

London and Middlesex Historical Society

PART VII.

THE FATHERS OF LONDON TOWNSHIP

By Freeman Talbot.

BENCH AND BAR IN THE EARLY DAYS

By Hon. D. J. Hughes, Judge of the County Court of Elgin.

GLEANINGS FROM THE SHERIFF'S RECORDS

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PIONEER POLITICIANS

By Cl. T. Campbell, M.D.

THE WRECK OF THE VICTORIA

1916

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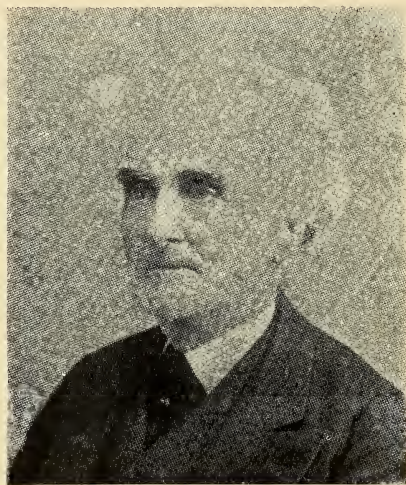
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HON. FREEMAN TALBOT

THE FATHERS OF LONDON TOWNSHIP

BY FREEMAN TALBOT.

(It was in December of 1817 that Richard Talbot, of Limerick County, Ireland, applied to the British Government for a grant of land in Canada for settlement by a number of his neighbors. While the authorities were not disposed to give grants to individual settlers, they agreed with Mr. Talbot to give 100 acres to each of his band of immigrants, provided they deposited with him ten pounds a piece, as a guarantee of good faith. The government supplied the ship, and in 1818 Mr. Talbot started with a company of some sixty or more. On arriving in Canada they found they had to pay their own transportation west to the new settlement in London Township, as the Governor had no authority to assist them. As a consequence quite a few left Mr. Talbot, and settled near the village of Perth. The remainder made their way slowly through river and lake till they reached Port Talbot on the shore of Erie, from whence they travelled overland to their destination. With Mr. Talbot were his three sons—Edward Allen, John and Freeman. The elder wrote a large book on Canada, taught school and published a paper—the London Sun—the first published between the Niagara peninsula and Detroit. The second also tried his hand, both at school teaching and editing, but finally removed in 1839 to the United States. The younger, Freeman, remained in Canada until 1856. During that time he worked as a surveyor and contractor, and took part in many local enterprises in Middlesex and in London. In 1833 he married Ann Eliza Clark—the marriage being the first performed by the rector of St. Pauls', the Rev. Mr. Cronyn. Their married life lasted fifty-five years. In 1852, he started the London Prototype, a paper which existed down to a comparatively late period. But in 1855 he sold out to a relative—Marcus Talbot—a young man of great ability, who was subsequently M.P. for East Middlesex, but whose life came to an untimely end before long in the wreck of the Hungarian, on which he was a passenger. In 1856, Mr. Talbot left London, and settled in Cleveland, Minnesota, where he lived many years; but finally removed to the North-West, where he died among friends and relatives at Strathcarrol, on the 20th November, 1903, at the advanced age of 92. In 1856, Mr. Talbot wrote a short article for newspaper publication, giving his recollections of early days—probably the first record of pioneer times in Middlesex by one who had personal knowledge. This he subsequently remodelled and enlarged, and sent to the London and Middlesex Historical Society, where it was read for him at the regular meeting of December 19, 1902, as follows:—C.)

During the administration of General Simcoe, the spot upon which London now stands, attracted the attention of that talented Governor, and of his far sighted Secretary, the late Colonel

Talbot. This was about the year 1794. He contemplated the locality of London, as a proper site for the future capital of the province. The natural advantages of which are said to have been the centrality of its position between the lakes, Ontario, Erie, Huron and St. Clair, and its fortunate situation on the River Thames; fertility of the soil; the mildness and salubrity of its climate; the abundance and purity of water; means of military and naval protection, and the facility of communication with Lake St. Clair through the outlet of the river Thames, and Lake Huron by the north branch of the same river. This latter was a very great mistake. The north branch every mile during its course flows farther and farther from Lake Huron.

In 1796 General Simcoe, resigned the Government of Canada, and was accompanied home to England by his Secretary, Colonel Talbot, who at the time held a Lieutenant Colonel's commission in the army. The Colonel soon determined to return to Canada, and through the influence of Simcoe, with the Home Government, obtained a grant of 5,000 acres of land, in the townships of Dunwich and Aldboro. At that time there was no white settlement west of the Grand River and none east of the river St. Clair, while the whole country from Lake Erie to Lake Huron was an unexplored wilderness. Colonel Talbot's nearest neighbor was distant 60 miles. But he being intrusted by the Imperial Government with a great part of this vast region soon induced a hardy class to follow his trail, and lay the foundation of future wealth and independence.

Amongst the most prominent men of the early pioneers of the Talbot settlement, I find the following names: Daniel Springer, B. B. Bringham, Timothy Kilbourn, Joseph Odell, Andrew Banghart, Seth Putman, Mahlon Burwell, James Nevells, Jacobus Shanich, Leslie Paterson, Sylvanus Reynolds, William Orr, Henry Cook, Samuel Hunt, Richard Williams, Peter Teeple, John Aikens, Morice Sovereign, Henry Daniel, James Smiley, Abraham Hoover. The parties named above settled in various Townships, from the years 1803 to 1815.

London Township was not surveyed until 1818, although a Mr. Applegarth erected a very comfortable log building, as early as 1816. He selected a rich spot of land, about three-quarters of a mile below the Forks and there commenced the cultivation of hemp, for which the Government of England at that time offered very great inducements.

Why Mr. Applegarth did not succeed in his enterprise, I never understood, but I know that he left early in 1820 and we never heard of him afterwards. In the Autumn of 1818 London Township was entered by some forty different families, most of them Irish immigrants, under the direction of my father, the late Richard Talbot, Esq., who entered into an arrangement with the British Government to enlist at least sixty adult males to immigrate from the County Tipperary to Upper Canada. And as a guarantee that each settler should not become a pauper in

that new country, he was obliged to deposit with my father the sum of ten pounds, sterling, the money to be returned to the settler as soon as he had erected a log house, on his free grant of 100 acres of land. Mr. Talbot had obtained a free ship, the Brunswick, commanded by Captain Blake, to convey himself, family and settlers from the "Cove of Cork" (Queenstown) to Quebec. The ship was rationed in the most liberal manner for a four months voyage, but we crossed the Atlantic in six weeks and three days.

My father received a grant of 1400 acres of land in the Township of London. Many of our settlers left us at Kingston, tired of trail, and went to the Township of Perth, where they were informed that Colonel Bye was paying high wages for men to work on the canal that he was then constructing to connect the waters of the River Ottawa with Ontario Lake. London Township had at its first settlement many strong attractions and many almost irresistible difficulties in the way of its rapid improvement; so thought the practical farmers of Westminster, Southwold and Yarmouth. The soil was first class, water pure and plenty, mill sites abundant, splendid timber of almost every variety, limestone and brick clay easily obtained in many different localities, and as rich pastures for cattle as any Township in the whole district, still it was remote from the lakes; timber too heavy to be subdued by the raw Irish; an unsurveyed region between here and Lake Huron, of sixty miles; and a certainty that fever and ague would shake the constitution of the Pioneers and lead them in due time to move their tents and settle in some of the Southern Townships. Amid all these predictions London prospered and in time became what it is to-day one of the most wealthy Townships in Ontario.

The destruction by fire of the County buildings in Charlotteville, Vittoria, in 1825 was the event that brought London into existence as a County Town. The London district at that time (1825), extended from the Western town line of Burford to the Eastern town line of Zone; and from Lake Erie to Lake Huron, comprising what is now the counties of Oxford, Norfolk, Elgin, Middlesex, Perth, Huron and Bruce.

The following magistrates, Charles Ingersol, of Oxford, Peter Teeple (ditto), Mr. Homer of Blenham, Ira Schofield of London Township and Daniel Springer of Delaware, used their influence with the Government and after a long struggle with the Southern magistrates, secured a grant of money for the erection of county buildings in the village of London. Chas. Ingersol, John Harris and Mahlon Burwell were appointed commissioners to superintend the erection of county buildings.*

A log building was first erected on the north east corner of the

*The Commissioners were Thos. Talbot, Mahlon Burwell, Jas. Hamilton, Chas. Ingersol and John Matthews. Mr. F. Talbot was writing from memory.—C.

courthouse square, intended as merely a temporary jail. But ere its completion, a sheriff's officer, Timothy C. Pomeroy, was murdered in one of the south eastern townships, and three Ribbles, father and two sons, and C. A. Burleigh, were introduced to the people of London as the murderers. They were at once confined in the log building and guarded night and day by armed men.

Early in 1827 they were removed to the proper buildings, that had been nearly completed. At the assizes in August the four men were indicted for murder and when placed in the dock for trial, the Ribbles claimed a separate trial, and were at once taken back to their cells. Burleigh was convicted and hanged three days after his trial.

A Methodist preacher, James Jackson, visited Burleigh in the cells, and wrote out a lengthy poetical confession. Burleigh assuming all responsibility for the murder. No man at the time believed the confession to be genuine. Burleigh was a poor uneducated, unintellectual man, that very few would be willing to intrust with a loaded gun. The Ribbles on the contrary were educated, bright men and practical hunters, but the confession as written out by elder Jackson was printed early in the morning of the day that the Ribbles were to have been tried, and a copy placed in the hands of every juror in the town. Very few men blamed elder Jackson for saving the life of the three Ribbles. They were all men of families and many held that the execution of Burleigh was sufficient to atone for the murder of Pomeroy.

In those days hotel accommodation was too limited to accommodate the great number of parties that attended the first criminal court ever held in London. The judge, the magistrates, and a few favorites were entertained by Peter McGregor, the first hotel keeper that London ever had. Jurors and others after the toils of the day had to go from two to three miles to seek entertainment of Joe Flanigan on Westminster street. I omitted to state in the proper place that the court house was erected by John Ewart of York (Toronto), and he had the building completed in every particular to satisfy the commissioners. The Honorable Thomas Park was at that time a skilled carpenter, and under his immediate superintendence as foreman, all of the woodwork was completed. Mr. Robert Carfrae, one of the very oldest citizens of London was Mr. Parks' most trusted workman. The bricks were also manufactured by a Toronto man, Wm. Hale, afterwards a resident of London Township. Two brick yards were opened, one where the stables of the Robinson Hall now stands, the other on the north side of the north branch, on lands that now belong to Walter Nixon.

I now proceed to give you the names of many of the first settlers in London Township: Anderson, Ardell, Armitage, Armstrong, Adams, Atkinson, Black, Bartlett, Bradshaw, Burgess, Brice, Brownlee, Bogue, Blackman, Blackwell, Carter, Cummons, Cooley, Clark, Coleson, Carrie, Coot, Collins, Charleton, Cole, Cook, Cooms, Cresort, Carling, Cormickle, Culbert,

Colbert, Craighton, Dagg, Doaty, Dickenson, Dickson, Dunlop, Digname, Dyre, Dayton, Deacon, Day, Donaldson, Doyle, Dinsmore, Dewan, Dougall, Elliott, Edwards, Elson, English, Frank, Fitzgerald, Fitzsimons, Flannigan, Fralick, Farrel, Flood, Ferguson, Fish, Fisher, Freckleton, Fordham, Fitzpatrick, Grant, Gleason, Greason, Gibson, Gafferey, Hall, Hull, Hart, Hughs, Hodgens, Harrison, Hartson, Hale, Hayes, Hobbs, Hodgsmen, Jacobs, Jones, Johnston, King, Kernohan, Long, Lovell, Lawheed, Monahan, Martin, Moore, Mitchell, Merrill, McConnell, McManahan, McDonald, Mossip, McKenzie, McMillen, McCloud, Montague, McCanlass, McIntosh, Monroe, McRoberts, Musprat, Mooney, Nixon, Nellis, O'Neil, Oram, Owens, Odell, Oxstabee, Poleston, Patrick, Peasley, Perkins, Reynolds, Rosser, Robson, Robinson, Roberts, Rutledge, Ryan, Reilly, Rigley, Riland, Rounds, Robb, Stephens, Shoaf, Shipley, Sanburn, Sale, Smith, Smibert, Shoebottom, Stanley, Siddle, Summers, Salmon, Styles, Taylor, Thomson, Thomas, Tweedy, Trainer, Tackabery, Tenant, Tuke, Williams, Waldrum, Warner, Webster, Waugh, Wummack, Woods, Wright, Wiley, Wilson, Warren, Weir, Waldon, Young, Vanderburg, Zavitz.

