Shortly after the house reassembled Blake introduced a resolution to the effect 'That this House feels bound to express its regret that no effectual steps have been taken to bring to justice the murderers of Thomas Scott, and is of opinion that something should be done to that end'; and in accordance with this resolution a reward of \$5000 was offered by the Ontario government for the apprehension of Riel. The only excuse for this action was that the murdered man had been a native of Ontario; other pretext there was none. The question was one which lay within the province of the federal authorities, and the liberal party of Ontario, with its professed view of the



constitution, should have been the first to respect the line drawn between the federal and the provincial spheres.<sup>1</sup> The resolution was a reprehensible attempt to make party capital out of a national embarrassment, and to attack Sir John A. Macdonald in an assembly where he was not present to defend himself. Cameron ventured to point out this aspect of the question in the debate. Yet so strongly did feeling run in 'Orange' Ontario on the subject that not one even of Cameron's immediate followers cared to vote against the resolution. The leader of the opposition stood up and recorded a solitary 'Nay,' with sixty-two of his fellow-members arrayed against him.

In fulfilment of their election pledges the government introduced a bill making all railway grants subject to ratification by the legislature. Under this provision a good deal of time was occupied with the discussion of the various Railway Aid Bills. Toward the end of the session the government introduced its long-expected bill prohibiting dual representation, which made it impossible for a member of the provincial legislature to be at the same time a member of the Dominion House of Commons. This bill was opposed by the opposition, and J. C. Rykert (familiarily known as 'Scrap-book Charley') introduced an amendment setting forth that the bill interfered with the rights of the people to choose such representatives as they thought fit, and that it was inexpedient and improper to take away such rights. It was argued that the bill would tend to rob the local legislatures of their best men, at a time when there was a distinct shortage in parliamentary ability in Canada. The government, however, was resolved to end any connection which might have existed between the provincial

<sup>1</sup> Sir John S. Willison, *Sir Wilfrid Laurier and the Liberal Party*, vol. i. pp. 182-3. 'The common opinion of Ontario was that the execution of Scott was hardly distinguishable from deliberate murder; and separated as we now are from the passion and clamour of that time, it is not easy to reach any other conclusion. But even if this be admitted, the fact does not constitute an adequate justification for the action of the Ontario Legislature in offering a reward of \$5000 for Riel's apprehension. The question lay within the province of the federal authorities, and no good purpose was served by making the death of Scott an issue in local politics, and enmeshing legitimate provincial questions in the incidents of a revolt in Manitoba.'

and the federal houses ; and the bill was passed by a large majority.

The new rule worked in the legislature a sort of revolution. Several of the most prominent men in the house immediately elected to sit in the House of Commons at Ottawa : John Carling, for instance, in the opposition, and Edward Blake and Alexander Mackenzie in the government. Blake and Mackenzie, indeed, took the quickest and shortest way to prove sound the argument that the bill would bring about an exodus of the best men to Ottawa. They, the two foremost men on the government side of the house, immediately packed their impedimenta and said farewell to provincial politics. The situation in the House of Commons, it is true, was such that their presence in Ottawa was perhaps more imperative than it was at Toronto. Yet it is difficult to excuse the cavalier manner in which Edward Blake thrust aside so soon the honours which the people of Ontario had conferred upon him.

Blake became later a member of the Mackenzie administration at Ottawa ; for many years he was the leader of the liberal party in the Dominion ; and during the declining years of his life he represented an Irish constituency in the Mother of Parliaments. But he never again did anything which quite fulfilled the promise of his first five years of political life. In 1867 he had entered politics a young man of thirty-four years of age and a novice in parliamentary affairs ; yet in little more than four years he had driven from office a government led by a veteran politician, backed by all the aid which Ottawa could lend, and had himself become the head of the new administration. He was not, it is true, without defects as a political leader. His ' repulsive nod ' did not endear him to the backwoodsmen in the house or to the cross-roads politicians, and his cast of mind was perhaps too cold and forensic ; as D'Arcy M<sup>c</sup>Gee once said of a fellow-member, he was ever too ready with his cork-block and razor to split hairs. But he bestrode the narrow world of provincial politics like a Colossus. His mighty intellect, the powerful if involved periods of his oratory, his executive ability, and the mastery that he showed from the first of

parliamentary tactics, all made him appear a giant among pygmies ; and it doubtless seemed, not only to himself, but to many of his contemporaries, that his proper sphere was the larger arena.

## III

## THE BEGINNING OF THE MOWAT RÉGIME

IT might naturally have been expected that Blake's successor would be Archibald M<sup>c</sup>Kellar. M<sup>c</sup>Kellar had been, until Mackenzie's election to the legislature, Blake's lieutenant ; and, indeed, it was he who in the first instance had made way for Blake in regard to the leadership of the party. Blake, however, did not advise the lieutenant-governor to send for M<sup>c</sup>Kellar ; if he had done so, the history of the liberal party in Ontario might have been very different. He advised the lieutenant-governor to go outside the cabinet, and even outside the legislature, to the judicial bench of the province. The successor he recommended was Oliver (afterwards Sir Oliver) Mowat, one of the vice-chancellors of Ontario.

Oliver Mowat had been a politician of some note in the days preceding Confederation. He had been postmaster-general in the Macdonald-Dorion government of 1863-64 ; he had joined the coalition in 1864 as one of George Brown's colleagues ; and he had sat in the Quebec conference as one of the Fathers of Confederation from Upper Canada. Shortly after the conference had concluded its deliberations he had been raised to the bench as vice-chancellor of Upper Canada, and since that time he had of course been lost to political life. The dignity and quiescence of life on the bench he had found most agreeable, and probably nothing was further from his mind than leaving the bench when he received a call one October morning of 1872 from Edward Blake and George Brown. Blake and Brown came to offer him the leadership of the liberal party in Ontario. With his habitual caution Mowat deliberated for some time before accepting the offer. From the standpoint of worldly prosperity the change, he





PREMIERS OF ONTARIO

*From photographs*



could not hide from himself, might have little to commend it. It meant exchanging a dignified and assured position for a life of precarious turmoil. Actuated, however, partly by public spirit and partly by an honourable ambition, Mowat was eventually prevailed upon to accept the offer and to undertake the formation of an administration.

The administration that Mowat formed in the autumn of 1872 was merely a reorganization of the cabinet that preceded it. Mowat took the office of attorney-general; Crooks, who had been attorney-general, was given the office of provincial treasurer, which had been vacated by Mackenzie; M<sup>c</sup>Kellar remained commissioner of Agriculture and Public Works; and Scott, commissioner of Crown Lands. The only change was in the office of provincial secretary and registrar: Peter Gow, who had held this office in the Blake government, desired on the score of ill-health to be relieved of his duties, and Timothy Blair Pardee, a lawyer from the western part of the province, was appointed in his place. It will be observed that the unpaid office of president of the council, which had been held by Blake, was dropped, and the cabinet reduced in number from six to five.

On November 29, 1872, Mowat was elected by acclamation member of the legislature for the North Riding of Oxford, a constituency that he continued to represent throughout his long and unbroken career as premier of Ontario. In the election address which he issued on this occasion there was foreshadowed the policy which he was destined to pursue. He said :

I hope soon to mature, with the aid of my colleagues, and to carry, at an early date, measures for the satisfactory settlement of the Municipal Loan Fund debts; for the just appropriation of the surplus revenues of the province; for obtaining an augmented immigration, principally of agricultural laborers and domestic servants; for the more rapid development of the agricultural and other resources of our country; for the reform of the laws in regard to various matters in which experience has brought to light defects and injurious anomalies; and for securing increased efficiency in the



working of our educational and municipal institutions, in the administration of justice, and in other departments of public service.<sup>1</sup>

In this pronouncement, it will be observed, there was nothing very original or revolutionary. There was nothing, for instance, that might not have been placed in the mouth of Sandfield Macdonald ; even the subject of the settlement of the Municipal Loan Fund debts was one which his government had been preparing to deal with. Except in one or two regards, there was not a world of difference between the policy of the Mowat government and that of the ' Patent Combination ' ; certainly the similarity between the two was much more pronounced than the dissimilarity. The chief difference lay in the energy and activity with which Mowat carried out his policy. He was inspired with the modern idea that it is the duty of a legislature to legislate ; and that the more it legislates, the better it is performing its duty. In this sense, at least, Mowat was an incorrigible Reformer. The average number of bills passed during each session under Sandfield Macdonald had been ninety-three ; the number passed during Mowat's first session was one hundred and sixty-three, and many of these were of such length that the volume in which they were printed was more than double the size of any previous volume. A tireless worker himself, Mowat did not spare the members of the legislature, and often during his régime the house heard midnight strike.

At the opening of the session of 1873 the opposition, unable to level many criticisms against Mowat's platform, concentrated its attack on what it termed his ' descent from the Bench.' The morning after his acceptance of the premiership had been announced, the *Mail*, which had been founded a few months previously as the organ of Sandfield Macdonald and his friends, attacked him for lowering the judiciary by his return to the political arena ; and when the house met, the lead of the *Mail* was followed by Cameron. ' In my opinion,' said Cameron, ' no occupant of the Bench should be permitted to hold a political position again ; certainly not for a considerable period after he has resigned his judicial

<sup>1</sup> Biggar, *op. cit.*, p. 155.

office.'<sup>1</sup> Mowat defended himself against the attack with learning and ability, and it must be confessed that he had somewhat the better of the debate. For while it cannot be denied that too frequent an interchange between the Bench and political life would have an unfortunate effect, no valid objections can be urged against an occasional interchange; and the frequency with which the charge was made that Mowat's action was 'unconstitutional' merely served to show how vague were the ideas about constitutional law current in Canada at that time.

A characteristic of Canadian political assemblies is the almost morbid delight they take in fighting over again old battles. In spirit, if not in form, they love to violate the parliamentary rule against referring to a past debate. The session of 1873 was a signal illustration of this. During the first part of the session whole days were spent in ventilating again the 'Speak Now' incident, the charges against R. W. Scott, and an election scandal known as the 'Proton outrage,' which had come to light during the previous session. The opposition complained that inquiry into all these matters had been burked, and there may have been some ground for this complaint. It is perhaps too much to expect that a parliamentary committee of inquiry, in Canada at least, containing a majority of government members, will probe the charges of the opposition to the bottom. But in the cases in question, at any rate, the opinion may be hazarded that evidence was lacking to substantiate completely the charges made. Still another matter which was revived and thrashed out once more was the question of Thomas Scott's murder; but this question, which had been debated already in two parliaments, proved so threadbare that even members of the legislature cried out for relief.

Notwithstanding, however, the waste of time entailed by these debates, Mowat pushed through an astonishing amount of useful legislation. The Election Law was amended; the Licence Act was made more stringent; and a measure of law reform was passed, the first of many such measures which Mowat was sometimes accused of passing for the sake of

<sup>1</sup> Biggar, *op. cit.*, p. 175.

keeping up the appearance of legislative activity. A useful work was effected in the codification of the municipal law of the province, a codification which has remained the model for all later statute revisions. But the most important measure of the session was the Municipal Loan Fund Act. This act had entailed an enormous amount of labour, and it probably did more than anything else at this time to commend Mowat's government to the electorate. The Municipal Loan Fund had been created in 1852 by the Hincks-Morin government for the purpose of enabling municipal councils to borrow money from the government on more favourable terms than they could obtain elsewhere. This fund, as might have been expected, had proved a direct invitation to extravagance. Municipal corporations all over the province had borrowed sums far in excess of their actual needs, sums which in more than one case had been invested in unprofitable speculations. The town of Cobourg, for instance, with a population of less than five thousand, had borrowed half a million dollars from the fund and invested it in the Cobourg and Peterborough Railway, which, on the construction of a rival line from Port Hope, straightway became a white elephant on the town's hands. A period of depression set in, and many municipalities found themselves involved in obligations which it was difficult, if not impossible, for them to discharge. The government, however, proved a lenient creditor; and the municipalities discovered that they did not need to pay any more on account with the Municipal Loan Fund than was convenient. Thus the debts of the municipalities had grown; and when the Province of Ontario was formed in 1867, these debts were one of the assets which the province was obliged to take over. As soon as it became known that the province was likely to have a considerable surplus, an agitation had sprung up to apply the surplus towards clearing off the debts. It was pointed out, and there was much truth in the argument, that an indebted municipality was to an undesirable extent at the mercy of the government of the day, and that an improvement would be effected in the political morality of the province if the debts were compounded for in some way. Sandfield Macdonald, it was suspected, was not perhaps



entirely averse to keeping the indebted municipalities at his mercy ; but when the liberals came into office, it was resolved by them to apply the surplus of about four millions which they found in the treasury to the wiping out of the Municipal Loan Fund debts on an equitable basis. During its few months of office the Blake government was not able to take the matter up ; but when Mowat assumed the reins of power, he immediately applied himself to the solution of the problem. The principle Mowat adopted in his bill was simple in the extreme. He proposed to allot to each municipality of the province a sum equal to two dollars *per caput* of the population, subtracting therefrom, in the case of municipalities indebted to the Municipal Loan Fund, the amount of their indebtedness ; and where this indebtedness exceeded the amount of the proposed subsidy, taking new debentures for the balance, payable in twenty annual instalments. By these means a fair distribution of the surplus was effected, and at the same time the Municipal Loan Fund indebtedness was wiped off the slate. The bill encountered almost no opposition ; and it is an interesting fact that it received the hearty endorsement of E. B. Wood, to whom the task had been assigned of considering the subject under Sandfield Macdonald's government. It is, indeed, difficult to resist the belief that had Sandfield Macdonald possessed the foresight and energy to pass a measure similar to Mowat's, he would have escaped defeat in 1871.

The session was also remarkable for the introduction into the assembly by Dr Clarke of Norfolk of the first bill for the prohibition of the sale of spirituous liquor as a beverage. The 'prohibition movement,' which had originated in the United States, had spread into Canada, and by this time was beginning to gather head. Such strides had the movement made, in fact, that Dr Clarke was accused of popularity-hunting in introducing his bill. The debate which took place on the bill had its amusing and its pathetic aspects. M. C. Cameron, who professed himself a total abstainer, spoke against the bill as an invasion of individual liberty ; and E. B. Wood, who was not by any means a total abstainer, spoke warmly in its favour. There is no doubt that the



government found the question embarrassing, as other governments have found it since. Mowat was personally in favour of prohibition ; but he was evidently not anxious to become responsible for the operation of the bill. He therefore took refuge in a constitutional objection. ' He was bound to say he had formed the deliberate and confident opinion that the legislature had no jurisdiction in the matter. . . . The buying and selling of liquor was a matter of trade and commerce which was beyond our jurisdiction.'<sup>1</sup> He got from the speaker a ruling, therefore, to the effect that the bill, being *ultra vires* of the legislature, was not in order ; and the discussion was perforce dropped. As is well known, this opinion of Mowat's was not afterward sustained by the Judicial Committee of the Privy Council ; it is almost the only opinion of Mowat's on the British North America Act which was not sustained by that body ; and it is impossible to resist the suspicion that in his discovery of the constitutional objections to the bill Mowat's wish was father to the thought. He was not usually so careful about overstepping the limits assigned to the provincial legislature.

The most sensational event of the session, however, and one which threw much light on some of the hidden influences governing Ontario politics, was the introduction of the Orange Lodge Incorporation Bill. The Loyal Orange Associations of Eastern and Western Ontario had applied to the legislature for incorporation. In the Private Bills Committee these applications met with such opposition that one of them was rejected ; but through some oversight the other was reported. When this bill reached the house, bedlam straightway broke loose. There were only three Roman Catholics in the house ; but one of them, R. W. Scott, was a minister of the crown, and another, Christopher Findlay Fraser, was one of the most prominent of the government supporters, and they attacked the bill with great vehemence. The situation in which Mowat found himself was far from comfortable. He was himself in favour of granting the Orangemen incorporation ; but ' with a Roman Catholic in his

<sup>1</sup> Debate in the Legislative Assembly, March 10, 1873.

cabinet, and a Roman Catholic contingent, enlisted by a recruiting process of the most laborious description, among his followers, he had nothing for it strategically but to make the question an open one.'<sup>1</sup> In the division lists Mowat was found voting on one side, while the rest of the cabinet voted on the other; and 'on the sheets of the Grit journal, one could almost see the pistols held to each side of the writer's head.' The bills were passed by 32 to 24, and the incident was by most people regarded as closed. But at the close of the session Mowat's colleagues brought pressure to bear upon him; the discovery was made that the bills were possibly *ultra vires* of the provincial legislature; and they were accordingly reserved by Mowat for the signification of the Queen's pleasure. This somewhat unusual procedure was adopted in order to throw on the government of Sir John A. Macdonald the responsibility of allowing the legislation to go into force. Sir John, however, was too astute to be caught in such a transparent trap, and he recommended the governor-general to send the bills back to Toronto, on the ground that they lay entirely within the authority of the provincial legislature. Mowat, therefore, found himself still with the bills on his hands; and under these circumstances he was reduced to the expedient of passing in the next session a general bill respecting Benevolent, Provident, and other societies, under which the Orangemen and every other similar body could get incorporation if they wished it. The shifts to which Mowat was put by the Orange Bills seem at this distance somewhat unworthy; at the time they must have been object-lessons to observers on the importance in Ontario politics of 'the Orange vote' and 'the Roman Catholic vote.'

During the year 1874 there were two sessions of the house, one in the spring, the other in the autumn. During the first of these the attack of the opposition was mainly directed against Mowat's action in connection with the Orange Bills, and against the timber policy of the Crown Lands department. The Crown Lands department had been

<sup>1</sup> 'Current Events' in the *Canadian Monthly and National Review*, April 1873, pp. 333-4.



granting away the timber of the province, even in unsurveyed districts, in a very prodigal manner ; it is evident that the department did not realize at that time, as it realizes now, the necessity for conservation. The government newspaper even ventured to scout the argument that the interests of remote generations outbalanced the interests of the present settlers and lumbermen. This policy the opposition attacked, advocating the reservation for the present of all timber on unsurveyed lands. For their attitude in this regard the opposition deserved high credit ; at the same time, it must be confessed that their policy was not one which in 1874 was likely to be popular.

In the autumn session the opposition devoted their energies mainly to convicting the government of extravagance, but without conspicuous success. Cameron made also an attack on the administration of the department of Agriculture in connection with the Model Farm at Guelph. The head of this institution, a Professor M<sup>c</sup>Candless who had been brought from the United States, had been dismissed by the government ; and he came forward with serious charges against the administration of the department, and even against the personal character of the minister, M<sup>c</sup>Kellar. Cameron took up the case for Professor M<sup>c</sup>Candless, and an investigation was held. Professor M<sup>c</sup>Candless accused M<sup>c</sup>Kellar of introducing undesirable visitors into the institution, and of himself having paid too much attention to the matron of the establishment, who proved, however, to have been engaged to be married to M<sup>c</sup>Kellar ; and M<sup>c</sup>Kellar retorted with a charge of a similar nature against Professor M<sup>c</sup>Candless. The investigation reflected no credit on any one concerned ; and it might have done harm to the government had not the government been able to bring counter charges against a prominent member of the opposition. M<sup>c</sup>Kellar, thirsting for blood, accused J. C. Rykert of St Catharines of accepting fees from railways in return for parliamentary services. A committee was appointed to inquire into these charges, and Rykert was convicted by a small majority. The evidence against him was fairly conclusive, but it may be doubted whether it would have been

sufficient to convict him had he been a supporter of the government.

While these sordid squabbles were going on, the work of legislation was being pushed forward by Mowat. The work of law reform was continued by him ; and a commission was appointed to revise and codify the general public statutes of Ontario. A bill was passed, modelled on the English Ballot Act of 1872, which introduced the ballot into the provincial elections ; and another bill, introducing the ballot into municipal elections, became law. Mowat introduced also the first of those measures extending the franchise which were to culminate in the Manhood Suffrage Act of 1888. In his measures of law reform and electoral reform Mowat followed English precedents somewhat closely ; but in his measures of franchise reform he outdistanced his English models completely. From the first he set up manhood suffrage as his goal ; but the manner in which he reached that goal affords a good example of his cautious statesmanship. In 1872, when he assumed office, the right to vote depended in Ontario on the ownership or occupancy of real property of a certain value. This was in accordance with English traditions ; and if any one had proposed at that time to introduce such a radical departure as manhood suffrage, he would probably have found the feeling of the electorate strongly opposed to him. Under these circumstances Mowat undertook to educate public opinion by a gradual extension of the franchise. In 1874 the right to vote was extended to those who were in receipt of an income of \$400, even though it might not be derived from land. In 1877 the franchise was extended to include farmers' sons resident on their parents' farms ; in 1885 there were enfranchised : (1) owners, tenants, or occupants of real estate to the value of \$200 in cities and \$100 in townships and villages ; (2) persons in receipt of \$250 a year by way of income or as wages ; (3) persons entered on the assessment roll as 'householders' ; (4) sons of landholders, resident with their fathers and assessed as such ; (5) enfranchised Indians or persons with part Indian blood otherwise qualified and not residing among Indians, though sharing in the tribal income. Having thus paved the way, Mowat

was able in 1888 to pass his Manhood Suffrage Act *nemine contradicente*.

At the end of the session of 1874 there was passed, sure presage of a coming election, a redistribution bill, which increased the representation in the legislature from eighty-two to eighty-eight.

## IV

MOWAT AND CAMERON: EDUCATION AND  
THE LICENCE SYSTEM

THE elections for the third legislative assembly of Ontario took place in January 1875. The issues on which the election was fought were not, it must be confessed, of vital importance. The liberals, for their part, attempted to fasten on the opposition the stigma of the Pacific Scandal: men like M. C. Cameron, who had condoned the sins of Sir John A. Macdonald, were not, it was argued, worthy of being entrusted with political power. The opposition, on the other hand, pointed to the results of the Model Farm Investigation and other scandals which had been unearthed in connection with the administration: much capital, for instance, was made of some irregularities in connection with the building of a fence about the parliament buildings. The election, indeed, like so many provincial elections since, resolved itself into a battle over the question whether the kites were blacker than the crows. In another regard, also, the election was of ill-omen for the future of provincial politics. It was the first provincial election in which the question of the 'Roman Catholic vote' played an important part. For this result the government was partly responsible. In November 1873 R. W. Scott had resigned the commissionership of Crown Lands to enter the Mackenzie administration at Ottawa. The vacancy thus created in the cabinet was filled by the appointment of Christopher Findlay Fraser, the Scottish Roman Catholic who had led the attack in the house on the Orange Incorporation Bills. This was an undoubted bid



on the part of the government for the Roman Catholic vote. There had been formed a few years previously in Toronto a Catholic League which had as its object the more adequate representation of Roman Catholics in parliament and in office. Between this league and the liberal party managers there was brought about an *entente*, and an attempt was made to throw the Roman Catholic vote in the direction of the government. The attempt was not wholly successful, for many Roman Catholics refused to be treated as pawns in the political game ; but a feature had been introduced into Ontarian politics which was not to disappear for many bitter years.

The result of the poll was a decreased majority for the government. Under the circumstances this result must be regarded as somewhat surprising. The conduct of the opposition had not been such as was calculated to arouse confidence in its leaders ; and indeed, on the eve of the election, one of the opposition newspapers had made an editorial attack on Cameron. 'We claim,' it said, 'that Mr Cameron has not bent his whole mind to the task of leading the Ontario Opposition, that he has not taken the rank and file sufficiently into its confidence and counsel, and that, in consequence, too much haphazard opposition has resulted.'<sup>1</sup> It would not have been found unusual if, with such backing as this, Cameron had led his party to annihilation. But Cameron himself roundly defeated Crooks in East Toronto, and his party came back considerably stronger than it had been before. The suggestion has been made, by an unprejudiced observer, that the result was not arrived at along party lines, but that 'personal qualifications and local influences, altogether apart from politics, had much to do with the result.'<sup>2</sup> By 1875 the Canada First movement had reached its height, and it is reasonable to suppose that it exerted an influence toward independence in provincial as well as in Dominion affairs.

After a year of appeals and counter-appeals, of controverted elections and by-elections (out of which the party of purity

<sup>1</sup> The *Leader*, December 14, 1874.

<sup>2</sup> *Canada First, a Memorial of the late William A. Foster, Q.C.*, p. 77.

came with its skirts not wholly unsullied), the third legislative assembly met on November 24, 1875. The new house presented a somewhat altered complexion. On the government benches Crooks still sat, having after many months found a resting-place in one of the Oxfords; but there was missing the genial face of Archibald M<sup>c</sup>Kellar. M<sup>c</sup>Kellar, there is no doubt, had proved himself a source of weakness to the government, and Mowat had therefore translated him during the summer to the shrievalty of Wentworth County with a salary of \$7000 a year. His place as commissioner of Agriculture and Public Works was taken by Samuel Casey Wood, the member for South Victoria, who possessed considerable financial ability, and who was ultimately destined for the office of provincial treasurer. On the opposition benches a new figure was that of William M<sup>c</sup>Dougall, who had been defeated in East York at the January elections, but who had subsequently found a seat in South Simcoe. M<sup>c</sup>Dougall had long been a prominent figure in Canadian politics. He had begun his career as one of the founders of the Clear Grit party, and a radical of a very pronounced type. Later he had allied himself with George Brown, and with him had played a prominent part in bringing about Confederation. He had been a member of the Great Coalition; but when George Brown left the Coalition, M<sup>c</sup>Dougall had refused to follow him. He had been the minister of Public Works in the government of Sir John A. Macdonald after Confederation, and had been appointed by Sir John in 1870 lieutenant-governor of Rupert's Land and the North-West Territory. He had thus, as M. C. Cameron once said, boxed the political compass. His attempt, as lieutenant-governor of the North-West, to reach Fort Garry in 1870 had ended in failure, and for several years he had lived in comparative retirement. But in 1875 he heralded his entrance into provincial politics by a pamphlet entitled *Six Letters to the Hon. Oliver Mowat on the Amendment of the Provincial Constitution*, in which he attempted to read Mowat a lesson in constitutional law. M<sup>c</sup>Dougall entertained the same view of the relations between the Dominion and the provinces as Sir John A. Macdonald did; he regarded the provincial legislatures, for instance, as

merely 'enlarged county councils.' Some of M<sup>c</sup>Dougall's contentions may have been unfortunate, but there was a need at that time for some one in the Ontario legislature who would champion the supremacy of the Dominion. M<sup>c</sup>Dougall, moreover, was a distinguished and experienced politician, and he should have been a valuable acquisition to the legislature. Unfortunately, however, he never achieved the position in the legislature which his abilities and experience might have seemed to warrant. The liberals disliked him, on account of his former secession from the liberal party; and he was not favourably received by the opposition, because it had been confidently announced that he was to supplant Cameron in the leadership of the party. He therefore found the new atmosphere not thoroughly congenial, and after two or three years of parliamentary service he retired into private life.

In the long list of 'parish bills' (to use the *Nation's* epithet) which found their place upon the statute-book in the session of 1875-76, there were only two of outstanding importance. The first of these was 'An act to amend the law respecting the sale of fermented or spirituous liquors,' popularly known as the 'Crooks Act,' since it was Adam Crooks, the provincial treasurer, who introduced it into the house. This act was the result of pressure brought to bear on the government by the temperance people of the province. For many years the assembly had been flooded with petitions demanding the abolition or restriction of the liquor traffic, and since 1873 the government had incurred severe condemnation in the country for their course in throttling Dr Clarke's prohibition bill. Mowat had therefore determined to see whether the legislature was not competent to pass at least a measure of governmental control of the liquor traffic. Since Confederation the control of liquor licences in the province had been vested in the municipalities, and it must be confessed that the municipal councils had been scandalously slack, for the most part, in their administration of the law. The new act proposed, therefore, to take the control of licences away from the municipalities, and place it in the hands of boards of commissioners appointed by the



government. It was expected, and not without reason, that this arrangement would produce a more rigid administration of the licence law and a decided decrease in the amount of intemperance in the country. At the same time, it was unfortunately true, as was pointed out by the opposition, that the act placed in the hands of the government powers of patronage in regard to licences which presented exceptional opportunities for corruption. The licence commissioners appointed by the government were for many years often pronounced partisans—it was an avowed principle of Mowat's that acts of parliament can be satisfactorily carried into effect only by friends of the government.<sup>1</sup> Through these commissioners a connection sprang up between the government and the licensed victuallers which was a real menace to the purity of provincial politics. Mowat was an honourable and conscientious politician, but he was as expert a practitioner of the spoils system as Sir John A. Macdonald. 'The Ethiopian,' as Goldwin Smith wittily observed, 'does not change his skin, even when he becomes a Christian Statesman.'

The other notable bill of the session was the Education Bill. Up to 1876 the education system had been under the control of the Council of Public Instruction appointed by the crown from among the most eminent educationists of the province. In 1875 the chairman of the council had been no less distinguished a scholar than Goldwin Smith. For a number of years, however, the council had been at daggers drawn with the chief superintendent of Education, the Rev. Egerton Ryerson; and after a clash of exceptional bitterness between the two, the chief superintendent had come to Mowat and asked for the abolition of the council.<sup>2</sup> Egerton Ryerson had played a not unworthy part in Canadian history; he

<sup>1</sup> The *Bystander*, a *Quarterly Review of Current Events*, April 1883, pp. 87-8. The *Bystander* was written wholly by Goldwin Smith, and is one of the most discerning commentaries on Ontario politics during the periods which it covers. It was published monthly from January 1880 to June 1881; quarterly from January 1883 to October 1883; and monthly from October 1889 to September 1890.

