

his "dit-on" came from Newarkers and therefore must be taken *cum grano salis*.

Several of the officials—the Chief Justice being the leader—privately urged Russell to retain Newark as the Capital and call the Legislature to meet there: he was loyal to Simcoe and moreover was building a residence for himself at York and he stood firm. The unfinished house was burned, January 25, and the Chief Justice renewed his request: Russell was not so firm and wrote¹² at full length to the Duke of Portland, the Secretary of State for War and the Colonies, setting out the isolation of York from bad roads, and that he despaired of finding accommodation for the members of the two Houses, that juries would be difficult to get, &c., &c.—he added that he would defer coming to a formal decision in hopes that he might receive some command in the matter by the Winter express, or at least before he should issue a Proclamation for the meeting of Parliament.

The Chief Justice then sent a formal communication¹³ to Russell, which reads as follows:—

"CONDITION OF YORK.

Newark, February 22nd, 1797.

SIR,—It is not without some degree of pain that I feel myself called upon by the duty of my station in this Province to request Your Honour's attention to a matter of the utmost importance to the Administration of Justice in it.

Your Honour knows that by Stat. 34 Geo. 3 c. 2, the Court of King's Bench, and the sittings for the Home District are until the Seat of Government is fixed, to be held at the place, where the Legislature was last assembled. On my arrival here in November last, I was informed that no place had yet been definitively fixed upon as the future Capital of the Province; but that in the meantime, the Courts of Justice and the different offices of the Government were to be removed from this place to the Town of York, and that His Excellency, General Simcoe, had left instructions with your Honour to convene the Legislature there. What the object of this measure, so far as the Courts of Justice are concerned is, I have never heard: but be it what it may, it is my duty to request of your Honour, that the execution of it may be

¹² From "West Niagara," February 1, 1797. Canadian Archives, Q. 283, p. 99.

¹³ Canadian Archives, Q. 283, p. 117. See also Wolford Manor Papers, Vol. 8, p. 372.