I will now add the names of my father's settlers including his own name, all adults: Richard Talbot, Edward Talbot, John Talbot, William Gerry, Thomas Brooks, Peter Rogers, Thomas Guest, Frank Lewis, Benjamin Lewis, William Haskett, William Mooney, William Evans, William O'Neil, Edmund Stoney, Joseph O'Brien, George Foster, Thomas Howay, James Howay, John Phalan, Joseph Hardy, Joseph N. Hardy, John Gray, John Gray (Junior), Foilet Gray, Robert Keays, Charles Goulding, Robert Ralph, John Sifton, Charles Sifton, and Thomas Howard.

Permit me to add the names of a few back Londoners from the (uncivilized) concessions that have distinguished themselves as leading men in many of the learned professions: Bishop Cronyn, a London Township man; Hamilton H. Killaly, member for London and president of the Board of Works; the Shanley family sent into the public life two distinguished engineers; Judge William Elliott, a township man, Superintendent of Public Schools, a leading barrister and for the last quarter of a century one of your distinguished judges.

No London family ever sent out more leading men into the country than the Sifton's: John Westly Sifton, a member of the Manitoba Legislature, speaker of the house and Minister of Public Works. Every one knows his son, Clifford, the talented Minister of the Interior. Another son, A. L. Sifton, a leading lawyer in Alberta. Another Sifton, a physician. Another a minister of the Gospel. Two other Sifton's are physicians, one a railroad surgeon in the city of Milwaukee.

The Shanley family, long inhabitants of London Township, produced one of the most eminent civil engineers in America, and two other sons of more than ordinary ability in the same profession; and James you all knew as a respectable barrister.

Thomas English born in London township, has for many years been chief of police in Calgary, Alberta.

Two of Robert Webster's sons were Methodist ministers, Thomas the oldest son preached the Gospel longer than any man that I ever knew, and together with his clerical duties had for several years edited a denominational newspaper. Throughout a long and laborious life, he was esteemed not only by the Methodists but throughout the whole community. On account of age he had been superannuated many years ago, and died in Newbury last year, aged 93 years.

Thomas Howard, son of little Tom, was also a Methodist minister and editor of a religious journal; and James his brother who died a few weeks ago in London, had long been a local preacher.

One of William McMillan's sons is a respectable barrister.

A son of Geo. T. Fitzgerald, was the first who won a gold medal at the Toronto University; he became a celebrated lawyer, and rapidly making a fortune, but died while yet a young man, leaving his family independent.

Thomas Harrison Fitzgerald, one of his sons became a very prominent man, was a cabinet minister, and is now a prominent banker in Alberta.

Crowel Wilson was a member of Parliament for Middlesex.

James Ferguson was for many years registrar of deeds in London. His brother Tom has a son, a very prominent judge.

One of old Joe Marshall's sons was for years a leading member of Parliament.

A thirteenth concessioner, Mr. Robinson, is now a very influential member of Parliament.

Five of the London Talbots were newspaper men. Edward Allan of "The London Sun"; John of "The St. Thomas Liberal"; James of "The Port Huron Commercial"; Freeman, editor and proprietor of "The Middlesex Prototype" and after him Marcus Talbot, to whom I had sold my interest in that journal in 1855.

Such are the men and their long toiling progenitors that have made London Township what it is to-day—one of the most flourishing townships in Ontario. Its wealth is fairly indicated in assessment rolls sent me more than ten years ago. It had at that time 27 brick school-houses, 25 brick churches, an excellent town hall, 10,000 inhabitants, 4,000 head of cattle, 2,000 horses, and more sheep and swine than any other township in Middlesex, and the estimated wealth I allude to was nearly \$6,000,000.

VILLAGE NOTES

Many of the oldest settlers will remember that the first hotel was erected in one day, and that it was owned and kept by Peter McGregor, a little Scotch tailor, who had married a Miss Pool of Westminster, a woman of decided energy and thrift, who by her go-ahead-spirit, secured the erection from time to time of such additions to the hotel as she thought their increasing busi-

ness demanded; the first part of the hotel was erected in 1826, before the survey of the townsite was fully completed.

Abraham Carrol, brother to the present sheriff of Oxford County, soon became a competitor for the popularity which seemed to be enriching McGregor. He erected a large hotel on the north side of Dundas street, but very soon failed in business. He had three bright attractive daughters; and all three got husbands and left their father almost helpless. As female help suitable for a hotel was very scarce and very costly, Abraham had to leave. Mr. Joseph O'Dell then took possession of the house. It stood on the north side of Dundas street and east of Ridout street, and was ever known as the Mansion House.

After Mr. O'Dell came Boyle Traverse, then John O'Neil, who conducted the hotel for a great many years in the most satisfactory manner. To Dennis O'Brien belongs the merit of having erected the first block of brick stores in London. They were erected in 1836, just opposite the Court House, north side of Dundas street. Those buildings in 1838 were leased by the commissariat as barracks for a part of the 32nd regiment and were held by the troops until the completion of the proper Government buildings. Messrs. Paul and Bennett after the troops had left the brick block, fitted them up, as a hotel the "Western" and occupied them for some years. They were eventually destroyed by fire.

Dennis O'Brien was first known to the people of London as a plain unpretending Irish peddler. He soon became an extensive merchant, and was the first dealer in this section to reduce the price of goods and groceries to what we deemed a reasonable standard. Honor and honesty guided him in all his transactions with the people. He was the first man who ever erected a counter in the village.

O'Brien was a single man when he came to London in 1826 or 1827, and after he had been here about two years he married Miss Jane Shotwell, of Westminster; and for some time thereafter lived in the upper storey of his place of business on the South side of Dundas Street, east of Ridout. That was a pretty general custom of store-keepers in the early days.

Mr. G. J. Goodhue, a native of Vermont, who had been keeping store in Westminster on the road to Byron, moved into the little village about the same time as O'Brien, and started a business which for many years was a very successful one. In 1828 or 1829, he put up a building for a store and residence on the west side of Ridout Street, just north of Dundas. In 1832 he took Lawrence Lawrason as his partner, and they were connected in business for several years. For most of the time they had the Post Office in their building. James Mathison and Richard Smith were later in the business with him. A year or two after Mr. Goodhue settled in the village he purchased from John Kent fifty acres of land in the township of London, adjoining the town site. That was on the east side of the river, extend-

ing to what is now Richmond Street and was north of the old North Street. He paid for the plot fifteen dollars an acre.

Lyman, Farr and Company, were the first druggists in London. After them Simcoe Terrie, then Dr. Salter.

The first medical practitioner in London was Dr. Archibald Chisholm. Lemuel Bartlett and Dr. Day though not licentiate frequently came in from the township and practiced in London. Dr. Hiram Lee, although a resident of Westminster, frequently administered to the sick. Dr. Elam Stinson came from New Hampshire and was for years a prominent physician in London. In 1832 Dr. Geo. Moore came direct from Ireland, a thoroughly educated physician. On his arrival in the town he found the cholera was fast carrying off the inhabitants. Dr. Donnelly came direct from Quebec, where he had had considerable experience in treating cholera patients, and while he seemed to have the fullest confidence in his ability to restore the sick, he, shortly after his arrival, took the disease and died within four hours of the first attack.

While the cholera was raging in London, Henry Sovereign was tried and convicted of the murder of his wife and seven children, and on the day of his execution, thousands of men women and children came, many of them from a distance of 50 miles, to witness the death of Sovereign. In the spring of 1830, Edward Allan Talbot and Andrew Hearn of Niagara, established the first newspaper ever printed between the Niagara River and the St. Clair, "The London Sun." The Sun lived about three years.

In 1835 Philip and Benjamin Hodgkinson, brought a printing press from the township of Bayham and established a newspaper "The London Gazette". They were both practical printers and Ben a writer of more than ordinary ability. The "Gazette" lived less than four years.

London has been represented in Parliament by Mahlon Burwell, Hamilton H. Killaly, Lawrence Lawrason, William Henry Draper, Thomas C. Dickson, and John Wilson. The representatives in Parliament for Middlesex, have been M. Mallory, John Bostick, Mahlon Burwell, John Rolph, John Mathews, Roswell Mount, Thomas Park and Elias Moore.

In 1840 Hamilton H. Killaly, who was then president of the Board of works and a member of Lord Sydenham's Cabinet, was elected to represent London in Parliament, and did more to advance the growth of the town and the prosperity of the country than any other man, living or dead. His influence at the seat of Government was irresistible, and he caused to be constructed also a plank and gravel road from London to Hamilton; a plank road from London to Port Stanley; an excellent earthen road from London to Windsor; and a road of the same description from London to Port Sarnia. On all of those roads, all hills were reduced to a grade of one foot to thirty, substantial bridges and perfect drainage effected. He also caused to be

erected splendid piers at Port Stanley, and a canal connecting the Rondeau with Lake Erie. On these works more than \$400,000 were expended, all paid out by Chas. Monserat at his office in London. The late Sir Casimer Stanislas Gzowski was chief engineer over all of the above mentioned works.

The late Thomas Cussick was the first man who ever voted for a member of Parliament in London. The candidates were Mahlon Burwell and John Scatcherd. There were few voters at the time, much fewer than you would suppose from the population, but many that should be voters had neglected to take out deeds for their property. The Poll closed thus: Burwell 37, Scatchard 27.

The first Episcopal service ever held in London was by Rev. Edward Boswell. He remained with us for upwards of two years. After him came the Rev. Benjamin Cronyn, who came in 1832, and after more than twenty years service as rector was elected Bishop of Huron.

The first Presbyterian minister, although a resident of the Township, frequently officiated in the town, the Rev. Wm. Proudfoot. After him came the Rev. John Scott who erected a spacious and handsome Presbyterian church and ministered to his people for more than 25 years. He loved his people, and they all admired him; but the "Kist o' Whustles", eventually caused him to leave his faithful flock.

The first brick dwelling house ever erected in London was erected on Dundas Street by Cyrus Summers. The first Episcopal Church was destroyed by fire and on the 8th October 1844, all of the houses, fences, trees and sidewalks from Dundas Street to the river east of Ridout Street and up to Talbot Street were destroyed by fire. Again on the 12th of April, 1845, did the fire rage on the north of Dundas Street and destroyed 150 buildings.

Mr. Simeon Morill was one of London's earliest inhabitants and in the early days erected an extensive tannery,—a factory much needed by the inhabitants of the whole country at that time. For the first two years he tanned hides and skins for the farmers on shares, giving them one-half of the leather. After a time he purchased everything for cash. He also established a shoe factory and employed a greater number of men, than any other person in London.

Marcus Holmes, a blacksmith by trade, an American by birth, came to London, erected a number of cheap but extensive buildings, and for many years had from 20 to 50 men in his employment. He built the best waggons ever known at that time, and manufactured all kinds of pleasure carriages.

Murray Anderson and Elijah Leonard each became foundry men and did a very prosperous business. In 1856 Anderson's foundry was blown to pieces by an unaccountable explosion, and his brother killed.

The Elliott's and McClary's were justly becoming noted as enterprising manufacturers about the time I left London. I

find to-day McClary's stoves in every house that I've ever entered, from Winnipeg to Edmonton, a distance of a thousand miles.

The first lawyers in London, were John Tenbrooke, John Rolph, William Salmon, Peter Rapalje, and James Givens.