<sup>2</sup> See the account by Goldwin Smith in the *Bystander*, August 1880, pp. 416-18; January 1881, pp. 17-18; March 1881, p. 131.

had placed the Canadian people under obligation to him on more than one account ; but he was nevertheless a person of turbulent temper and defective education, and it is difficult to understand how he came to exert the influence he did over the government of Mowat. There were not wanting those who avowed it was because he was supposed to carry the Methodist vote in his pocket. However that may be, he succeeded in persuading Mowat to carry out his wishes. A bill was introduced abolishing the Council of Public Instruction, and substituting for it a new department of Education, with a responsible minister of Education at its head. For the present, it was explained, the addition of a new minister to the cabinet was not contemplated ; the duties of minister of Education were to be discharged along with those of provincial treasurer by Crooks, for a couple of years at least. But eventually the two offices were to be separated, and Crooks would take over the portfolio of Education alone.

The Education Bill, like the 'Crooks Act,' placed in the hands of the government dangerous powers in regard to patronage. It brought the educational system of the province under the thumb, so to speak, of a practical politician. Mowat gave his word that, under the new régime, political considerations would not be allowed to enter into educational appointments ; and it is pleasing to think that to a large extent this promise was kept. There were, of course, a few political appointments made, especially in connection with the provincial university, but it is fortunate that there were not more. In spite of its objectionable features, the bill might not have met with an unreasonable opposition from the conservatives, had not Mowat attempted to railroad it through the house. Like Blake, Mowat was occasionally guilty of the device of bringing his most important bills down at the end of the session, and pushing them through without detailed discussion. The Education Bill, the Licence Bill, the Railway Aid Resolutions all suffered this fate in the session of 1875-76. The Railway Aid Resolutions, apportioning the grants to the various railways, were introduced by the government at the tail end of the session, and pushed through *en bloc* : a method of procedure not greatly superior

to the much condemned Railway Aid policy of Sandfield Macdonald. In the same way Mowat sought to push the Education Bill through the house. When the second reading of the bill was moved, Cameron protested that sufficient time had not been allowed for the consideration of the bill, and threatened that, if the debate were not adjourned, he would avail himself of constitutional means of obstructing the bill. Mowat retorted, 'Try it,' *sotto voce*; and Cameron accepted the challenge. Consequently the house sat till after three A.M., listening to a highly embroidered and interminable speech by Creighton of North Grey, who recounted in detail the life-story of a 'fascinating Michigan schoolmistress with an iron jaw.'<sup>1</sup> It was only when it was discovered that there was no longer a quorum that the house adjourned.

The greatest clash of the session, however, took place over an amendment of the Election Law, introduced by the government only a day or two before the house rose. Since the elections of January 1875 five of the government supporters had been unseated and disqualified in the election trials for corrupt practices. In some of these cases the disqualifications had been a real hardship, inasmuch as the offences committed had been of a minor and technical kind. There had arisen in the house a feeling that these members should be relieved by the legislature of the penalties inflicted by the judges, and the government undertook to introduce an amendment of the Election Law overriding the judges' decisions, and reinstating the members referred to.

When the government's proposals were introduced, however, it was found that they applied not only to the members who had been unseated for technical offences, but also to those who had been unseated for personal bribery. Against this proposal the opposition protested vigorously. Cameron and William (afterwards Sir William) Ralph Meredith, the deputy-leader of the opposition, offered amendment after amendment; and when it became clear that Mowat was determined to stand his ground, Cameron announced that he would not be a party to such an iniquitous proceeding,

<sup>1</sup> Clarke, *op. cit.*, pp. 217-18.



and with all his supporters marched out of the house, 'while Major Rosevear, of East Durham, one of the wags of the Conservative party, turning his face to the House, shook his leg vigorously and made a final, decorous, yet sweeping bow to the Speaker.'<sup>1</sup> This incident was long known as 'the March of the Cameron Men.'

In the sessions of 1877 and 1878 there was little that calls for remark. In the first of these sessions the report of the commissioners appointed to consolidate and revise the Statutes of Ontario was received and adopted; and 'The Revised Statutes of Ontario, 1877,' stand as a memorial not only to the labours of the commissioners, but to the industry and efficiency of Mowat as attorney-general. Mowat deserved all the credit which could be given him for bringing the laws of Ontario out of confusion thrice confounded. An amendment was made in the Franchise Law, whereby the sons of farmers residing with their parents were given the right to vote; and a bill to introduce cumulative voting in municipal elections was introduced by Bethune, but withdrawn at the instance of the attorney-general. A bill to dispense with unanimity in the verdicts of juries suffered the same fate, meeting as it did with the opposition of both Mowat and Cameron. The chief skirmish of the session was over the estimates, which the opposition fought item by item. When the item for unforeseen and unprovided expenses came up, for instance, M<sup>c</sup>Dougall moved that the proposed sum of \$50,000 be reduced to \$20,000, so that such a large sum might not be left to be expended at the sole discretion of the government. To those whose memories went back a few years, this motion must have suggested reflections on the mutability of political parties. In the session of 1878 an interesting debate took place on the question of prayers in the house at the beginning of each day's session, a debate which illustrates well the characters of Cameron and Mowat. 'Considering that honorable members were sent to the House to support one party or the other, and that they did so without any reference to the nature of the

<sup>1</sup> Clarke, *op. cit.*, p. 185. The incident did not, however, as Clarke states, take place in connection with the Education Bill.

measures introduced, he [Cameron] did not think it was in the interests of morality and religion that a form of prayer should be offered up asking for Divine direction, when the course of nearly every member had already been determined. It would, in his opinion, bring discredit upon religion, and on that ground he was opposed to the motion.'<sup>1</sup> Mowat replied that 'he was surprised and disappointed at the observations of his honorable friend, as he had really expected him to support this motion. He did not agree with the leader of the Opposition that members voted for bad measures for party reasons; but he would only say that if there were men in the House who so acted, there was all the more necessity for prayer, for Divine blessing and guidance, to prevent such wickedness in the future.'<sup>2</sup> It was clear that there were here two temperaments in conflict.

During the recess of 1878 there were two important defections from the opposition ranks. William M<sup>c</sup>Dougall, realizing that he was lagging superfluous on the political stage, resigned his seat and retired from public life; and M. C. Cameron was appointed by the government of Sir John A. Macdonald, which had just been returned to power on the National Policy, a judge of the Court of Queen's Bench. Cameron had, no doubt, fallen short of success as a leader of the opposition; he had been too quixotic, too uncalculating, too outspoken; he had despised the arts of a political manager, and had often been pursuing his briefs when he should have been listening to dull speeches in the house; and he had failed sometimes to keep his party together, or even to carry it with him. It was an open secret that he did not have the complete confidence of many of his supporters, and it was doubtless a good thing for the conservative party when he laid down the leadership. Yet no one can examine closely his political career without conceiving an admiration for him on account of his sincerity and freedom from cant. In spite of one or two lapses from good taste, he was the soul of honour:

And thus he bore without abuse  
The grand old name of gentleman.

<sup>1</sup> Biggar, *op. cit.*, pp. 306-7.

<sup>2</sup> *Ibid.*

## MOWAT AND MEREDITH : PROVINCIAL RIGHTS

THE mantle of M. C. Cameron fell upon the shoulders of William Ralph Meredith. Meredith had entered the legislature in 1873, the successor of John Carling as member for London. He had had no previous parliamentary experience, but his high character, his fine presence, and his very considerable ability had immediately raised him to a position of prominence in the house ; and after a couple of sessions he was elected in caucus the deputy-leader of the opposition. In this respect Meredith's rise had been only less phenomenal than that of Blake between 1867 and 1872. Both had entered parliament as novices in politics, and both had in a very short time placed themselves at the head of their respective parties. As deputy-leader Meredith had left little or nothing to be desired, and there was, therefore, no question in 1879 as to who should assume the leadership of the party.

Meredith was fortunate in having as his chief lieutenant a man who had played a distinguished part in Canadian politics, but whose fame has all too quickly fled. Alexander Morris, the new deputy-leader of the opposition, had been the man who conducted the *pourparlers* which led to the Great Coalition in 1864 ; he had been minister of Inland Revenue in Sir John A. Macdonald's government from 1869 to 1872 ; and he had been lieutenant-governor of Manitoba from 1872 to 1877. In 1878, on his return to Ontario, Morris had been induced to re-enter politics, and run for the seat in the Ontario legislature which had just been vacated by Cameron. He was elected, and immediately pressed into service as Meredith's second-in-command. It was, of course, said about him, as it had been said about M<sup>c</sup>Dougall, that he was ambitious of gaining the leadership ; but Morris himself avowed on the platform his willingness to serve under Meredith in any capacity, ' either as cook or bottlewasher.'

The elections for the fourth legislature of Ontario took



place on June 5, 1879. The platform on which the opposition appealed to the country was the cry of economy. During the previous sessions Meredith had attacked vigorously what he described as the extravagance of the government. He now undertook to show that the expenditure of the province was exceeding its revenue, and that the surplus was rapidly dwindling. He quoted Sandfield Macdonald's remark that 'Economy is the sheet anchor of the Federal Constitution,' and he held up before the electors the bogey of direct taxation. 'If we go on in this way,' he said, 'nothing can save us from direct taxation.'<sup>1</sup> We now know that in 1879 the day of direct taxation in Ontario was far off, but at that time Meredith's serried rows of figures may have looked convincing. Meredith himself studiously avoided any charge of corruption against the ministers, but his supporters were not so scrupulous. 'Nepotism, jobbery, and corruption' were all charged against the government:<sup>2</sup> in a political pamphlet of the time, entitled *The Ruling Families of Ontario*, may be seen the names of those relatives of cabinet ministers who had obtained government berths; and they make, it must be admitted, a formidable array. There is no doubt that the election was an anxious one for the government. Sir John A. Macdonald, in the Dominion elections of the year before, had swept the province on the National Policy, and it was natural to expect that Mowat would suffer from the afterwash of that victory. An election in Canada, however, as Sir John A. Macdonald was wont to remark, is as uncertain as a horse-race; and in the event, Mowat's government was sustained by a considerably increased majority. To explain adequately this result would be no easy undertaking. Some of the electors may have resented the attempt of the opposition to borrow a reflected glory from the National Policy; some of them may have disagreed with the cheese-paring financial policy advocated by Meredith; but perhaps the greatest factor in the result was the unfortunate change in the leadership of the opposi-

<sup>1</sup> Speech at Richmond Hill, April 25, 1879.

<sup>2</sup> *Letter on the Increasing Expenditure of Ontario*: a campaign pamphlet published by the Hon. D. L. Macpherson.

tion just before the election. For a political party to swop horses when crossing a stream is almost certain to end in disaster. As it was, almost the only comfort which the opposition was able to extract from the elections was the defeat administered by Morris to Mowat in East Toronto. Mowat had tried to exclude Morris from the legislature, but the result was a rebuff from the electors which cannot have been pleasant.

The speech from the throne with which the session of 1880 was opened was one on which, as the *Bystander* said, Eldon might have voted with Wilkes. Money was asked for the construction of new parliament buildings ; the annual number of amendments to the Municipal Act were promised ; the house was asked to consider the question of timber licences ; and so forth. Real party questions there seemed to be none. Under these circumstances the government and the opposition fell to fighting over the personal expenses of the lieutenant-governor. The lieutenant-governor, D. A. Macdonald, had with a small party made an official trip the year before to New Ontario. The trip had been made at the public expense ; and when the accounts in connection with it were submitted to the house, there was discovered in them an item for corkscrews. Over this item the opposition made high holiday. The 'Corkscrew Brigade,' as the lieutenant-governor's party became known, were denounced in terms which made them famous through the country. It was thought amusing when a member of the legislature who had also been a member of the expedition was presented in the house with a corkscrew and a bottle of Apollinaris water. And it was only when the lieutenant-governor, whose feelings may be better imagined than described, insisted on paying \$350 to cover his personal expenses that the unlovely incident was allowed to close.

During the session of 1881 Mowat put the coping-stone on his work of law reform. The Ontario Judicature Act of 1881 completely remodelled the legal system of the province. The distinction between the Courts of Common Law and the Courts of Equity was abolished, and the Courts of Appeal, Queen's Bench, Common Pleas, and Chancery were con-

solidated into one court, called the Supreme Court of Judicature for Ontario, which was to consist, however, of two divisions, the Court of Appeal and the High Court of Justice. In planning this reorganization Mowat had, of course, the advantage of following the lines adopted in the English Judicature Acts of 1873 and 1875; yet the remarkable success with which the act has worked speaks volumes for Mowat's genius as a law reformer. The credit for the work is almost wholly his; he can have received little assistance from his colleagues, none of whom were first-rate lawyers, or from the house. What the average member in the house thought of the bill was expressed in classic style by the humorous Rosevear: 'For my part (he said) I don't understand one word about this bill. I have asked gentlemen of the profession in this House if they understood it, and they said they did not; and I do not know that the attorney-general does. I believe the attorney-general means well enough by the bill; but he has been led away by some one or other who has been posting him up, and he has got wrong. . . . It's my opinion, that the laymen might as well go out into the lobby or into the smoking-room while the lawyers are passing this act.'<sup>1</sup>

The session of 1882 saw some useful legislation placed upon the statute-book. A bureau of Industries was established, in connection with the department of Agriculture; a new act was passed organizing Boards of Health throughout the province; and provision was made for free municipal libraries. The session of 1883, however, produced little of note. The principal government measures were the consolidation of the Municipal Act and the Jurors' Acts, and a number of statutes intended to facilitate the incorporation of companies without the delay and expense of special acts. That the government did not feel at all the press of public business was evidenced by the fact that Mowat at this time entertained not unfavourably for a while the idea of introducing the system of biennial or alternative parliaments.

During all these sessions Meredith continued to level against the government charges of financial extravagance:

<sup>1</sup> Quoted in the *Bystander*, March 1880, pp. 124-5.



on this ground, for instance, he opposed the large expenditure which they proposed to devote to the new parliament buildings. He continued to advocate the repeal of the Crooks Act and the Education Act. Occasionally he joined battle with the government over the National Policy, a subject which invaded the debates of the legislature with curious persistency. But the chief battleground between the government and the opposition, in this and in the ensuing parliament, was the question of 'provincial rights.' The relations existing between the Dominion and the provinces under the British North America Act is a subject that belongs rightly to the domain of constitutional law, and from that aspect it will be found treated elsewhere in these volumes.<sup>1</sup> But in addition to being a constitutional question, it became in Ontario a political issue—perhaps the only real line of demarcation which ever existed between the two traditional parties. The view of the federal constitution entertained by John Sandfield Macdonald, by M. C. Cameron, and by W. R. Meredith, was the same as that held by Sir John A. Macdonald: they all regarded the province as subordinate to the Dominion. Sandfield Macdonald, and M<sup>c</sup>Dougall later, described the provincial legislatures as 'merely enlarged county councils'; and while he was in power, Sandfield Macdonald, though not regardless of Ontario's rights, showed no anxiety to encroach on the rights of the federal government. On the contrary, he believed that the greatest possible harmony should exist between the federal and the provincial governments: it was on this account that he was so often accused of subserviency to Ottawa. Blake and Mowat, on the other hand, contended that there should be no connection between the federal and provincial governments.

'Harmony,' cry the Tories,  
 'Twixt us and Ottawa.'  
 Yes, let John A. be master,  
 And scorn the Federal Law.

Thus the *Voter's Alphabet* of 1886! Blake and Mowat regarded the provincial legislature as sovereign within its

<sup>1</sup> 'The Federal Constitution,' section iv.

allotted sphere, and they resented any exercise or assertion of federal authority over the province. Indeed, it might almost be said that Mowat regarded the interests of the province as paramount over those of the Dominion. The situation was analogous to that which had existed in the United States : the liberals, like the democrats, were the advocates of local or provincial rights ; the conservatives, like the republicans, were the champions of federal rights.

It is not within the scope of this article to discuss in detail the constitutional struggles over the interpretation of the British North America Act which took place between Mowat and the government of Sir John A. Macdonald. But something must be said about the struggle in its broad outlines. The first conflict which arose between Ontario and the Dominion was over the act respecting Escheats and Forfeitures, passed by the Ontario legislature in the session of 1874. This act was objected to by the Dominion minister of Justice, Telesphore Fournier, on the ground that escheat was a prerogative of the crown, and that the exercise of that prerogative rested with the governor-general of Canada, and not with the lieutenant-governor of a province. On April 3, 1875, the Dominion government (a liberal government, it should be observed) disallowed the act, and Mowat thereupon took the matter to law. The 'Escheats Case,' as Mowat's action became known, ran the gamut of all the courts until it reached the Judicial Committee of the Privy Council in England, and there judgment was finally rendered in favour of the Ontario government. This was Mowat's first victory for provincial rights, a victory won over a liberal government. The second conflict took place over the 'Crooks Act' of 1876. The constitutionality of this act was not questioned by the Mackenzie government, but when Sir John A. Macdonald returned to power he pronounced the act invalid, on the ground that the right to regulate 'trade and commerce' lay within the competency of the Dominion. Speaking at a public meeting in Yorkville in 1882, he said that since Confederation his decision as minister of Justice had often been given on constitutional questions, and in no single case had his judgment been

reversed. He believed the act was not worth the paper it was written on, and he promised to pass a bill at Ottawa returning to the municipalities the powers taken away from them by the 'Crooks Act.'<sup>1</sup> In the very next session, true to his word, Sir John introduced the Liquor Licence Act of 1883, better known as the 'McCarthy Act.' The question of the validity of this act was carried to the Judicial Committee of the Privy Council: it was found by their lordships that the 'McCarthy Act' was *ultra vires* of the federal parliament, and *per contra* that the 'Crooks Act' was *intra vires* of the provincial legislature. Since that time there has been no question of the right of the provinces to regulate the sale of liquor within their confines.

In regard to both these matters the opposition took up the cudgels in favour of the federal government. But it was over another measure, a government bill of the session of 1881, entitled a Bill to protect the Public Interest in Rivers and Streams, that the battle-royal took place. On the Mississippi River, an affluent of the Ottawa River, Peter McLaren, a wealthy lumberman of conservative leanings, had built a dam and slide. This dam and slide had been used by Boyd Caldwell and Co., lumbermen of liberal leanings, with limits farther up the river, in floating down their logs. McLaren had obtained from Vice-Chancellor Proudfoot an injunction preventing Boyd Caldwell and Co. from using the dam and slide for the future. Mowat, considering the judgment of the vice-chancellor to be erroneous, undertook to reverse the judgment by legislative enactment; and it was with this object that he introduced into the house the Rivers and Streams Bill. In view of the fact that Caldwell's nephew was a supporter of Mowat in the legislature, Mowat's bill had a somewhat partisan aspect; and it was opposed by the opposition, Meredith moving that the bill was calculated to interfere with important private interests without making adequate compensation therefor. The opposition was of no avail, for the bill was passed by a large government majority; but when the bill reached Ottawa, its disallowance was promptly recommended by the minister of Justice,

<sup>1</sup> Quoted in Biggar, *op. cit.*, p. 359.



on the precise ground mentioned in Meredith's motion. The power of disallowance vested in the Dominion government over provincial legislation has always been a fertile source of controversy. That the power exists under the British North America Act cannot be denied, but the grounds on which it is to be exercised are not prescribed. It is safe to say that Mowat, during his long official career, sought persistently to reduce the federal power of disallowance to a nullity. If a provincial act were disallowed on the ground of being *ultra vires*, Mowat was always ready to carry the case to the law-courts, to which, it must be confessed, the proper appeal lay ; and if the act were disallowed on the grounds of expediency and public policy, Mowat always condemned the disallowance as an invasion of provincial rights. This was the case in regard to the Rivers and Streams Bill. Mowat contended that the bill was entirely within the competency of the provincial legislature, and that the Dominion government had no right to touch it. He re-enacted it during the next session, and when it was disallowed a second time, he re-enacted it a third time ; whereupon it was again disallowed. During the whole of this conflict the opposition under Meredith espoused the cause of the Dominion government. With a courage deserving of admiration it defended the power of disallowance in an assembly where the defence of that power was bound to weaken them in the country ; indeed, from a tactical point of view, their attitude was probably an error in judgment. Nor was their championship of federal rights of any avail. In 1883 the case of *M<sup>c</sup>Laren v. Caldwell*, which had been pursuing the even tenor of its way from court to court, reached the Judicial Committee of the Privy Council, and there judgment was given in favour of Caldwell. This judgment made the Rivers and Streams Bill little more than declaratory of the existing state of the law ; and when it was re-enacted in 1884, the Dominion government allowed it to become law. Thus Mowat achieved another victory over the champions of federal rights ; though it should be observed that, in the decision of the Judicial Committee of the Privy Council in *M<sup>c</sup>Laren v. Caldwell*, no judgment was

rendered in regard to the exercise of the federal power of disallowance.

Mention must be made, finally, of the dispute over the boundary question. The northerly and westerly boundaries of Ontario had never been very clearly defined ; and when the North-West Territory was acquired by the Dominion in 1869 from the Hudson's Bay Company, it became necessary to ascertain the boundary-line between the territory of the Dominion and that of Ontario. After protracted negotiations three arbitrators were appointed to investigate the evidence available and to find the true boundaries of Ontario. The decision arrived at by the arbitrators in 1878 was a complete corroboration of the claims of Ontario to the vast hinterland of the province north and west of Lake Superior. The effect of the award was to make Ontario twice as large again as the Dominion government contended it was. The Mackenzie government, which had appointed the arbitrators, was prepared to ratify the award by legislation ; but in 1878 the Mackenzie government was defeated, and Sir John A. Macdonald, on his return to power, flatly refused to regard the award as binding. There was, he said, in the disputed territory not one stick of timber, one acre of land, or one lump of lead, iron, or gold that did not belong to the Dominion. The lands had been acquired, he argued, by the Dominion from the original Indian owners. His contention was not, however, borne out by the courts. The title to these lands was set at rest by the Indian Title Case, judgment in which was given in 1888 in favour of the province. Thus the dispute ended all along the line in a victory for Mowat, who had himself argued some of the cases before the Judicial Committee of the Privy Council.

Meredith and his followers may have been ill-advised in defending, as they did, the course of the Dominion government regarding the boundary dispute. It is difficult not to convict Sir John A. Macdonald, in this regard at least, of undue subserviency to the French-Canadian vote. But it should be remembered that there was needed in the Ontario legislature at that time some one to champion the cause of federal rights. It was an unpopular cause and a losing

fight; yet for that very reason it needed a spokesman. Mowat was a great, perhaps too great a constitutional lawyer: except in the case of Clarke's Prohibition Bill and the Orange Bills (and here his view was perhaps clouded by considerations of policy), his judgment in regard to the interpretation of the British North America Act seems to have been infallible. Yet he did not seem to see that by his belligerent championship of provincial rights, by his magnification of the province at the expense of the Dominion, he was doing what in him lay to wreck the work of Confederation. In the United States the tendency since 1867 has been toward strengthening the federal government; in Canada it has been, thanks to Sir Oliver Mowat and the liberal party, toward weakening the federal and strengthening the provincial government.

## VI

## MOWAT AND MEREDITH: THE CATHOLIC VOTE

THE year 1883 saw some important changes in Mowat's cabinet and an altered aspect in the political situation. In the first place, Mowat lost the services of both S. C. Wood and Adam Crooks. Wood, who had been provincial treasurer since 1877, resigned his office in order to devote himself to his business interests. He was succeeded in the treasurership by James Young, the member for South Brant; but Young, unfortunately, was compelled, owing to ill-health, to retire from office a few months later. He in turn was succeeded by A. M. Ross, the member for West Huron, who remained provincial treasurer until 1890. On the other hand, Crooks was compelled, owing to a disease of the mind to which he had fallen victim, to resign the portfolio of minister of Education. The unfortunate minister had been for some time in failing health, but it was not easy to fill his place. The portfolio of Education was offered first to Principal Grant of Queen's College, Kingston, but that free-lance of Canadian public life valued his independence too



much to accept it.<sup>1</sup> Mowat had in the end to go to the Dominion House of Commons before he was able to get a suitable man. George (afterwards Sir George) W. Ross, whom he induced to leave the House of Commons at Ottawa to become minister of Education for Ontario, had been first a school-teacher and then a school inspector ; he was therefore not unqualified for his new post. Ross administered the department of Education from 1883 to 1899, when he became prime minister of Ontario.

The elections of 1883 brought Meredith nearer to the Treasury seats than he ever came before or after. At the polls the government's majority was cut down from twenty-eight to ten, and in the hearts of many conservatives the hope rose high that the death-knell of the Mowat government had been sounded. The factors in an election can never be ascertained with mathematical accuracy, and it would be difficult to find any one cause to which the result of the 1883 election could be attributed. With some of the electors Meredith's persistent arraignment of the government on the score of financial extravagance may have weighed; others may have been swayed by his continued advocacy of the return of liquor licences to the control of the municipalities and the reorganization of the department of Education under a non-partisan head. The *Bystander* traced the result to the intervention of the Dominion government in favour of the opposition. 'The Ontario Election,' it said, 'was a Dominion battle, fought on a local field : the whole artillery of Ottawa was brought into play, and its fire told heavily on the result.'<sup>2</sup> But perhaps the most notable, if not the most important, factor in the election was the opposition's bid for the Roman Catholic vote. For some time it had been plain that the government owed part of its strength at the polls to the liquor vote and influence and to the Roman Catholic vote. To detach the liquor interests from their allegiance to the government, it was realized by the opposition managers, was a hopeless task, since the licensed victuallers were firmly attached to the party in

<sup>1</sup> W. L. Grant and Frederick Hamilton, *Principal Grant*, pp. 261-9.

<sup>2</sup> The *Bystander*, April 1883, p. 80.

power, whether that party were red or blue. There seemed, however, to be some hope that a vigorous campaign might succeed in conciliating some of the Roman Catholic voters. With this object in view there was prepared by the conservative organizers a pamphlet which was entitled *Facts for the Irish Electors*, and which was an appeal to the Roman Catholic Irish to vote for Meredith on sectarian grounds. 'The Catholics of this province,' declared the brochure, 'can never have any confidence in the Hon. Oliver Mowat, who has always been their enemy,' whereas Meredith had been their friend. 'It is necessary,' continued the pamphlet, 'for our own good, that we should all know the party that has been the faithful sentinel of our interests, in order that we Catholics may act on the good old maxim of one good turn deserving another.' Whether Meredith was in any sense responsible for the publication of this pamphlet, it is difficult to say. It was openly charged in the election campaign that Meredith had seen and revised the proof-sheets of the pamphlet, and the charge was not publicly denied. Certainly the pamphlet was not disavowed during the campaign by the conservative leaders, but was allowed to do its deadly work. Meredith, it must be confessed, was not the first to angle for the Roman Catholic vote in Ontario; that honour had belonged to George Brown, and after him to Oliver Mowat; but it cannot be denied that the *Facts for the Irish Electors* constituted a dark stain on the record of the conservative party under Meredith's leadership.

The outstanding event of the fifth legislature of Ontario was the 'Bribery Plot' of 1884. It had been known for a number of years at least that corrupt influences had been at work in the legislature: the Rykert investigation of 1874 had revealed as much. But nothing so sensational was expected as the disclosures of March 17, 1884. These amounted, in fact, to the revelation of a plot to defeat the government by buying up some of the government supporters. When the house met, two of the members, Robert M<sup>c</sup>Kim of West Wellington and W. D. Balfour of South Essex, handed over to the speaker large sums of money which had been paid them to induce them to vote against the govern-

ment ; and other members swore they had been approached with similar corrupt offers. ' The brawling brood of bribers,' to quote the vigorous phrase which C. F. Fraser was reported to have applied to them in the debate, were Christopher Bunting, managing editor of the *Mail*, Edward Meek, a Toronto barrister, F. S. Kirkland, a Wisconsin lawyer, and one or two subordinate agents. The charges were preferred first of all before the committee on privileges and elections, and then before a commission of judges. The finding of the judges was to a large extent a corroboration of the charges. Part of the bribery seems to have been of a commercial rather than a political nature, but there seems also to have been an attempt on the part of Bunting and his friends to change the course of Ontario politics by corrupt means. The bribers were committed for trial, but in the assizes for the county of York they were acquitted, largely owing to the fact that the judge, Sir Adam Wilson, charged strongly in their favour. It need hardly be added that there was no evidence connecting Meredith or Morris in the slightest way with the bribery.<sup>1</sup>

Of the legislation passed during this legislature details would be tedious. Important amendments, in the direction of Local Option, were introduced into the ' Crooks Act ' ; an act was passed enabling married women to hold property ; the Municipal Act was amended to permit widows and unmarried women to vote at municipal elections, if they possessed the necessary qualification in regard to real property or income ; amendments were made to the Election Law, and an act was passed for the better prevention of corrupt and illegal practices at elections. Some of these measures, of course, were contested by the opposition, but it must have been because they felt it was the duty of an opposition to oppose. Party principles at stake there were as a rule none : ' On these measures a worshipper of Charles I might have voted with a follower of Karl Marx.'

It might have been expected that in the elections of 1886 the swing of the pendulum would have brought Meredith into power. Mowat had not given him much of an oppor-

<sup>1</sup> Clarke, *op. cit.*, chap. xxi. : ' The Bribery Case.' Clarke was speaker of the legislature at the time of the revelations.



tunity to strike out a clear-cut line of policy in the house, but the platform which he formulated during the campaign of 1886 was one that should have appealed strongly to the country. It was not in any sense a tory or conservative platform : Meredith had by this time discovered that toryism is not a suitable creed for a party in opposition, and he had almost inevitably begun to adopt the language of radicalism. Among other things he advocated, for instance, manhood suffrage, the secret ballot, and the enlargement of the powers of municipal councils. Under Meredith, indeed, the conservative party drifted far from its original moorings ; it took on something of the aspect of that tory democracy which, under Disraeli and Lord Randolph Churchill, had arisen across the sea.

