

removal of the Court of King's Bench to that place at the Term following the Session. John Elmsley, the second Chief Justice, arrived at Newark in November, 1796. Without ever seeing York or knowing anything of it except what he was told by the Newark people, he took a most implacable prejudice against it, and declared openly that he would never build a residence there; Elmsley is described<sup>8</sup> as "a man of conciliating manners when he pleases and of an agreeable eloquence and much acquired information, but unfortunately too impetuous and apt to be hurried on by every first impulse, which often leads him into expressions and acts that on cooler reflection he repents of."

His objections to York were, however, well founded—Russell says,<sup>9</sup> "At present York is in a manner isolated, being cut off by the want of roads from an easy land communication with the rest of the Province. It has no jail, no houses for the meeting of the Legislature,<sup>10</sup> none for the Courts of justice, nor even offices for the Departments. Our dependence rested solely on the Queen's Rangers for assistance to raise these necessary buildings, make bridges, cut roads of communication, &c. The detachments taken from thence by Lord Dorchester's orders reduced this assistance to 100 men, and Major Shank finding himself incapable of transporting the Indian stores, now calls for 30 more."

La Rochefoucault, who visited Upper Canada in 1795, says that York had only about twelve houses, and "the inhabitants, they say, have not the best character in the world"—"les habitans n'y sont pas, dit-on, de la meilleure espèce:"<sup>11</sup> but he never visited York and

<sup>8</sup> By Russell in a letter to Simcoe from Niagara, September 13, 1797, Woford Manor Papers, Book 8, p. 395; this estimate of him is confirmed by Powell in some of his MSS.—and by the conduct of Elmsley himself—Russell alone could not be considered sufficient authority; he was far from unprejudiced.

<sup>9</sup> In a letter to Prescott from Niagara, August 29, 1796, Wolcott Manor Papers, Vol. 8, p. 332.

<sup>10</sup> Simcoe had given directions for erecting Parliament Buildings but the work was far from completion: these were the buildings destroyed by the Americans in 1813.

<sup>11</sup> See my Edition of La Rochefoucault's Travels published by the Ontario Archives, 1917, pp. 61, 159.