First doctors, Archibald Chrisholm, Elam Stinson, Geo. Moore and Dr. Donelly.

First preacher of the Episcopal Church, was Edward Boswell. He officiated in London for two years. Methodist—Edmund Stoney, Mathew Whiting and James Jackson. Presbyterian—William Proudfoot. Congregational—Wm. F. Clark.

Not one acre of the first survey was set apart for the Anglican or any other church. Lot No. 12, on the 2nd Concession in the Township of London was a Clergy Reserve, 200 acres. Adelaide Street was the western boundary of that reserve. Lot No. 15, on the 3rd Concession of London Township was also a clergy reserve, 200 acres.

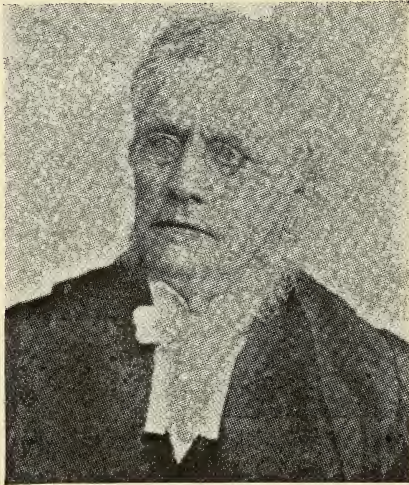
The first bridge built in London was Westminster Bridge, across the south branch of the River Thames. The second bridge was Blackfriars, crossing the north branch of the river.

I give here the names of our first public officials: Judge, James Mitchell; High Sheriff, Daniel Rapalje; Treasurer, John Harris; Clerk of Peace, John B. Askin; Dept. Clerk, Wm. King Cornish; Reg. of Deeds, Mahlon Burwell; High Constable, John O'Neil; Jailer, Samuel Park; Cryer of Court, Gideon Bostick.

Now the names of a few of the very first settlers in our town: Peter McGregor, Dennis O'Brien, Ira Schofield, Patrick McManus, Wm. B. Lee, William Hale, Robert Carfrae, James Little, Thomas Park, Thomas Gibbons, Joseph Gibbons, Simeon Morill, James Williams, ———Montague, Edmond Raymond, Henry Davis, Chas. Sifton, James Waterman, Andrew McCormick, John Jennings, Samuel Glass, David Hogaboom, Robert Fennel, John Yerks, Joshua O'Dell, John O'Neil, Wm. King Cornish, John Tenbrook, Samuel Park, J. W. Vanwormer, Patrick Fallen, J. Flannigan, James Grant, Chas. Grant, Chas. Davidson, James Oliver, John Oliver, Rev. Edward Boswell, Edward Mathews, David O'Marsh, Thomas Waters, John Kent, E. W. Hyman, H. Vanbuskirk, Peter McClary, Peter Vanevery, Murray Anderson, Moses Carter, James Stearns, Zebadee Talbot, Moses Carter, Daniel Brown, James Farley, Benjamin Nash, Charles Henry, William Robertson, Geo. J. Goodhue, E. Ellis, Syrus Summer, John Harris, Alexander Rabbit, Marcus Holmes, Nathan Osbourne, John Blair, John Diamond, John Balkwell, Dr. Stinson, Dr. Chisholm, Dr. Geo. Moore, Daniel Brown, Simcoe Terrie, Leonard Perrin, John Douglas, Frank Warren, James Givens, Finley McDonald, John O'Brien, Francis Wright, Benjamin Bayley, Angus Cameron, ———Pringle, ———Cardon, William McBride, Samuel McBride, John O'Flin, John Scatcherd.

Bench and Bar
in the Early
Days





JUDGE D. J. HUGHES

BENCH AND BAR IN THE EARLY DAYS

BY THE HON. D. J. HUGHES,

Judge of the County Court of Elgin.

Of the Legal Bar of the past, I will give in narrative form, as facts and memory serve me. I will speak as briefly and incidentally of the Courts and the Administration of Justice in my student life as possible.

I came to the London District in May, 1835, a lad, and was sent by my brother-in-law, the late John Wilson, who had adopted me, to the Grammar School, then taught by Mr. F. H. Wright, B. A., a Graduate of Trinity College, Dublin. At that time, the late Mr. Ephraim J. Parke, Mr. Thomas Parke, Junior, and Mr. Thomas Scatcherd were fellow pupils. The London District had for some years been very attractive to persons seeking homes, and caused some of the best agriculturalists and mechanics in the Province, and many from the United States, to settle in and about London. It was attractive for lawyers as well as tradespeople. The territories now constituting the counties of Norfolk, Oxford, Huron, Perth, Bruce, Middlesex, Elgin and part of what is now the County of Brant, that is to say, the townships of Burford and Oakland, formed the London District.

There were for this extensive territory only one Judge, one Sheriff, one Deputy-Sheriff, one High Constable and several Justices of the Peace and necessary local constables. The Clerk of the Peace held also the office of Clerk of the District Court. The County Treasurer held also the office of Deputy Clerk of the Crown and Pleas, and was sole issuer of Marriage Licenses. The District Judge held also the office of Inspector of Tavern Licenses which owing to the loose way of granting licenses was really a sinecure. The Court of General Quarter Sessions of the Peace was presided over by a Chairman elected by the Justices of the Peace from amongst themselves. Besides their ordinary jurisdiction in criminal matters, they held and exercised peculiar jurisdiction on several subjects, such as the granting Licenses to Innkeepers; matters of establishing new roads where the necessities of the country required, were referred to them. The granting Licenses to marry was referred to them. Ministers of what were denominated non-conformist churches, were obliged to appear and perform certain acts and make certain proofs and to take the oath of allegiance to the British Crown and Government before they could legally perform the marriage ceremony. The taking of that oath was provided as a possible safeguard, because it was well known that itinerant preachers from the United States always insidiously endeavoured (without exception) to sow seeds in the minds of their hearers, of discontent with our monarchical system of Government and hold up the transcendent

superiority of Democratic Government. Such men were esteemed as more remarkable for their **politics** than for their **piety**.

There were four officers for the registration of Deeds of Real Estate and Will of deceased persons affecting titles to lands, throughout the District; viz:—One at the Township of Dunwich for Middlesex; one at Ingersoll for Oxford; one at Goderich for Huron, and one at Vittoria for Norfolk. In order to get the registry of a title it was necessary for an attesting witness to go personally to the office of the Registrar (or to meet him elsewhere) to make the necessary proof of execution of an instrument before him. This system of red tape continued in vogue for some years after I became a student in 1837. If a deed were executed of lands in another county, the proof of execution might be, by affidavit, made there.

In the year A.D., 1835, when I went to live in London (a boy of thirteen years), the following named members of the legal profession were residing in the London District;—i.e. of Barristers, viz:—Mr. John Stuart at London; Mr. William Salmon of Simcoe; Mr. Peter Rapelje of Vittoria and Mr. John Wilson (afterwards Judge Wilson) who although in 1834 not yet called to the Bar, was acting as counsel (by the courtesy of the Court and members of the Bar) in conducting his own cases; and the following were Attorneys-at-law but not Barristers:—William King Cornish of London; Mr. Stuart Jones of London; Mr. Edmund Burton of Ingersoll; Mr. William Lassenohere of Woodstock. At subsequent periods, Mr. James Givins of Toronto, a barrister, settled at St. Thomas; Mr. John Strachan of Toronto, a Barrister, settled at Goderich; Mr. Robert Nichol of Niagara, settled at Vienna; Mr. George Baxter of Niagara, a Barrister (afterwards Judge of the County Court of Welland County) settled at Vienna; Mr. Thomas D. Warren, an Attorney, a native, settled in St. Thomas; Mr. James Stanton of Toronto, a Barrister settled in St. Thomas; Mr. William Horton of Brockville, a Barrister, settled in London; Mr. Edward Horton, his brother, a Barrister, settled in St. Thomas; Mr. John Stewart of London, a Barrister, settled at Goderich; Mr. James Daniell, a Barrister (afterwards Judge of the County Court of Prescott and Russell) settled in London. I cannot give the exact order of their establishing themselves according to dates, but my enumeration of names will be found pretty full. (A.D., 1837–1842).

Those who were students at law while I was studying were Mr. Alexander Douglas McLean, stepson of Mr. Sheriff Hamilton, afterwards Mayor of Chatham, Mr. John Stewart, formerly principal of the Grammar School at Perth, a man in advanced years; Mr. Henry C. R. Becher, a young English gentleman, who came to Canada to seek his fortune; John Hamilton L. Askin, son of the Clerk of the Peace; Fred Cleverly, formerly a midshipman in the East Indian Company's Service; Mr. James Shanly, the late Master of the High Court of Justice and known as Lt. Shanly, who was respected by all who knew him.

He was the son of Counsellor Shanley of the Irish Bar. The last to be named whom memory serves me was Mr. George W. Burton of Ingersoll, afterwards the Hon. Mr. Justice Burton of the Court of Appeal. He commenced his legal career with his uncle Mr. Edmund Burton of Ingersoll, before named, and after being called to the Bar became a partner in the eminent law firm in Hamilton of Burton and Bruce. Col. Shanly became the partner of Mr. Givins, which lasted until the removal of Judge Allen from office and the appointment of Mr. Givins as his successor. Mr. Givins was the gentleman to whose service in the profession I was myself articled, and I had charge of the work and practice of the office from the time I entered it for some years until my articles and services were transferred to Mr. Wilson, my brother-in-law and subsequent partner. Mr. Becher and Mr. Shanly were articled to Mr. Wilson before me.

I cannot speak with confidence of a period anterior to the year 1834. I have it by tradition—that a court had been held and justice administered at Turkey Point in the County of Norfolk for some years anterior to the building of the Court House at Vittoria. After the removal to Vittoria, Col. John Bostwick (afterwards of Port Stanley) had been in office either as Sheriff or deputy, but Abraham A. Rapelje ultimately became Sheriff and Henry V. A. Rapelje his son, was his Deputy until after the removal of the District town from Vittoria to London. The burning down of the Court House at Vittoria caused the District Town to be changed by Act of Parliament. Before the Court House at London was finished as it now stands, the building that is now the old Grammar School was used for the Court upstairs, and for the Jail downstairs. The forming of a town in London was in embryo and in the forest condition. There was no accommodation for suitors after the Court had been established here. The Jurors who attended the Courts were obliged to get such accommodation as they could find anywhere, sometimes in a barn or hay-loft; sometimes in the woods. They brought with them their provisions, including little mutchkins of whiskey for those who drank whiskey. Tea and coffee were luxuries then, little used or obtainable. They had no jury rooms, and I have been told by a gentleman who had himself served on the jury, and who related this to me, that down near the end of Westminster Bridge at the north side of York Street, there was a spring of deliciously pure cool water purling from under a wide-spreading basswood tree, which hung over, leaning towards the river, which shaded the place for a large distance. They used to bring their pork and bread, or sausages and bread, or cakes, or whatever they had to eat, and ate their meal there. Those who drank whiskey used to pour a little whiskey in the dammed up spring, and each one who wanted to drink whiskey and water with his lunch, would dip in his tin cup and take and drink what he wanted. All were welcome. This place was the only Jury room (so to speak) where they would be in charge of a Constable,

making up their verdict after every trial. At that time, the Jurors were not paid for their attendance at Courts. They always travelled and lived at their own expense. Jurors were not paid for their attendance on the trial of Criminal cases, and it was very hard upon the early settlers to hear legal cases controverted and to come in and spend a week or more during long trials at their own expense. It was found to be advantageous otherwise to many persons, as it brought strangers together and acted as an educator of the people. It was an expensive education for many, so that except in Civil cases their services were unremunerative. They were paid for every district Court case tried by them, \$1.50, that is a York shilling apiece, and in Superior Court cases, they were paid \$3.00, which was a quarter of a dollar a piece, no matter how long the trials lasted. A lawyer visiting the Court here once, was very much surprised to find, after the Jurors had made up their minds and were waiting to render their verdict in a case, to observe they hesitated to deliver their finding and were **waiting for something**. This the visiting lawyer was not accustomed to as he came from another part of the Country; he could not understand the halting process which was new to him, so he asked why they did not deliver their verdict. The clerk said "They are waiting for their pay", and on further explanation it was told that one of the lawyers, (a Mr. John Tenbrook, who had died before my going to London) was not to be trusted, so they **insisted upon having their pay first**. I was told also that the district Judge got so accustomed to the practice and failings of that particular lawyer, that he would not sign his name on the back of the record indicating the verdict, unless his fee of a dollar was handed up on the bench. The District Court Judge's sole remuneration for services at that time was by fees. This was all changed however afterwards when a different set of lawyers settled in London, and the Judges were Barristers paid by salary. Owing to the lack of accommodation in the way of hotels, inns or taverns in the District Town, the officers of the Court, lawyers and the Judge, who had journeyed from what was called Long Point, but really Vittoria, where most of them still resided, used to stay at a very respectable and comfortable tavern outside the county town, situated on the Commissioners' Road in the Township of Westminster, kept by Bartholomew Swartz, (an old Polish soldier who had been with Napoleon at Moscow). It was one of the best hostleries in this part of the country, and the guests used to stay there over night and come to the village to hold Court during the day. It was the only comfortable or habitable place until hotels were erected, suitable for general public entertainment, the first of which was that of a Highland Scotchman, the late Peter McGregor on the south side of King Street facing the Court House Square. The next was that of Patrick McCan, who kept The Robinson Hall Hotel, on the corner of Ridout and Dundas Streets, and third the

hotel of James McFadden on the corner of King and Ridout Streets on the south side of King Street.