The issue on which the election was fought, however, was not the official platform of Meredith. It was once more the Roman Catholic question. Since 1883 the Mowat government had spared no pains to confirm the Roman Catholics in their attachment to the liberal party. That there was actually a concordat between Mowat and Archbishop Lynch, as the *Mail* avowed, may perhaps be doubted ; but that some sort of understanding existed between some members of Mowat's cabinet and some high officials of the Roman Catholic Church, one is tempted to believe. Certainly 'A Bystander' did not dismiss the idea as absurd. 'He would delicately hint to Mr Mowat,' he said, 'that, though Prime Minister, he does not hold what we may call the Catholic portfolio, and that when under Pitt's government Dundas managed Scotland, there were probably some little matters of detail which were better known to Dundas than to Pitt.'<sup>1</sup> In 1883 the opposition had made a bid for Roman Catholic support ; in 1886 it made a complete right-about-face, and raised the 'No Popery' cry. In this course it was not followed by its leader. Meredith pronounced himself in favour of religious equality, but he refused to join in a 'No Popery' crusade, which he identified with 'the Protestant horse bestridden of yore by George Brown.' In this regard Meredith's position must have been an extremely

<sup>1</sup> The *Week*, November 4, 1886.

difficult one. It was only four years since the *Facts for the Irish Electors* had gone forth into the world, and it was well known that the conservative government at Ottawa was largely dependent upon the Roman Catholic vote for its support. Unless, therefore, Meredith was prepared, on the one hand, to cast consistency to the winds, and, on the other hand, to cut the provincial conservative party adrift from the Dominion party, his hands were tied. And yet his whole party, in the press and on the platform, was in full cry after the Roman Catholics.

The result of the elections was probably never in doubt. The ambiguous position in which the 'No Popery' cry placed Meredith was bound to be a source of weakness to the party, and the means which an element in the conservative ranks adopted of driving home the cry were not above reproach. Especially was this true of the agitation about the 'Ross Bible.' The 'Ross Bible' was a selection of Scripture readings for use in the public schools, authorized by Ross, the minister of Education. The book had been submitted to the Roman Catholic Archbishop of Toronto for his approval, just as it had been submitted to prominent dignitaries of the other churches; and the archbishop, who was somewhat of a scholar, had suggested the substitution of 'which' for 'who' in the Lord's Prayer. On the strength of this trifling revision it was charged that the book was the offspring of Roman Catholic intrigue, and that the words of our Lord had been revised by the Roman Catholic archbishop. 'The Archbishop of Toronto,' it was said, 'had been permitted to dictate the nature of the religious teaching given in the public schools, even to the extent of mutilating and garbling the Bible.'<sup>1</sup> And one opposition orator waxed profane over the subject: 'Damn it,' he said, 'what we want is the Bible, the whole Bible, and nothing but the Bible.' The answer of the electorate to this sort of campaign was the triumphant return of Mowat with a majority in the house of about twenty-eight; and parties thus reverted to the position in which they had been before 1883.

One would have thought that this result would have dis-

<sup>1</sup> An opposition campaign document quoted in Biggar, *op. cit.*, p. 476.

couraged the conservatives from raising the 'No Popery' cry again, yet in the elections of 1890 and 1894 the Roman Catholic bogey was once more trotted to the fore. In 1890 the country had been stirred up by the passing of the Jesuit Estates Bill in Quebec. This was a bill, passed by the Quebec legislature, compensating the revived Jesuit order for the loss of their property at the time of the dissolution of the order in the eighteenth century. The idea of public money and public land going to maintain a religious order in Quebec set the Protestant population of Canada in an uproar. There was formed in Ontario, by D'Alton M<sup>c</sup>Carthy and some other prominent Protestants, an association known as the Equal Rights Association, which had as its immediate aim the disallowance of the Jesuit Estates Act by the federal authorities, but which had as its ultimate object the abolition of all special privileges granted to the Roman Catholics in Canada, and the treatment of all religious denominations on the same basis. In Ontario, for instance, the separate school system had been a rock of offence to many people; and it was only the fact that separate schools were guaranteed to the Roman Catholics of Ontario by the British North America Act that had prevented an agitation for their abolition before 1890. The Jesuit Estates Bill, however, proved sufficient to set the heather ablaze, and the Equal Rights Association came out in favour of the abolition of the separate school system in Ontario. Mowat was known to be in favour of the continuation of the system; he had opposed separate schools at the time of Confederation, but he was prepared loyally to administer the compact entered into at that time; he refused to go behind the British North America Act and starve the separate schools out, nor was he willing to join in an agitation for the abolition of the separate schools by the imperial parliament. That, he contended, would be a violation of the Confederation agreement. The attitude adopted by Mowat almost inevitably drove Meredith into the arms of the Equal Rights Association. Divesting himself of his scruples against an anti-Roman Catholic agitation, Meredith came out finally in favour of the conditional abolition of separate schools, and in direct opposition to the pretensions



of the Roman Catholic Church. A kindred subject on which he also took strong ground was the use of the French language in the public schools of the province. In 1889 a motion had been introduced in the Ontario legislature condemning the Mowat government for its toleration of bilingual schools in the French-Canadian districts. The motion was voted down, but it bore fruit in a royal commission to investigate the allegations made in the legislature regarding the use of the French language in the schools. The commission's report revealed the existence of nearly one hundred schools in the province in which French text-books, as well as English, were in use, and the only defence that the commission offered was expediency. Meredith took the ground that the English language was the language of the province, and he condemned, in terms that left no doubt as to his meaning, the use of the French language in the schools.

To do this must have required no small amount of courage. The conservative party at Ottawa was largely dependent for its voting strength on the *Bleu* element in Quebec ; and in taking the attitude he did, Meredith cut himself off from Sir John A. Macdonald. 'The tie,' exclaimed 'A Bystander,' 'between the Dominion and Provincial parties has finally been broken.' It is strange that, in Orange Ontario, Meredith's obviously sincere stand did not gain for him more votes than it did. In the elections the Mowat government was sustained by a majority very nearly as large as that of 1886, a majority of twenty-three members in a house of eighty-eight. The Equal Rights cry must have won for Meredith a number of Protestant votes, but these were evidently not numerous enough to counterbalance the solid Roman Catholic and French-Canadian vote polled by Mowat.

In 1894 the agitation against the Roman Catholics was taken up by what was known as the Protestant Protective Association. The 'P.P.A.' was an association which represented the extremest and most intolerant type of Protestant bigotry. It had come into Canada from the United States, where it had first arisen ; and it had no connection with the official conservative party. Yet in the public mind

the two were, unfortunately, not entirely dissociated ; and the opposition leader had to bear the blame, doubtless, of some of the 'P. P. A.'s' lucubrations. An illustration of the campaign in which the 'P. P. A.' indulged itself may be taken from an election broadside of 1894, entitled *An Eye-Opener for Ontario Electors*. 'The most brazen act of Romanism in this Province,' ran the handbill, 'was when Hon. Fraser who had charge of the building of the Parliament Buildings had a large white cross painted on the ceiling of the Legislative Chamber. This white cross is so ingeniously worked into the fresco of the ceiling that at first it cannot be noticed, but a closer look will show it. It is directly over the table occupied by the clerk of the House. It was this way Rome desired to show that she placed her stamp on all provincial legislation.' Meredith denied all connection with this sort of thing, but it must, nevertheless, have done a certain amount of damage.

The platform on which Meredith appealed to the country was not materially different from that of previous elections. He still advocated the repeal of the Education Act and the 'Crooks Act,' the conditional abolition of separate schools, and the conservation of the forests. He pronounced himself in favour of the secret ballot in elections, as opposed to the numbered ballot introduced by the Mowat government ; and in this connection he came forward again as the friend of the people. 'The world,' he said, 'has moved faster than the Liberals, and the Conservatives are now the real progressive democratic party.'<sup>1</sup> Much was made of the alleged unfairness of the Redistribution Bill which had been passed just before the election ; and it was remarkable that the government had no better defence to offer than the counter-charge that the conservative government at Ottawa had begun the practice of gerrymandering the country. But the real issue was the record of the government. Sir Oliver Mowat (as Mowat was now styled) had still about him an able and tried cabinet, whereas Meredith, although himself a man who stood very high in the estimation of both parties, was surrounded by few men who seemed to be of cabinet

<sup>1</sup> *The Empire*, December 6, 1893.

rank. The Mowat government had carried to completion its work of franchise reform and law reform. In 1888 it had carried through the house the Manhood Suffrage Act, and shortly it was to put the coping-stone on the reorganized legal system with the Judicature Act of 1894. In 1890 an important concession had been made to the temperance sentiment of the country by an amendment to the Licence Act by which there was restored to the municipalities the right of local option which had existed under the Municipal Act of 1866. By this act the council of any municipality other than a county might, with the assent of the electors thereof, pass by-laws prohibiting the sale by retail of liquors in any tavern or other house of public entertainment, and prohibiting altogether the sale thereof in shops and places other than houses of public entertainment. In 1892 an important act had been passed imposing succession duties on all estates, passing either by will or intestacy, valued at \$100,000 or over. During the election campaign of 1894 attention was called to the labour legislation of the Mowat government—the Mechanics' Lien Act, the Employers' Liability Act, the Factories Act, the Work and Wages Act, the Co-operative Associations Act, the Trades' Arbitration Act, and similar measures, all of which made a legitimate appeal to the support of the working classes.

The contest of 1894 was of a somewhat unusual character, owing to the number of independents who ran, and to the entrance of a 'third party' into the provincial arena. This was the party known, rather stupidly, as the 'Patrons of Industry.' The Patrons, as they were called *tout court*, were representatives of the farming class. Their platform was largely concerned with Dominion politics, but there were one or two planks in it that had reference to provincial politics; and at the nominations there were no fewer than forty-eight Patrons who presented themselves as candidates for election to the legislature. The rise of the Patrons introduced an uncertain element into the contest, since in most of the constituencies there were three-cornered contests; but when the votes were counted it was found that Sir Oliver Mowat had a majority of eight to ten over the combined vote



of the Patrons, the independents, and the regular opposition. The Patrons, moreover, had in nearly all cases been originally liberals, and before the dissolution of the legislature most of them had returned to the fold. They represented distinctly class interests; and almost the only plank in their platform which had reference to provincial politics was the demand that all county officials should be elected by the county instead of being nominated by the provincial government. Their disappearance, therefore, as a distinct party, was neither unnatural nor undesirable.

## VII

## MOWAT AND MARTER: PROHIBITION

THE election of 1894 was Meredith's last appeal to the electors. A few months later he accepted from his friends at Ottawa the chief justiceship of the Common Pleas Division of the High Court of Ontario, and his seat in the legislature became vacant. He had been deputy-leader and then leader of the opposition for nearly twenty years, and his failure to attain office during those years had been due to no lack of ability or courage on his part. He was given by Sir Oliver Mowat few openings, but those he was given he made the most of. It is difficult to see how, with the material he had at his command, he could have improved on his campaign platforms. Meredith, moreover, was a man who bore everywhere the highest character; few men have ever lived through over twenty years of political life with so stainless a reputation. His continued exclusion from office is a little difficult to explain: it may have been due partly to his lack of that personal magnetism which stamps the greatest political leaders; but one is tempted to believe that it was also due to the extraordinary hold which the Mowat government had on the country, and the fact that there were, as 'A Bystander' said, at that time 'more Grits than Tories in Ontario, just as there were more Little-Endians than Big-Endians in Lilliput.'

The successor of Meredith in the leadership of the opposition was George Frederick Marter, the member for North Toronto. Marter was a politician of blameless character and genial manner, but his education had been commercial rather than legal, and he was the first to realize that, in accepting the leadership of the opposition, he had put himself in a false position. In dealing with the details of legislation, for instance, he found himself no match for Sir Oliver Mowat. Marter was, moreover, a strong advocate of the prohibition of the sale of liquor in the province, and in his view on this question he was unable to carry his party with him. In April 1896, therefore, after two sessions as leader of the opposition, he handed in his resignation to the caucus, and not long afterwards retired from public life. His resignation can only be described as in every sense creditable to himself.

The question on which Marter differed from his party, the question of prohibition, has been the rock on which more than one administration in Ontario has nearly come to grief. Sandfield Macdonald and Edward Blake escaped it, but from the beginning of Sir Oliver Mowat's régime up to the present day it has been a burning question in provincial politics. The trouble has been that it has cut right across existing party divisions, and the leaders in both camps have been embarrassed to know what to do. Sir Oliver Mowat was at first sceptical regarding the power of the province to prohibit the sale of liquor, but he professed himself from the first ready to go as far in the direction of prohibition as the British North America Act and public opinion would allow him. As an earnest of his goodwill he introduced the Licence Act and its amendments. When he was put to the test, however, he was found to have a somewhat equivocal attitude. In 1893 Marter introduced into the house a prohibition bill similar to that which had been introduced twenty years before by Dr Clarke of Norfolk. A large deputation of prohibitionists waited on the premier asking him to support the bill. Sir Oliver Mowat replied that, in view of the doubt as to whether a prohibition bill would be *ultra vires* of the provincial legislature, the government could not

at that time support Marter's bill. The solicitude of Sir Oliver on this occasion regarding the validity of Marter's bill may have been dictated by sound motives, but it sat ill on the uncompromising champion of provincial rights. Here, at any rate, was one quarter where the prime minister of Ontario was not anxious to have the jurisdiction of the province extended. In order to discover, however, just what demand for prohibition there was, the government introduced a bill entitled the Prohibition Plebiscite Act, which made provision for the holding of a plebiscite on the question of the prohibition, by competent authority, of the importation, manufacture, and sale of intoxicating liquor as a beverage in the province. The vote was taken at the municipal elections of 1894, and resulted in a majority for prohibition of 81,769 out of a total vote of about 300,000. This vote removed all doubt as to whether prohibition was demanded by the people. Sir Oliver Mowat had already moved in the direction of getting a judgment from the Privy Council regarding the jurisdiction of the province in regard to prohibition, and when a deputation waited on him in the spring of 1894, he made the following statement :

If the decision of the Privy Council should be that the province has the jurisdiction to pass a prohibitory liquor law as to sale, I will introduce such a Bill in the following Session, if I am then at the head of the Government. If the decision of the Privy Council is that the province has jurisdiction to pass only a partial prohibitive liquor law, I will introduce such a prohibitive bill as the decision will warrant, unless the partial prohibitive power is so limited as to be ineffective from a temperance standpoint.<sup>1</sup>

Before the decision of the Privy Council, however, was rendered, Sir Oliver Mowat was no longer the head of the government. In the summer of 1896 the government of Sir Charles Tupper was defeated at the polls, and Wilfrid (afterwards Sir Wilfrid) Laurier, on whom the governor-general called, was anxious to form the strongest liberal government available. He offered portfolios to tried men

<sup>1</sup> Biggar, *op. cit.*, pp. 538-9.



in the provincial political fields, and Mowat was asked to undertake the administration of Justice in the new cabinet. Marter had resigned the leadership of the opposition a few months before : now Sir Oliver Mowat resigned the leadership of the government, and thus the way was cleared for other men.

Sir Oliver Mowat was prime minister of Ontario for nearly twenty-five years, a longer period of office than has fallen to the lot of any other first minister in the history of constitutional government in the British Empire. During this time he administered the affairs of the province with great honesty and efficiency, so that Ontario presented the spectacle of one of the best-governed territories in the world ; and he placed on the statute-book a mass of sound and useful legislation which was a model of conservative reform. By a series of gradual extensions of the franchise he introduced manhood suffrage ; he reformed the electoral laws and introduced the use of the ballot ; he unified the courts of law and equity ; he cheapened and simplified legal proceedings ; he carried out repeatedly the codification of the statute law, and he consolidated the municipal law ; he curbed and regulated the liquor traffic ; he bettered the legal status of married women ; he went far toward protecting the rights of wage-earners ; he introduced the principle of the graded succession duty. His policy in regard to education, in regard to timber grants, and in regard to bilingual schools may not meet now with universal approval. It must be regarded as unfortunate that, in his struggles with the Dominion, he laid such undue emphasis on provincial rights. That he made mistakes, and serious mistakes, it would be folly to deny ; but the rarity of this occurrence is well illustrated in the difficulty the opposition had in formulating election platforms. The only serious charge that was ever brought against Sir Oliver Mowat was that he sometimes closed his eyes to things going on about him which it was not convenient for him to see. He had early described himself as a ' Christian Statesman ' ; but he was also a practical politician, and actions which would have seemed pardonable in Sir John A. Macdonald seemed

reprehensible in him. The political managements of which he was occasionally guilty do not, however, seem to have weighed heavily with the electorate ; and at the end of his régime he was probably as strong in the country as ever before. According to a striking passage in the *Bystander* in 1890 :

Mr Mowat occupies in the Province a position something like that of Sir John Macdonald in the Dominion : he has long been in possession of power, has filled the Province with his appointees, has redistributed the representation at his pleasure, and has all the means of influence in his hands. The Catholic vote he is allowed to use, turn about with Sir John, by an arrangement very convenient to both of them, though rather perplexing to their respective organists. A ministry thus intrenched and wielding the patronage is not to be overturned by any minor charges of misgovernment, such as tampering with licenses or jobbery about registrarships. It can be overturned only by the leverage of a great question appealing strongly to the interest or the sentiment of the people.<sup>1</sup>

It is, however, a characteristic of provincial politics in Canada that such a question does not often emerge to view.

## VIII

### HARDY, ROSS, AND WHITNEY

WHAT remains of the political history of the province, coming as it does perilously near present-day politics, may be briefly narrated. With the disappearance of Sir Oliver Mowat and G. F. Marter in 1896 the reins passed into other hands. A. S. Hardy, the commissioner of Crown Lands, was called upon by the lieutenant-governor, Sir George Kirkpatrick, to form an administration ; and the conservatives chose as the leader of the opposition James (afterwards Sir James) Pliny Whitney. The administration that Hardy formed was merely a reorganization of the

<sup>1</sup> The *Bystander*, January 1890, p. 108.

cabinet of Sir Oliver Mowat. Hardy took Sir Oliver's place as attorney-general ; John (afterwards Sir John) M. Gibson, who had been provincial secretary since 1889, took Hardy's place as commissioner of Crown Lands ; and Elihu J. Davis, the member for North York, was taken into the cabinet as provincial secretary. For the rest the portfolios remained unchanged. William Harty, who had succeeded C. F. Fraser as commissioner of Public Works in 1892 ; Richard Harcourt, who had succeeded A. M. Ross in the treasurer-ship in 1890 ; John Dryden, who had been minister of Agriculture (a portfolio created in 1888) since 1890 ; G. W. Ross, who had been minister of Education since 1883 ; and E. H. Bronson, who had been taken into the cabinet without portfolio in 1890—all these retained their offices unchanged.

As prime minister Hardy scarcely had a chance to show his hand. In 1898 he had to brave the vortex of a general election, and in 1899 he was forced, owing to the malady that brought him the same year to his grave, to retire from public life. The elections made it clear, however, that he had not the confidence of the country in the same way that Sir Oliver Mowat had had it. At the polls his majority of twenty-five or more was cut down to something in the neighbourhood of six, and two of his cabinet ministers, Gibson and Dryden, were defeated in their home constituencies. The issue on which the election turned is not immediately clear. Probably the cry that it was time for a change weighed with the electorate, and the retirement of Sir Oliver Mowat from the scene seemed to offer an opportune moment for such a change. Perhaps also the shrill cries of bribery and corruption to which the *Mail and Empire* was already giving vent were beginning to tell in the country. Curiously enough, one of the chief charges which the opposition hurled against the government was the same charge of which Blake had made so much between 1867 and 1871. Hardy was accused of being in league with the Laurier government at Ottawa, and the opposition took strong ground against the existence of any connection between the Dominion and the provincial governments. Thus the whirligig of time had brought its revenge, and the position of the



two political parties was reversed. There could be no better illustration than this of the empty and meaningless character of provincial party politics.

In 1899 G. W. Ross was called upon to form an administration. In the reorganization of the cabinet which followed Ross took the office of provincial treasurer, Gibson became attorney-general, J. R. Stratton entered the cabinet as provincial secretary, F. R. Latchford as commissioner of Public Works, and J. T. Garrow as a minister without portfolio. The other members of the cabinet remained as they were. Had Ross come into power under other circumstances, he might have gone down to history as a great Canadian statesman. His administration of the department of Education from 1883 to 1899 had not, it is true, endeared him to many who had the interests of higher education in Ontario at heart; but he was a man with a wide horizon and the gift of eloquence. Unfortunately, the situation which he inherited in 1899 was one that would have doomed any man to impotence and defeat. The liberal party had already been in power longer than was good for it; there had gathered about it an army of 'heelers' and hangers-on whose existence was a menace to political purity; and already during Hardy's premiership there had been, especially in connection with the West Elgin by-election of 1899, some election frauds which Ross himself characterized as 'gross irregularities.' The result was that the confidence of the electorate was gradually withdrawn from the liberal party, and the six years of Ross's régime were a continuous struggle for existence.

In 1902 there was held a general election. In this election Ross showed his progressive spirit by proclaiming a new policy for the party, the policy of 'Building up Ontario.' The platform on which he appealed to the country was the opening up and surveying of the newer parts of the province, the building of the Timiskaming Railway, and the development and exploitation of the province's hitherto neglected resources. It was a good cry, but it barely succeeded in saving the government from defeat. Ross went to the country with a majority of ten behind him; he came back with a majority of two or three.

The position of the Ross government in 1902 was not unlike that in which the Sandfield Macdonald government found itself after the elections of 1871. Both governments had very narrow majorities to rely on ; in both cases there were by-elections pending ; and there are signs that Ross attempted to put into practice some of the devices which Sir John A. Macdonald urged upon Sandfield Macdonald. The offer, for instance, of the speakership was made to one of the conservative members, Dr Réaume of North Essex, an offer which Dr Réaume declined with some publicity. More fortunate, or more adroit, than Sandfield Macdonald, Ross succeeded in surviving two sessions ; but it was only to suffer in the end crushing defeat.

The causes of the downfall of the government were in the main two : first, Ross's policy in regard to prohibition ; and second, the charges of corruption which were levelled against his administration. In early days Ross had been one of the idols of the temperance party ; he had been one of the most eloquent and enthusiastic advocates of prohibition in the province. But the responsibilities of office had somewhat modified his views. The difficulty of bringing his party into line on the question, the danger of going ahead of public opinion, the uncertainty as to whether a prohibition law could be strictly enforced—all these things began to weigh with him. In 1901 the Judicial Committee of the Privy Council at last rendered its decision in regard to the right of the provinces to prohibit the sale of spirituous liquors. The decision was an unwelcome shock to the Ross government, because it pronounced the power of prohibition to be entirely within the competence of the provincial legislature ; and both Mowat and Ross had promised to go as far in the direction of prohibition as the decision of the Privy Council would allow them. In view of these pledges Ross should either have passed a prohibition bill, or he should have resigned from the leadership of the party. But instead of adopting either of these courses, he introduced a prohibition bill which required a referendum to the people before it became law, and which required, moreover, not a bare majority, but a two-thirds majority, to carry it. The refer-

endum took place in December 1902 ; and although a large majority was polled in favour of the bill, the bill failed to reach the required two-thirds majority by only a few hundred votes. Great was the indignation of the temperance people at this result. Within sight of their goal, they had been balked by the evasions of Ross ; and in the elections of 1905 there is no doubt that many temperance men voted against Ross out of sheer revenge. They could not hope to get more out of the conservative party than out of the liberal, but they were anxious that Ross should feel the weight of their anger. At the same time, Ross had gone so far in the direction of prohibition that he completely lost the support of the licensed victuallers ; and the extraordinary spectacle was seen in the election of the temperance people and the liquor people going hand in hand to the polls.

The other chief cause of Ross's downfall was to be found in the charges of corruption levelled against his government. The catalogue of electoral crimes of which the agents and adherents of the Ross government were guilty was an un-savoury one : bribery, intimidation, ballot - box plugging, personation, all these were repeatedly indulged in, especially in the all-important by-elections. It cannot be contended that these irregularities were confined to the liberal agents ; the conservatives were just as bad, if not worse. And the growing prevalence in 'saw-offs' in election petitions reflected as little credit on the managers of the opposition as on those of the government. But there was a widespread feeling in the country that the Ross government had not done all it might to bring the offenders to justice. The famous apology of Attorney-General Gibson, 'I am not a policeman,' uttered as it was in connection with the infamous personation frauds at Sault Ste Marie, did not seem to the man in the street to betray a fitting state of mind in the law-officer of the crown. Nor were these election frauds the last arrow in the opposition quiver. On the top of these scandals there came, at the beginning of the session of 1903, the highly sensational revelations of Robert Gamey, the conservative member for Manitoulin. Gamey, at the first opportunity, rose in the house, and displaying \$3000 in bank bills, avowed that he



had been given them by the government as the price of his political support. The member of the government whom he accused of being implicated in the bribery was J. R. Stratton, the provincial secretary, and an attempt was made also to attach suspicion to Ross. Stratton denied Gamey's charges *in toto*, and the government immediately referred the matter to a commission of two judges, Chancellor Boyd and Chief Justice Falconbridge. After an exhaustive examination of all the available evidence, the commissioners, finding themselves unable to regard Gamey's story as trustworthy, held the charges not proven. To the man in the street, however, the conclusion was irresistible that there was something rotten in the state of Denmark, and probably Gamey's charges did the government as much harm as if they had been held proven by the commissioners. Certainly they, and the charges of electoral corruption, were driven home with merciless iteration in the press. In 1902 the editor of the *Globe*, John (afterwards Sir John) S. Willison, had resigned his position and assumed the editorship of a nominally independent paper, the *News*, which had been purchased by a wealthy conservative. The attacks which the editor of the *News* made on the Ross government, coming as they did from the former editor of the *Globe*, told heavily everywhere. And even the *Globe*, under the editorship of the Rev. J. A. Macdonald, showed signs of jumping the traces. 'The barnacles,' it declared one morning, 'must be removed from the ship of State with an iron hand.'

In 1905 Ross decided to appeal to the country with the hope of being returned with a working majority. That he was sanguine of the result of his appeal there can be no doubt. Just before the elections he reorganized his cabinet, and brought in some new blood. Stratton, feeling that he was a source of weakness to the party, resigned the provincial secretaryship, and his place was taken by George P. Graham, the member for Brockville. E. J. Davis, the commissioner of Crown Lands, had for some time been without a seat in the house; he therefore resigned his portfolio, and was succeeded by A. G. Mackay. Gibson resigned the office of attorney-general, although he still remained in

the cabinet as a minister without portfolio ; and he was succeeded by Latchford, who handed over the department of Public Works to W. A. Charlton, an ex-speaker of the legislature. Lastly, another ex-speaker, F. E. A. Evanturel, was included in the cabinet as a minister without portfolio. But even this injection of new blood did not avert the impending catastrophe. Most people in the province felt that ' thirty-two years in the saddle ' was enough for any political party, especially a party overladen with election scandals, and clinging to power by means of subterfuges and evasions ; and the result of the elections was a landslide in favour of the conservative party. Five of the ministers—Gibson, Dryden, Latchford, Charlton, and Evanturel—were defeated, and Whitney was carried to power with a majority in the house of forty. Never in the history of the province had there been such a startling upheaval.

The administration which Whitney formed in 1905 did not seem at the time to be a conspicuously strong one. Whitney became president of the council ; J. J. Foy, attorney-general ; Col. A. J. Matheson, provincial treasurer ; W. J. Hanna, provincial secretary ; Dr R. A. Pyne, minister of Education ; N. Monteith, minister of Agriculture ; Dr J. O. Réaume, minister of Public Works ; F. C. Cochrane, minister of Lands and Mines ; and A. W. Willoughby, J. S. Hendrie, and Adam Beck, ministers without portfolio. None of these men had ever before been ministers of the crown, and most of them were unknown quantities. It was not long, however, before they gained the confidence of the country, and by 1908 the Whitney administration proved to be more firmly entrenched in office than ever the government of Sir Oliver Mowat had been. On the other hand, the opposition has been a mere simulacrum. For the first session after 1905 Ross himself led the opposition ; but on his appointment to the Senate in 1906, and on Graham's translation to Ottawa as a member of the Laurier government, the leadership of the party reverted to A. G. Mackay. In the elections of 1908 Mackay led his party to a defeat even more disastrous than that of 1905.

The undeniable success of the Whitney administration

has been largely due to the personality of Sir James Whitney himself. The impression he has made as prime minister has been better even than that which he made as leader of the opposition. His bluff, straightforward honesty ; his refusal to palter, or hedge, or trim ; his freedom from cant and equivocation—all these things have commended him to ordinary people. *Le roi s'avisera* is a formula no longer heard in Queen's Park : the answer of government is always Yea, yea or Nay, nay. The popularity of Sir James Whitney, moreover, is partly due to the fact that he is in no sense a conservative. Having dished the whigs, he has now stolen their clothes. His policy of building up New Ontario he has taken over from the Ross government ; and he has shown himself as careful a guardian of provincial rights as Sir Oliver Mowat ever was, owing perhaps to the fact that up to 1911 the government in power at Ottawa was a liberal government. In regard to education Sir James Whitney has been more liberal than the liberals ; and he has gone further in the direction of government ownership of public utilities than any of his predecessors in office would have gone. The success of the Hydro-Electric Commission, under the chairmanship of Adam Beck, in supplying the province with power from Niagara Falls, has been an admirable example of the efficient application by the government of the principles of public ownership to provincial affairs. Perhaps no more curious evidence has been forthcoming of the favourable impression that the Whitney government has produced than the commendation which it received in the Dominion elections of 1911 from Henri Bourassa, the leader of the Quebec Nationalists. Bourassa declared that the Nationalists of Quebec were in the habit of holding up Sir James Whitney's government as a model of provincial administration.<sup>1</sup>

<sup>1</sup> Speech at Sudbury, September 18, 1911.

