

Russell at once communicated¹⁴ with Portland, taking occasion to express his opinion that York was "the most eligible situation on the Lake for the seat of Government, as being a port of commodious access from all parts of it, out of reach of immediate insult and capable of defence from any hostile attempt by land or water, being also sufficiently central for a land communication with each extreme of the Province."

No answer could be expected for many months, and it was impossible to leave the matter open--the Chief Justice insisted that the question should be brought before the Executive Council. Russell laid it before the Council, and to the dismay of the Chief Justice every member but himself voted for York.

Parliament was accordingly called for York and sat there June 1, 1797. The Chief Justice had bought the house of Colonel Robert Pilkington at Newark, which had been occupied by John White, the first Attorney-General, and spent a large sum--said to be £1,500--in improvements and was determined not to move. When he found that Russell could not be influenced to keep the capital at Newark, he asked leave to bring in a Bill in the Legislative Council (of which he was Speaker) to retain the Court at Newark for two years. This was refused, but Russell allowed him to bring in a Bill enabling the Administrator to retain the Court there for a period of not more than two years--the Executive Council agreed that such a Bill might be introduced in Parliament. Instead of this Bill Elmsley had a Bill introduced and passed empowering the Administrator to retain the Court at Newark for two years, and also to fix the Assizes for the Home District there for the same time. Russell did not know of this until called upon to give the Royal assent to the Bill; he refused on the advice of the Executive Council and perhaps the Attorney-General.¹⁵

Elmsley never forgave Russell: thereafter as Russell complains, "he has endeavoured to thwart me on

¹⁴ Letter from Russell to Portland from West Niagara, February 26, 1797, Canadian Archives, Q. 283, p. 112.

¹⁵ Russell leaves this doubtful in his letter to Simcoe from Niagara, September 13, 1797. Wolford Manor Papers, Vol. 8, p. 395.