At an early period it was found necessary to provide a tribunal for the collection of small debts, and a jurisdiction was created conferring authority upon Justices of the Peace to deal with such matters. But it was found that the Justices of the Peace were not content with what the law authorized, but must needs step beyond their proper bounds and commit acts of trespass, so those Magistrates' Courts were entirely abolished, and in substitution of them, commissioners were appointed upon whom a limited jurisdiction was conferred. In the several prescribed and limited localities those small debt courts were called "Courts of Request". Some of the commissioners were lawyers, if they could be obtained. They had jurisdiction up to the value of \$10.00 on matters of debt or contract, but none as regards torts. Then the Division Courts as they exist now were substituted for the Courts of Request. Circuits were prescribed to be settled by quarter sessions to be presided over by a County Judge or by a Barrister, with extended jurisdiction; since which the administration of justice in all ordinary affairs has been brought nearer the people, and has given universal satisfaction by their domestic convenience.

Before and at the time, indeed for many years after I became a student-at-law, imprisonment for debt to the extent of \$40.00 was allowable. All that was necessary to procure a man's arrest for debt was for the creditor to make an affidavit setting forth what the claim was for, that it was due and unpaid, and that the deponent was apprehensive that the debtor would leave the Province without paying the debt (it was not necessary to give any reasons for the "apprehension.") The result was that many debtors were imprisoned and kept in close confinement, unable to pay comparatively small sums of money. In amelioration of that condition, a change in the law provided that the sheriff might take a bond with sureties conditioned that the debtor would not leave the walls of the jail, and that if he escaped, the sureties would pay the debt. Subsequently the "Jail Limits" as they were called were extended to the boundaries of the Town in which the Court House stood. If the Debtor went beyond those limits, his bondsmen would be liable as for an escape. Several debtors, who were prisoners unable to pay comparatively small sums of money or to find security, were shut up in unsanitary cells, obliged to support themselves. There was no provision for their getting rations from the County. The atmosphere of these cells was always close, stuffy and unwholesome. I remember two prisoners in particular who had the walls of the jail for their limits, who had to place their several belongings and valuables on a table placed at the foot of the Court House stairs, to which they had called an auction sale and one of them acting as auctioneer, sold off their goods in order to furnish them with food. One of these men was a medical doctor.

The other was a man who had respectable connections, but he himself was not very respectable, so that his relatives did not seem to have much sympathy for him or his condition.

The District Judge was not necessarily a lawyer, and as far as my knowledge of the early history of the District extends, the late James Mitchell of Vittoria was the first District Judge. He had been a fellow student and "chum" at the University of St. Andrews in Scotland with the late Bishop Strachan. They were educated together, immigrated to this country together where both became in different parts of the Province, teachers of classical schools; Mr. Mitchell at Vittoria and Mr. Strachan at Cornwall. Although both were Scotchmen of very much the same stamp, learned and extremely Scotch and determined, they were entirely different in their habits, tastes and future walks in life. Judge Mitchell in the prime of life, although not a lawyer, had a legal and judicial mind as Mr. Strachan proved to have possessed. He was an upright, honest and exemplary man until he became incapacitated by infirmities. After the completion of the new brick Court House (which still stands on its original foundation with a new front, in London) some of the officials removed from the County of Norfolk to the newly constituted County Town. Neither the Judge nor the sheriff changed their places of residence. Among those who did so were Mr. John Harris, the District Treasurer. He had been previous to his appointment to office, a non-commissioned (a warrant) officer in the Royal Navy, employed on a government vessel in the survey of the Canadian Lakes; after the war of 1812-15 under command and direction of Captains Bayfield and Owen of H.M.R.N. Mr. Harris was not an accountant and got his treasurer's books (for want of keeping a cash book to show his receipts and disbursements of public money) into an inextricable muddle. Mr. John Baptiste Askin (who had formerly been a clerk during the war of 1812-15 in the commissariat service) removed, with his family, to London. He was by birth an Indian half-breed. His father was a white man and his mother a squaw. He was himself all Indian in his temper, tastes and habits. He was outwardly of quite gentlemanly bearing but inwardly conceited, proud, jealous, selfish and envious; all Indian. He had had the privileges and advantages of having mixed in the society of gentlemen. He had no taste for the society of his equals or immediate superiors and was true to his instincts, unsuccessfully imitative. He was the Clerk of the Peace and Clerk of the County Court. To him and his office belonged many several and separate functions, and many that were assumed. The sceptre he swayed for many years amongst ignorant surroundings was supreme and absolute, until municipal institutions were established for every district of the Province. These proved his bane and upset his sway; and what was worse, curtailed his income. In fact, it was discovered that besides having been paid the fees prescribed by law, he had been paid an

annual salary of \$1200.00, for which there was no authority. When Municipal Institutions called District Councils were established in this Province, which were presided over by wardens appointed by the Government, a thorough investigation was made by the late Hon. John Wilson, who had been appointed to that office for the London District, into the expenditures connected with the administration of Justice, and he found that considerable sums of money had been paid out of the county funds for which there had been no authority. In the discharge of his duty, he called the attention of the District Council to the facts and figures. The same subject had been brought before the Court of General Quarter Sessions of the Peace by Mr. John Burwell, a member of the County. However right or wrong, Mr. Askin took the actions of both these gentlemen as personally hostile and as an affront, in fact an unpardonable offence which he never forgave. Even after the death of Mr. Wilson, although he had shaken hands with him in token of his forgiveness, whilst alive, he abused him after he was in his grave. He was, as I have said, All Indian, Who Never Buries the Tomahawk.

Under the irresponsible system of Government which existed at the time (i.e. before Municipal Institutions were introduced) Mr. Askin, a strong supporter of it had been in the habit of recommending men for the commission of the Peace, although he was only the Clerk of the Court of which they were to become members. This gave offence to many; because no person however respectable or suited by education and character for the office of Justice of the Peace, could be or expect to be appointed of whom Mr. J. B. Askin did not approve and recommend.

Mr. Henry Van Allen Rapelje, the Deputy Sheriff removed to London and conducted the office in the name of his father. Upon the subsequent setting off the County of Norfolk as a separate judicial district, he was appointed the Sheriff of that county and Mr. James Hamilton who had been a merchant at St. Thomas, was appointed Sheriff of Middlesex, in A.D., 1837. Mr. Samuel Park the Jailor, removed to London. He was the son of a Mr. Park who had been the jailor at Vittoria and had died there. Mr. William King Cornish who had acted as Deputy to the Clerk of the Peace at Vittoria, removed to London and subsequently became an Attorney-at-law, there.

Owing to the infirmities of the district Judge, who had latterly removed to London and lived there for some years, and was very much afflicted with Rheumatism, it was found necessary to appoint a Junior Judge. A representation was made to that effect, to the Government, and Mr. William Young of Caradoc, an English Attorney by profession, but not a Barrister, was appointed for the administration of Justice. Mr. Young was a very austere and strongly set-up, stiff Englishman, who had held a good position in England, but lost it through fast living. He had neither knowledge or sympathy with the affairs of this country, but was a fairly good lawyer; highly respectable man in

his way, but a good deal of a wreck who had lost his health and temper; so that ultimately he became really less fit physically to discharge all the duties than the Senior Judge was. He conducted the Court with *decórum*:—When on the Bench he could and did act the part of a gentleman.—When off the Bench he could be arrogant and offensive; and swear (in the fashionable style, common in the period of King George the Fourth) **like a trooper**. In plain language, he could be blasphemously profane when he was stirred to a period of anger. After the entire failure of bodily health, his mental strength was exhausted and he died, unlamented, and was soon forgotten. The Senior Judge, in consequence, temporarily assumed the judicial functions, so that the administration of Justice in the District Court became somewhat ludicrous through the advanced age and consequent incapacity of Judge Mitchell. I remember a case in which a witness bearing the name of Barnard Mackleroy was called to give evidence on behalf of one of the suitors, when the lawyer conducting the case asked the Judge to take down the evidence the witness was giving. (The Judge had not been taking any notes at all). “Will your Honor please take that down.” “Yes, Mr. Givins, I will take that down.” With that he began fumbling with his pen in his book. “Now will Your Honor be pleased to read what you have taken down.” “Yes, Mr. Givins. I have taken down that the witness says that Barnard Mackleroy is dead.” “But Your Honor, the witness is Barnard Mackleroy.” “I cannot help that; if the witness chooses to swear that he is dead, I cannot help it.” So the case proceeded. When it came to the Judge’s charge, he said: “Gentlemen of the jury, you have heard the evidence and I have not. The fact is I am a little deaf in my left ear, (the Jurors sat on that side), but Gentlemen of the Jury, I must only tell you, that if you think the evidence adduced on the part of the plaintiff is the more satisfactory, it will be your duty to find a verdict for the plaintiff for such damages as you think him justly entitled to, but if on the contrary, gentlemen, you think the evidence adduced on the part of the defence, preponderates and is the more convincing, it is my duty as an upright and just Judge to tell you that regardless of consequences, it is your duty to find a verdict for the defendant.” “Your Honor, is that the charge?” “Yes, Mr. Givins, that is the charge.” “Short and sweet, Your Honor.”

Following the death of Judge Young, it became impossible for Judge Mitchell to continue long in the exercise of the Judicial functions, as he was found to be totally incapacitated, and he returned to his home at Vittoria, or it’s neighborhood, where he died, and had in his younger days spent a useful life, very much respected.

The next in order on the local Bench was Mr. Roland Williams, a West Indian Solicitor, (not a barrister) a good lawyer and a very respectable and justly respected gentleman. He did not remove

to or reside in London, but continued living on his farm in the Township of Westminster a few miles from St. Thomas, to which place we were obliged to go in case we required to make a chamber application, which of course involved delay and expense for which there was no recompense in the way of adequate fees or disbursements. Mr. Williams, however, before long became a confirmed invalid, and died after only a few years of judicial service.

