

Truth's Contributors.

THE BEGINNINGS OF ONTARIO.—No. 4.

Events Which Preceded the Founding of York.

BY G. MERCER ADAM.

With the establishment, in 1791, of Upper Canada as a separate Province, Lord Dorchester—then Governor-General of the colony—had Kingston in view as the Provincial metropolis. How Toronto, or rather York, as it came for a time to be called, won the honor of being the capital, we shall presently see. Meantime let us take a glance at what had been transpiring in Canada since the Conquest. With the addition of New France to the Colonial Empire of Britain, the mother country took over an element of some perplexity, in a people she found it difficult to assimilate with her own nationality. France in the New World not only spoke another language, but she had peculiar laws of her own, and a religion which, though it had been that of the country from the time of Champlain, was not that of her new rulers. England's policy, of course, was to make it as easy as possible to incorporate the French-Canadians into the national system. For a time it was necessary to resort to military rule, but this indeed, if we except that of the Church, was the only rule the French Colony had really known. With military rule, however, courts of judicature were constituted for the hearing and determining of all causes, criminal as well as civil, and, as near as might be, agreeably to the laws of England, with liberty of appeal, under the usual restrictions, to the Crown. Unfortunately, though the laws were administered in the justest manner, and with due regard to the feelings of a people who were unfamiliar with the forms of British justice, the French, under the Quebec Act of 1774, had restored to them the "custom of Paris," a code of civil law which existed prior to the Conquest, and which, with the system of seigniorial tenure on which they were permitted to hold their lands, they have continued to enjoy to the present day. To the English who had settled in the country the concession gave great and just offence, as it was a violation of the ordinance of 1764, securing the administration of English law, and on the faith of which numbers of English-speaking people had taken up residence in Canada. In some respects, however, the concession was a politic one, as, though it placed the English minority in the country at a disadvantage, it strengthened the attachment of French Canada to the British Crown, an object at the time of no little moment, in view of the prevailing disaffection among the English colonies on the seaboard, and their subsequent revolt. In other respects the measure was good, namely, in its removal of the disabilities from Roman Catholics, as, among other benefits conferred, it gave a legal sanction to their religion,—an act of toleration which it took England many years to extend to the same communion in the mother-land, though it may be said that, from a present-day point of view, it has not contributed to the prosperity, but rather to the disadvantage, of Lower Canada. As we have said, the measure naturally gave great offence to British settlers in the country. But dissatisfaction was especially expressed with it, in consequence of the extensive area throughout which the Act would have to be respected, for by its provisions the western boundary of Canada was to include a region so remote as the valley of the Ohio. In due time, however, the repeated protests of the Anglo-Canadians against the injustice of the

Quebec Act induced Minister Pitt to make a radical change in the administrative machinery of Canada, so far, at least, as the western portion of the country was concerned. The incoming of English-speaking settlers from the territory of the new-born Republic increased the volume of complaint heard at the Colonial Office, and no doubt hastened the passing of the ameliorating measure.

By the Constitution Act of 1791—as the Bill was called—the country was divided into two parts, designated Upper and Lower Canada, the boundary line being the Ottawa River. Each Province was to have its own Governor, and an Executive Council, appointed by the Crown, together with a Parliament, consisting of a Legislative Council and a Representative Assembly. The Government in both Provinces was unfortunately made responsible, not to the Representative Assembly, but to the Colonial Office in England,—a mistake which, in Upper Canada particularly, was in time to bring forth bad fruit. In Upper Canada, English law was to be established, and provision made in both Provinces for the support of a Protestant clergy, by the setting apart of certain wild lands, called Clergy Reserves, an enactment which later on, in the Upper Province, was to lead to much contention. Freed from the trammels of connection with Lower Canada, the Upper Province took a leap onward in that path of progress which to look back on to-day seems as if it had come about by enchantment, so great has been the transformation and marvellous the development.