W. F. Wallace





THE PROVINCIAL EXECUTIVE  
ORGANIZATION





## THE PROVINCIAL EXECUTIVE ORGANIZATION

**W**ITHIN the limitations prescribed by the British North America Act the Province of Ontario is a sovereign state. What these limitations may be is a constitutional question which is pertinent to all the provinces of the Dominion and is not within the scope of this article. However, before considering the activities of the executive of the province, a word should be said about the supreme authority—the legislature.

### I

#### THE LEGISLATURE

**T**HE legislature of Ontario was established, by sections 69 and 70 of the British North America Act, with a single chamber styled the legislative assembly of Ontario, having eighty-two members representing eighty-two constituencies set out in the schedule of the act. The number of members has been increased from time to time—by 38 Vict. cap. 2 (1874) to eighty-eight members representing eighty-eight constituencies; by 48 Vict. cap. 2 (1885) to ninety members, eighty-seven constituencies being represented by one member each, and one, the city of Toronto, by three members; by 57 Vict. cap. 2 (1894) to ninety-four members, ninety-two constituencies, including the city of Toronto divided into four constituencies, and the city of Hamilton into two, and one constituency, the city of Ottawa, represented by two members; by 2 Edw. VII,

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cap. 4 (1902) to ninety-eight members, four additional constituencies in New Ontario being added, with one member each, to the representation of 1894; and by 8 Edw. VII, cap. 2 (1908) to one hundred and two constituencies represented by one member each and the four constituencies of the city of Toronto represented by two members each.

The business of the assembly is conducted in the parliamentary method according to the practice of the imperial parliament and of the Dominion parliament. The assembly is presided over by a speaker elected at the commencement of the first session of each assembly. The term of each assembly is for four years from the fifty-fifth day after the date of the writs for the election and no longer, and is subject to dissolution before that time by the lieutenant-governor; a session must be held once at least in every year, so that twelve months shall not intervene between the last sitting in one session and the first sitting in the next.

### II

#### THE LIEUTENANT-GOVERNOR<sup>1</sup>

THIS office was created by section 58 of the British North America Act. For the purposes of the province and within the prescribed limitations the administration of the affairs of the province is vested in the holder of the office and carried on by his constitutional advisers in his name. The lieutenant-governor is appointed by the governor-general in council and holds office during pleasure. It is provided, however, that any lieutenant-

##### <sup>1</sup> LIEUTENANT-GOVERNORS OF ONTARIO, 1867-1913

Major-General H. W. Stisted . . . . .	July 1, 1867.
W. P. Howland, C.B. . . . .	July 14, 1868.
John W. Crawford . . . . .	Nov. 5, 1873.
D. A. Macdonald . . . . .	May 18, 1875.
John Beverley Robinson . . . . .	June 30, 1880.
Sir Alexander Campbell, K.C.M.G. . . . .	Feb. 8, 1887.
George A. Kirkpatrick . . . . .	May 28, 1892.
Sir Oliver Mowat, G.C.M.G. . . . .	Nov. 18, 1897.
Sir W. Mortimer Clark . . . . .	Apr. 20, 1903.
Sir John Morison Gibson, K.C.M.G. . . . .	Sept. 22, 1908.

governor appointed after the commencement of the first session of the parliament of Canada shall not be removable within five years from his appointment except for cause assigned, which shall be communicated to him and to parliament. The effect of these provisions is that five years is the period of office of the lieutenant-governor, and he continues therein until his successor is appointed.

The commission of the lieutenant-governor is issued under the great seal of Canada, and the instructions therewith are as follows :

Whereas it is enacted in and by 'The British North America Act, 1867,' that for each Province there shall be an Officer, styled the Lieutenant Governor, appointed by the Governor General in Council by instrument under the Great Seal of Canada ; and whereas, by and with the advice of the King's Privy Council for Canada, I have, by Commission under the Great Seal of Canada, constituted and appointed [set out name] to be Lieutenant Governor in and over the said Province of Ontario, one of the Provinces of the Dominion of Canada, and thereby authorized and empowered and commanded him in due manner, to do and execute all things belonging to his said command and trust according to the several powers, provisions and directions granted or appointed to him by virtue of the said Act, and of all other Statutes in that behalf, and of the said Commission, according to such instruments as were with the said Commission given unto him, or which might, from time to time, be given to him in respect to the said Province of Ontario, under my Sign Manual or by order of the King's Privy Council for Canada, and according to such laws as are or may be in force within the said Province of Ontario.

I. Now, therefore, I do by these my Instructions under my Sign Manual, by and with the advice of the King's Privy Council for Canada, declare my pleasure to be that the Lieutenant Governor of the Province of Ontario, for the time being, shall, with all due solemnity, cause the said Commission under the Great Seal of Canada, appointing him Lieutenant Governor, to be read and published in the presence of the Chief Justice for the time being or other Judge of the Supreme Court



(or as the case may be) of the said Province and of the members of the Executive Council in the said Province.

II. And I do further declare my pleasure to be that the Lieutenant Governor and every other officer appointed to administer the Government of the said Province, shall take the oath of allegiance in the form provided by the said Act, and likewise that he or they shall take the usual oaths for the due execution of the office of Lieutenant Governor, which oaths the said Chief Justice for the time being of the said Province (or Court, as the case may be), or in his absence, or in the event of his being otherwise incapacitated, any Judge of the Supreme Court (or other Court, as the case may be) of the said Province, or in the case of emergency any one duly commissioned by me, shall and is hereby required to tender or administer unto him or them.

III. And I do authorize and require the Lieutenant Governor, from time to time, to administer to all and every person or persons, to whom he is by the said Act directed to administer the same, the said oath of allegiance, and generally to administer such other oath or oaths as he lawfully may, and as may from time to time be prescribed by any Laws or Statutes in that behalf provided.

IV. The Lieutenant Governor is to take care that all Laws assented to by him in my name, or reserved for signification of my pleasure thereon, shall, when transmitted by him, be fairly abstracted in the margin, and be accompanied in such cases as may seem to him necessary, with such explanatory observations as may be required to exhibit the reasons and occasions for proposing such Laws.

V. Whenever the Lieutenant Governor assents to a Bill, he shall, within ten days thereafter, send an authentic copy of the Act to the Secretary of State of Canada.

VI. The Lieutenant Governor, on receipt of a copy of an Order in Council disallowing an Act with my certificate of the date on which the Act was received by me, shall forthwith make proclamation in the said Province of such certificate, and of the disallowance of the said Act.

VII. The Lieutenant Governor shall not quit the Province without having first obtained leave from me for so doing, under my Sign Manual, or through the Secretary of State of Canada.

In the event of the temporary absence of the lieutenant-governor from the province, or his disability being sufficient to cause any interference with public business, an administrator may be appointed. The administrator is usually the chief justice of Ontario.

Under the king's regulations (imperial) lieutenant-governors are not entitled to an artillery salute on any occasion unless they hold commissions direct from the crown. An exception has, however, been made with respect to the lieutenant-governors of the provinces of Canada, and they are entitled to a salute of fifteen guns at the opening and closing of the assembly, as on these occasions they may be looked upon as the representatives of the sovereign. Similarly on these occasions, and these only, they are entitled to have played the first six bars of the National Anthem.

## III

## THE CABINET

**B**Y section 63 of the British North America Act it was provided that the executive council of Ontario shall be composed of such persons as the lieutenant-governor from time to time thinks fit, and in the first instance of the following officers: the attorney-general, the secretary and registrar of the province, the treasurer of the province, the commissioner of Crown Lands, and the commissioner of Agriculture and Public Works.

In 1874, by 37 Vict. cap. 2, the first change was made, and it was provided that it shall not be necessary that the office of commissioner of Agriculture and the office of commissioner of Public Works shall be held by the same person, and that the office of commissioner of Agriculture may be held by a member of the executive council holding no other office or may be held in connection with any other office held by a member. In the year 1876, by 39 Vict. cap. 16, the office of minister of Education as a member of the executive council was established; while in the year

1905, by 5 Edw. VII, cap. 5, the titles of the commissioner of Crown Lands and the commissioner of Public Works were changed to that of the minister of Lands and Mines and the minister of Public Works respectively, and the office of president of the council was created.<sup>1</sup>

The executive council at the present time thus consists of the following officers :

President of the Council,  
 Attorney-General,  
 Secretary and Registrar of the Province,  
 Treasurer of the Province,  
 Minister of Lands, Forests, and Mines,  
 Minister of Education,  
 Minister of Public Works, and  
 Minister of Agriculture.

From time to time members of the assembly are appointed to the executive council without having departments of the government assigned to their charge. These hold office without portfolio.

At the session of 1874, by 37 Vict. cap. 2, it was enacted that 'any of the powers and duties which have been heretofore or shall be hereafter assigned by law to any of the Officers now constituting, or who may hereafter constitute, the Executive Council may, from time to time, by Order in Council, be assigned and transferred, either for a limited period or otherwise, to any other of the said Officers by name or otherwise.' This enactment now stands as section 3 of the Revised Statutes, chapter 14. Under its provisions many branches of the government departments have been transferred and retransferred to other departments to meet the wishes of individual members of the council. For instance, the licence branch of the department of the provincial secretary was formerly administered by the treasurer. The division courts which are now within the department of the attorney-general were at one time in the department of Public Works. The inspector of registry offices, formerly an officer of the department of the provincial secretary, is

<sup>1</sup> In 1871 Edward Blake assumed the position of president of the council (see p. 130), but he acted in that capacity as a member without portfolio, as there was no statutory authority creating the office.



now an officer of the department of the attorney-general. There are several other such cases, and in this article these offices will be dealt with in the consideration of the department with which they are now associated, without reference to their history.

Members of the executive council while holding office, and not thereafter, are entitled to be styled 'Honourable.'

## IV

## THE PRESIDENT OF THE COUNCIL

THIS office was created in 1905. The growing governmental business of the province demanded that the prime minister should not be burdened with the direct care of a department. Sir James Pliny Whitney, at that time and still (1913) the premier of the province, is the first holder of the office. Before that time, except while Sir George Ross was first minister and held the office of the treasurer of the province, the premier presided over the department of the attorney-general. The Province of Ontario thus followed closely the example of the Dominion government in recognizing the necessity of freeing the first minister from departmental duties. During the régime of Sir John Macdonald the office of president of the Privy Council was considered the junior position of the cabinet. Sir John Abbott was the first Dominion premier to hold that office, taking over the duties in 1891. Sir Mackenzie Bowell during his premiership also held it. Sir Wilfrid Laurier and R. L. Borden on forming their governments were appointed to this office.

## V

## THE DEPARTMENT OF THE ATTORNEY-GENERAL

The King cannot appear in his own Courts in person to plead his cause where his interests are concerned, so from very early times he has used the service of an attorney or agent to appear on his behalf. The list of Attorneys-General begins early in the reign of Edward I.

These law officers [the Solicitor-General being also referred to] are not only the legal advisers and representatives of the Sovereign; they are at the service of the State where offences against good order of the community are dealt with, not by a private prosecution, but by the Government of the day. The Government may call for their advice and so may each Department of the Government; they are expected to defend in the House of Commons the legality of Ministerial action, if called in question.<sup>1</sup>

THE attorney-general<sup>2</sup> is the protector of the king's peace in the province. For this purpose he stands at the head of an organization which covers the province. The most important of the officials of his department are the county crown attorneys, who represent the attorney-general in each county and district and act as public prosecutors. Among their varied duties are the institution and conduct, on the part of the crown, of prosecutions for crimes and misdemeanours at the General Sessions of the Peace and the county Judges' Criminal Court for their respective counties in the same manner as the law-officers of the crown institute and conduct prosecutions at the assizes. It is also their duty to watch on behalf of the crown all private prosecutions in these courts and, if necessary, to assume conduct thereof; to prepare for the crown prosecutor at the assizes all cases that may come before that court for trial; and to advise justices of the peace. They are notified of all cases pending before coroners and, if directed to do so by the attorney-general, they watch the progress of such cases. In all counties except York the county crown attorney is also clerk of the peace for the county.

<sup>1</sup> Anson, *The Law and Custom of the Constitution*.

<sup>2</sup>

ATTORNEYS-GENERAL OF ONTARIO, 1867-1913

John Sandfield Macdonald . . . . .	July 16, 1867.
Adam Crooks . . . . .	Dec. 20, 1871.
Sir Oliver Mowat, G.C.M.G. . . . .	Oct. 31, 1872.
A. S. Hardy . . . . .	July 14, 1896.
J. M. Gibson . . . . .	Oct. 21, 1899.
F. R. Latchford . . . . .	Nov. 22, 1904.
Sir James Pliny Whitney . . . . .	Feb. 8, 1905.
J. J. Foy . . . . .	May 30, 1905.

The justices of the peace are appointed on the recommendation of the attorney-general. Their jurisdiction is limited, except in special cases, to the county in which they reside, and they may dispose of certain criminal cases, defined by the Criminal Code. Justices of the peace must be of age and be possessed of real property worth at least \$1200 beyond all their debts.

Next above the justice of the peace is the police magistrate, who, under the Criminal Code, has jurisdiction equal to that given to two justices of the peace. Every city and town of the province having a population of more than five thousand must have a police magistrate, and his salary, which is fixed by statute, is payable by the municipality. Salaried police magistrates may also be appointed for counties or parts of counties after a resolution therefor has been passed by the county council, and police magistrates may be appointed without salary, that is, they may be paid by fees, for any county and district. The appointment of a police magistrate is made by the lieutenant-governor in council on the recommendation of the attorney-general.

For the purpose of the enforcement of the criminal law there is also established a provincial police force under the direct supervision of the attorney-general. This force consists of the superintendent, inspectors of criminal investigations, divisional inspectors and constables. The superintendent and inspectors are attached to the attorney-general's department and have charge of extradition cases and major criminal cases. Forces under divisional inspectors are maintained at Niagara Falls and Windsor, and constables are stationed throughout the province, more particularly in the newly settled parts, as occasion requires.

It is on the recommendation of the attorney-general that the officials and clerks of the Supreme Court of Ontario, and of the surrogate county and district courts, and sheriffs are appointed, and it is to him that they are responsible for their conduct in the office.

For the purpose of supervising the work of these officials there is an inspector of legal offices attached to this department. It is his duty from time to time to inspect in person



the various offices of the courts, to report upon the efficiency and amount of work done therein, and to hear and investigate complaints from the public.

The administration of the division courts, in so far as it relates to the appointment and supervision of the duties of the clerks and bailiffs, is attached to this department, and there is an inspector of division courts for this purpose.

The counties and districts of the province are divided into divisions, with a court, clerk, and bailiff for each. The courts are presided over by the county court judges of the county of the division, and the clerks and bailiffs are appointed on the recommendation of the attorney-general.

In the year 1795, by 35 Geo. III, cap. 5, a system of registration of titles of land was established. For this purpose registrars of deeds were appointed and registry offices were established in the counties and cities. There are sixty-four such offices in the province, and in many cases counties have more than one registry division. The registry office and the duties of the registrar are under the supervision of the inspector of registry offices, an official of this department.

In the year 1885, by 48 Vict. cap. 22, the Torrens system of land titles was introduced. At first made applicable only to the city of Toronto and the county of York, the act was made applicable two years later to what is known as New Ontario and to other parts of the province, after resolutions of municipal councils in that behalf. The inspection of the offices of local masters of titles is within the duties of the master of titles at Toronto, and for the purposes of this act he is an official of this department.

A most important branch of this department is that presided over, subject to the attorney-general, by the superintendent of insurance. The matter here dealt with embraces insurance of all descriptions—fire, life, accident, indemnity, guarantee, live stock, and others. All insurance companies provincially incorporated are created by letters patent or by registration under the supervision of the superintendent. All extra-provincial companies must be licensed or registered in the office of the superintendent. The pro-

visions of the act, 2 Geo. v. cap. 33 (1912), are intricate and lengthy. They provide for a deposit with the minister of specified securities by all companies, with certain exceptions : namely, mutual insurance, companies for the insurance of farm buildings, mutual live stock and weather insurance companies, Dominion insurance companies, marine insurance companies, friendly societies and trade unions. This deposit is dependent on the contingent liabilities of the company. The act contains provisions for auditing the books of the company and regulating the conduct of its affairs. It is the duty of the superintendent to visit the head office or chief agency in the province of every company licensed under the act at least once in each year and to examine the condition and affairs of the company ; and to make each year to the minister a report on the condition of the business of every company inspected ; and in case it appears to him that the assets of a company are insufficient to justify its continuance in business, or that it is unsafe for the public to effect insurance with the company, he must make a special report to the minister. The act also contains provisions for the winding up of insolvent insurance companies. The superintendent of insurance is also the registrar of loan and trust companies. All such companies must be registered and must make annual returns.

Another important official of this department is the municipal auditor. It is his duty to prepare books and forms for the keeping of accounts of the municipalities of the province and to formulate rules for the keeping of accounts. These rules, on being confirmed by order-in-council, have the force of law, one of the main purposes being to establish a uniform system of accounting throughout the province. The auditor may at any time, either on his own initiative or at the request of two members of a municipal council, make an inspection or audit of the books and accounts of the municipality.

## VI

THE SECRETARY AND REGISTRAR <sup>1</sup>

Her Majesty's Principal Secretaries of State, now five in number, are the chief means of communication between the subject and the Queen. Peers of Parliament are Councillors of the Crown and have a right of access to the person of the Sovereign. Privy Councillors are the sworn advisers of the Queen, and as such may individually or collectively offer counsel for which they must hold themselves responsible to Parliament. But outside of these is the mass of the Queen's subjects who can only address the Crown in Council or the Crown in person, and in the latter case the only approach to the Crown is through a Secretary of State. A department of government may be reached by direct communication : an aggrieved soldier or sailor may complain to the War Office or to the Admiralty, a Civil Servant whose emoluments do not correspond with his estimate of his deserts may address the Lords of the Treasury, but no communication can be made to the Sovereign save through the intervention of a Secretary of State : nor with a few exceptions can any authentic communication be made by the Sovereign that is not countersigned by a Secretary of State.

The Secretaries of State are not merely the channels of communication between subject and Sovereign. Each

<sup>1</sup> PROVINCIAL SECRETARIES AND REGISTRARS OF ONTARIO, 1867-1913

M. C. Cameron	. . . . .	July 20, 1867.
S. Richards	. . . . .	July 25, 1871.
Alexander Mackenzie	. . . . .	Dec. 20, 1871.
Peter Gow	. . . . .	Dec. 21, 1871.
T. B. Pardee	. . . . .	Oct. 25, 1872.
C. F. Fraser	. . . . .	Nov. 25, 1873.
Archibald McKellar	. . . . .	Apr. 4, 1874.
S. C. Wood	. . . . .	July 23, 1875.
A. S. Hardy	. . . . .	Mar. 19, 1877.
J. M. Gibson	. . . . .	Jan. 18, 1889.
W. D. Balfour	. . . . .	July 21, 1896.
E. J. Davis	. . . . .	Aug. 28, 1896.
J. R. Stratton	. . . . .	Oct. 21, 1899.
G. P. Graham	. . . . .	Nov. 22, 1904.
W. J. Hanna	. . . . .	Feb. 8, 1905.



is the head of an important department of the government, and in that department is invested with statutory powers, or administers certain prerogatives of the Crown for the exercise of which he is responsible to Parliament.<sup>1</sup>

TO what extent and for what purposes the lieutenant-governor represents the sovereign is a constitutional question that lies outside the scope of this article. It is sufficient to say that the forms and procedure of parliamentary and cabinet government as they obtain in the United Kingdom are followed in the Province of Ontario. It is, therefore, through the provincial secretary that addresses, petitions, memorials and other documents are presented to the lieutenant-governor. It is through the same channel that the decisions and appointments to office are communicated to the public. These secretarial duties, however important their character may be, form but a small part of the duties of the department.

The administration of the Companies Act is conducted by this department. The system of incorporating companies by letters patent under the great seal of the province, which was adopted prior to Confederation, still prevails. The limitations of the scope and character of companies which may be incorporated under provincial laws are (1913) pending before the Supreme Court of Canada. The British North America Act provides that the provinces may incorporate companies 'with Provincial objects,' and the interpretation of these words is the subject under consideration in the courts.

A cognate subject is the administration of the act respecting the licensing of extra-provincial companies. Under the provisions of that act no foreign company, whether incorporated under the laws of the Dominion or of another province, or another country, may carry on business within the province without obtaining a licence under the act. It should be added that the competency of the act in so far as it applies to Dominion companies is also pending before the Supreme Court of Canada.

The growing prosperity and business activity of the pro-

<sup>1</sup> Anson, *The Law and Custom of the Constitution*.

vince may readily be gathered from the increase of the work of this branch of the department. In the year 1892, 158 charters incorporating companies were issued. This number increased in 1901 to 450, and in the fiscal year ending October 31, 1911, the number was 1211, yielding a revenue of \$235,662.10. The fees payable on company returns in the year 1911 amounted to \$25,184. The capitalization of companies incorporated was \$322,231,250, and 53 associations without share capital were incorporated.

The administration of the motor vehicle act is among the duties of this department. Every motor vehicle which is used on the highways of the province must be licensed under this act. Paid chauffeurs must also be licensed. On payment of a fee of \$2 an annual licence is issued, and a further charge of \$2 is made for the tags which must be displayed on the motor vehicle.

#### THE REGISTRY BRANCH

This branch of the department is the registry office of the government. All crown patents, commissions, and other documents issued under the great seal of the lieutenant-governor, and all conveyances of land formerly granted by the crown, are recorded.

#### PRISONS, ASYLUMS, AND ELEEMOSYNARY INSTITUTIONS

An important duty of the department is the inspection, control, and supervision of the reformatory and charitable institutions of the province.

*The Central Prison.*—In the year 1870 the provincial government established in the western part of Toronto the Central Prison for the relief of the county gaols of the province and for the establishment of prison industries for short term convicts. Males convicted for less than two years only are received. For many years woodworking, rope and twine manufacturing, and other light industries were carried on. But in recent years the growth of Toronto and the development of methods of dealing with and reforming criminals have rendered the removal of this institution necessary. In the

year 1909 a large tract of farming land was acquired in the county of Wellington near the city of Guelph. Extensive buildings are now (1913) in course of erection, and very soon all the prisoners will be maintained there. This prison since its establishment has adopted the modern methods of prison reform. The inmates are engaged in farm labour and are given much greater freedom than could be given at or near a large city. Its success during its short history is remarkable, not only in results of reformation, but in the evident improvement in the character of the convicts, resulting from open air life and a limited responsibility. In connection with the prison there is a parole board presided over by a judge of the High Court and composed of men interested in social work. They visit the prison from time to time, investigate the history and character of the inmates, and, if advisable, they recommend to the minister of Justice the pardon or parole of prisoners.

*The Mercer Reformatory.*—William Mercer died at Toronto in the year 1871. He left no known heir or next of kin, and the attorney-general took possession of his estate on behalf of the province in its right of estreat and *bona vacantia*. Protracted litigation ensued which raised constitutional questions of the greatest importance. The Judicial Committee of the Privy Council finally decided between the Dominion and the province that the right of estreat was in the province. With the proceeds of the estate and additional funds the province established this reformatory for women and young girls. Females convicted for less than two years only are received.

*Hospitals for the Insane.*—The province maintains eight hospitals for the care of the insane :

	Capacity
Brockville . . . . .	660
Cobourg, for females only . . . . .	155
Hamilton . . . . .	1259
Kingston . . . . .	593
London . . . . .	1066
Mimico . . . . .	620
Penetanguishene . . . . .	369
Toronto . . . . .	852
Total capacity . . . . .	<u>5574</u>



A new modern hospital is in course of erection near Whitby, in the county of Ontario. On its completion the institution at Toronto will be closed.

The average daily population of these hospitals has increased from an average for the years 1882-86 of 1312 males and 1330 females—total 2642—to 2708 males and 2884 females—total 5592—for the year ending October 31, 1911. The total expenditure for the year 1911 was \$1,043,145.73. The total receipts from paying patients amounted to \$207,593.24, and from farm and miscellaneous sources, \$10,894.51. And there was contributed from the municipalities, being deducted from railway taxation distributable to the municipalities under 6 Edw. VII, cap. 9, \$113,613.80, making a grand total of \$332,101.55. The balance, the sum of \$711,044.18, was paid out of the consolidated revenue fund of the province.

The report for the year ending October 31, 1911, shows that during the year there were 1144 admissions; 542 were discharged, 299 recovered, 218 improved, and in 25 cases no improvement was noted. The report has the following statement :

That the Hospitals for the Insane in the Province are economically administered is evidenced by the fact that one-eighth of the total annual expenditure of the Province is for the care of the insane; as compared with one-sixth in New York State, while the annual Tax in this Province is only forty-one cents on every man, woman and child, as compared with seventy cents in New York State.

The province also maintains a hospital for the feeble-minded at Orillia, with inmates as follows :

Male . . . . .	417
Female . . . . .	392
Total . . . . .	<u>809</u>

and a hospital for epileptics at Woodstock, with inmates as follows :

Male . . . . .	102
Female . . . . .	96
Total . . . . .	<u>198</u>

## PROVINCIAL BOARD OF HEALTH

The first public health act of the province was passed in the year 1873, and since that time the activity in connection with the public health has been directed by the provincial board of health. The enactment controlling the branch and limiting the duties of the provincial and local boards of health were consolidated in the statute of 1912 (2 Geo. v, cap. 58).

The provincial board of six members is appointed by the lieutenant-governor in council for a term of three years, and the members, of whom four at least must be medical practitioners, are eligible for reappointment. The chief officer of health for Ontario similarly appointed is *ex officio* a member of the board and acts as its secretary. He is the executive officer of the board under the minister. The duties of the board are, briefly stated : to make investigations as to disease and mortality ; to advise on sanitary matters such as drainage, water supply, disposal of garbage, and heating, ventilating, and plumbing ; to exercise an oversight over vaccine and serum used in the province ; to determine whether the condition of any premises or public place is a nuisance or injurious to health ; to inspect all gaols, prisons, houses of refuge, asylums, hospitals and other similar institutions, public or private, and to see that such institutions are kept in a proper sanitary condition ; to distribute literature dealing with questions of health ; and to enter any premises in the exercise of any power or any duty under the act, and to give such directions with regard to structural alterations as may be advisable in the interests of public health.

The board on investigating a public nuisance injurious to health may order its abatement, and if its orders are not carried out by the persons responsible, the board may take measures therefor, and the municipality where it existed is responsible for the expenses of abatement.

The board may make regulations, subject to the approval of the lieutenant-governor in council : for the prevention and against the spread of disease ; for the cleaning of streets, yards, and premises ; for the removal of nuisances and un-

sanitary conditions ; for the cleaning, purifying, ventilating, and disinfecting of premises ; for the regulation of passenger traffic within the jurisdiction of the province ; for the interment or disinterment of the dead and the transportation of corpses ; for medical aid during epidemics ; regarding the overcrowding of dwellings ; regarding travel from infected localities ; for the sanitary inspection for municipalities ; for the surveillance of persons in infected localities ; for taking possession of infected premises ; for the health of summer resorts ; and for other matters concerning general questions of health.

For the purpose of more effectually supervising inspection and health regulations, the province may be divided into ten health districts, with a district officer of health for each. It is provided, however, that no district shall include a city having a population of over 50,000.

There is a local board of health in each municipality. Where the population is over 4000, the board consists of the mayor, the medical officer of health appointed by the municipal council, and three resident ratepayers, also appointed by the council yearly ; and where the population is less than 4000, the head of the municipality, the medical officer of health, and one ratepayer appointed yearly. In a word, it is the duty of the local boards : to enforce the regulations laid down by the provincial board ; to inspect premises ; to abate nuisances to public health ; to take measures for the prevention and spread of communicable diseases ; to establish isolation hospitals ; and generally to preserve the public health. The act makes provision for payment by the municipalities for these services. General works for the supply of water and the removal of sewage are subject to the approval of the provincial board.

#### VITAL STATISTICS

The collection of vital statistics by the province was commenced in 1871 and placed in charge of the registrar-general. For this purpose the whole province is divided into registration divisions. Each municipality is such a division,



and an unorganized part of the province may be attached to an adjoining municipality, or a separate registration division may be established with a division registrar by the lieutenant-governor in council. The clerk of the municipality is the division registrar. Births, marriages, and deaths in each division must, under penalty, be communicated to the registrar for transmission to the registrar-general.

#### THE LIQUOR LICENCE BRANCH

Prior to the year 1874 the control of tavern, shop, and other licences to sell liquor was in the hands of the municipalities and exercised by the boards of police commissioners. In that year the existing system of control by boards of commissioners appointed by the government was adopted.

This legislation and that of the Dominion in the Canada Temperance Act passed in 1878 and the Dominion Licence Act passed in 1883 gave rise to serious constitutional questions which were disposed of by the Judicial Committee of the Privy Council in *Russell v. The Queen* (7 A.C. 829), *Hodge v. The Queen* (9 A.C. 117), the *Brewers and Maltsters* case, 1897 (A.C. 231), and the result may be stated as follows: the licensing of shops and taverns is within the exclusive jurisdiction of the province; the Canada Temperance Act, which provides for local option in counties or districts of the province, is within the jurisdiction of the Dominion; and the licensing of brewers and distillers, although duly licensed by the Dominion, is also within the competence of provincial legislation.

Boards of licence commissioners are established within each riding of the province. The members are appointed by the government on the nomination of the local member, or, in cases where the sitting member is not a follower of the government, by the defeated candidate at the last election or other person having the patronage. The members of the board act without remuneration, their expenses only being paid.

The administration of the act and the local inspection are

carried on through inspectors, also appointed by the government, who perform their duties subject to the direction of the boards. The boards may also pass regulations applicable locally. There are, however, regulations provided by law that prevail throughout the province. Thus liquor may not be sold from 11 P.M. till 6 A.M., nor from 7 P.M. on Saturday till 6 A.M. on Monday. Liquor may not be sold to minors. Liquor may not be sold to habitual drunkards when notice to that effect is given to the publican by the inspector.