After the death of Judge Williams, an English Barrister by the name of Henry Allen, was appointed. He was a man who had difficulty of speech, and was totally unfit to deal with the people and the ordinary affairs of the country. He could not comprehend our condition or mode of living of our people; he had come to this country from one of the West Indies Islands, was unacquainted with business affairs, and local conditions, so that the administration of Justice in his hands was inefficient and gave very great dissatisfaction. He was petulant in his temper and over-bearing as well. I was told by a Clerk of the Division Court, that on one occasion the Judge, owing to the state of the roads, was very late in reaching Fingal where he should have been presiding in the Division Court. The tired suitors had such confidence in the Clerk, who was not a lawyer, but a very clever upright and good business man, that they referred their cases to the Clerk. When the Judge arrived, he found all the cases disposed of. The clerk made known to the Judge that he had relieved him from all his trouble; assured him he was sorry the Judge had come so far through such bad roads, that the parties had waited long for his arrival and had agreed to his disposing of the cases by arbitration, and that every case had been settled. The Judge hearing this threw himself into a rage and dared the Clerk, on pain of dismissal, ever to do such a thing again. The Clerk thought he was rendering a service which turned out to be very offensive to His Honor. A complaint was subsequently made of his entire unfitness, to the Government, and he was removed from office of Judge of the District Court, but retained his office of Judge of the Surrogate Court. He tried an action of Trover for a stag, which the plaintiff claimed as his property. After the case had been in contention, spun out for a long time, and ably discussed by the lawyers, who all understood what kind of animal a "stag" was, the Judge, when he came to charge the jury, said the case must be dismissed because a stag was what was known as a wild animal, *Fera Naturae*, (imagining that the suit was brought for possession of a male red deer), that if it left one man's woods that man ceased to have any claim to it, and if it went to another man's woods, the latter could claim it. The lawyers had difficulty in explaining the difference between what was locally called a "stag" and a "wild deer", but he did not see it. However the Jury dealt with it properly, all of which and much more such, showed his total ignorance of the affairs of the Country in which every County Judge ought to be well versed. His inefficiency and

incapability to adapt himself to the exigencies of the office were so manifest that a complaint was made to the Government and Judge Allen was removed from the office of Judge of the County Court.

After his removal, Mr. James Givins (who was then a Barrister of some ten years standing at the Bar) was appointed his successor as Judge of the County Court. Mr. Allen still retained the Judgeship of the Surrogate Court. Judge Givins was an able man and a well read lawyer; but like many others he failed in the prompt and apt application of legal principles to present needs, which gave hesitation and uncertainty as to his decisions. When he had made up his mind, it was by no means certain that he was right, but he "stuck to it" all the same, because he thought he was right. He was not a success, nor entirely unsuccessful, as a Judge. He was not long in the office when he died and was soon forgotten.

After Mr. Givins died, Judge Small was appointed, and was the immediate predecessor of the late Judge William Elliott. He was the Hon. James Edward Small, who had been the Solicitor General, a member of the Baldwin Ministry, and a politician. He was a man who was a better judge of a good dinner than he was of law, and was more particular about getting his meal in the middle of the day, (no matter at what stage the trial of a case before him might be) than he was in the proper discharge of his duties,—his dinner and its accompaniment of brandy and water, were all of supreme importance. He was a man who boasted, if it could be conceived that a lawyer, much less a Judge would confess such a thing, that he had never read the Common Law Procedure Act and did not intend to. His Administrations in the Division Courts consisted largely in talking all the time himself and being very impatient of hearing others. More than that, some of his Clerks of the Division Courts, were not faithful in paying over the moneys they had collected, and the Judge was not willing to listen to any complaints against them; he rather shielded them. I have myself gone all the way to the Division Court at Delaware to complain, and was met by the Judge with every obstruction. I neither got Justice, not even a hearing, nor did I get my client's money, after which I never expected justice and did not care ever to appear before him. I know that Mr. Becher had the same feeling.

After the re-construction of the Court of Chancery I was myself appointed the Local Master, but because it involved the necessity of my giving up practice, I resigned and Col. Shanly was appointed in my place, and continued in the office until his death. I do not think it necessary to speak of any members of the profession (within 50 years) other than those I have mentioned, because they all belong to modern history, which would be better spoken of by others. I went to practice at Woodstock in the year 1842, about which time James Daniels, Thomas Scatcherd and Ephraim J. Parke, Hugh Richardson, Samuel

Barker and William D. Street, all younger men than myself, became members of the profession, and members of the London Bar, or students-at-law in London.

In a subsequent period, after the Counties of Norfolk, Oxford and Huron were set off into separate judicial districts two of the Judges were not lawyers. In Huron, the district Judge was an English Barrister, who never practiced. He was a better judge of roast turkey and well-cooked beef-steak and a glass of sherry than he was of either law or justice. The Judge at Woodstock was a retired English Banker, an exceedingly dull man. The Judge in Norfolk was a man of good common sense, a business man, but not a lawyer; well suited to deal with the ordinary affairs among the early settlers of this Country. In arguing a case before the Judge at Woodstock, it was found that the producing and reading out to him of a law book, no matter how inapplicable the subject, always made weight for a successful, favorable decision.

What is now the County of Elgin still formed part of the County of Middlesex. What are now the counties of Perth and Bruce, then were within the Judicial district of Huron. After the establishment of a branch of the Bank of Upper Canada in London in the year 1835, Mr. James Givins, who was a lawyer practicing in St. Thomas, came to London to live having been appointed the notary and solicitor of the Bank. It was the first and only Bank in London for many years. There was a Mr. McKenzie who was practicing law in St. Thomas; he remained there only a short time. Mr. John Strachan was practicing law at Goderich and Mr. Gideon Acland, a Barrister, went to and practiced in St. Thomas from 1835 to 1840. He was one of the best commercial lawyers that then existed in the District. He was not appreciated in St. Thomas owing to family relations and preferences for inferior men who were there before him. He subsequently removed to London, where he only remained a short time for he died soon after. A Mr. Thomas Keir, who had been a writer to the Signet in Scotland, removed to London from Dundas where he had studied law in the office of the Hon. Wm. Notman for a year. He was entirely unsuited for practice. He was more a literary man than a lawyer. He could write political articles well. He was clever, well-educated but not at all temperate in his habits. The other lawyers used to say with forcefulness, that a Scotch lawyer who came to Canada to practice, instead of being admitted to the profession after only one year's study of our system of procedure, should serve five years longer in order to forget his Scotch peculiarities and Glossary of words, and learn our legal vernacular. A similar case existed at Goderich, where a Mr. Haldane purported to practice, but was never admitted to the Bar. He was a Scotch lawyer, a writer to the Signet, a name given to an important body of lawyers in Scotland. It was curious to sit down and hear his peculiar law expressions, so that one really needed a Glossary of Scotch law to be able

to understand what they meant. I had the opportunity of meeting him on one occasion and his language kept my mind on the stretch in order to reach his meaning.

I have passed through five separate amendments and practice of the law in my long connection with the legal profession. The first involved long and unmeaning counts in declarations which did not necessarily disclose what an action was brought to recover. There were different forms of action for every remedy sought. The action on the case for torts; the action of the case in promises, called *Assumpsit*; the action of Debt for the recovery of money; the action of *Replevin* for the recovery of goods or cattle or chattels, and for damages for their detention; the action of *Detinue* for the recovery of a chattel in specie; the action of trespass for the recovery of damages for injury to persons or property, real or personal. The action of *Trover* for the recovery of a chattel and the action called a feigned issue for the purpose of trying the right of property or possession of chattel claimed by someone else. These proceedings were not necessarily inaugurated by a Writ or Summons, or by petition or by direct application to the Court or a Judge. The mysteries of procedure sanctioned by long practice and ingenuity of those engaged as legal agents (winked at by the Courts) were barriers to suitors obtaining their rights except through the agency of men well versed in the mazes and trodden paths of procedure, established by the ingenuity of men whose interest it was to confine their avenues of justice to their own profit and intervention. To give a few instances of this system:—The first process in ordinary actions was by a writ of *capias ad respondendum* (directed to the sheriff), bailable and non-bailable. The sheriff, when this Writ was placed in his hands, was supposed to take the defendant and bring him before the Court; in bailable cases to arrest him by his body and keep him safely until he should give security for his due appearance and readiness to answer the action. In non-bailable cases, the sheriff was furnished with copies of the Writ to be served personally upon the defendant, having endorsed upon the copy notice to the defendant of the purport and purpose of the service. If the defendant appeared he did so by entering a written appearance in the Court. If he failed to do so, the plaintiff might enter one for him and the proceedings to follow would be taken by the plaintiff's attorney, which it would take too long to detail here. In the action of *Replevin*, the writ ordered the sheriff to seize the goods, similar to the present procedure. The action of *ejectment* was commenced without a writ or summons, which contained a fallacious statement which set forth a claim by a suppositious plaintiff against a suppositious defendant. The suit by *interpleader* was commenced by the stating of a suppositious wager between two persons as to the ownership of the goods claimed by a real plaintiff. The action of *Trover* was by the declaration of the loss of a chattel which came to the possession of the defendant by finding and

that the defendant wrongfully deprived the owner of the chattel, claiming damages for the detention. This system was only gradually changed by new Rules of Procedure, subsequently by the Common Law Procedure Act, and ultimately by the fusion of Law and Equity, and an entire upsetting of all old methods as it exists at this day.

A curious anomaly was introduced by statute which provided for the joining in one action of the maker and endorser of a Bill of Exchange or Promissory Note. It had been held that they could not be joined in one action because the contract of each of those parties was not identical—that of the maker of a note or the acceptor or endorser of a Bill of Exchange being **positive** and that of the drawer or endorser as only conditional. To remedy this, the best the legislators could devise was to prescribe that a declaration containing “the common money counts” as they were termed, be filed and served on the defendant, having attached to them a copy of the instrument upon which the action was founded, and that without the slightest reference to the Bill or Note. To remedy this, someone more ingenuous than the past who had labored with the subject, planned the form which is now used for joining all parties.

Besides giving the history as to the personnel of the members of the legal profession, I have extended a statement of some of my recollections of the past connected with the administration of law and of legal procedure.

According to the provisions of an Imperial Statute, (which is easy of reference) all negroes and lands owned in the colonies of Great Britain were declared to be goods and chattels for the payment of debts. Taking advantage of that provision a Judgment and execution were obtained against the owner of the Township of Moulton in the new County of Haldimand (then in the District of Niagara) and the whole Township was advertised and sold en bloc after ten days notice of sale; purchased by Henry John Boulton a lawyer of Toronto, and his title under the sale and the proper construction of the Statute was held to be valid. After which a Provincial law was passed that required an execution against goods to be first issued, so as to make the debt and costs out of the chattel estate, failing which and upon the sheriff's return endorsed “Nulla Bona” for the whole or in part, only, could an execution against lands be issued; after which that execution would have to remain in the sheriff's hands for twelve months and the lands described and published in the Upper Canada Gazette and in a local paper for three months before the lands could be sold.

In civil as well as criminal cases, it was the rule to have trial by jury, except in cases of common assault and petty trespasses and for sums above the jurisdiction of the Courts of Requests. After an interlocutory judgment in the Court of Queens Bench or District Court, where there was consequently no defence set up, it was necessary for a jury to assess the “dam-

ages." The non-payment of a debt or breach of contract was held to entitle to damages. I knew one lawyer (who was as a matter of court etiquette obliged to wear his gown and banns) who was never known to address a jury except in the matter of obtaining an assessment of damages for non-payment of promissory notes, upon whose verdict judgment and execution would not be obtained until after commencement of the next law term of the court. There was no summary reference of such "damages." The Legislature (after a long struggle on the subject of invading that palladium of our liberties, i.e. trial by Jury) and substituting a summary trial (as had taken a change in the law in England) passed a law for the trial of petty trespasses and common assaults by Justices of the Peace. The prognostications of the opponents of the change were in many cases poorly fulfilled by ignorant and malignant magistrates, exceeding their jurisdiction in regard to these subjects. I have known of many such perversions myself, but an appeal to the general sessions of the peace had for the most part provided against injustice; and I could furnish numerous instances of the ludicrous figures which some magistrates have cut in the assumed jurisdiction on these subjects.