From 1783, when the Revolutionary War closed, the Province promised to be invaded along the whole of its water-front at scattered points attractive to the settler. Up to 1791, however, with the exception of small communities along the St. Lawrence, the Bay of Quinte, the Niagara frontier, and the Detroit River—the bulk of which was of Loyalist settlement—there was no white population in the country, and the whole region was an almost trackless forest. The natural advantages of the Province were great: as we have seen, it abounded in timber, it had a good soil, plenty of fish and game, and in every direction was well watered by streams, generally navigable for boats and canoes, and possessed of a climate at once bracing and healthy. What alone were needed were the surveyor, the axeman, and the settler. Record of the appearance of the first of these we find trace of in the neighborhood of Toronto, in the person of Surveyor-General Collins, who, in 1788, in a report of the region to Lord Dorchester, speaks of the Harbor of Toronto as "capacious, safe, and well-sheltered." Three years later, we find Mr. Augustus Jones, Provincial Land Surveyor, pursuing his vocation in the same land-locked waters, and prospecting generally in the neighborhood. The beauty and shelter afforded by the Bay of Toronto were such as readily to commend the site as a desirable one for the location of a city. It gave access, as we have seen, by the most direct path, to Lake la Clie (Simcoe) and the waters of Huron, and lay in close proximity to the Humber river, and the "place of meeting"—as the word "Toronto" denotes—of the Indians. Moreover, it was within easy hail of Niagara, the British fort on the opposite shore of the lake, and in the line of communication eastward. How these advantages were to tell in favor of the selection of Toronto as a capital we shall ere long discover.

With the erection of Upper Canada into a distinct Province it secured, as we have seen, a separate government; and an administrator was to be appointed, with the

title of Lieutenant-Governor. The governorship fell into the able hands of Lt.-Col. John Graves Simcoe, whose appointment, in 1792, led to his crossing the Atlantic and taking up residence at Newark, the Provincial capital. With him came a staff of officials to administer the affairs of the new Province, including Mr. Peter Russell, a member of his Executive Council, and the officer who, some years later, succeeded Simcoe in the Lieutenant-Governorship. The Governor and his suite left England early in May, 1792, and arrived at Niagara on the 8th of the following July. Here, in the centre of the *beau monde* of the Province, as an early traveller through Canada facetiously remarks, Governor Simcoe, in the month of September, summoned the first Parliament of Upper Canada. It consisted of an Upper House of eight members, appointed by the Crown for life, and a Lower House, of sixteen members, to be elected by the people. The latter were chosen, in the main, from the farming and trading classes, the professions, as yet, not having had foothold in the Province. The legislation of this primitive Parliament, though unambitious, sensibly met the requirements of the country. One of its earliest measures was the introduction of the Civil Law of England and trial by jury. Other measures made provision for the erection of court-houses, jails, and such other public buildings as were required in the various districts into which the Province was at the time divided.

These districts, which cancelled the divisions of the Province made some years before by Lord Dorchester, and to which he had given German names, in compliment to England's Hanoverian King, were as follows: the Eastern district, covering the region lying between the Ottawa river and the Gananoque; the Midland, covering that between the latter and the Trent; the Home, or Niagara district, extending from the Trent to Long Point, on Lake Erie; and the Western or Detroit district, extending to the St. Clair. These districts were again subdivided into counties, and each of the latter was to have its jail and court-house. Thus were the initial steps taken to open up the Province for settlement, and evolution was to do the rest.

Niagara, at this period, if we except Kingston, was the only place of importance in Upper Canada, and it naturally became the cradle of the Western province. It had therefore some claim to become the permanent capital. Unfortunately for the town, its nearness to United States territory, and the dangerous proximity of Fort Niagara, dashed the hopes in this respect of its inhabitants. To Governor Simcoe's surprise, he found that the fort at the mouth of the river was shortly to be garrisoned by American soldiery, and that it did not belong to King George. But this need not have surprised the Governor had he considered for a moment with what ignorance the colonial office had been wont to give effect to treaties disposing of enormous areas in the new world, without the slightest knowledge of geography and with sublime indifference to local considerations. The folly of Downing Street in regard to treaty-making was not only manifest in the proceedings which gave effect to the Treaty of Paris, confirming the Independence of the United States, but was also to be shown, at a later date, in the Treaty of Ghent, which terminated the War of 1812. By the former, England not only lost a large slice of territory, but, in its ignorantly placed and impracticable line, Canada has recently had to grope in the dark in fixing the western boundary of Ontario, from the notable North-west angle of the