The licence fees range from \$1600 for a tavern licence and \$1000 for a shop licence in cities of 200,000 or over to \$450, in each case, in cities of not less than 5000; in places between 5000 and 2000, \$350 for each; and in towns of less than 2000, \$270 and \$250 respectively. In townships the fees are \$200 and \$120 respectively. In the year 1911 a further tax was imposed of five per cent of the gross receipts from sales of cigars, cigarettes, tobacco or drinks or of any service or privilege when made over, at, in, or from the bar or bar-room wherein the gross receipts exceed \$60 per day at Toronto and \$50 per day in all other cases.

New licences may not be granted except on petition of a majority of the ratepayers of the polling subdivision wherein the licence is to be exercised. Licences may not be moved to new places except on a petition. No licensed place may be established within 300 feet of a church or school. It is the duty of the inspector to report not only on the licensed place, but on the character of the licensee, and serious penalties are imposed for breach of the licence laws.

In the year 1907 the licensing of clubs was introduced, and only such clubs as are incorporated by provincial charter and not prohibited from keeping and selling liquor on their premises are licensed. In the case of clubs a nominal fee of \$50 is charged.

The number of liquor licences in the province has steadily decreased from 6185 in the year 1874 to 1938 in the year 1910, with the exception of an increase during the years 1879-84.

The number of licences which may be granted in a municipality is subject to by-law of the municipal council. At the time of writing (1913), in the city of Toronto, with a population of about 425,000, there are 110 tavern, 50 shop, and 21 club licences ; in Ottawa, with a population of about 90,000, there are 55 tavern, 20 shop, and 4 club licences.

After deducting the expenses of each board in administering the act the net amount is divided equally between the municipality and the province, except in the unorganized parts of the province. For the year 1911 the sum of \$358,467.34 was paid to the municipalities and \$445,761.94 to the province, the latter amount including fines exacted for infringement of the act.

The average yearly commitments for drunkenness for five-year periods from 1876 to 1910 are as follows :

1876-1880	.	.	3812	1896-1900	.	.	1920
1881-1885	.	.	4016	1901-1905	.	.	3186
1886-1890	.	.	3311	1906-1910	.	.	4974
1891-1895	.	.	2703				

*Local Option.*—A system of local option was first introduced in 1878 by the Canada Temperance Act, a federal enactment. It was adopted in many counties of the province, and found to be a failure—mainly, it is stated, because its provisions were not enforced—and it has been repealed in all cases.

In the year 1890 local option provisions were introduced in the Ontario Liquor Licence Act, and its provisions have been adopted very largely in the rural parts of the province. A municipal council may pass a by-law under the act, and on its approval by a three-fifths majority of the electors at the next election for municipal officers, no licences to sell liquor may be issued in the municipality. The by-law may not be repealed for three years, and then only on a three-fifths majority of the municipal electors approving.



## VII

THE TREASURER OF THE PROVINCE<sup>1</sup>

THE treasurer is the custodian of the funds of the province, and for the purpose of holding securities he is a corporation sole. The department over which he presides collects directly such part of the revenues of the province as may be payable directly to the treasurer, and receives from the other departments their revenues. All such revenues, except receipts from the sale of law-stamps, make up the consolidated revenue of the province, and all payments on behalf of the province, with few exceptions, are paid by cheque issued by the treasurer.

The balance-sheet of the province for the year ending October 31, 1911, shows the following items :

<i>Revenue</i>	
Balance carried forward . . . . .	\$3,177,589.66
Dominion Subsidies . . . . .	2,261,758.28
Interest paid by the Dominion . . . . .	74,671.26
Interest on Investments . . . . .	57,613.13
Lands, Forests, and Mines . . . . .	2,710,242.68
Licences . . . . .	656,363.66
Law Stamps . . . . .	104,155.95
Algoma Taxes . . . . .	6,805.50
Education . . . . .	42,784.72
Provincial Secretary . . . . .	323,736.25
Game and Fish . . . . .	130,267.39
Agriculture . . . . .	147,169.64

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## TREASURERS OF ONTARIO, 1867-1913

E. B. Wood . . . . .	. July 20, 1867.
Alexander Mackenzie . . . . .	. Dec. 21, 1871.
Adam Crooks . . . . .	. Oct. 25, 1872.
S. C. Wood . . . . .	. Mar. 19, 1877.
James Young . . . . .	. June 2, 1883.
A. M. Ross . . . . .	. Nov. 2, 1883.
Richard Harcourt . . . . .	. Sept. 16, 1890.
G. W. Ross . . . . .	. Oct. 21, 1899.
A. J. Matheson . . . . .	. Feb. 8, 1905.
I. B. Lucas . . . . .	. May 13, 1913.

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Supplementary Revenue Act . . . . .	\$854,659.91
Succession Duty . . . . .	963,195.49
"    "    Deposits . . . . .	87,437.87
Public Institutions Deposits . . . . .	274,300.96
Government Railway " . . . . .	515,000.00
Drainage Debentures " . . . . .	26,886.74
Municipal Securities " . . . . .	30,179.44
Proceeds of Loans . . . . .	2,481,795.08
Assurance Fund Land Titles . . . . .	30,000.00
Proceeds of sale of Central Prison and Asylum Lands . . . . .	89,840.00
Casual Revenue . . . . .	160,671.21
	<u>\$15,207,124.82</u>

*Expenditure*

Civil Government . . . . .	\$602,528.24
Legislation . . . . .	275,959.77
Administration of Justice . . . . .	653,383.69
Education . . . . .	1,885,739.57
Public Institutions . . . . .	1,197,726.38
Colonization and Immigration . . . . .	106,906.61
Agriculture . . . . .	686,197.78
Hospitals and Charities . . . . .	357,849.12
Repairs and Maintenance . . . . .	199,511.59
Colonization Roads . . . . .	451,111.26
Charges on Crown Lands . . . . .	617,111.98
Refunds . . . . .	67,335.69
Miscellaneous Services . . . . .	252,953.53
Hydro-Electric, for Province . . . . .	91,302.43
Public Buildings and Works . . . . .	474,640.71
Special Warrants . . . . .	53,113.30
Stationery Account . . . . .	6,069.81
Interest Charges on Government Stock . . . . .	763,415.55
Statutory Expenditure . . . . .	877,077.02
Drainage Debentures . . . . .	63,673.25
Advance to Government Railway . . . . .	1,412,324.00
New Public Buildings and Works . . . . .	978,890.72
Good Roads . . . . .	179,688.26
Algonquin Park Expenditure . . . . .	290,000.00
Hydro-Electric, Advance . . . . .	1,358,697.58
Cash Balance . . . . .	1,503,916.99
	<u>\$15,207,124.82</u>

The bonded debt of the province amounts to \$20,205,004, of which \$17,535,662.69 is the amount of the capital expenditure of the Timiskaming and Northern Ontario Railway Company, a government concern. The balance is made up of advances to the Hydro-Electric Commission and for Algonquin Park expenditure.

To the above amount must be added the liability on municipal sinking funds deposited with the government, \$64,618.97; railway aid certificates and annuities outstanding, present value \$3,899,206.95 (the gross amount of which payments extends to 1950 and amounts to \$5,881,972.38); common school funds, \$5,341.66; the present value of annual payments of \$30,000 per annum to the University of Toronto, \$481,751.10 (gross \$720,000); and the land title assurance fund, \$110,000, making a total direct liability of \$24,765,922.68.

The indirect liabilities are as follows :

Queen Victoria Niagara Falls Park bonds . . .	\$900,000
Canadian Northern guarantee of bonds . . .	7,860,000
University of Toronto guarantee . . .	630,000
	<hr/>
	\$9,390,000
	<hr/>

Of the above items of receipt and expenditure the greater part are dealt with in considering other departments of the government. The items which require further comment are Dominion subsidies revenue under the Supplementary Revenue Act, 8 Edw. VII, cap. 14, and under the Succession Duty Act, 9 Edw. VII, cap. 12.

*Dominion Subsidies.*—At the time of Confederation the liabilities of the original provinces were assumed by the Dominion. Certain assets enumerated in the British North America Act were also taken over by the Dominion, and certain assets also enumerated were taken over by the Provinces of Quebec and Ontario conjointly. Subsidies by the Dominion were also authorized, the amount payable to Ontario being \$80,000, plus eighty cents per head of the population as ascertained at the decennial taking of the



census. The subsidy was readjusted as it now stands by the British North America Act, 1907, under which Ontario is entitled to be paid \$240,000, plus eighty cents per head of the population according to the preceding census up to 2,500,000, and sixty cents per head of the population in excess of that number. There is a further subsidy under the provisions of 47 Vict. cap. 4 (Dominion), being the interest upon the capitalized sum which would have been paid had the amount as adjusted under the act of 1873, 36 Vict. cap. 30, been paid since the time of Confederation.

Special taxes for the purpose of increasing the provincial revenue were first introduced in the year 1899 and were imposed upon banks, loan, trust, and insurance companies, railway, express, telephone, telegraph, and other public companies. This act was amended from time to time and consolidated in the existing act of 1908 (8 Edw. VII, cap. 14).

Banks are taxed one-tenth per cent on capital up to \$2,000,000 and one-fortieth per cent above \$2,000,000 up to \$6,000,000, with \$100 additional for the head office if in the province and \$25 for each branch office. In cases where the head office is out of the province and there are not more than five branches within the province an abatement may be made. During the year ending October 31, 1912, this tax produced \$76,525.38. The amount produced in each case for that period is herewith shown in the figures following the rate on each item. Life insurance companies pay one per cent (\$121,277.09) and other insurance companies two-thirds of one per cent on the gross premium paid in the province (\$68,840.43). Loan companies pay 65 cents on every \$1000 of paid-up capital with a minimum of \$65,000 (\$26,898.30); trust companies, \$250 on capital of \$100,000 and \$65 for each additional \$100,000, and if the gross profits exceed \$25,000, a further sum of \$500 (\$10,235); railways, \$60 per mile of single track, and where there are two or more tracks, \$40 per mile for each additional track in municipalities, and \$40 for single track and \$10 for two or more tracks outside municipalities—sidings, switches, and spurs are not included (\$448,515.66); street railways, from \$20 to \$60 per mile if

the mileage is less than twenty or more than fifty miles of single track, double track being taken as two single tracks (\$12,833.10); telegraph companies, one-tenth per cent of the total invested in the province (\$1,292.24); telephone companies, one-eighth per cent calculated on the paid-up capital (\$11,584.93); gas and electric companies, one-tenth per cent on the paid-up capital (\$13,620.62); express companies, \$500 for each one hundred miles or fraction thereof of railway operated upon (\$48,000); sleeping and parlour car companies, one-third per cent upon amount invested in Ontario (\$2,268.10).

After deducting \$30,000 the revenue from railway taxation is divided equally between the province and the municipalities of the organized part of the province, the divisible share of each municipality being calculated on the basis of the last census. From these payments, however, the cost of maintenance of indigents in the public institutions of the province is deducted.

Under recent legislation there is also a stamp tax imposed upon the transfer in the province of securities issued by any corporation; during the year ending October 31, 1912, this tax produced \$38,850.70. The tax on race-track meetings during the same period produced \$17,290.25.

*Succession Duty.*—Aid to the revenue of the province by way of succession duty or inheritance tax was first introduced in 1892. The law on the subject was amended largely in 1907 and was consolidated in 1909 by 9 Edw. VII, cap. 12. The provisions of the act are complicated and it is possible to give here only the outlines. In computing the duty the fair market value of the estate at the time of the death is the basis of calculation. From the aggregate value all debts and encumbrances, funeral expenses and surrogate fees are deducted; but debts must have been incurred bona fide for full consideration, and no allowance is made where there is a right over against some other person unless this right cannot be realized upon.

The following are the exceptions: on estates, the aggregate value of which does not exceed \$10,000; charitable, religious, and educational bequests; estates in which the pro-

erty passes to a grandfather, grandmother, father, mother, husband, wife, child, daughter-in-law or son-in-law, which do not exceed \$50,000 ; life insurance not exceeding \$5000, which passes to relations just mentioned ; securities of a company having its head office in Ontario which are transferable on a foreign register ; and in all cases when the property passing to one person does not exceed \$300.

Where the estate exceeds \$50,000 and the property passes to a relative above mentioned the duty ranges from one per cent to five per cent on an estate of an aggregate value of over \$200,000. Where the estate exceeds \$100,000 and the value of the property passing to an individual exceeds \$100,000 there is an additional duty which ranges from one per cent on \$100,000 to five per cent where the amount so passing exceeds \$1,200,000. Where the property passes to strangers or to a relative other than descendants the duty is still greater. Where the estate is valued at more than \$10,000 the duty in such cases is ten per cent in succession by strangers. There is also an additional duty where the amount passing to one person exceeds \$50,000, and it ranges from one per cent on that amount to five per cent where the amount exceeds \$450,000. The province has no right to duty on property outside its limits, but such property may be taken into consideration in calculating the duty payable on property passing in Ontario.

#### AUDIT

The auditor is an official not of the government but of the legislature. He is appointed by the lieutenant-governor in council and is removable by the same authority on an address of the legislature. It is his duty to examine and audit all accounts before payment, and to countersign all cheques before issue. It is also his duty to see that none of the appropriations of the legislature are exceeded or directed from their purposes, and to prepare and submit to the legislature annually the public accounts of the province.



## BUREAU OF ARCHIVES

The provincial archivist was appointed in 1901. His duties are not defined by statute, although some statutory authority is given his office by an act of 1910 which provides that records in the custody of the High Court of Justice at Osgoode Hall may be transferred to the bureau. An extensive and interesting collection of historical documents has been made and is kept at the parliament buildings.

## THE OFFICE OF THE KING'S PRINTER

The public printing of the province is done by contract, but it is the duty of the king's printer to order all printing on requisition of the various departments of the government and to audit these accounts. He also purchases all paper and stationery supplies for the government offices.

## VIII

THE MINISTER OF LANDS, FORESTS,  
AND MINES<sup>1</sup>

**T**HIS office was styled by the British North America Act that of the commissioner of Crown Lands, and so remained until 1905, when the style was changed as above.

<sup>1</sup> MINISTERS OF LANDS, FORESTS, AND MINES, 1867-1913

S. Richards . . . . .	July 16, 1867.
M. C. Cameron . . . . .	July 25, 1871.
R. W. Scott . . . . .	Dec. 21, 1871.
T. B. Pardee . . . . .	Dec. 4, 1873.
A. S. Hardy . . . . .	Jan. 18, 1889.
J. M. Gibson . . . . .	July 21, 1896.
E. J. Davis . . . . .	Oct. 21, 1899.
A. G. Mackay . . . . .	Nov. 22, 1904.
J. J. Foy . . . . .	Feb. 8, 1905.
F. C. Cochrane . . . . .	May 30, 1905.
W. H. Hearst . . . . .	Oct. 12, 1911.

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On the acquisition of the province by the crown, all the lands thereof became vested in the crown and were administered by the crown for the benefit of the province. Free grants and sales were made by the executive council, and there was no statutory enactment upon the subject until the year 1837, when by the statute of that year free grants were limited to United Empire Loyalists and their children and other persons then entitled to free grants by virtue of orders-in-council.

From the earliest times surveys of the province were made under the supervision of the surveyor-general, and the province was laid out in townships and divided into concessions and lots. Certain parts were reserved for clergy reserves, grammar schools, and school lands. Moreover, lands have been granted under terms that provide for settlement and assist railroad building, and in recent years in one case only have lands been sold, and then under stringent conditions which provide for colonization. In the new parts of the province lands are opened to settlement, and 160 acres are granted to each bona fide settler and a similar acreage to each of his adult sons.

It is from the forests, however, that the greatest revenue of the province is obtained. Public forest lands are leased to the highest bidders of bonus therefor, and an annual rental is charged. There are further payments of stumpage and for the timber cut calculated by board measure.

The following is a statement of the revenue of the province from these sources for the year ending October 31, 1911, which also includes the revenue from the department of Mines:

Crown lands, agricultural and mining . . . . .	\$178,671.89
School lands . . . . .	8,170.36
Rents from crown and mining lands . . . . .	47,374.96
Miners' licences, permits and fees . . . . .	211,768.57
Royalties and Provincial mine . . . . .	286,261.99
Acreage profit and gas tax . . . . .	209,461.51
Woods and forests bonus, stumpage and rent	1,711,438.87
Miscellaneous . . . . .	57,094.53
Total . . . . .	<u>\$2,710,242.68</u>

## NATIONAL PARKS

The Algonquin National Park was established in the year 1893. It consisted originally of eighteen townships which form the watershed of the northern interior of the province. Within it rise the Magnetawan and the French Rivers, flowing into Georgian Bay, and the Madawaska, Mississippi and other rivers flowing into the Ottawa River. The park is patrolled by rangers, and is closely preserved as a refuge for game. Its success is shown in the increase of the number of beaver within its limits ; in fact, they have multiplied to such an extent as to jeopardize the maintenance of the Grand Trunk Railway which passes near it. The province periodically traps the surplus beaver, selling the pelts. The park is also a refuge for deer, and its lakes and streams abound in fish. It is rapidly becoming a favourite health resort and camping ground for tourists.

In the year 1894 Rondeau Provincial Park was established. It consists of Rondeau Peninsula, which juts out into Lake Erie. The park is maintained for the preservation of game and is a forest reserve. Under lease from the government upwards of thirty summer cottages have been erected in it.

The province also maintains forest reserves in the northern part of the province. In the summer time these are patrolled by rangers, for fire protection.

## DEPARTMENT OF MINES

It was not till the year 1891 that governmental interest in mining was first shown in the establishment of the bureau of Mines as a branch of the department of Crown Lands. The expansion of the industry necessitated the establishment of a separate department in the year 1905. The mineral production of the province for the year 1911 is shown in the report for that year as follows :



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MINERAL PRODUCTION OF ONTARIO, 1911

Product	Quantity	Value	Employees	Wages
		\$		\$
METALLIC :				
Gold . . . ounces	2,185	42,637	597	442,519
Silver . . . "	31,507,880	15,953,895	3,555	2,977,721
Cobalt . . . tons	853	170,890	*	*
Nickel . . . "	17,441	3,664,474	2,439	1,830,526
Copper . . . "	8,966	1,281,118		
Iron ore . . . "	175,631	445,930	685	348,062
Pig-iron . . . "	526,610	7,716,314	3,633	2,927,573
Less Ontario iron ore (67,631 tons) smelted into pig-iron		29,275,258	10,909	8,526,401
		172,391		
NON-METALLIC :		29,102,867		
Arsenic . . . tons	3,806	74,609	*	*
Brick, common . No.	354,546,000	2,801,971	3,149	1,320,677
Tile, drain . . . "	21,630,000	349,545		
Brick, paving . . . "	4,522,400	86,685	505	271,343
pressed . . . "	52,763,914	564,630		
Building and crushed stone .	...	892,627	1,152	516,643
Calcium carbide . . . tons	1,383	84,437	50	18,497
Cement, Portland . . . bbl.	3,010,849	3,640,642	1,471	898,256
Corundum . . . tons	1,471	147,158	199	124,491
Feldspar . . . "	17,697	51,610	76	26,580
Fluorspar . . . "	30	200	...	...
Graphite, refined . . . "	894	36,492	55	33,774
Gypsum . . . "	20,335	32,535	100	10,000
Iron pyrites . . . "	43,629	118,457	172	114,655
Lime . . . bush.	2,469,773	402,340	343	148,078
Mica . . . tons	322	43,058	60	24,782
Natural gas . . . . .	...	2,186,762	287	183,663
Peat . . . tons	1,180	2,830	21	2,964
Petroleum . . . imp. gal.	10,102,081	353,573	511†	314,851†
Phosphate of lime . . . tons	20	240	1	262
Pottery . . . . .	...	50,500	38	16,752
Quartz . . . tons	56,723	64,405	110	40,459
Salt . . . . .	88,689	430,835	216	121,477
Sewer pipe . . . . .	...	410,064	250	126,099
Talc, ground . . . tons	5,404	47,725	38	17,530
Add metallic production .		12,873,930	8,804	4,331,833
		29,102,867	10,909	8,526,401
Total production . . .		41,976,797	19,713	12,858,234

\* Included in statistics for silver.

† Refining works only.

Gold bullion was produced in small quantities from fourteen properties during the year 1911, the principal producers being the Canadian Exploration Company's property at Long Lake, and the mines at the Lake of the Woods,



board consists of six members. The members are elected in January if a ballot is required. Usually, however, the trustees are elected at the election for municipal officers on the first Monday in January. The trustees are required by the act to hold meetings, and the methods by which they shall maintain the schools are precisely set out. The most important of their duties is to submit to the municipal council, at such time in the year as may be required, an estimate of the expenses for maintaining the schools under their charge.

It is then the duty of the municipal council to include in the assessment rate such a levy as may be necessary to produce the fund necessary for school purposes, for the purpose of purchasing school sites, erecting schools, drill halls, gymnasias or teachers' residences, or for repairs or enlargements of these buildings or for the purchase of furniture, furnishings, apparatus or school libraries. The board may apply to the municipal council for the issue of debentures, and the interest and sinking fund are raised in the same manner as charges for maintenance. In urban districts the council may refuse to issue the debentures, and in that event a by-law for the purpose is submitted to the ratepayers, and if they approve, the by-law must be passed and the debentures issued.

A British subject, duly qualified, who passes the prescribed examination, is entitled to a teacher's certificate. These certificates are graded. Only holders of such certificates are qualified to teach in the schools. The duties of the teachers in conducting the schools, classes, examinations, and in watching over the health of the pupils are precisely defined. For the purposes of discipline a teacher may suspend any pupil guilty of persistent truancy or opposition to authority, neglect of duty or use of profane language, or conduct injurious to the moral tone of the school. On suspension it is the duty of the teacher to notify the parents of the pupil and the board, and there is an appeal to the board.

School inspectors are appointed by the county councils. Urban boards may, however, appoint inspectors for their schools. The inspectors in the districts without county municipal organizations are appointed by the governor in



council and are paid by the provinces. One half the salary of the county inspectors is paid by the province. Inspectors must devote their whole time to their duties, visit every classroom of their districts as often as required by the minister, and furnish monthly reports of inspection. On their order the municipal or legislative grant may be withheld where the school is not kept open, where the board fails to make reports or to comply with the regulations of the department, and where text-books other than those authorized by the department are used.

### HIGH SCHOOLS

The secondary education of the province is conducted in the high schools and collegiate institutes. In the month of June of each year a uniform examination is held throughout the province called the Entrance Examination, under the supervision of boards of examiners provided for by the High Schools Act.

High school districts are established by the county councils. The schools are controlled by boards of trustees, with duties similar in their extended field to those of the public school boards. The cost of construction and maintenance are provided for in the rates in a way similar to the public school charges.

Graduates in arts of a university within the British dominions only may teach in high schools and collegiate institutes. The regulations of the department provide precise regulations regarding the qualifications of teachers of various subjects and the required number in the establishment of a school. These schools are subject to inspection by inspectors directly attached to the department. The boards regulate the fees payable by students. During the year ending October 31, 1911, the province contributed \$153,150.88 to the schools of this class.

### BOARDS OF EDUCATION

Where a high school district does not extend beyond the limits of a city, town, or village, the municipal council may declare by resolution that it is expedient to form a municipal

board of education. Thereupon the control of high and public schools passes to the control of such board. In cities of more than 50,000 these boards each consist of fourteen members, two of whom are appointed by the separate school board. Where the population is less than that number, the board has nine members, one appointed by the separate school board.

#### NORMAL SCHOOLS

For the purpose of educating teachers, normal schools are established at Toronto, Ottawa, Peterborough, London, Hamilton, Stratford, and North Bay. These schools are directly under the control of the department.

#### SEPARATE SCHOOLS

Separate schools were provided for in the school law of 1841, and the statute of 1863, which was passed at the instance of the Roman Catholic minority of the province, fixed their status. They are not, however, necessarily Roman Catholic. Protestant ratepayers have under certain circumstances the right to establish schools in places where they are found necessary on account of religious belief; separate schools for coloured children may also be established. The continuance of such schools is guaranteed by the British North America Act, section 93 of which, after conferring exclusive jurisdiction with respect to education upon the province, provides as follows :

(1) Nothing in any such law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by law in the Province at the Union :

(2) All the Powers, Privileges and Duties at the Union by law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic subjects in Quebec :

(3) Where in any Province a system of Separate or Dissident Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor General in

Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to Education.

In all essential features the separate schools are managed similarly to the public schools. The text-books are, as a rule, similar to those of the public schools. On the creation of a separate school district the ratepayers who desire to support the school express their desire to the assessor to be placed on the list of supporters thereof, and their school taxes are for the support of such school, no assessment being made towards the public schools. The inspectors of the separate schools are appointed by the department.

### THE UNIVERSITY

At the head of the educational system of the province stands the University of Toronto—the provincial university. It is the result of an evolution from King's College established by royal charter in 1834. In 1887, owing to the efforts of George W. Ross, a federation was established, consisting of the provincial university, undenominational; Victoria University, Methodist; St Michael's College, Roman Catholic; Wycliffe College, Low Church Anglican; and Knox College, Presbyterian. Later on Trinity, High Church Anglican, joined the federation. It was at first, like London University, a purely examining body. However, by the act of 1906, which is the present constitution of the university, it is partly a teaching body, having professors and lecturers in certain subjects, more particularly in the sciences, one object being to relieve the colleges and universities not so well endowed from the large expense of establishing and maintaining laboratories.

The government of the university is in the hands of three governing bodies :

(1) The board of governors of the university and University College, which possesses all the powers of the crown, consists of the chancellor, elected by the graduates of the university; the president of the university, appointed by the board; and twenty-three members, British subjects and residents of Ontario, appointed by the lieutenant-governor in council.



The government, conduct, management, and control of the university and University College and of all the property, revenue, business, and affairs thereof is vested in the board. The appointment of all professors, lecturers, heads of faculties, clerks and officials for business affairs lies with the board, and it controls all investments, endowments, and property of the university and college.

(2) The senate of the university—a larger body which includes *ex-officio* members representative of the faculties, federated universities and colleges, and representatives of the graduates—controls the academic side of university affairs: the curriculum, examinations, degrees (except in theology), calendars, the erection of faculties, chairs and courses of instruction, appeals from faculty council, and other similar matters.

(3) The caput consists of the president of the university, the chairman, the principal of University College, the heads of federated universities and colleges, and the deans of the faculties. The duties of the caput are largely disciplinary.

There is another body—convocation—which is made up of all the graduates of the university and federated universities. It is 'the public' in the university. It elects representatives to the senate and expresses its views for communication to the board of governors and senate on matters affecting the university.

PROVINCIAL UNIVERSITY AND SCHOOL STATISTICS FOR  
YEAR ENDING JUNE 30, 1912

	Professors	Associate Professors	Associates	Lecturers	Permanent Demonstrators	Sessional Appointments
University . . .	18	15	...	18	...	72
University College .	8	8	...	8	...	8
Faculty of Medicine	15	22	9	3	2	76
Faculty of Applied Science . . .	8	5	...	15	...	43
Faculty of Household Science . . .	...	2	...	1	...	5
Faculty of Forestry .	1	...	...	3	...	...
Faculty of Education	1	...	7	10	...	3

*Students in Attendance at the University*

Faculty of Arts . . . . .	2352
Faculty of Medicine . . . . .	519
Faculty of Applied Science . . . . .	798
Faculty of Household Science . . . . .	134
Faculty of Education . . . . .	305
Faculty of Forestry . . . . .	40
University College . . . . .	1106
Victoria College . . . . .	514
Trinity College . . . . .	163
St Michael's College . . . . .	83

Of the 6014 students 1052 were women.

The balance-sheet totalled . . . . \$5,568,537.69  
and the assets are shown as follows :

Lands, buildings and contents . . . . .	\$4,451,353.61
Unproductive lands . . . . .	155,341.96
Leased properties . . . . .	727,345.97
Investments and cash . . . . .	234,496.15
	<u>\$5,568,537.69</u>

*Receipts for the Year*

Provincial grants . . . . .	\$470,325.58
Students' fees . . . . .	264,895.77
Interest and rentals . . . . .	60,637.62
Residence and dining-hall receipts . . . . .	55,717.86
Miscellaneous . . . . .	11,979.95
	<u>\$863,556.78</u>
Deficit . . . . .	21,255.65
	<u>\$884,812.43</u>

*Expenditure*

Administration . . . . .	\$154,798.96
Faculty of Arts . . . . .	278,761.50
Faculty of Medicine . . . . .	79,851.49
Faculty of Applied Science . . . . .	136,187.04
Faculty of Household Science . . . . .	11,100.40
Faculty of Education . . . . .	52,027.37
Faculty of Forestry . . . . .	11,331.34
Residence and dining-hall . . . . .	47,140.62

Miscellaneous . . . . .	\$50,518.97
Capital charges . . . . .	54,131.57
	<hr/>
Written off trust funds . . . . .	\$875,849.26
Interest on overdraft . . . . .	8,245.66
	<hr/>
	717.51
	<hr/>
	\$884,812.43
	<hr/>

The Library contains 127,317 bound volumes and 39,392 pamphlets.