As to criminal law procedure, I need say very little. There was no penitentiary for convicts, nothing between the common gaol and the gallows, except the pillory and the stocks, or sending them to Van Dieman's Land, which was very expensive and circuitous. I recollect that at the corner of the Court House Square, (the north-east corner) there stood a common stocks and pillory, and I remember seeing a man once sitting in the stocks as punishment for stealing silver spoons, but I think the pillory was never used. It was not used in my time certainly. Both were afterwards abolished by statute. As a partial remedy for the expense of transportation, a law was passed providing banishment from the country of persons convicted of aggravated offences, not capital, with a penal clause attached declaring that if a convict returned from banishment it would be a capital felony. I knew the case of one old man, over sixty years of age, who having returned from banishment was arrested and tried and upon conviction was sentenced to death. However the sentence was commuted to imprisonment in the penitentiary (which had then been completed) for the rest of his life. It is but fair to surmise that this punishment of banishment had the effect of helping to people the United States with so many "smart men" as are to be found there, for they had no other country to adopt as their future homes. It may not be known to many at the present time and is therefore a fact worthy of note that prisoners were not allowed full defence in my early days. Counsel could not address the jury in defence of the prisoner.

I recollect that in the old Court House, three courts martial sat for the trial of grave offences. The first was for that of the

so-called patriots who invaded this province during the troubles arising out of the Rebellion of 1837. It was a militia Court Martial presided over by Col. John Bostwick of Port Stanley; the second was a militia court martial for the trial of Lt. Col. Craig of Caradoc, which was adjourned and never reassembled. The third was a general court martial consisting of Officers of the Army, presided over by Lt. Col. Love of the Royal 85th Regt. for the Trial of Major O'Connor, of H.M. 85th Regiment, which ended in his being cruelly and most unjustly dismissed from the service of the Queen.

The Honorable John Sandfield MacDonald, (an upright and able lawyer, an enlightened honest politician and statesmen one of the best we ever had had since the retirement of the Hon. Robert Baldwin from public life) when Attorney-General and Premier of the Ontario Government, introduced and caused to be enacted many valuable and economic changes in the law.

(a)—The doing away with Sessions of the Peace being held quarterly and abolishing Recorders Courts in cities.

(b)—The providing for the summary and hastening the trial of prisoners in custody unable to procure bail; giving them the right to be tried immediately by the county Judge without a jury. We all know the successful result of that provision which has been accepted by persons accused of crime in thousands of cases to the manifest saving of expense and more prompt administration of justice.

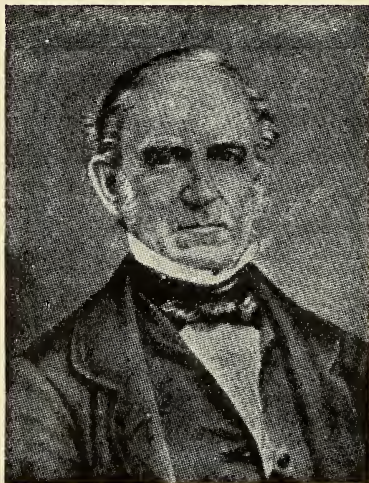
(c)—This provision was not acceptable to lawyers who aimed at personal display before a court and jury. I remember an instance of aggravated assault which the depositions before me unfolded; in which it was shown that a woman had cruelly and repeatedly whipped an adopted little girl, and maimed and marked her body with wales. The County Attorney, an exceedingly indolent and careless official had not taken the proper course of his duty by sending over the depositions, but indifferently and perfunctorily charged the woman in his formal statement with **common assault**, which at most would have resulted in an imprisonment for twelve months. The lawyer, not seeing his advantage, instead of reading the depositions and recommending his client to plead guilty of common assault, as charged, demanded a trial by Jury, so that his client was remanded. Meanwhile I called down the County Attorney for his remissness and told him to read the depositions which he did, so that at the General Session he charged the woman with the proper offence, i.e. aggravated assault. The proofs adduced exposed one of the grossest cases of inhuman cruelty inflicted that I ever heard. The prisoner was convicted and sentenced to an imprisonment of five years in the penitentiary. The next resort was to the Government without avail.

Those who have been "sat upon" by Judges, are sore and sure to remember the difficulties of standing before grimness in the faces of those who have no sympathy with **beginners**. I

have felt all this myself. The late Chief Justice Draper was not **grim** because he **smiled**. When he sat upon the Bench delighted at an opportunity to display his learning and skillful instincts and taste for niceties, he used to smile at an opportunity. "When he smiled", the profession used to say "he meant mischief," which was fatal to someone. On one occasion, he quietly "sat upon" poor David Glass, who although wearing a silk gown was not a lawyer. David, during one Assize had entered several records of cases for trial which met with fatal results. One of these I must particularly mention. David got on as far as addressing the Jury, to which Judge Draper listened and waited; at the end of which he spoke to David asking very coldly (he was always cold; technicality was always cold) "Mr. Glass what was the action brought for?"; to which David replied, repeating his speech to the Jury. "Yes, I heard you say all that to the Jury, but what then was the suit brought for?" David essayed to go over his speech again, but the Judge wound up "I do not understand you, Mr. Glass," and closed by endorsing the words "Non suit" on the back of the record, throwing it down to the Clerk of Assize. Whereupon David turned to his client and said: "You see, I cannot make the Judge understand, so we have lost the suit", whereupon his client left the Court, thinking highly of the injured lawyer, but indignant at the stupidity of the Judge who was an old fool for he "could not understand Mr. Glass." Meeting a friend at the door of the court house as he was going away, he asked him how he had got on with the case, said, "Oh, I have lost my case, because that d—— old fool of a Judge could not understand Mr. Glass." That same Judge non-suited me in a Quitam action because my proof was not technically in accordance with my pleading—refused to amend—and I lost what was intended to recover penalties for several gross and oppressive acts of usury, which a statute then in force was intended to punish and provide remedies. Upon his declaring a non-suit—the **Judge smiled**; a complete Draperian Smile—peculiar to the man, who seemed to derive comfort from what was disappointment and pain to me, a young and ambitious lawyer.

Gleanings From The Sheriff's Records





SHERIFF JAS. HAMILTON

GLEANINGS FROM THE SHERIFF'S RECORDS

BY D. M. CAMERON, ESQ.

(The first sheriff of the London District was Col. Jos. Ryerson, appointed in 1800. He was succeeded in 1805 by his son-in-law, John Bostwick, whose father was rector of the Anglican Church in Great Barrington, Mass. John took up land at the mouth of the Kettle Creek (now Port Stanley), and became a man prominent in the County. The next sheriff was A. A. Rapalje. He came of a Huguenot family, the founder, Daniel of that name, having located about the year 1810 on part of the land now occupied by the City of St. Thomas. When in 1827 the judicial seat of the London District was removed from Vittoria to London, most of the court officials came to the new town. The sheriff, however, it is understood, never took up his residence here; and much of the business of his office was transacted by his son, acting as his deputy. In 1837, James Hamilton received the appointment in succession to Rapalje. He was a brother of the Hon. John Hamilton, of Queenston, but had removed to this section, entering into business in St. Thomas and Sterling (Port Stanley). The firm of Hamilton & Warren carried on very extensive operations, having large mills at Sterling which was the lake port for all this section, and stores in St. Thomas and other places. Mr. Hamilton held the position of sheriff for a great many years. It is mainly from the records of the office during his incumbency that the present sheriff, Mr. D. M. Cameron, prepared the following paper, read before the Society, Feb. 20, 1912.—C).

The subject of my paper having been chosen for me in advance of my examination of the material basis for "Reminiscences of the Sheriff's Office," I am obliged to alter its terms to more nearly conform to the facts that I am about to present. What title to give to this effort after you have heard it, I leave to yourselves to suggest.

The official records of the sheriff's office for what was in earlier days the London District, and subsequently the County of Middlesex, do not go very far back. There are some processes running back to 1836, and in that year the then sheriff writes to solicitors to the effect that owing to the disturbed condition of the county, arising from the threatened rebellion, which culminated next year, it was then found difficult for his Majesty King William IV.'s writ to run. The same condition continued to be reported during the two first years of the reign of her Majesty Queen Victoria. The absence of any record of legal proceedings prior to that date is due to the fact that these were, up till then, kept at Vittoria, in the present County of Norfolk,

then part of the London District, the residence of Sheriff Rapelje of that time, and burned in a fire which took place during his regime. But for some years succeeding the period named there are some documents in the office of considerable interest. If I make little more than a catalogue of these without either amplifying on their significance or transcribing them verbatim, my doing so will be due to the fact that the miscellaneous material available to me has been but imperfectly digested, and because its chronological arrangement requires more time than I have been able to devote to it.

The Formative Period.

The letters, memoranda and documents are not without interest, however, as disclosing the social and business conditions then existing; the methods that then prevailed for carrying on the business of this western section; and as illuminating on this point the correspondence of Sheriff Hamilton, prior to his appointment, are interesting, informing and instructive.

The period covers from about the year 1820 to 1832, essentially the formative period in the history of what was then the London District. Of that district the first settlers entered London Township, as far as I can obtain information, in 1818; Westminster had some settlers a year or two previously, and at that time Byron was, for the period, a thriving settlement, and threatened to outrival London as the western metropolis. The boost given to London by Governor Simcoe as the result of his visit some years previously, gave to London the call, but Byron still continued for years to be the milling centre of the district, a distinction which it upheld against strenuous competition. Early settlers in Caradoc, Delaware, Ekfrid, Adelaide, Lobo and even Williams, recounted in later years to their descendants their journeyings on horseback or on foot with the grist for the family needs; and many residents in these townships will today recall the interesting details had from their parents, of how they followed the trail in the journey to and from the mill. I had said that this would largely be a catalogue. Such I purpose making it. And dealing with my material by this method, I find a document in point of importance, though not in date, among the most interesting.

Commission for Early Fair.

It is a parchment commission from Sir Francis Bond Head, lieutenant-governor of Upper Canada, to Abraham A. Rapelje, as sheriff of the London District, and dated the 5th day of July, 1836, authorizing the establishment of a fair or market in "the Village of Woodstock, in the Township of Blandford," to be begun and holden on the second Tuesday in May and the third Thursday in October, in each and every year, subject to the usual restrictions "and picage and stallage," which are to be paid to

the said Abraham A. Rapelje as sheriff, and to be solely appropriated to the clearing away the ground. An identically similar patent exists, issued in 1844, after the union of the Provinces of Upper and Lower Canada, and dated at Montreal on the 31st day of August in that year, establishes a fair or market in the "Village of St. Thomas," and appoints James Hamilton, the then sheriff, to hold a public fair, "together with all the privileges, usages, customs, courts of pic poudre incident to fairs, and laws of fairs in general and now established used and exercised within that part of Great Britain called England," to be begun and holden on the first Tuesday in the month of May and the last Tuesday in the month of September. This parchment is signed by Sir Charles Theophilus Metcalfe, and countersigned by W. H. Draper (afterwards chief justice of Ontario).

A Tragedy of the Rebellion.

One of the tragedies disclosed by these documents of the olden time is a letter dated Government House 5th January, 1839, and intimating that there had been transmitted to Sheriff Hamilton "by express," which possibly meant a special messenger, a warrant for the execution "on Monday, the 14th of the same month, of Albert Clark, an American prisoner, recently convicted before the court martial now sitting at London." The sheriff was furnished, so the communication reads, of an exemplification of the warrant which he was to read before the convict at the time and place of his execution. There is no record in the office as to the carrying out of the sentence, which was imposed no doubt, on the prisoner for participation in the Mackenzie rebellion of '37-'38.*

But to return. On the 5th day of June, 1835, a grant was made to Abraham A. Rapelje (as sheriff of the District of London) of the public fair or market in the "Town of London," under the seal of the Province, and in a parchment bearing the signature of Sir John Colborne, the then lieutenant-governor of the Province of Upper Canada. The right to hold and administer the fair is determined to follow the office, the successors of Sheriff Rapelje to administer while in office. The grant is countersigned by Robert S. Jameson, at the time attorney-general, in a neat though rather feminine hand.