Lake of the Woods. By the Treaty of Ghent, it is almost unnecessary to remind the reader, Britain lost the whole of the State of Maine, which by right of conquest belonged to Canada, and at the time was ours with the "consent and content" of its people.

IMPERIAL FEDERATION.

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Some people get as angry at references to the future of Canada as a mad bull at a red rag. Let well alone. Are we not doing splendidly? Why should not the present state of things continue for ever and a day, or at any rate, for some time. To denounce Federationists as visionaries, and to declare that they content themselves with uttering generalities and indulging in sentiment, are matters of course. Well, it is enough to say in reply to these good people, and everybody else, that our present condition cannot possibly be permanent, simply because grown men ought not to be satisfied, and will not be satisfied, without full citizenship. It is a small thing to the poorest man possessed of self-respect whether his wages are large or small, compared with the great thing whether he is a free man or not. So, it is not enough to tell us that our present position is cheap. We ask, are we in possession of the same blessings, burdens, responsibilities and powers as the people of Great Britain or the United States? If not, depend upon it we must believe that there is a hope of our emerging out of the merely colonial status into one of full equality with our fellow subjects in England, Scotland, and Ireland, or we will make an abrupt escape somehow from the condition of wards protected by a mother, even should we creak our necks in the attempt. We must therefore either calmly consider what is involved in Imperial Confederation, and determine to move on to full citizenship along that line, for better or worse, or run the inevitable risk of sooner or later parting with the mother country in anger, to set up house for ourselves, no matter what the cost and the perils, or of casting in our lot with the neighboring Republic. I believe that our present position is the one from which we are bound to start in thinking out what our future is to be. To separate ourselves from the past—and such a past—to cut loose from our base, seems to me inexorable unless disruption is forced upon us. That the majority of Canadians believe that permanent union with Great Britain is better than either isolation or annexation is indisputable. To these I would now speak. Instead of discussing the advantages and disadvantages of isolation and annexation, I would point out what is immediately and necessarily involved in our continuing to be subjects of the queen.

If we belong to the empire and share in its prestige and benefits, we must take upon ourselves its burdens. Are we prepared to do so? We are the Canadian subjects of Her Majesty. Her subjects in Great Britain pay, according to their means, for the protection they receive. Are we in Canada prepared to do so too? During the whole of this century, we have been gradually taking upon ourselves burdens formerly borne by the mother country. We have thus been emerging from the state of pupillage into the state of manhood. We Federationists have the audacity to assume that we ought now to consider ourselves full-grown men, and no longer wards. Up to 1818, Great Britain paid the whole expenditure connected with the Civil Government of this Province, just as France had done up to 1763. In 1810, the House of Assembly felt that the Pro-

vince had so working of Bi tury that it Advantage, f offer for sever longer, Great continue to d ternal enem thanks for w matter of cor at Toronto, K a elsewhere batories she Halifax, and the British t the grumblic red-coats we every station like the othe To ourselves ing the peac tain, howev ground, rea We are ac resurrection penditure of The taste w ting down a and some be ing Indians, our connect the past. three-quar vote will b How much in the Nort been for W. we are now own cost. There are e nal, though believe in t same gentle dition of a mounted pe at addition the present will be war one or more this century mathematic us, what de Halifax an of old Eng there be for wards who one cent? that we are world. Ev for the hon but we are pays and w In the over our shippin of the five: few years: pay for th a one made lar. Brita "nation", the five mi the event: Halifax, S and Vanc water way contributic resistible f us, no swi say that ti ada, becau Of course least hav dded wi union wit tion or an condition sponsibili at their