## I. ELEMENTARY SCHOOLS

*A. Public Schools*

Number of public schools in 1911 . . . . .	5921
Number of enrolled pupils of all ages in the public schools during the year (exclusive of continuation, kindergarten, and night school pupils) . . . . .	400,552
Average daily attendance of pupils . . . . .	244,674
Percentage of average attendance to total attendance . . . . .	61.08
Number of persons employed as teachers (exclusive of continuation, kindergarten, and night school teachers) in the public schools : men, 1409 ; women, 7940 ; total . . . . .	9349
Number of teachers who attended Normal Schools . . . . .	6007
Number of teachers who attended Normal College or Faculty of Education . . . . .	528
Number of teachers with a university degree . . . . .	87
Average annual salary for male teachers . . . . .	\$767
Average annual salary for female teachers . . . . .	\$518
Average experience of male teachers . . . . .	11.90 years
Average experience of female teachers . . . . .	7.28 years
Amount expended for public schoolhouses (sites and buildings) . . . . .	\$1,995,856
Amount expended for teachers' salaries . . . . .	\$5,196,563
Amount expended for all other purposes . . . . .	\$1,813,975
Total amount expended on public schools . . . . .	\$9,006,394
Cost per pupil (enrolled attendance) . . . . .	\$22.48



*B. Roman Catholic Separate Schools*

Number of Roman Catholic separate schools in 1911 . . . . .	495
Number of enrolled pupils of all ages . . . . .	59,396
Average daily attendance of pupils . . . . .	37,310
Percentage of average attendance to total attendance . . . . .	62.81
Number of teachers . . . . .	1193
Amount expended for schoolhouses (sites and buildings) . . . . .	\$168,603
Amount expended for teachers' salaries . . . . .	\$413,650
Amount expended for all other purposes . . . . .	\$315,637
Total amount expended on Roman Catholic separate schools . . . . .	\$897,890
Cost per pupil (enrolled attendance) . . . . .	\$15.11

*C. Protestant Separate Schools*

Number of Protestant separate schools (included with public schools, A) in 1911 . . . . .	6
Number of enrolled pupils . . . . .	424
Average daily attendance of pupils . . . . .	260

*D. Kindergartens*

Number of kindergartens in 1911 . . . . .	194
Number of pupils enrolled . . . . .	20,677
Average daily attendance of pupils . . . . .	7591
Number of teachers engaged . . . . .	358

*E. Night Public Schools*

Number of night schools in 1911-12 . . . . .	21
Number of pupils enrolled . . . . .	1573
Average daily attendance of pupils . . . . .	351
Number of teachers engaged . . . . .	40

## II. SECONDARY SCHOOLS

*A. High Schools and Collegiate Institutes*

Number of high schools (including 43 collegiate institutes) in 1911 . . . . .	148
Number of pupils enrolled in high schools . . . . .	32,227
Average daily attendance of pupils . . . . .	20,177

THE MINISTER OF EDUCATION

229

Number of teachers in high schools . . . . .	898
Average annual salary, principals . . . . .	\$1670
Average annual salary, assistants . . . . .	\$1241
Average annual salary, all teachers. . . . .	\$1312
Highest salary paid . . . . .	\$5000
Amount expended for teachers' salaries . . . . .	\$1,141,124
Amount expended for schoolhouses (sites and buildings) . . . . .	\$470,757
Amount expended for all other purposes . . . . .	\$336,177
Total amount expended on high schools . . . . .	\$1,948,058
Cost per pupil (enrolled attendance) . . . . .	\$60.44

*B. Continuation Schools*

Number of continuation schools, 1911 . . . . .	129
Number of pupils enrolled . . . . .	5753
Average daily attendance of pupils . . . . .	3487
Number of teachers . . . . .	218
Average annual salary, principals . . . . .	\$1000
Average annual salary, assistants . . . . .	\$702
Highest salary paid . . . . .	\$1600
Amount expended on teachers' salaries . . . . .	\$177,057
Amount expended for schoolhouses . . . . .	\$40,907
Amount expended for all other purposes . . . . .	\$34,116
Total amount expended on continuation schools . . . . .	\$252,080
Cost per pupil (enrolled attendance) . . . . .	\$43.82

*C. Night High Schools*

Number of night high schools in 1911-12 . . . . .	2
Number of pupils enrolled . . . . .	77
Average daily attendance of pupils . . . . .	34
Number of teachers engaged . . . . .	7

III. GENERAL

*Elementary and Secondary Schools*

Total population of the province, 1911 . . . . .	2,523,358
Pupils enrolled in elementary and secondary schools, 1911 . . . . .	520,255
Average daily attendance . . . . .	313,624
Percentage of total population enrolled . . . . .	20.61
Average cost per head of total population in 1911 . . . . .	\$4.79

## X

THE PUBLIC WORKS DEPARTMENT<sup>1</sup>

**I**MMEDIATELY after Confederation the departments of Agriculture and Public Works were united under the commissioner of Agriculture and Public Works. It was not until the year 1874 that these departments were separated and that distinct portfolios were established.

The most important duty of this department is the erection, care, and maintenance of the public buildings of the government, and there is a staff of engineers, architects, and other officials for this purpose. The second service rendered by the department is the construction and repair of colonization roads in the newer portions of the province. The department also looks after the maintenance of the levels of the lakes, canals, and other such works. The modern movement for providing good roads is also fostered by this department, and the provincial government is assisting the municipalities in this regard. In the year 1902 the sum of \$1,000,000 was set apart for the purpose, and grants therefrom have been made from time to time in aid of the establishment of good roads.

## GAME AND FISHERIES

The game laws have been enacted and administered by the province without question since Confederation. The ownership of the game in the domain of the crown followed

<sup>1</sup> COMMISSIONERS OF PUBLIC WORKS, 1867-1913	
John Carling . . .	Commissioner of Agriculture and Public Works July 16, 1867.
Archibald McKellar . . .	Commissioner of Agriculture and Public Works Dec. 20, 1871.
C. F. Fraser . . .	Commissioner of Public Works . . . Apr. 4, 1874.
W. Harty . . .	Commissioner of Public Works . . . May 30, 1894.
F. R. Latchford . . .	Commissioner of Public Works . . . Oct. 21, 1899.
W. A. Charlton . . .	Commissioner of Public Works . . . Nov. 22, 1904.
J. O. Réaume . . .	Commissioner of Public Works . . . Feb. 8, 1905.



provincial ownership thereof, and no question respecting it has arisen. The province enacted regulations respecting the open and close season for hunting the game which abounds in the northern districts of the province—moose, deer, beaver, marten, otter, etc. This branch of the department also issues licences for deer hunters, and has provided special regulations respecting the number of animals that may be killed and the method of transportation and export.

During the years immediately following Confederation the fishery regulations were considered to be within the competence of the Dominion parliament alone. It was not until 1898 that the question was disposed of by the Privy Council, and it was decided that the fish of the inland lakes and rivers were the property of the province. Thereupon the Fisheries branch of the department was established. There is at present a dual control of fishery regulations. It has been held by the Judicial Committee of the Privy Council that the jurisdiction to impose regulations for fishing which covers the close season and such other data is within the jurisdiction of the Dominion alone, but as the property of the fish in provincial waters is in the province, the right to grant licences to take fish is within the administration of the province. For the purpose of enforcing provincial regulations fishery overseers have been appointed for the various districts of the province.

#### BUREAU OF LABOUR

In the year 1900 the bureau of Labour was established, its objects being to collect, assort, systematize, and publish information and statistics relating to employment, wages, and hours of labour throughout the province, co-operation, strikes or other labour difficulties, trade unions, labour organizations, the relations between labour and capital, and other subjects of interest to working men, with such information relating to the commercial, industrial, and sanitary condition of working men and the permanent prosperity of the industries of the province as the bureau may be able to

gather. As will be seen from this description, the duties of the branch are largely clerical, and there is no direct regulation of trade disputes introduced or carried on by the bureau.

## XI

THE DEPARTMENT OF AGRICULTURE <sup>1</sup>

**A**LTHOUGH the office of minister of Agriculture has existed since Confederation, it was not until 1910 that the department was organized by statute. The department is for the purpose of fostering, promoting, encouraging, and developing agriculture, which is the greatest industry of the province. For this purpose the duties of the department as set out in the act are as follows :

- (a) The administration of the laws relating to agriculture in all its branches ;
- (b) The collection of statistics and the management of the bureau of Industries ;
- (c) The Ontario Agricultural College ;
- (d) The Ontario Veterinary College ;
- (e) Farm forestry ;
- (f) Immigration and colonization ;
- (g) Inspection of factories and shops ;
- (h) Administration of the statute respecting stationary engineers.

(a) The administration of the laws relating to agriculture covers such details as the prevention of the spread of noxious diseases of animals and plants ; the administration

<sup>1</sup> COMMISSIONERS AND MINISTERS OF AGRICULTURE, 1867-1913

John Carling . . .	Commissioner of Agriculture and Public Works	July 16, 1867.
Archibald McKellar . . .	Commissioner of Agriculture and Public Works	Dec. 20, 1871.
S. C. Wood . . .	Commissioner of Agriculture and Secretary and Registrar	July 23, 1875.
James Young . . .	Commissioner of Agriculture and Treasurer	June 2, 1883.
A. M. Ross . . .	Commissioner of Agriculture and Treasurer	Nov. 2, 1883.
Charles Drury . . .	Minister of Agriculture . . . . .	May 1, 1888.
John Dryden . . .	Minister of Agriculture . . . . .	Sept. 16, 1890.
N. Monteith . . .	Minister of Agriculture . . . . .	Feb. 8, 1905.
J. S. Duff . . .	Minister of Agriculture . . . . .	Oct. 6, 1908.

of the affairs of agricultural associations, including fall fairs, farmers' institutes, experimental union for the study and comparison of agricultural methods and the spread of general agricultural information. The comprehensive and widespread system of farmers' associations for the study of agricultural methods, the improvement of the breed of agricultural animals, and other such purposes, has been fostered by the department, and there exist the following associations :

The Fruit-Growers' Association of Ontario,  
 The Entomological Society of Ontario,  
 The Dairymen's Association of Eastern Ontario,  
 The Dairymen's Association of Western Ontario,  
 The Western Ontario Poultry Association,  
 The Eastern Ontario Poultry Association,  
 The Ontario Bee-keepers' Association,  
 The Ontario Agricultural and Experimental Union,  
 The Dominion Sheep-Breeders' Association,  
 The Dominion Swine-Breeders' Association,  
 The Dominion Cattle-Breeders' Association,  
 The Dominion Horsemen's Association,  
 The Ontario Horse-Breeders' Association,  
 The Ontario Vegetable-Growers' Association,  
 The Gardeners' and Florists' Association,  
 The Ontario Corn-Growers' Association.

(b) The bureau of Industries was established in the year 1882. Its main purpose is to gather agricultural and municipal statistics throughout the province. It also superintends the production and distribution of bulletins for the information of the farming community.

(c) The Ontario Agricultural College was organized in 1874 near the city of Guelph in the county of Wellington. It not only gives instruction to students in active attendance throughout their course, but gives also short courses for instruction in various branches of husbandry. The staff consists of seventeen professors, three associate professors, seven lecturers, and twenty demonstrators and instructors. Associated with the college is the Macdonald Institute, established and endowed by Sir William Macdonald of Montreal. The college is affiliated to the University of



Toronto, and students proceed to the degree of Bachelor of Agriculture.

(*d*) The Ontario Veterinary College was recently established as a provincial institution, being a continuation under government control of the Ontario Veterinary College, a proprietary institution which existed in Toronto for many years past. It has been fortunate in its situation beside the University of Toronto, for its students are thus enabled to take advantage of the instruction of many of the most capable professors and lecturers at the university.

(*e*) Recently the professor of Forestry of the Ontario Agricultural College was appointed forester of the department of Lands, Forests, and Mines, and he supervises the farm forestry work of this department. There is a forest nursery in Norfolk County for the culture of seedlings and plants. During the year 1913 some 350,000 plants were distributed for experimental planting. The work of this branch is promoted by the distribution of bulletins.

(*f*) Immigration is a subject within provincial as well as Dominion control. The province maintains offices at London and Liverpool for the spread of information to intending immigrants. However, the main work done is in placing farm labourers and domestic servants after their arrival in the province. During the year 1913 10,371 were cared for by the bureau and the Salvation Army.

(*g*) The Ontario Factories Act was passed in the year 1884. It largely followed the corresponding statute of the United Kingdom, and made provision for the protection of children and women employed in factories, regulating the minimum age of employment, the protection of employees from dangerous machinery, the prevention of fires, and sanitation. Authority was given for the appointment of inspectors, and their duties were assigned. The statute law on the subject is now consolidated in 3-4 Geo. v, cap. 60 (1913), the Factory, Shop, and Office Building Act.

(*h*) By 1 Geo. v, cap. 46, authority was given for the appointment of a board of examiners of stationary engineers. The provisions are not applicable to persons operating a boiler or engine of less than fifty horse-power, or to heating

plants using a pressure of less than twenty pounds per square inch. Only persons who have passed an examination of the board, and have its certificate, may be employed as stationary engineers.

## XII

## SPECIAL COMMISSIONS

## NIAGARA FALLS PARK COMMISSION

THE commission of the Queen Victoria Niagara Falls Park was established in the year 1885 pursuant to 48 Vict. cap. 21, an act for the preservation of natural scenery about Niagara Falls. It had its origin in a suggestion made by the Marquess of Dufferin, when governor-general of Canada, that the Province of Ontario and the State of New York should unite in preserving the beauty of this wonderful cataract. The commission was organized immediately after the passing of the act, and at once entered upon its new duties. The work originally contemplated has been extended so as to include the whole river bank from Fort Erie to Niagara-on-the-Lake. The park proper, immediately adjoining the falls, consists of 196 acres; Queenston Heights, surrounding Brock's monument, 88 acres; Niagara Glen, Whirlpool Point, and Fletcher's Flats, 75 acres; the old fort (?) ground at Fort Erie, 17 acres; Butler's Burying Ground, 1 acre; Lundy's Lane Burying Ground, 3 acres; the chain reserve along the Niagara River from the park proper to Niagara-on-the-Lake, a distance of thirteen miles, together with all the ungranted lands lying between the reserve and the water's edge, 260 acres; and the chain reserve along the Niagara River from Chippawa immediately south of the park proper to Fort Erie, a distance of sixteen miles, 100 acres.

The commission is self-sustaining, its revenue being derived from hydraulic leases held by electrical developing companies at the Falls, and various franchises which have been granted. The capital expenditure is made from the proceeds of the sale of debentures issued by the commission and guaranteed by the province.

## RAILWAY AND MUNICIPAL BOARD

This board was established at the session of the year 1906, 6 Edw. VII, cap. 31. Control of the construction, operation, and maintenance of railways is within the duties of the board. The railways subject to the control of the board are those incorporated by statute of the Province of Ontario, the undertakings of which have not been declared to be 'for the general benefit of Canada.' Before any work can be done towards the construction of a railway, plans, surveys, and books of reference must be filed with the board, and any alteration must receive the approval of the board. It is the duty of the board to ascertain that the plans and books of reference satisfy the provisions of the general railway act and the special act incorporating the company. The construction of farm crossings, highway crossings, bridges, tunnels, and crossings of and junctions with other railways subject to the board are also dealt with by the board.

The accommodation at stations, junctions, and other stopping-places is also subject to the control of the board, and if it is not sufficient for public purposes, the board may order any deficiency to be remedied. The equipment and accommodation to be provided for trains are established by the act and are subject to the control of the board in case of complaint being made. If it should be represented that a railway subject to the board or any part of it is dangerous to the public, the board may order such construction or repairs of the line as may be necessary to make it safe.

Rates are subject to the approval of the board, as also are the rules and regulations affecting the public.

Railway companies are required to make such annual returns as may be demanded by the board. These are defined by the Railway Act. The board is authorized to hear and to determine any complaint that a railway company or municipal corporation has failed to comply with any order of the board, and also to entertain an application for an order. On subjects otherwise authorized to be dealt with the board may issue mandatory orders as well as injunctions.

Under the assessment act there is an appeal to the board



in matters formerly put to a board of county judges. The board also has jurisdiction in matters which under the municipal act were formerly subject to the lieutenant-governor in council, in questions of annexations or additions to cities or towns or the alteration of municipal boundaries. It has also jurisdiction to confirm municipal by-laws for the purpose of raising funds to supplement sums authorized by the rate-payers of municipalities, and to confirm by-laws relating to public highways, where confirmation was formerly required to be by order-in-council.

There is an appeal from the board to the Court of Appeal of Ontario on questions of law or of the jurisdiction of the board.

#### HYDRO-ELECTRIC POWER COMMISSION

This commission was first established in 1906 for the purpose of procuring electricity and transmitting the same to the various municipalities, under contracts entered into for that purpose. The act of 1906 was repealed and re-enacted in the year 1907, and since that time amending acts and acts approving of contracts entered into with various municipalities have been passed at each session of the legislature.

The statute of 1906 is 6 Edw. VII, cap. 15, an act to provide for the transmission of electric power to municipalities. The act of 1907 is 7 Edw. VII, cap. 19, and bears the same title. The short title given to these statutes is the Power Commission Act.

The commission consists of three members, of whom one must be a member of the executive council of the province. It is appointed by the lieutenant-governor in council, and one of the members is named chairman by the same authority. The commission has authority to appoint engineers, accountants, and other officials necessary for the purpose of carrying out the act. It has wide powers of expropriation for the purpose of erecting transmission lines, stepping-up and stepping-down stations, and other work necessary for the carrying out of the purposes of the commission.

Immediately after the appointment of the commission a detailed survey of the water powers of the province was made. The reports of the commission from time to time show the various water powers, their capacity, their suitability for development, and give in general a complete inventory of the power capacity of the province.

On March 19, 1908, a contract was entered into between the commission and the Ontario Power Company. This contract was approved by 8 Edw. VII, cap. 22, and is set out as a schedule to that act. It provides for the delivery to the commission of power to the extent of 100,000 horsepower. This contract sets out in detail the arrangement under which the commission obtained power for transmission to the municipalities. Thereupon the commission set about establishing its transmission lines.

The report of the commission for 1912 shows a total mileage of 280.3, with a total number of towers erected of 3040, total mileage of power cable 1103.4, and of ground cable 708.3.

The first actual operation occurred on May 18, 1910, when the Niagara Transformer Station was connected with the Ontario Power Company for the purposes of a test. The first energy was delivered to the Niagara Step-up Transformer Station from the Ontario Power Company at 12,000 volts on August 25, 1910, and on September 24 of that year the 110,000-volt lines between Niagara and Berlin by way of Dundas, Guelph, and Preston, a distance of approximately 100 miles, were operated for the first time. Since then the extension of the system throughout the western part of the province has been continuous.

The statutes under which the commission operates provide that any one or more of the ratepayers in a municipality, the corporation of which has not entered into a contract with the commission, may apply to the corporation to obtain from the commission a supply of electrical power for the use of such ratepayers for lighting, heating, and power purposes. The council of the corporation shall thereupon request the commission to supply the electrical power or energy as mentioned in the application. Thereupon the

commission is required to furnish to the corporation an estimate of the maximum cost per horse-power at which the electrical power will be supplied at the point of development or of its delivery to the commission, and an estimate of the cost of constructing and providing transmission lines by means of which the amount of electrical power or energy required is to be supplied, and of maintaining the same, and may furnish to the corporation plans and specifications of the works, plant, machinery, and appliances necessary for the distribution of such power or energy and an estimate of the cost. Within a month after the delivery of these estimates the council, at a special meeting, may pass a by-law for entering into a contract with the commission for the supply, and the corporation may enter into such a contract without submitting a by-law for that purpose to the ratepayers.

The general scheme is that the commission shall provide transmission lines and deliver power at high tension to the municipalities, then step-down this power and distribute it to the users in the municipality. In several districts the commission itself has established stepping-down stations and low-tension transmission lines.

The reports of the commission show that the plant is in a most efficient condition, that great saving to power users has been effected by the construction of these transmission lines, and that from a financial standpoint the work of the commission has been most economical.

At the present time (1913) the commission is taking steps to interest the farming community and the township municipalities in providing electricity for use upon the farm.

#### THE TIMISKAMING AND NORTHERN ONTARIO RAILWAY COMMISSION

The Timiskaming and Northern Ontario Railway Commission was created, under the Timiskaming and Northern Ontario Railway Act, in 1902. The commission was appointed by the lieutenant-governor in council, and it consists of not more than five and not less than three members. Immediately after the commission was appointed, steps were taken



to build a railway from North Bay to a point on Lake Timiskaming. It was originally intended to be a colonization road for the purpose of developing the arable lands to the north and west of Lake Timiskaming. During the course of construction the valuable mineral deposits in the neighbourhood of Cobalt were discovered; in fact, the opening up of the mineral districts and this part of Northern Ontario is entirely due to the construction of the railway. Subsequently the line was extended, and it is now in operation to Cochrane, on the main line of the Canadian National Transcontinental Railway. From North Bay to Englehart the mileage is 138, and from Englehart to Cochrane 114.3—a total of 252.3 miles. There are three branches, the first to Charlton, mileage 7.8, the second to Kerr Lake, 3.9, and the third to Haileybury, 1.64.

The commission has a large revenue, not only from the traffic over the road, but also from royalties on minerals taken from the right of way and station yards at Cobalt. During the year ending October 31, 1912, there was a net profit on the operation of the road of \$510,000. This, of course, is irrespective of interest charges upon the capital bond issue (\$17,535,662.69) for the construction of the road.

The commission has entered into a contract with the Grand Trunk Pacific Railway for the joint operation of the road from Cochrane to North Bay. The first train from the West, consisting of twenty car-loads of wheat, passed over the road to Port Colborne on December 30, 1912. This wheat was immediately converted into flour and shipped by way of St John, New Brunswick, to Cape Town.

*Thomas Mulvey*

FINANCE AND TAXATION

VOL. XVII

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## FINANCE AND TAXATION

### I

#### EARLY PROVINCIAL FINANCE OF UPPER CANADA

THE quasi-independence of the colonies in a financial sense began with the passing of an act in 1777-78,<sup>1</sup> a portion of which is still upon the imperial statute-book. This act was entitled 'An Act for removing all Doubts and Apprehensions concerning Taxation by the Parliament of Great Britain in any of the Colonies, Provinces and Plantations in North America and the West Indies.' Under this act the king and parliament of Great Britain undertook that they would 'not impose any duty, tax or assessment whatever, payable in any of His Majesty's colonies . . . excepting only such duties as it may be expedient to impose for the regulation of commerce.'<sup>2</sup> The exception in favour of the control of imperial parliament in respect to customs duties remained until after the adoption by Great Britain of a policy of free trade. In addition to the duties which the province was authorized to levy by the parliament of Great Britain, the expenses of government were defrayed from a fund which was provided by means of licence duties.<sup>3</sup> Shortly after the province received relative autonomy under the act cited, these licence duties were increased by successive acts beginning with an act of 1793.<sup>4</sup> In connection with the customs duties

<sup>1</sup> 18 Geo. III, cap. 12, 1777-78. See, e.g., *The Statutes Revised* (London, 1889), vol. ii. The other principal imperial acts dealing with the government of Upper Canada were 5 Geo. III, cap. 7, 14 Geo. III, cap. 83, 14 Geo. III, cap. 88, and 31 Geo. III, cap. 31.

<sup>2</sup> The authority of imperial parliament in respect to duties was abrogated by 9 and 10 Vict. cap. 94 (1846-47).

<sup>3</sup> This fund was created in 1775 under the British act 14 Geo. III, cap. 88.

<sup>4</sup> 33 Geo. III, cap. 13 (1793).

the Province of Upper Canada entered, in 1799, into an agreement with the lower province which was subject to repeated revision.<sup>1</sup> In 1807<sup>2</sup> the province began to derive a small revenue from the issue of licences to pedlars, etc., and in 1810<sup>3</sup> from a duty on billiard tables, an indication of increasing luxury. Meanwhile the expenses of the province consisted largely of the salaries of officials, although many of them were paid by fees. The stipends of the members of the house of assembly were paid by their respective constituencies, the amounts being collected by means of a local rate.<sup>4</sup> Expenses otherwise consisted in grants for the building of bridges, for making roads, and for the encouragement of the cultivation and exportation of hemp, for which there were numerous acts.

Financial questions played a very important rôle in the political controversies which continued without interruption between 1820 and 1840. During this period the revenue of Upper Canada was derived chiefly from two sources—from customs duties and from the territorial and casual revenues of the crown. The customs duties were levied as regards their greater part in the lower province, and the amounts of them were divided between the provinces—Lower Canada receiving three-fifths, and Upper Canada receiving two-fifths of the aggregate amount of the duties.<sup>5</sup>

The territorial and casual revenues of the crown were derived from the sales and leases of crown lands and from timber licences and the like. The latter revenues were subject to the control of the lieutenant-governor in council,

<sup>1</sup> This agreement was ratified by 39 Geo. III, cap. 5 (1799) and continued by 41 Geo. III, cap. 4 (1801) and numerous other acts. It was repealed by 58 Geo. III, cap. 13 (1818).

<sup>2</sup> 47 Geo. III, cap. 9 (1807).

<sup>3</sup> 50 Geo. III, cap. 6 (1810).

<sup>4</sup> Cf. *infra*.

<sup>5</sup> It was alleged that four-fifths of the exports and 'by far the greater proportion of the imports' were due to Upper Canada (cf. *Report of a Select Committee of the House of Assembly on the Political State of the Provinces of Upper and Lower Canada*, Toronto, 1838, p. 45). The upper province therefore demanded amendment of 14 Geo. III, cap. 88 (1774) and of 31 Geo. III, cap. 31 (1791) in order that the Island of Montreal might be annexed to Upper Canada, and by this means that a seaport be provided (cf. *ibid.*, p. 45 *et seq.*). This course was recommended by Sir Francis Bond Head (cf. 'Memorandum on the Present Political State of the Canadas' in *A Narrative*, London, 1839, pp. 121-37).

and expenditures out of them were not subject to vote by the house of assembly.<sup>1</sup>

In the lower province the revenue derived from customs duties was practically sufficient for the needs of the public service. Indeed, works of local utility were very generally undertaken at the charge of the province. One result of this condition was the retardation of the development of municipal institutions and the absence of local assessments.<sup>2</sup> In the Province of Upper Canada, on the contrary, the magnitude of the public works undertaken in the general as contrasted with the local interest was great enough to absorb all the resources of the provincial revenue, and even to plunge the province into a public debt.<sup>3</sup> Upper Canada was thus 'fortunately for itself . . . compelled to establish a system of local assessments, and to leave local works, in a great measure, to the energy and means of the localities themselves.'<sup>4</sup>

In 1839, in consequence of the construction of canals and other public works, the Province of Upper Canada had incurred a debt of upwards of one million pounds. The total revenue of the province was barely sufficient to meet the interest charge upon this debt. Since an increase in the customs duties chargeable at the port of entry would have

<sup>1</sup> Upon the question of control there was a prolonged controversy. The point of view of Downing Street is to be found in a dispatch dated July 17, 1835 (reprinted as an appendix in *A Despatch from . . . Lord Glenelg, H.M. Secretary of State for the Colonies to H.E. Sir Francis Bond Head, Lieut.-Gov. of U. C.*, Toronto, 1836, p. 32), and the point of view of the executive council of U. C. is to be found in the *Report of a Select Committee* cited above. The home government feared that if full financial control were given to the assembly, the independence of the judiciary would be compromised. On the other hand, the critics of the home government and of the executive council argued that there were too many functionaries, that their salaries were excessive, and that the patronage enjoyed by the home government and by the executive council was abused (cf., e.g., G. R. Young, *Letters on Responsible Government and an Union of the Colonies . . . to . . . Lord Russell*, Halifax, 1840, p. 5, and *The Seventh Report from the Select Committee of the House of Assembly of Upper Canada on Grievances*, Toronto, 1835, *passim*).

<sup>2</sup> *Report on the Affairs of British North America from the Earl of Durham, H.M. High Commissioner, etc. etc.*, ordered to be printed February 11, 1839 (London, 1839), fo. 33.

<sup>3</sup> Under 9 Geo. IV, cap. 13 (1828) the province borrowed from the British government £100,000 at 4½ per cent in order to redeem debentures which had been issued at 6 per cent.

<sup>4</sup> *Report on the Affairs of British North America, etc.*, fo. 55.



benefited Upper Canada only to the extent of two-fifths of that increase, while it would have endowed Lower Canada with funds which were not required for the public service, it was evident that either the proportion of the distribution of the yield of the duties must be altered or some other method of raising a revenue must be devised. The first expedient seemed to be impracticable, and Lord Durham therefore considered that recourse must be had to direct taxation. Under the then economic conditions of the country the only form of direct taxation which seemed likely to yield an adequate revenue was taxation of land. The lands of the crown from which a revenue might have been derived by way of sale or lease had already been alienated to the extent of sixteen-seventeenths of the whole of the surveyed lands.<sup>1</sup> The remainder seems to have amounted to little more than one million acres. Up till 1819<sup>2</sup> the revenue derived from the public lands was received in the form of fees, which were 'no more than sufficient to compensate the various officers concerned in passing the grant, for their trouble.'<sup>3</sup> In 1819 these fees were doubled, and in 1820 again increased; but it was not until 1827, when a commissioner of Crown Lands was appointed, that any degree of system was even formally introduced. Under the instructions of this commissioner<sup>4</sup> all public land was to be sold by auction, but up till 1839 these instructions do not appear to have been complied with.<sup>5</sup>

The tax upon wild lands in Upper Canada was first imposed in 1820, or rather it should be said that in that year measures were first taken to enforce its payment. A tax of this sort had previously existed; but as it was merely a personal charge upon the owner of the land it could only be recovered in those cases in which

<sup>1</sup> *Appendix (B) to the Report on the Affairs of British North America* (London, 1839), fo. 8. The total area of the province, so far as surveyed, was 17,653,544 acres; the area reserved for roads was 450,000 acres, and for clergy reserves 2,395,687 acres, and there were granted and appropriated 13,660,838 acres. The remainder was 1,147,019 acres.

<sup>2</sup> From 1791 till 1804 land grants were gratuitous, no fees even being imposed.—*Ibid.*, fo. 9.

<sup>3</sup> *Ibid.*, *loc. cit.*

<sup>4</sup> The instructions were drawn up by the Treasury.