Another parchment is a warrant from Sir Charles Metcalfe, the then governor-general, after the union of the Provinces of Upper and Lower Canada, instructing Sheriff Hamilton, under date of Montreal, the 6th day of September, 1844, to take into his custody Thomas Halpin, then a resident of Chicago, and under arrest there awaiting extradition on a charge of forgery.

*He was duly executed, January 14th, 1839.

An Election in Oxford.

On the 25th of January, 1838, a warrant was issued over the signature of Sir Francis Bond Head, appointing James Hamilton, sheriff of London District, the returning officer at an election for the Legislative Assembly for the County of Oxford, to be held no later than the 1st day of April, in the then current year. The sheriff in those days was more frequently than in later years returning officer.

Two parchments, each dated the 6th day of December, 1847, and signed "Elgin and Kincardine," are addressed, one to James Hamilton, appointing him returning officer for the County of Middlesex, and the other appointing James Hamilton, John Harris and James Givins to the same office, each in force "until the 25th day of January next ensuing," are confusing until the statutes as well as the circumstances surrounding the election then contemplated are looked into more thoroughly than I have been able to do. But a memorandum dated the 4th day of December, A.D., 1851, shows the methods of procedure then followed, and incidentally brings to the front some prominently known to political life in those days.

After noting the fact that the writ was read, the memorandum records the fact that "Murdock MacKenzie, Esquire, moved, and Freeman Talbot, Esquire, seconded, that Crowell Willson, Esquire, be a fit and proper person to represent the said County of Middlesex in the next Parliament"; and that "Mr. James Ferguson moved, and Dr. Lindly Moore seconded, that William Notman, Esquire, be a fit and proper person to represent the said county."

Irregularity Revealed.

Dr. Bartlett, seconded by Mr. Peter McDonnell, "nominated Johnston Grover, Esquire," and on a division being called, it is recorded that it was decided in favor of William Notman, Esquire, and a poll being demanded by Johnston Grover on his own behalf, and by Freeman Talbot on behalf of Crowell Willson, the poll was granted, "the part of the proclamation was read," so runs the record, "showing the times and the places when the poll must be held." On Tuesday, the 16th December, the returning officer postponed the declaration until the day following, owing to irregularity on the part of the deputy returning officer for the Township of Bayham, William Hatch, he having omitted to sign and seal the poll book, and the declaration was adjourned from day to day till the 18th when the vote was found to be: For Crowell Willson, 1,931; William Notman, 1,856; Thomas J. Groves, 48.

Evidently electors had a choice and exercised it in the free and independent manner of to-day, and Crowell Willson was declared member for Middlesex by a majority of 75 votes. A glance at the vote of municipalities is interesting, and goes some

distance in indicating how near or how far apart political opinion was then and is now.

	Crowell Willson	William Notman	T. J. Grover
Aldboro.....	38	28	1
Adelaide.....	101	81	...
Bayham.....	153	170	...
Caradoc.....	77	84	4
Delaware.....	37	55	...
Dunwich.....	13	60	...
Dorchester.....	110	112	...
Ekfrid.....	16	82	1
London.....	472	124	5
Lobo.....	50	136	2
Malahide.....	166	189	7
Metcalfe.....	59	29	4
Mosa.....	77	54	24
Southwold.....	163	183	...
Yarmouth.....	238	217	...
Westminster.....	149	233	...
Williams.....	19	28	...
Totals.....	1931	1856	48

It will be understood that the County of Elgin was then a part of the County of Middlesex, the former not having been separated until about three years after the election took place.

The First Bridge.

It is interesting as a matter of record, as disclosed by a search among the office papers, that the first bridge built to connect Ridout street with the south side of the river was initiated in 1848, and built by subscription, in which the names of James Givins, Robert Carfrae, James Hamilton and Alexander Anderson appear for contribution of £25 currency each, and others, among them George J. Goodhue, John Wilson, Simeon Morrill, John Harris, Elijah Leonard, Samuel Peters, L. Lawrason, William Horton, Samuel McBride, Murray Anderson, M. Seger, Thomas Craig, John Birrell, James Oliver, Hugh Stevenson, Adam Hope, James Shanly and others, appear for various amounts. The bridge was to connect Ridout street, in the Town of London, with Queen street (now Ridout street), in the Village of London South, and the total amounted to £231 15s currency. Subsequently, when the subscriptions were utilized, it was intended that the projected "Queen street" should pass through the house then erected by Sheriff Hamilton, and a petition was prepared for presentation to the township council of Westminster, in which it is declared that Sheriff Hamilton had advanced the sum of

£57 16s and 1½d, and was further liable to Peter McDonald, together with Dr. Anderson, for the payment of an additional £74 for extracting stumps and otherwise constructing a road from the river to the Commissioners' road. It was to secure the diversion of the road to the west of the first surveyed location that the petition was initiated.

The Powers of an M. L. A.

In 1838 a commission "per dedimus potestatem," issued under the great seal of the province to James Hamilton, John Stuart, John Wilson and John B. Askin, and indorsed as being in force in the County of Oxford, is among the archives. The only restriction in the body of the commission is as to its currency, it being only effective until the 1st of April in that year, and its issue may have had to do with the elections earlier referred to. A peculiar difference from present-day methods in regard to election matters is apparent in the wording of an indenture in connection with the same County of Oxford election. This, made between George Washington Whitehead, Edmund Deedes, John Weir, Daniel Carroll, William Japenstine and Philip Graham, freeholders of the County of Oxford, of one part, and James Hamilton, returning officer, of the other part, witnesseth that "we (they) have chosen Roger Rollo Hunter, Esquire, as representative, to be member in the House of Assembly at Toronto," and that they "do give unto the said Roger Rollo Hunter full and sufficient power for us and the commonalty of said county to do and consent to those things which then and there by the favor of God shall happen to be ordained by the common council of our said province." No doubt Mr. Hunter went to Toronto, then recently altering its name from York, doubly armed when possessed of this mandate.

I find a curiosity in a bond given by "Elijah Leonard, the younger, iron-founder, and E. W. Hyman, tanner," to James Hamilton, sheriff, and dated the 3rd day of May, 1845. This bond recited that "Whereas, the said Elijah Leonard is desirous employing one Christian William Dreyer, a prisoner in close custody of the said James Hamilton, Esquire, as sheriff of London District, in the common gaol, under sentence of felony pronounced against him," and "Whereas the said James Hamilton is willing," the prisoner is allowed to enter the employment of Mr. Leonard (afterward the Hon. Elijah Leonard), provided he returns to the custody of the jail by the hour of 6 o'clock in the afternoon, to return to his employment each morning at 8, and pay the sheriff such sum as may be agreed upon for the services of the prisoner, and with the conditions fulfilled, then the obligation was voided. The agreement is witnessed by the late Thomas Scatcherd, afterward senior partner in the firm of Scatcherd & Meredith (now Sir William.) There is no record as to the conduct of the prisoner while thus allowed a measure of liberty not permissible in these later days, nor is there evidences

that the involuntary service indicated was even then permitted to any great extent.

The Punishment of Debtors.

The number of *capias satisfaciendum* issued in those by-gone days is a revelation, and a striking evidence of how far we have travelled in the last seventy years from the methods then prevailing in civil jurisprudence. In 1837 I find that there were three *Ca. Sas.* acted upon, but in 1838 the number had risen to eighteen, with a gradual rise to over double that number in each of the years immediately succeeding. I need not explain to those of my audience learned in the law that every action under the procedure of those days was commenced by *capias*—a *Ca. re.*, and followed up by a *Ca. Sa.* when judgment was made. But it is necessary that I should make this clear to those not of the law, to appreciate the full import of these figures. When a *Ca. Sa.* issued it meant jail, unless the judgment was discharged by payment, and the sheriff must have had a busy and a possibly profitable time in taking the bail bonds of those debtors who were unable to pay, but had friends to become their surety that they would not leave the "limits" which at the dates named embraced the district. So what appears on its face as close confinement was really a considerable measure of liberty. In 1837 the names of solicitors indorsed on the bonds embraced those of Givins & Warren, John Wilson, George Duggan; in 1838, C. Gamble, C. A. Hagerman; in 1839, in addition to those already named, there occur Tiffany, Hale, Price, G. Ackland, T. W. Cornish, W. Salmon, T. D. Warren, Burton and others. I have not traced this list beyond 1840 in its connection with the issue of *Ca. Sas* because of the length to which my paper has already grown.

A. S. Abbott on a Bond.

About the same time, 1840, or a little later, appear the names of Londoners of a generation or two ago on the list of documents in the sheriff's office. The names of William Niles, William Jones Geary, Joshua Putman and others appear as bondsmen, guaranteeing the faithful performance of his duties as bailiff by Philo Bennett, and as witness to the document appears the well-known signature of A. S. Abbott, afterwards and for many years city clerk of London. A bond to the same effect, dated the 30th day of August, 1845, introduces the well-remembered name of Henry Groves, for years high constable of Middlesex and court crier. In a bond from John McCallum Park to the sheriff on the appointment of the latter as governor of London jail, first appears the characteristic and florid handwriting of John Godbold. This is bringing the sheriff's office history down to the recollection of men of middle age, and need not be further referred to.

I now return to the early years of last century, "when George

the Fourth was King." The disclosures of the sheriff's office at this period in the history of the province is possibly the most interesting because the conditions are now so complete a reversal of those then prevailing. At that time the late Sheriff Hamilton was a member of the forwarding firm of Hamilton & Warren, who appear to have dealt extensively in the wares peculiar to general stores in those days. The letters from the firm and to them, the latter and copies of the former having been preserved by Mr. Hamilton, develop interest along a variety of lines.

The first in point of date is an agreement from William (afterwards the Hon. William) Dickson, of Niagara, and Thos. Clark, as trustees of the estate of Robert Hamilton, to sell to Ebenezer Cook two hundred acres of land in the Township of Oxford, being lots 19 and 20 in the third concession, "as described in his majesty's letters patents of fourteen hundred and fifty acres in said township, and dated the 1st December, issued to the said Robert Hamilton." A memorandum on the documents states that the land is sold at 22 shillings York an acre (\$2.75). On the 11th May, 1822, Ebenezer Cook paid four doubloons, calculated as worth \$15.25 each, in part payment under the bond. An indenture of bargain of sale, dated the 24th February, 1826, conveying the lands in the Township of Niagara from James Hamilton, of "Sterling," in the District of London, though signed and sealed, was never delivered, but is interesting as describing the sheriff as of "Sterling," subsequently Kettle Creek, now Port Stanley.

The Name of Port Stanley.

I venture to say that this, the original name of London's popular lake port and summer resort, is unknown to any of this audience, and to but few of the residents either of London or the Port. I do not know what the relation may have been, but the "Dauntless" and "Sterling" were the two vessels controlled by Hamilton & Warren which in these early days did the bulk of the forwarding from Sterling, alias Kettle Creek, alias Port Stanley. Whether the schooner gave the name to the port or the port to the schooner or whether both had association with some previous circumstance, event or locality, I have failed to determine. The deed is further interesting as bearing the imprint of "W. L. Mackenzie, Printer, York, U. Canada," a name to be further referred to in my reminiscences if time permits.

Next in interest, if not in chronological order, I find an "estimate of castings, iron and brass work for a mill of three run of stones for Messrs. Hamilton & Warren, Kettle Creek, U. C.," according to an attached bill, and totalling \$851.20, dated at Black Rock, Feb. 27, 1832, and to be delivered at Fort Erie free of freight, but subject to duty. I recall the fact that fifty years ago there was a sluice or waterway of decided proportions, which manifestly had been a means of developing power, on the east

side of Kettle Creek, and wonder if my remote predecessor in office was responsible for its existence, and whether this bill of material had formed part of the mill property on this spot.*

A Publisher's Letter.