<sup>5</sup> *Appendix (B)* cited, fo. 9.

the owner resided within the district where the lands were situated. In 1820 it was made a charge upon the land, and the sheriff was authorized to sell the land in the event of the non-payment of the tax for eight years.<sup>1</sup>

The tax imposed by the act of 1820 was based upon a uniform assessment of four shillings per acre for wild land and twenty shillings per acre for cultivated land, and the rate of the tax was not to exceed one penny in the pound upon the valuation. The amount yielded by the tax was thus insignificant. Owners of wild land were charged only twenty pence per annum for one hundred acres, and of cultivated land five times as much. Only those wild lands which had been actually granted by the crown by patent were subject to the tax.<sup>2</sup> There were, moreover, many explicit exemptions. These included the clergy, school and college reserves, the lands in the possession of the Canada Company, as well as all lands which may have been sold but for which patents had not been applied for, and involved about one-fourth of the 'appropriated but unoccupied land of the province.'<sup>3</sup> The amount yielded by the tax was expended by the local magistrates, one-third being devoted to the making of roads. In the inquiry conducted by Charles Buller, at the instance of Lord Durham, T. A. Stayner,<sup>4</sup> owner of 50,000 acres of wild land, recommended the imposition of a relatively high tax upon wild land, and the devotion of the revenue so derived to an active immigration policy and to the opening up of good roads. He also recommended the raising of a loan upon the security of the tax for the purpose of beginning colonization operations at once. He pointed out that in the absence of immigration land did not increase in value, and that therefore the holding of large areas of wild land was not a profitable proceeding.<sup>5</sup> Charles Buller recommended

<sup>1</sup> *Appendix (B)* cited, fo. 19. The tax was imposed by the provincial government. A similar tax was imposed by the legislature of Prince Edward Island, but the act imposing it was disallowed by the home government.

<sup>2</sup> In 1839 there were 800,000 acres of wild land granted but not patented, and upon which no tax was leviable. Evidence of I. Radenhorst, chief clerk in surveyor-general's office, Q 790 and 791. *Appendix (B)* cited, fo. 99.

<sup>3</sup> *Appendix (B)* cited, fo. 19.

<sup>4</sup> Deputy postmaster-general for British North America.

<sup>5</sup> *Appendix (B)* cited, fo. 65.

that the tax upon wild land should be considerably augmented, that provision should be made for the payment of it in land instead of in money where such form of payment was desired, and that the clergy, school and college reserves, as well as all lands in private ownership, whether patented or not, should be subject to the tax.<sup>1</sup>

Neither Lord Durham's idea that direct taxation would have to be resorted to, nor Charles Buller's suggestion that the tax upon wild land should be increased, met with any enthusiasm on the part either of the legislature or the people of Upper Canada when the union of the provinces took place in 1840. Direct taxation was probably, under the then circumstances of the country, quite impracticable. There was little circulation of ready money and the cash incomes of the people were slender.<sup>2</sup>

The Act of Union of 1840 placed both Upper and Lower Canada, now Ontario and Quebec, on a fresh political and financial basis. During the period from 1840 until the confederation of the provinces in 1867 the chief part of the revenue of the Province of Canada (consisting of Ontario and Quebec) was derived from customs duties. The yield of these duties composed about four-fifths of the total revenue. During the first ten years of the Union the revenues fluctuated greatly, but from 1849 onwards they exhibited an almost continuous increase. The public debt also increased; for example, in 1842 the debt was under £80,000, in 1852 it was nearly £250,000.<sup>3</sup> Up till 1846 the Province of Canada did not enjoy fiscal freedom. Under the British Possessions Acts of 1833 and 1845<sup>4</sup> the duties leviable by the British North American colonies were fixed by imperial parliament. In 1846 an act was passed<sup>5</sup> which gave the colonies power to repeal the duties as specified in the previously mentioned

<sup>1</sup> *Appendix (B)* cited, fo. 21.

<sup>2</sup> Cf. Sir A. T. Galt (previously Finance minister of Canada) in address in Manchester Town Hall to the Chamber of Commerce, September 25, 1862 (London, 1862). Reprinted in *The Relations of the Industry of Canada with the Mother Country* (Montreal, 1864), p. 354.

<sup>3</sup> Cf. the Hon. Wm. Cayley, *Finances and Trade of Canada at the Beginning of 1855* (London, 1855), and *Canada Directory, 1857-58* (Montreal, 1857), p. 1012.

<sup>4</sup> 3 and 4 Will. iv, cap. 39, and 8 and 9 Vict. cap. 9.

<sup>5</sup> 9 and 10 Vict. cap. 94.



acts. This measure was a logical consequence of the adoption of a policy of free trade by Great Britain and of the cessation of the system of colonial preferences.<sup>1</sup>

These changes were vehemently opposed in Canada, by the Boards of Trade of Quebec, Montreal and Toronto, and energetically by Isaac Buchanan, M.P.<sup>2</sup> The movement for reciprocal trade relations between Canada and the United States was a natural result of the free trade movement in England and of the contingent changes in the fiscal position of Canada.<sup>3</sup> So also was the movement in favour of a national policy, which was initiated at the same time.<sup>4</sup>

The movement for reciprocity with the United States which began in 1846 was successfully concluded with the Elgin-Marcy Treaty, which was effective between 1854 and 1866. The immediate effect of this treaty in a financial sense was a slight falling off of revenue.<sup>5</sup> The treaty did not apply to manufactured goods, and during its currency the Canadian duties upon certain goods customarily imported from the United States were gradually increased. Notwithstanding these increases, the costs of interior improvement and of the administration of the country were so great that, in the period immediately before Confederation, the finances of the Province of Canada were not in a favourable position. This was all the more unfortunate in that the government

<sup>1</sup> The preferences on Canadian timber were established in 1806 and were withdrawn gradually; those on grain began in 1828 and ended abruptly in 1846.

<sup>2</sup> In a letter to the *Times*, February 6, 1846 (cf. E. Porritt, *Sixty Years of Protection in Canada*, London, 1908, p. 44), and retrospectively in a speech at Toronto, December 17, 1863, in *The Relations of the Industry of Canada with the Mother Country and the United States* (Montreal, 1864), p. 17 *et seq.*

<sup>3</sup> This movement began even while Sir Robert Peel's measures were still in the committee stage of the House of Commons (cf. Porritt, *op. cit.*, p. 66).

<sup>4</sup> Although Buchanan advocated protection, he was nevertheless in favour of an American Zollverein (cf. speech at Toronto, *loc. cit.*, p. 19). A national policy began to be talked about in 1845 (see *Mirror of Parliament*, March 3, 1845). An early elaboration of it is to be found in a lecture delivered by Mr Justice Sullivan at Hamilton, Ont., on November 17, 1847, *On the Connection between the Agriculture and Manufactures of Canada* (Hamilton, 1848).

<sup>5</sup> The contingent advantages to the Province of Canada of the reciprocity treaty of 1854-66 do not fall to be considered here. A criticism of the action of the Canadian government during the currency of the treaty will be found in 'Report on Reciprocity to the Secretary of the Treasury,' by the Hon. Israel T. Hatch, *Executive Documents, H. of R., 1859-60*, No. 96.

was obliged to borrow in an adverse money market in 1865, and in a highly perturbed money market in 1866.<sup>1</sup> The securities of the province were depreciated and the government was obliged to borrow at a rate two per cent above the discount rate of the Bank of England at the time.

## II

## PROVINCIAL FINANCE SINCE CONFEDERATION

THE British North America Act (1867)<sup>2</sup> gave the Dominion parliament exclusive powers to levy customs and excise duties, and thus deprived the provinces of power to raise a revenue by means of such duties. In order to compensate the provinces their debts were assumed by the Dominion, and in order to afford them a revenue they were granted annual subsidies payable out of the consolidated revenues of the Dominion.<sup>3</sup>

Under the British North America Act all canals, railways, harbours, steamboats, custom-houses and the like<sup>4</sup> were transferred to the Dominion, and all lands, minerals, and royalties belonging to the provinces were reserved to them.<sup>5</sup> While the Dominion parliament was endowed with the power to raise 'money by any mode or system of taxation,'<sup>6</sup> the provinces were entitled 'exclusively to make laws in relation,' *inter alia*, to 'direct taxation within the province in order to the raising of a revenue for provincial purposes.'<sup>7</sup>

The phrase 'direct taxation' has given rise to litigation.<sup>8</sup>

<sup>1</sup> For correspondence on this point between Sir A. T. Galt and Messrs Baring Bros. and Glyn, Mills, Currie and Co., see Sessional Paper No. 35, *Sessional Papers*, vol. xxvi., 1866.

<sup>2</sup> 30 Vict. cap. 3.

<sup>3</sup> These grants varied in amount. Ontario received under the act \$80,000 a year for the support of the provincial government, and in addition 80 cents per year per head of the population as ascertained at the decennial census. The public debt of Ontario assumed by the Dominion in 1867 amounted to \$62,500,000; the total debt of Ontario eventually assumed amounted to \$78,400,000.

<sup>4</sup> Under Schedule III of the British North America Act.

<sup>5</sup> A number of funds and trust funds were reserved to Ontario and Quebec conjointly. For list see Schedule IV, British North America Act.

<sup>6</sup> *Ibid.*, sect. 91.3.

<sup>7</sup> *Ibid.*, sect. 92.2.

<sup>8</sup> See Lefroy, *The Law of Legislative Power in Canada* (Toronto, 1897-98),

The principle has, however, been settled by a Privy Council decision to the effect that the raising of a revenue for provincial purposes by direct taxation within the province lies within the powers of the provincial legislature.<sup>1</sup> It was also decided by the same tribunal that this power might be delegated 'to any local jurisdiction within the province.'<sup>2</sup>

Up till the year 1892 the provincial revenues of Ontario, apart from the subsidy from the Dominion exchequer, were derived from the sales of rights to cut timber upon provincial lands, from mineral royalties, and from fees and licences. No direct taxation was imposed. The revenues from the sources mentioned sufficed for the public service. In the year 1892, however, it became apparent that owing to the increase of provincial expenditure, especially upon education, additional sources of revenue must be tapped. The first step in a new policy was taken in respect to inheritance taxes. An act was passed in 1892 instituting succession duties.<sup>3</sup> It was feared that the imposition of such duties might diminish the amount of bequests to charitable institutions, and it was agreed that the proceeds of the succession duties should be applied partly towards the maintenance of insane asylums and other charitable institutions under the control of the provincial government, and towards grants to charitable institutions under the control of voluntary associations. Under the act of 1892 succession duties were exigible only upon amounts exceeding \$100,000 when the beneficiary was directly related to the testator, and upon amounts exceeding \$10,000 when the beneficiaries were of distant kin or strangers. Bequests of \$200 to one person were exempted, as also were bequests to religious, charitable, or educational institutions. Direct heirs were called upon to pay two and a half per cent when the amount of their bequests exceeded \$100,000 and did not exceed \$200,000, and five per cent when they exceeded that amount. Collateral kindred

p. 705 *et seq.* and p. 361 note; Todd, *Parliamentary Government in British Colonies*, 2nd ed., p. 564; *Dominion Sessional Papers*, 1885, No. 85, p. 98; *Bank of Toronto v. Lambe*, 1 M.L.R., p. 122, and 1 Q.B., p. 129. Other cases are cited by Lefroy.

<sup>1</sup> *Bank of Toronto v. Lambe*.

<sup>2</sup> *Dow v. Black*.

<sup>3</sup> 55 Vict. cap. 6.



paid five per cent and strangers ten per cent. Real and personal property were alike liable to succession duty.

Several amending acts having been passed, the most important being that of 1905,<sup>1</sup> the laws relating to succession duties were consolidated in 1907.<sup>2</sup> Under the consolidated act the limit for direct heirs was reduced to \$50,000 and for others to \$10,000. Life insurance funds, when inherited by a direct heir, were exempted to the amount of \$5000; the limit of exemption of bequests to one person was increased from \$200 to \$300, and only those bequests to charitable and like institutions within the province were exempted. The scale of duties is graduated as follows: between \$50,000 and \$75,000, one per cent; between \$75,000 and \$100,000, two per cent; between \$100,000 and \$150,000, three per cent; between \$150,000 and \$200,000, four per cent; and above \$200,000, five per cent. When the amount bequeathed to one person exceeds \$100,000, additional rates are levied varying from one to five per cent, according to amount. Five per cent is levied upon remote kindred and ten per cent upon strangers. One-half of the total receipts from the succession duties, calculated upon the average of three years, is ear-marked for the provincial university.<sup>3</sup> The remaining half is paid into the general revenues of the province.

The increasing charges upon the provincial revenues had meanwhile rendered it necessary to find other sources of income. In 1899 an act was passed<sup>4</sup> providing for the levying of taxes on provincial account upon various classes of corporations.<sup>5</sup> This act imposed on behalf of the province a special tax upon banks, loan companies, insurance companies, railways, telegraph and telephone companies, and upon gas companies. The taxes are assessable upon a different basis in each case.

*Banks.*—Under the act of 1899 a tax is imposed (a)

<sup>1</sup> 5 Edw. VII, cap. 5.

<sup>2</sup> 7 Edw. VII, cap. 10.

<sup>3</sup> The University of Toronto.

<sup>4</sup> 62 Vict. cap. 8.

<sup>5</sup> In the following sketch of the act use has been made of the writer's paper on 'Canadian Methods of Taxing Corporations' in *State and Local Taxation: Second International Conference* (Columbus, Ohio, 1909), pp. 588-615, and of his 'Taxation of Corporations in Ontario' in *Journal of the Canadian Bankers' Association*, vol. VII, p. 333.

upon the capital stock of the bank, whether the head office is situated within the province or not, and (b) upon each office or branch of the bank within the province. The amount of the tax is one-tenth of one per cent on the paid-up capital, when the capital is \$2,000,000 or less, and one-fortieth of one per cent, or \$25 per \$100,000, for each \$100,000 or fraction of this amount in excess of \$2,000,000 up to \$6,000,000. Every bank pays an additional tax of \$100 for each principal place of business, and \$25 for each city, town, or village in which a branch is maintained, the tax being levied upon one branch only in each place. There is a proviso to the effect that the lieutenant-governor in council may reduce the amount of the tax upon any bank whose head office is not in Ontario, provided the business done by the bank is small. An amending act passed in 1906<sup>1</sup> requires the banks to pay the tax upon each agency. A further amending act passed in 1908<sup>2</sup> provides that when the bank employs only a portion of its capital in Ontario, and has not more than five agencies in Ontario, the amount of the tax may be reduced by the lieutenant-governor in council; but the tax shall not be less than one-tenth of one per cent of half the paid-up capital.

By way of criticism of this form of taxation, it may be observed that while there is no doubt as to the power of the provinces to tax banks even although these are all chartered by the Dominion, it is questionable whether there is any justification for taxing upon the whole of the paid-up capital, whether the whole of this capital is employed in the province or not. If all of the nine provinces imposed taxes upon a similar basis, the whole of the capital of the banks would be taxed nine times over.<sup>3</sup>

*Insurance Companies.*—Under the Ontario Insurance Act insurance companies carrying on business in Ontario were required to contribute to the provincial revenues an aggregate sum of \$3000 per annum. This amount was to

<sup>1</sup> 6 Edw. VII, cap. 9, sect. 1.

<sup>2</sup> 8 Edw. VII, cap. 14, sect. 4.

<sup>3</sup> Opinions vary as to the expediency of this form of double taxation. Professor Seligman is, I believe, opposed to it, while Professor Westlake approves of it. The question is fully discussed in the writer's two papers above mentioned.

be levied upon the licensed companies by contributions *pro rata* according to the gross amount at risk on December 31 in each year. Under the act of 1899<sup>1</sup> 'every insurance company which transacts business in the Province of Ontario shall pay a tax of one per cent, and every other insurance company, a tax of two-thirds of one per cent of the gross premiums received by the company during the preceding year.' Where a foreign company receives in gross premiums less than \$20,000 a year, and where such company lends money or where it has invested in the province \$100,000 or more, a tax of one per cent is levied on the gross premiums, and of one-quarter of one per cent upon the income from investments. Deduction is permitted on account of re-insurance, and the amount due under the Insurance Act is deducted from the amount of the tax payable by the company. In an amending act of 1900<sup>2</sup> the inferior limit of \$100,000 is cancelled.

*Loan Companies.*—Under the act of 1899, (a) companies with fixed or permanent paid-up capital pay \$65 per \$100,000 or fraction thereof. (b) Companies having only terminating or withdrawable capital pay upon the amount of such capital at the same rate, but only if the capital exceeds \$100,000. (c) Companies whose headquarters are in Great Britain pay only upon that part of their funds which may be employed in Canada (not merely in Ontario).

An amending clause in the act of 1900<sup>3</sup> provided that in the case of group (b) in above list, 65 cents per \$1000 must be paid where the terminable or withdrawable capital exceeds \$100,000. The same amending act restricts the tax on members of group (c) to funds employed in Ontario only, and extends the provision to companies having their head offices in Canada, elsewhere than in the Province of Ontario, the determination of the status of any company being left to the discretion of the lieutenant-governor in council.

*Trust Companies.*—Every trust company which transacts business in the Province of Ontario is required to pay a tax of \$250 where the capital is \$100,000 or less, and \$65 for each additional \$100,000 or fraction of this sum. Where

<sup>1</sup> 62 Vict. cap. 8.

<sup>2</sup> 63 Vict. cap. 6.

<sup>3</sup> 63 Vict. cap. 6, cl. 4.



the gross profits of the company are \$25,000 per annum, the company pays a further sum of \$500 per annum, interest on its paid-up capital being deducted from its gross profits.

*Railways.*—Under the act of 1899 every railway was required to pay a tax of \$5 per mile for mileage within the province, the measurement excluding switches and disregarding double track. Electric railways were exempted. An amending clause in the act of 1900<sup>1</sup> provided that in case of a railway line being used by more than one company, the total tax should not exceed \$5 per mile of line. Under a further amending act of 1908<sup>2</sup> every company owning, operating, or using a railway is required to pay a tax of \$60 per mile for one track, and \$20 per mile for each additional track in any organized county; and \$40 and \$10 respectively for lines built in unorganized counties. If, however, the line is not more than 150 miles in length, the tax is \$15 per mile and \$5 per mile respectively; and where the line is not more than 30 miles in length, \$10 and \$5 per mile respectively.

*Street Railways.*—These are also taxed upon the principle of mileage. The rate is \$20 per mile for a track not exceeding 20 miles; \$35 per mile when the track exceeds 20 miles but does not exceed 30 miles; \$45 per mile when the track exceeds 30 miles but does not exceed 50 miles; and \$60 per mile when the track exceeds 50 miles. Double track counts as two miles. These provisions are confirmed in the act of 1908.

It may be observed that while the mileage principle has the advantage of simplicity, the tax imposed under it does not vary with the earning power of the line.

*Telegraph Companies.*—The owners of a telegraph line within the province are each jointly and severally liable for a tax of one-tenth of one per cent upon their paid-up capital.

*Telephone Companies.*—These pay one-eighth of one per cent upon their paid-up capital.

*Gas and Electric Lighting Companies.*—Such companies pay one-tenth of one per cent upon their paid-up capital. Municipal plants are exempted.

<sup>1</sup> 63 Vict. cap. 6.

<sup>2</sup> Following the *Report of the Ontario Commission on Railway Taxation*, 1905.

*Express Companies.*—These pay a tax of \$800 for the first 400 miles over which they operate, and an additional \$125 for every 400 miles or fraction of this distance.

*Sleeping and Parlour Car Companies.*—These pay a tax of one-third of one per cent upon the capital invested in rolling stock used in the province during the preceding year.

The net result of the legislation above described is that a revenue of about \$700,000 a year is derived from the sources enumerated. More than one-half of this amount is contributed by railway companies, rather less than ten per cent by banks, rather more than five per cent by life insurance companies, about four per cent by fire insurance companies, about four per cent by loan companies, about one per cent by trust companies, one and one-half per cent by gas and electric lighting companies, and one and one-quarter per cent by street railway companies.

The method of levying the corporation tax is so diversified that it is quite impossible to arrive at any conclusion regarding the fairness or otherwise of the distribution of the tax. It will be noticed that there has been a tendency to increase the rate of taxation. This tendency has exhibited itself chiefly in the case of railways and in that of banks.

*Taxes upon Mines.*—Up till 1906 taxation upon mines assumed the form of mining royalties payable to the province. Under an act of 6 Edw. VII these royalties were abolished. An act of 1907<sup>1</sup> substituted for them a new mine tax. Every mine in the province, the annual profits of which exceed \$10,000, pays a tax of three per cent upon the excess of profits above \$10,000. The profits are estimated by deducting from the gross receipts the cost of transportation, working expenses, cost of light and power, food and provisions, explosives, fuel, etc., insurance, depreciation of plant, and work done in sinking new shafts. No deduction is made for interest or dividends paid, nor for cost of plant, nor for depreciation in the value of the mine. Holders of mining rights also pay two cents per acre. Natural gas companies pay a tax of two cents per 1000 feet of gas sold or used. The tax is remitted upon natural gas used in the smelting of iron ore in Canada.

<sup>1</sup> 7 Edw. VII, cap. 9.

*Provincial Debt.*—The direct liabilities of the Province of Ontario on October 31, 1909, the most recent date for which statistics are available, amounted to \$20,668,000. Of this amount \$9,830,000, or £2,020,000 at par of exchange, was raised in London upon Ontario government inscribed stock.<sup>1</sup> The sum of £1,200,000<sup>2</sup> of this total bears interest at the rate of three and one-half per cent, and £820,000<sup>3</sup> at the rate of four per cent. The remaining obligations are in the forms of Ontario government bonds and stock issued in Canada (\$3,000,000<sup>4</sup> at three and one-half per cent and \$3,220,000<sup>5</sup> at four per cent), and of railway and annuity certificates (\$4,091,400) and other miscellaneous items. The indirect liabilities of the province, including the liabilities in respect to guarantees, amount to \$9,060,000. Included in this amount is the guaranteed debenture stock of the Canadian Northern Railway, amounting to £1,615,068 at three and one-half per cent. This guarantee is secured by a first mortgage upon the line, rolling stock, and terminals. The greater part of the direct obligation of the province has been incurred on account of the Timiskaming and Northern Ontario Railway, the capital account of which stands at \$15,338,339.<sup>6</sup> The government of the province is responsible for a small amount (\$14,000) of municipal sinking fund moneys deposited with it by a few small municipalities.

*Revenues.*—The revenues of the province amounted in 1909 to \$7,478,000, of which a sum of \$2,129,000 was paid in respect to the subsidy on population and in respect to a special grant by the Dominion treasury; a sum of about \$2,000,000 was received from land, forests, and mines, \$618,000 from the succession duties, \$720,000 from taxes upon corporations, \$353,000 from licences, and \$550,000 from the earnings of the Timiskaming Railway.<sup>7</sup>

<sup>1</sup> Under 5 Edw. VII, cap. 2 and 3, and 8 Edw. VII, cap. 11 and 12.

<sup>2</sup> Principal repayable January 1, 1946.

<sup>3</sup> Principal repayable May 1, 1947.

<sup>4</sup> Principal repayable July 1, 1926.

<sup>5</sup> Principal repayable June 1, 1939.

<sup>6</sup> *Sessional Papers*, vol. XLII, part I., 1910, p. 255.

<sup>7</sup> A sum not quite equal to three per cent upon the capital invested in the railway by the province. In 1909 the railway had been in operation for only three years.



*Expenditures.*—The expenditures of the province amounted in the year 1909 to \$7,545,000, of which nearly \$4,000,000<sup>1</sup> represented the expenditure for education, over \$1,000,000 for the maintenance of public institutions, about \$350,000 for contributions to hospitals and charities under boards independent of the government, and about half a million each for civil government, administration of justice, agriculture, colonization roads, and charges upon crown lands. Receipts from interest upon investments and floating balances nearly met the expenditure upon interest account. At the beginning of the year 1909 the government held balances deposited in the banks to the amount of \$3,000,000, and at the end of the year to the amount of \$5,000,000, the increase being due to unexhausted funds from loans contracted during the year.

## III

## EARLY MUNICIPAL FINANCE AND TAXATION

THE history of the Upper Canada municipalities begins with two acts of the provincial legislature—the legislative council and assembly of the Province of Upper Canada. These acts were passed on the same day, viz. July 9, 1793.<sup>2</sup> The first act provided for the nomination and appointment of parish officers within the province. Among these officers there were to be assessors and collectors of rates and taxes. The second act was entitled ‘An Act to authorize and direct the laying and collecting of assessments and rates in every district within this province, and to provide for the payment of wages to the members of the house of assembly.’ It is interesting to notice that the scheme of assessment which was adopted was a graduated one. Householders whose total property, real and personal, was valued at £50 to £100 paid 2s. 6d., £100 to £150, 5s. 6d., and with intermediate groups, those worth £400 or more paid 20s.

<sup>1</sup> Of this amount the University of Toronto received about \$500,000.

<sup>2</sup> 33 Geo. III, cap. 2 and cap. 3. The latter act (cap. 3) was amended by 34 Geo. III, cap. 6 (1794) and by 43 Geo. III, cap. 11 and 12 (1803), and repealed by 47 Geo. III, cap. 7 (1807).

The wages of members of the house of assembly were raised and paid in each constituency by the justices of the peace.<sup>1</sup> An act was passed in 1803<sup>2</sup> particularizing 'the property real and personal which during the continuance thereof shall be subject to assessments and rates and fixing the several valuations at which each and every particular of such property shall be rated and assessed.' An act with an almost similar title was passed in 1807.<sup>3</sup> Several acts relating to the performance of statute labour in specified counties had been passed prior to 1810: in that year a general act<sup>4</sup> abolished statute labour in part and substituted payments. In 1811<sup>5</sup> lands used for agricultural purposes and animals were for the first time subjected to assessment and taxation. Arable and meadow land was assessed at a value of 20s. per acre. Uncultivated or wild land was valued at 4s. Stallions when used for gain were valued at £199, horses of three years and over at £4, and milch cows at £3. The provisions of this act were continued by an act of 1815.<sup>6</sup> In 1819 there appeared the first extensive and important local assessment act,<sup>7</sup> repealing the former acts and levying taxes upon lands, houses, and other forms of property. The valuations of arable, pasture, and meadow land and of uncultivated land were to be the same as in the previous acts, viz. 20s. and 4s. respectively. Town lots in York, Kingston, Niagara, and Queenston were to be valued at £50 each, and in Sandwich, Johnston, and Belleville at £25 each. Houses built of timber squared on two sides, of one storey only and with not more than two fireplaces, were to be valued at £20, with £4 for every additional fireplace; frame houses were valued at £35 and brick or stone houses at £40, with £8 and £10 respectively for every additional fireplace. Two-storey houses of timber were valued at £30, and of frame, brick, or stone at £60, with £8 and £10 respectively for every additional fireplace over two. Grist-mills with one pair of stones were valued at £150, with £50 for every

<sup>1</sup> The wages were to be ten shillings per day.

<sup>2</sup> 43 Geo. III, cap. 12 (1803).

<sup>3</sup> 47 Geo. III, cap. 7 (1807), repealed by 51 Geo. III, cap. 8 (1811).

<sup>4</sup> 50 Geo. III, cap. 1 (1810).

<sup>5</sup> 51 Geo. III, cap. 8 (1811).

<sup>6</sup> 55 Geo. III, cap. 5 (1815).

<sup>7</sup> 59 Geo. III, cap. 7 (1819).

additional pair, saw-mills at £100, and merchants' shops at £200. Stallions were valued as formerly, so also were milch cows, but the value of horses was increased to £8. A close carriage for pleasure was valued at £100, a phaeton at £25, and a gig at £20.

The net result of these assessments was that a householder possessing such a house as 'The Grange' in Toronto, which was built in 1818, would pay<sup>1</sup> for his house, with additional fireplaces, together with his land, a close carriage, a pair of horses and a milch cow, all of which he doubtless possessed, a total tax of £1, os. 9d., or about \$5. The difference in the value of money between then and now would of course have to be taken into account in making any comparison with the taxes of our own day. Even when this is done, it must be allowed that the tax was not excessive. Crown and clergy reserve lands leased to individuals were subject to the tax, which was to be at the rate of one penny in the pound. Assessors were to receive four per cent, collectors five per cent, and the treasurer four per cent of the collections. Other functionaries were also to be paid by fees. Arrears were to be allowed to run for three years.

In 1825<sup>2</sup> the provisions of the above-mentioned act were continued, excepting that arrears might run for eight years from July 1, 1828. There was also a new provision to the effect that owners of unsurveyed land must report by schedule on penalty of double rates, one-half to go to the informer.<sup>3</sup>

Although the general assessment acts applied to all municipalities, between 1830 and 1840 special charters were granted to some of the larger towns. For example, in 1834<sup>4</sup> the town of York received incorporation as the city of Toronto. It became entitled to borrow a sum equal to five years' taxes, but not more, unless with the authorization of an act of parliament.

The union of the provinces of Upper and Lower Canada

<sup>1</sup> Provided it were built in a town lot. As a matter of fact 'The Grange' was built in a park lot.

<sup>2</sup> Assented to April 4, 1825. Printed at the end of the statutes of the year without chapter number. See Nickall's *Statutes of the Province of Upper Canada*, (Kingston, U.C., 1831), p. 396.

<sup>3</sup> Cl. 4.

<sup>4</sup> Under 4 Will. iv, cap. 23 (1834).



in 1840 led to a reorganization of the municipal system and to the erection of district councils for the management of local affairs. This reorganization was effected by an act in 1841.<sup>1</sup> The district councils were required to appoint treasurers, auditors, and surveyors, and they were empowered to assess and levy taxes; but they were not permitted to levy taxes upon crown property, nor to assess any property excepting what was liable to assessment prior to the act. Taxes were directed to be equally assessed on all property liable to assessment, and the previously existing rates were to continue in force until the district council otherwise decided. Wild lands might be taxed for district purposes, but to an amount not exceeding one penny and a half per acre per year. The previously existing liabilities of the districts were to be assumed by the new district councils. The councils were forbidden to issue notes or to act as bankers.

In 1849<sup>2</sup> the territorial division of the province into districts was abolished and the temporary union of counties for judicial and other purposes was provided for, together with the means for the future dissolution of these unions as wealth and population increased. In the same year the municipal system was revised as a whole.<sup>3</sup>

In 1850 a new assessment act was passed.<sup>4</sup> The new feature of this act was the assessment in respect to annual value of real and personal property alike. This annual value was to amount to six per cent upon the assessed total value in the case of personal property, and in the case of land, buildings, etc., it was to be a rack-rent. Annual value as a basis of taxation disappeared in the next act passed three years later. The assessment laws of Upper Canada were consolidated in 1853,<sup>5</sup> following upon the Municipal Acts Amendment Act of the same year.<sup>6</sup> Under this act all land and personal property was liable to taxation. The expression 'land' was defined to include buildings and machinery,

<sup>1</sup> 4 and 5 Vict. cap. 10 (1841).

<sup>2</sup> Under 12 Vict. cap. 78 (1849).

<sup>3</sup> Under 12 Vict. cap. 80 and 81 (1849). <sup>4</sup> 13 and 14 Vict. cap. 67 (1850).

<sup>5</sup> 16 Vict. cap. 182 (1853).

<sup>6</sup> 16 Vict. cap. 181. See also 16 Vict. cap. 163 (1853).

when so fixed to the buildings as to form in law part of the realty, trees, mines, minerals, quarries and fossils, excepting those lands, buildings, etc., belonging to the crown. Personal property was defined as including all goods, chattels, shares, money, notes, accounts, and debts at their full value, 'and all other property excepting land.' The personal property was to be assessed in the following manner. If it amounted to £25 and less than £50, it was to be assessed as if it were £25 only, if of £50 and less than £100, at £50 only, if of £100 and not more than £2500, at £1000 only, if of £15,000 and less than £20,000, at £15,000 only, and at intermediate points on a varying principle. No person enjoying an income from any calling exceeding £50 was to be assessed for less than that amount as the amount of his personal property. The exemptions included public buildings, certain official salaries, public pensions below £50, incomes from farms, crops of the current year, mortgaged property, bank and railway stocks, debts, household effects, books, etc. It will be noticed that incomes as such are not assessed. Although previous acts had provided for the taxation of personal property, the act of 1853 is the first act of Upper Canada which really provides for the imposition of a general property tax. It exempted, however, from taxation certain forms of property—for example, household effects which are sometimes included in general property taxes.

The principle of this act continued to be recognized in subsequent Ontario acts.

The rapid growth of the province at this time, and the anxiety of the municipalities to keep down the rate of taxation, together with the need for public improvements, especially in the ways of communication, led the municipalities to borrow for improvements rather than to increase the current load. There was at that time no organized money market in the country, there were few banks, and the accumulated means of the people were small. The municipalities had no extended credit. Under these circumstances the provincial government came to their assistance and established a system by which funds might be lent to the municipalities by or through the government. The operations of the Municipal

Loan Fund have not hitherto been described in detail, and therefore it seems expedient to devote some space to a description of them.

#### THE MUNICIPAL LOAN FUND, 1852-73

Under an act of the Province of Canada passed in 1852<sup>1</sup> there were created two Municipal Loan Funds, one for Upper and one for Lower Canada. The funds were to be raised and managed by the provincial government, and loans from the funds were to be given to municipalities for the purpose of building and improving gaols and court-houses, and for constructing or completing railroads, canals, or harbours within or without the borrowing municipality. The period of the local loans was to be not less than five nor more than thirty years. In the case of counties the principal and interest were to be apportioned, according to the assessed property, by the county treasurer upon the townships, towns, and villages in the borrowing county. After approval by a majority of the qualified electors by vote at a general meeting or at a poll on the demand of at least six electors, the application for the loan was to be submitted to the governor in council for approval. The rate of interest was not to exceed six per cent. Debentures were to be issued (of denominations of not less than £25 each) bearing upon their face the undertaking of the provincial government as regards principal and interest, payment to be made out of the Consolidated Municipal Loan Fund. Such debentures being issued by the government might be used for banking reserves in the same way as other government securities. The interest and principal of the individual loans were to be estimated by the treasurers of the municipalities concerned, and the amount was to be levied by the clerk of the municipality upon the taxable property within the area. Any accrued surplus was to be carried over to the following year, and any deficiency was to be collected by a special rate.

<sup>1</sup> 16 Vict. cap. 22. The writer is indebted to Mr A. Pardoe, Librarian of the Legislative Library of Ontario, for his kindness in directing him to sources upon this subject. So far as the writer is aware, the data have not previously been summarized.



Should the local authorities fail to levy and collect the tax, the governor in council might by warrant oblige the sheriff to do so. Any municipality which had borrowed from the Municipal Loan Fund was forbidden to contract further debt without the consent of the governor in council. Under the act of 1852 no limit was placed either upon the borrowing powers of the municipalities or upon the amount which might be placed at the credit of the Municipal Loan Fund.<sup>1</sup> The municipalities began to avail themselves of the facilities for borrowing immediately. In 1853, the first year of the operation of the act, twenty-six municipal bodies borrowed from the fund.<sup>2</sup>

Most of the loans were made to municipalities for the purpose of making grants to, or of subscribing for, the stock of railways. Up till 1871 a large part of the amount invested in railways by the municipalities had been lost. Only a fraction of the total amount borrowed was expended in local improvements.<sup>3</sup> A weak central authority<sup>4</sup> and optimistic local authorities together brought the whole scheme of consolidated municipal loans to ruin. At the end of 1854 the Municipal Loan Fund was limited to £1,500,000 together with the related sinking funds, and the amount which a municipality might borrow was limited to twenty per cent upon the aggregate valuation of property within its borders.<sup>5</sup> In May 1859 the process of granting loans from the fund was arrested.<sup>6</sup> It became evident that neither the

<sup>1</sup> The following is a complete list of the acts of the Ontario legislature concerning this subject: 16 Vict. cap. 22 (1852); 16 Vict. cap. 123 (1853); 18 Vict. cap. 13 (1854); 20 Vict. cap. 20 (1857); 20 Vict. cap. 42 (1857); 22 Vict. cap. 15 (1859); 36 Vict. cap. 47 (1873); 38 Vict. cap. 29 (1874); 40 Vict. cap. 13 (1877); 42 Vict. cap. 9 (1879); 45 Vict. cap. 27 (1882); 48 Vict. cap. 7 (1885). See also the Municipal Act, R.S.O., cap. 184, cl. 381.

<sup>2</sup> Calculated from *Report on the Municipal Loan Fund, Province of Ontario, prepared by the Hon. E. B. Wood* (Toronto, 1871), *Sessional Papers* (No. 8), 35 Vict. (1871-72).

<sup>3</sup> Calculated from Report by E. B. Wood, cited.

<sup>4</sup> The reasons for the relative strength of the local authorities are discussed in *Municipal Government in Ontario*, by Adam Shortt, in *University of Toronto Studies—History and Economics*, vol. ii. No. 2 (Toronto, 1903). See also *The Ontario Township*, by J. M. McEvoy (Toronto, 1889), especially p. 20, and the Introduction to the same by Prof. W. J. Ashley.

<sup>5</sup> 18 Vict. cap. 13 (1854).

<sup>6</sup> 22 Vict. cap. 15 (1859).

growth of the population nor the course of development of agriculture or of industry justified the local authorities in availing themselves of the facilities to borrow money which the government had afforded them. The act of 1859 made a drastic change in the financial relations of the municipalities and the government. The Municipal Loan Fund debentures which had been issued with the guarantee of the government were taken up and cancelled, five per cent provincial bonds being exchanged for them at par. The government charged the municipalities only the five per cent which it paid plus two per cent for a sinking fund. The municipalities were required to levy a tax of five per cent upon the yearly value or upon six per cent of the capital value of taxable property, and the debt to the province as the payments accrued was to be met before any other 'sum whatever' was paid out of the funds of the municipality. The treasurer or corresponding officer of the municipality who did not act in accordance with this provision was to be deemed guilty of a misdemeanour and was to be held liable personally for the amount concerned. The provincial receiver-general was also empowered to retain in his hands any sums due to any municipality which might be indebted to the Loan Fund until the claims of that fund were satisfied.

A fresh complication also arose in the year 1859. Funds arising from the sale of the clergy reserves were distributed among the municipalities for local purposes, and to this end such funds were placed in a Municipalities Fund. Up till the end of 1859 the sum of \$2,600,000 had been distributed from this fund among the municipalities or credited to them, whether they were indebted to and in default to the Municipal Loan Fund or not. In consequence of the legislation of 1859, quoted above, the municipalities in default to the Loan Fund were not paid their shares of the clergy reserve moneys. Such moneys had formerly been transferred to the credit of the Loan Fund and employed in extinguishing the liabilities of the defaulting municipalities and of the government on their account. Instead of this course being pursued, the funds were left at the credit of the Municipalities Fund, and eventually paid over *pro rata* to the non-borrowing or non-defaulting

municipalities.<sup>1</sup> In 1871 the arrears of principal and interest in connection with the Municipal Loan Fund amounted to \$5,008,000.

It is not surprising to find that, in the confusion in which municipal finance was plunged at this period, funds raised for one purpose were diverted to other purposes. Thus in 1858 Grammar and Common School Funds were expended on public improvements.<sup>2</sup> Even the provincial government, when it found itself in straits, was driven to propose diversions of a similar kind.

In 1872 there were some twenty-six municipalities which were not only in default as regards principal and interest of loans from the Municipal Loan Fund, but which were almost wholly oblivious of their obligations to the province. The clauses in the act of 1859 which obliged them to levy taxes for the purpose of meeting these obligations were habitually disregarded.

In October 1872 the provincial treasurer began to urge the recalcitrant municipalities to obey the law, and to threaten to put the restrictive clauses in force against them and against their officials personally.<sup>3</sup> This action led to a series of petitions and memorials from the defaulting municipalities.<sup>4</sup> In some cases, as in the case of Prescott (town), for example, it was represented that the population had diminished between 1858 and 1871, that the railway to which the subscription had been given for which the loan from the province was contracted had been on the whole detrimental rather than beneficial to the town, and that the rate authorized and required by the act of 1859, even if it were levied, would not meet the interest and sinking fund to the extent of more than one-third of these. The municipal council therefore asked that the town be wholly relieved of its liabilities, and in addition that the

The amount so taken up till 1871 was \$158,000, and at that date there was an additional sum of \$600,000 available for similar distribution. From those that had not there was taken away even that which they had.

<sup>2</sup> Cf. Journals of the Legislature, October 29, 1858.

<sup>3</sup> See Return to an Address, etc., January 28, 1873, *Sessional Papers* (No. 17), 36 Vict. (1873).

<sup>4</sup> Supplementary Return, February 3, 1873. *Ibid.* and Return, February 24, 1873. *Ibid.*



amount due to it in the Clergy Reserve Fund, and withheld on account of default in connection with the Municipal Loan Fund, be paid. Some of the municipalities, as Huron (county), for example, which was not individually in default, demanded that the government should devise some system of relief for the poorer defaulters and should not allow the wealthier defaulters to escape. In one case at least fraudulent representations on the part of the promoters of railway companies were alleged.

The facts of the Municipal Loan Fund seem to be that the municipalities, optimistic as they were about future increase of population and the speedy development of the country, allowed themselves to be drawn into the net of railway speculation, and their adventures in this direction were facilitated by the Municipal Loan Fund. Whether or not the provincial government would have been wisely advised to have given the same subsidies and loans directly to the railways which were assisted by the municipalities, is open to doubt, but the province might have done so to the same extent as the municipalities without compromising its position or credit as the municipalities did. The reasons for the failure of the enterprises in which the municipalities embarked more than five millions of dollars—a large sum in proportion to their resources at the time—are partly general and partly special to the enterprises concerned. Into neither of these is it necessary in this place to go.

In 1873 the provincial government grappled with the question. In March of that year an act was passed<sup>1</sup> under which a number of struggling and hopelessly indebted municipalities were relieved of the burden of their provincial loans; many of the larger municipalities had their burden reduced, while others remained indebted and some received grants from the fund. The question of municipal indebtedness to the province thus came to an end for the time.

<sup>1</sup> 36 Vict. cap. 47.

## IV

## RECENT MUNICIPAL FINANCE AND TAXATION

THE sketch of early municipal taxation closed with a brief account of the Consolidated Assessment Act of 1853. That act was amended in 1860, 1861, and 1863, but we need here concern ourselves only with the Consolidation Act of 1866.<sup>1</sup> It has already been observed that under the act of 1853 incomes as such are not assessed. Incomes indeed appear for the first time as assessable property in the act of 1866. The other items in the schedule are the same as in the previous act. Exemption from taxation of bank stock is qualified by the phrase 'so long as there is a special tax on bank issues.' Incomes under \$300 are exempt. Exemptions as in previous acts are continued, as, for example, educational institutions, churches, etc. etc. Rates are to be calculated at so much in the dollar upon 'the actual value of all the real and personal property liable to assessment.' The manner of assessing personal property described in the previous Consolidation Act is continued, the minimum being raised to \$100 and somewhat greater uniformity being introduced in the graduated scale.

The next consolidation was effected in 1887. The Assessment Act of 1887<sup>2</sup> provided *inter alia* that all local direct taxes, unless special provision is made in the act, shall be equally levied upon the whole ratable property, real and personal, of the locality, according to the assessed value of such property, and not upon any one or more kinds of property in particular or in different proportions. The exemptions included as formerly all public property, churches, cemeteries, educational institutions, houses occupied by soldiers of any rank in the regular army in active service and the pay and pensions of these, grain, live or dead stock in transit, the incomes of farmers, mortgages upon land, debentures of the Dominion, of a province or of a municipality, net personal

<sup>1</sup> 29-30 Vict. cap. 53 (1866).

<sup>2</sup> Revised Statutes of Ontario, 1887, cap. 193.

property under \$100 in value, incomes under \$700. Incomes under \$1000 were exempted to the extent of \$400, and wages were exempted up to \$400 irrespective of total amount, stipends of clergy up to \$1000, parsonages, or, where these are not provided, dwellings of the clergy up to \$2000 in value, rental of real estate excepting interest on mortgages, household effects, and finally ships were also exempted. The provisions regarding the method of assessment included the following: vacant ground or ground used as a farm, garden, or nursery, and not in immediate demand for building purposes, was to be valued at the amount at which 'sales can be freely made.' Where no such sales could 'reasonably be expected within the current year,' such land where it exceeds ten acres must be valued as farm land 'with such percentage added as the situation of the land reasonably calls for.' The assessments, as made by the assessors who were to be appointed by the local authority, were to be subject to revision by a court of five persons appointed by the local authority. Appeal from the decisions of the court of revision was appointed to the judge of the county court. Equalization of assessments in different municipalities in the same county was also provided for.

Under the Municipal Act (1887)<sup>1</sup> the council of every municipality is required to 'assess and levy on the whole ratable property within its jurisdiction' a sum sufficient to pay the debts of the corporation, but no council is permitted to assess and levy in any one year more than an aggregate rate of two per cent on the 'actual value,' exclusive of school rates.<sup>2</sup> Municipalities were empowered to borrow money provided by-laws to that effect were passed. A by-law was required to recite the amount of the annual sum needed for the service of the loan, and to provide for this sum being raised by a special rate. It will be observed that the fixation of the maximum rate which may be levied under the Assessment Act automatically limits the borrowing power of muni-

<sup>1</sup> Revised Statutes of Ontario, 1887, cap. 184.

<sup>2</sup> Should, however, the two per cent rate be insufficient to meet the current liabilities of the municipality on account of liabilities incurred prior to 1873, such rate might be increased, but no further debt could be contracted so long as the increased rate was exigible.—*Ibid.*, sect. 357.



cipalities. An assessment commission was appointed soon after the revision of the law in 1887, and a report was published in 1888.<sup>1</sup> The law was revised in 1897,<sup>2</sup> and again a commission was appointed in 1900. This commission reported in 1901<sup>3</sup> and 1902,<sup>4</sup> and a new Assessment Act was passed in 1904.<sup>5</sup> Although the question of taxation of land occupied a large part of the time and attention of the second commission owing to the activity of advocates of the single tax, both commissions were principally concerned with the question of the continuance of the taxes upon personal property, which had aroused a considerable amount of opposition, especially in the larger municipalities. Business houses in Toronto, for example, threatened to remove to Montreal on the ground that the method of assessing their stocks of goods made the burden of taxation unduly heavy.<sup>6</sup> In order to mitigate the effect of the uniformity of the rate upon all forms of property, the assessments were in many cases modified in order to meet the conditions. The inevitable result of this was great inequality in assessments; the larger wholesale houses undoubtedly paid less proportionately than the smaller houses, and yet to assess them fully was to drive them elsewhere. The courts of revision were in a cleft stick. The city of Montreal had adopted a method of taxation of businesses upon a rental basis instead of upon the basis of an assessment of their stock as personal property,<sup>7</sup> and an agitation arose in Ontario that some similar plan should be adopted. This agitation was met by the Assessment Act of 1904.<sup>8</sup> For the clause customary in previous acts providing for the assessment of 'all real and personal property' there is substituted a clause which provides that 'where no other express provision is made that all municipal, local or direct taxes shall be levied upon the whole of the assessment for real property, income and business or other assessments made under this Act, according to the

<sup>1</sup> *Report of Commission on Municipal Institutions*, Toronto, 1888.

<sup>2</sup> Revised Statutes of Ontario, 1897, cap. 224.

<sup>3</sup> *Report of Commission on Assessment Laws*, Toronto, 1901.

<sup>4</sup> *Ibid.*, 1902.

<sup>5</sup> 4 Edw. VII, cap. 23.

<sup>6</sup> Cf. S. Vineberg, 'Provincial and Local Taxation in Canada,' *Columbia University Studies* (New York, 1912), pp. 39-47.

<sup>7</sup> Under 48 Vict. cap. 67, Province of Quebec.

<sup>8</sup> 4 Edw. VII, cap. 23.

amounts assessed in respect thereof, and not upon any one or more kinds of property or assessment or in different proportions.' In the new act the exemptions, as provided in former acts, are continued. The clauses relating to the business tax are very numerous, different kinds of business being assessed at a different proportion of the assessed value of the property occupied by them. For example, distillers pay on 150 per cent, brewers on 75 per cent; wholesale merchants, insurance companies, trust companies and the like pay on 75 per cent, manufacturers on 60 per cent, retail dealers in general on 25 per cent; barristers, physicians, and other professional persons on 50 per cent, excepting where the place of business is also used as a residence, when 25 per cent only is taken as the assessable value; departmental stores dealing in more than five branches of retail business, on 50 per cent; telephone, telegraph, street railway companies and the like pay upon 25 per cent of the assessed value of the land used by them, in so far as this land is not a highway or private right of way. The maximum of assessment is placed at \$250. Every person not liable to business assessment, or who, being liable, has an income apart from his business, is assessed in respect to income. In addition to the business tax, telegraph and telephone companies are assessed on 60 per cent of the amount of their gross receipts in places of less than 100,000 inhabitants, and 75 per cent in cities of over that number. The same companies are also assessed on a mileage basis.

As regards the assessment of land, excepting in the case of mineral lands, real property is to be assessed at its actual value, and all persons liable to business or other taxes are assessed in respect to the real property occupied by them. In assessing land upon which buildings are erected, the value of the land and of the buildings must be ascertained separately, and must be set down separately in the assessment rolls, and the assessment is to be the sum of such values. 'The value of the buildings shall be the amount by which the value of the land is thereby increased.'<sup>1</sup> Mineral lands are to be valued at the value of other lands in the neighbourhood used for

<sup>1</sup> Cl. 36, subsection 2.

agricultural purposes ; but the income from any mine or mineral work is to be subject to taxation in the same manner as other incomes.

In towns and villages land held in blocks of not less than five acres which are used as farm lands only are so assessed.<sup>1</sup> There is a provision that lands which are less benefited than others by local improvements should be exempt or partly exempt from taxation in respect to these improvements.

Railways are assessed at the actual value of the land occupied by them. All structures upon the land are assessed at their ' actual cash value as the same would be appraised upon a sale to another company having similar powers.'

The courts of revision are the same as under previous acts. In cities they are to consist of three members, one appointed by the city council, one by the mayor, and the third either an official arbitrator appointed for the city, or alternatively, in certain events, the sheriff of the county.<sup>2</sup> An appeal lies from the court of revision to the judge of the county court.<sup>3</sup>

A new commission on the assessment law is at present sitting. Its report is expected to be presented soon. The agitation against the personal property tax having been met by the imposition of the business tax, a fresh agitation has arisen having for its object the increase of assessment upon land and the diminution of assessment upon buildings or other improvements. Advocates of the single tax upon land have thrown their energies into this movement, which has undoubtedly acquired a great deal of support. In the first instance, before the various reactions which would inevitably follow such a change in the assessment law could have time to bring about a state of equilibrium in which the incidence of the burdens might be expected to approximate to their present character, the large class of small householders would undoubtedly be relatively overweighted. The effect of the change upon the market for land is probably greatly exaggerated. The experience of other places where such a discrimination in favour of buildings and against land has

<sup>1</sup> Cl. 39.

<sup>2</sup> Cl. 57.

<sup>3</sup> Cl. 68.



been exercised, seems to show that land speculation is not materially checked. The effect might easily be to throw the land into the hands of large holders, whose resources enable them to sustain the burden of taxation until the value of land rises to a sufficient extent to yield them a profit upon their total investment. The weak holders would undoubtedly be squeezed out first. It is evident that a tax upon non-revenue-yielding land is not a land-tax, but is a tax upon capital. The subject is, however, too intricate for adequate treatment in this place.

As must have been gathered from the foregoing survey, the evolution of taxation in Ontario has been from a comparatively simple system to a highly complex one. Successive commissions and successive legislatures have yielded to the pressure of interests and of tax reformers, and have produced a result bewildering enough from the point of view of principle. There is nothing new or extraordinary in this. Some years ago a body of highly competent experts in taxation were appointed to draw up a scheme for the Austrian Empire. The result of their deliberations was a scheme which by no stretching of language could be described as scientific. It was filled with the strangest anomalies. It is possible that any similar commission anywhere would achieve the same result.

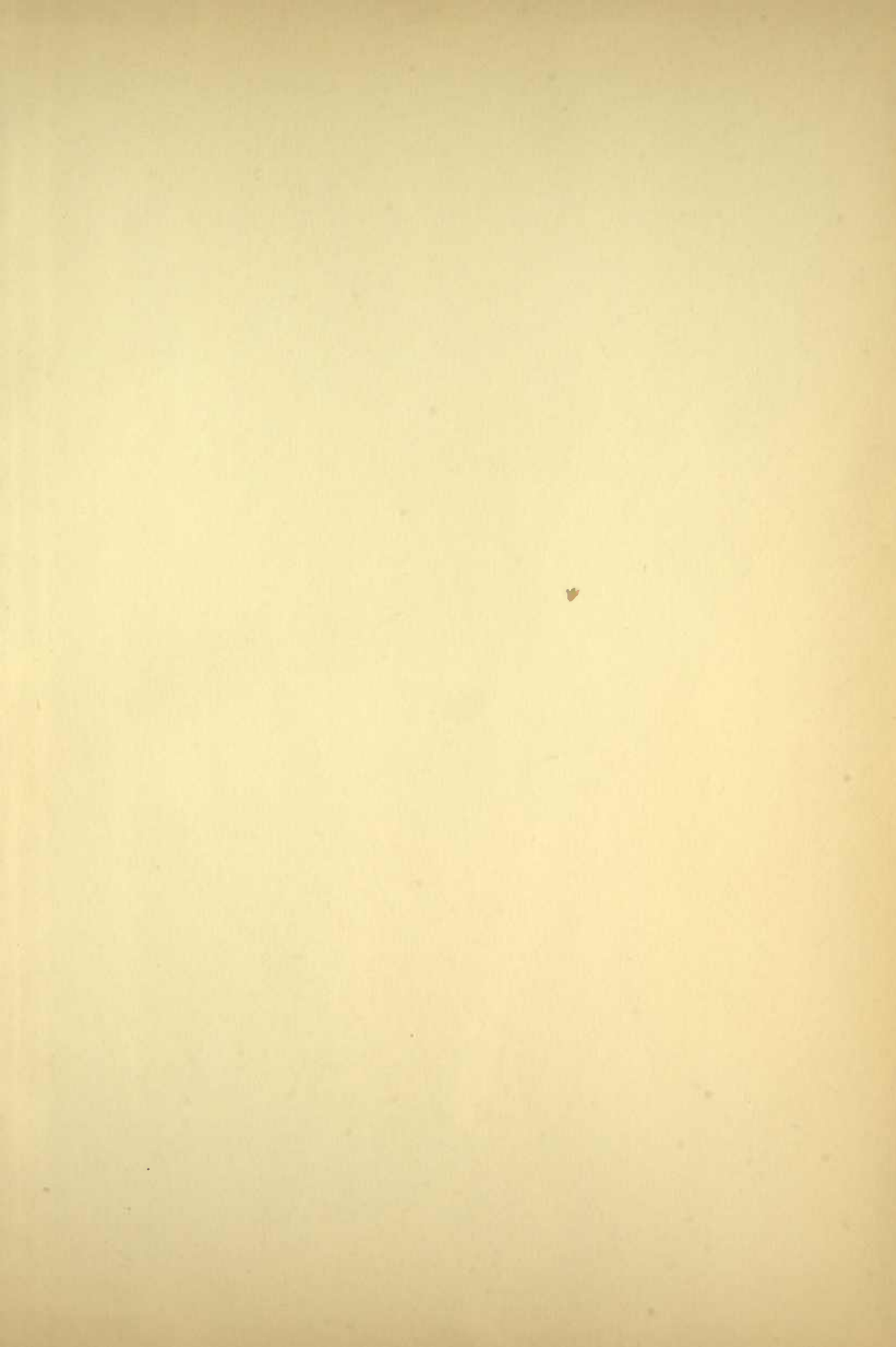
*James Muir*

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*James Watson*





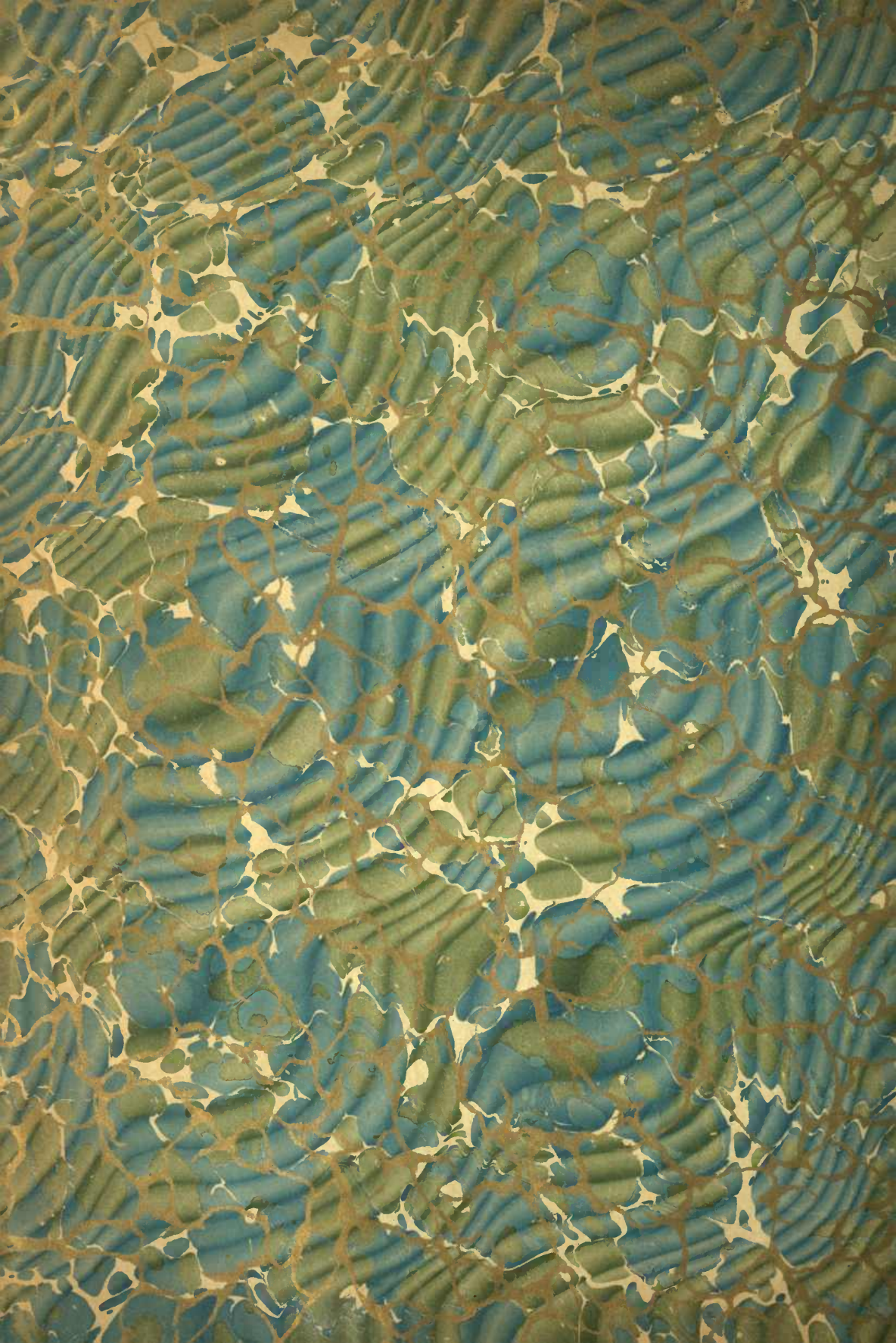














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