A letter from Robert Stanton, publisher, dated York, Feb. 14, 1828, is at this point in order. He writes that through his paper he gives as much of the wisdom uttered by honorable and learned members (referring to the Legislature) as he could collect. Hamilton Merritt, he says, "is just arrived, and he and Strowbridge, the Burlington Bay contractor, are the only steady lobby members we have this session. Merritt, I suppose, will ask for more money for the deep cut, which will afford Lafferty (apparently) an opportunity of displaying his powers of oratory. (It will be remembered that the Hon. Hamilton Merritt first projected the Welland Canal about 1822, and that he succeeded in securing the completion of the first canal some years subsequently. Now the country is discussing the advisability of an enlarged Welland, a still larger Welland than those that succeeded the original canal of the period referred to.)

"A good deal of business has gone through, but an interruption has in some measure taken place in consequence of an address on the long-agitated alien question. The bill which has passed the assembly is such as in my opinion will not answer the purpose. Liberality is professed, and certainly this bill carries it to the extreme and far beyond what was ever intended or thought of by Lord Goderich or the British Government, under its provisions. The man who deserted us during the war may come in among us and have a seat in the assembly, and those who have borne office in the U. S. and abjured the King and the constitution of Great Britain will be entitled to vote and sit in the House. Old Bidwell would creep in at this hole, and this, surely, was never intended. Kettle Creek harbor, I hope, gets on well. Rolph being eased of this trouble has made fine speeches on opening the jail doors throughout the province and letting out all the debtors—doing away with imprisonment for debt altogether—how the creditor is to be protected is not very apparent from his bill, except that he may depend upon the honor of his debtor and punish him for fraud if he can prove it.

"I hope to see your name as a candidate at the next general election. Matthews is a source of amusement and merriment to all within and below the bar. His manner this session is most whimsical and he raises many a hearty laugh. It interferes, however, very often with the progress of business."

Many Addresses.

This letter which I have quoted at length is addressed to St. Thomas, and its postage charge was ninepence. I haven't Hamilton's answer to inform me whether the news conveyed was

* Sterling was up the creek, a mile or two from the present site of Port Stanley.—C.

by him considered worth the money, but it is observable that letters addressed to Mr. Hamilton were directed to "Sterling," "Kettle Creek," Talbotville," or "St. Thomas" indiscriminately at this period of time. The Matthews referred to in this letter was the then representative of Middlesex in the Legislative Assembly of the province, and is familiarly known as Captain Matthews. He was an officer in the imperial service, who settled in Lobo in the first quarter of last century, and became representative for the county, I think when it first became a separate constituency. The writer of the communication manifestly differed from Matthews in political views, and represented the opinions of the Family Compact, to whom Matthews was strenuously opposed. Matthews, who is described by historians of the period as of a jovial, free and easy manner, incurred the hostility of the Compact by his advocacy of popular rights, and the result was that representations attacking his loyalty were made to the Imperial authorities that eventually resulted in his army pension being cancelled.

An autograph letter from John Rolph, dated 16th August, 1828, is of interest. Another autograph letter is that of Robert Baldwin, and refers to an execution, "The Gore Bank vs. Clark," then in the sheriff's hands, and dated the 22nd July, 1840.

Retracing my steps to 1832, I find a communication from J. B. Askin, dated Simcoe, on the 18th January, in that year, of interest as disclosing his opinions of conditions then prevailing. He says: "I learned this morning by Mr. Kilmaster that some great meeting is to be held in York on Thursday by Mackenzie's friends, for the purpose of petitioning his Excellency to dissolve the Parliament immediately, and if refused it is rumored that they intend proceeding to the House and dissolving the House 'vi et armis,' and Kilmaster showed me an address to the people by Mackenzie—a most seditious production, and which in my opinion shows more derangement of mind than anything else—he is certainly crazy, and his followers are playing a part which I have no doubt they will be heartily ashamed of. Kilmaster says he observed a large number of idle persons about the taverns, who seemed to have little else to do than to crack up Mackenzie, and these people put in motion, half drunk as they no doubt will be before they begin to show their spunk, might cut up some ridiculous caper. In such cases the rich folk must look out, and if the wealthy of Little York will join Mr. Mackenzie, they must run the risk of the destruction of their property, like others."

Askin Remembered.

This letter is reproduced fully, as the writer is in the recollection of many of the Londoners of half a century ago, and as indicative of his opinions on the political issues of that date. It is the first letter in the collection addressed "Port Stanley," and is charged 4½ pence postage. A letter from S. P. Jarvis, York, 14th January, in the same year, contains the statement

that "the war losses question has for the last day or two occupied the attention of the House. I rather think," he says, "this important subject to very many will be finally adjusted to their satisfaction this session. How does Mackenzie's re-expulsion go down in your county? He is trying hard to kick up a dust here, and I am sorry to say that he is too well supported in his wicked purpose." The letter is franked by P. VanKoughnet, M. P. P., and the postoffice department, then a part of the imperial service, charged ninepence for its transmission to "St. Thomas, District of London." The stamp, "York, Up. Can., Jan. 14," is a most primitive affair.

The facilities for travel in those days are illustrated by the dates on a letter from Montreal of the 3rd August, 1827, and addressed to "Sterling, Kettle Creek," and charged with 11½ pence postage. It was forwarded from London on the 26th August, and reached its destination on the 3rd September. Mr. John Warren, on the date named, writes that he sends his letter by a gentleman leaving Montreal for Dundas in the morning. In it he advises that he had purchased 300 bags which he expects will get to Prescott by to-morrow week, in time to meet the "Queenstown," and "in three weeks," the letter proceeds, "you will no doubt receive them at Sterling." He advises that if there is no prospect of getting all wheat floured, "it may probably be as well to send them down here (to Montreal) with wheat. It is doubtful," he adds, "if I shall be able to procure a good assortment of drygoods and groceries unless we are enabled to pay half the amount down, which makes me anxious for you to use all your exertions to forward what we have already, without delay, and to get another vessel in case the "Elizabeth" is not sufficient to carry it off fast enough."

No Demand for Whiskey.

The letter follows with instructions to get shipments from other dealers, but on no account to accept other consignments to the prejudice of their own. He further asks to be told "if you go on with the distillery, and whether I shall purchase the boiler." The equipment of the distillery was subsequently bought at Buffalo, and in succeeding letters he reports from Montreal "No demand for whiskey." Significant, perhaps, of there being teetotallers even in these early days, although the "barley brew" was quoted in a succeeding letter as "dull in Montreal at 2 shillings and 6 pence York or 32 cents a gallon." In the same letter he reports Gates as having in the season received 560 barrels of flour of their consignment, which he holds at 24 shillings currency, equal to \$4.80, and 13 barrels of pork, "now in good demand," quoting \$15 to \$16 as the ruling market price, and urges if their own vessels could not get the produce forward fast enough, it might be well to engage some other vessel. The urgency to purchase drygoods and other supplies for shipment west will be

appreciated when we realize that selling in the Montreal market in those days, as was the case for a few years subsequently in Toronto, was done from the warehouse, and resulted in keen competition from buyers on the spot. There were no travellers for wholesale houses in those days, and when the goods arrived from the English market it was a case of "first coming first served." On the 14th November Mr. Warren writes to his partner from Fort Erie that he is on the eve of sailing, wind N. E., with some crockery, drygoods, hoop iron, oil and other merchandise still remaining to be received from Montreal, which he hopes to reach there in time to be forwarded by the "Dauntless," which, as he writes, is in Buffalo taking in cargo, and will cross to Fort Erie during the day to finish her load. The goods appear to have been teamed from Queenstown, as he instructs that a claim be made for ropes taken off the bales by the teamsters in transit. His father, who thinks it will be too cold to go up by the vessel, is to go by conveyance to Sterling. He also reports buying an interest from Helmer of a vessel seized by the sheriff at Buffalo, paying \$500 for one-half the craft, which "will now have a full load up and another down." adding "Should we lay up the "Betsy," which I think we will be obliged to do, we will be enabled to fit her up next year. She has the promise of all the Long Point freight next year, and thus has all she possibly can do. Urquhart is to have command," adding, "The topsail is sheeting, hurra, adieu!"

But I, too, must say adieu, without at all having exhausted my sources of information as to conditions in those early days. I should like to reproduce other material, especially respecting the Fourth Battalion, Middlesex Militia, the command of which devolved upon Colonel James Hamilton under a commission issued by Sir John Colborne, and dated on the 15th of June, 1822. The nominal roll of this battalion for the ten subsequent years contains names still familiar in the Townships of London, Delaware, Dorchester and Lobo, but this paper is already long enough, and my stenographer is wearied of the effort in transcribing it into legible characters.

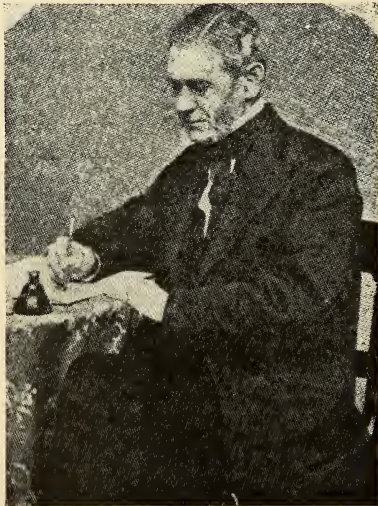


Pioneer Politicians





COL. MAHLON BURWELL, M.P.



L. LAWRASON, M.P.

PIONEER POLITICIANS.

BY CL. T. CAMPBELL, M.D.

When Upper Canada was made a separate province in 1790 it was divided for electoral purposes into 16 ridings—each returning one member in the Legislative Assembly. In 1808 the number of representatives was increased to 25—there being 22 districts, three of which returned two members. The franchise was confined to British subjects—owning property to the value of forty shillings.

By an act passed March 7th, 1821 (Chap. LI. 60, Geo. III), the Parliamentary representation was still further increased. A County with a population of 1,000 was given one member, with 4,000 and upward it was to have two; a town with a population of 1,000 was also given a member. In the first Parliament after this Act there were 38 members.

London was founded in 1826, and in 1835, nine years after, it had attained a population of over 1,000. It was not a town, however; being then only a part of the township of London. But the Governor, Sir Francis B. Head, was seeking more support in the Assembly; London was thought to be safe; so London, having complied with the spirit of the law, received the privilege of sending a member to Parliament, and exercised its rights for the first time at the election of 1836.

The political condition of the province at this time was very unsettled. Political parties, in the modern sense, there were none. The terms Tory, Whig, Reformer and Radical were frequently used; but they had not the same meanings as in our days. Strictly speaking, there were two parties only—the supporters of the Government, and the opposition. And the Government meant the Governor. Responsible Government had not come into existence. Legislative powers were supposed to be vested in the Governor's Council appointed by him—and an assembly elected by the people. But in reality, the power was in the hands of the Governor and his friends.

This official recognized responsibility to no one except the British Government from whom he received his authority. On arriving in the province a perfect stranger, he would find a class of people socially and politically prominent, who claimed to be the especial upholders of British connection, and the especial exponents of British loyalty. This class was composed of office-holders—all appointed by the British Government, together with the leading men of the U. E. Loyalists, spoken of in later years as "The Family Compact." The relationship between them was really one of mutual interests, more than of family ties. They controlled all important offices; appropriated to their own profit large tracts of land; and usually manipulated the Governor. From this class the Governor naturally appointed the Legislative

Council. There was no Cabinet as we understand it. The Governor usually selected a few of these as his Executive Council; but even though these were all his friends and supporters, he only consulted them when he saw fit, and was under no obligation to accept their advice when given. The Legislative Assembly was allowed to pass laws; and when these were of a purely local character, the Council would generally endorse them, and the Governor sign them. If they touched on questions of public policy, or trenched on the interests of the provincial aristocracy, they were quietly buried in the Upper Chamber.

It is not surprising that in this condition of affairs, no one but a supporter of the Government would care for a seat in the Assembly. In fact, in these early days, the pioneers of the province were too busy clearing the forest, and looking after their own affairs to be anxious to spend either the time or money involved in attendance upon a session of Parliament; and the Governor and his friends had everything their own way. But this could not continue. With the increase of population and the settlement of the land, the evils attendant upon a system of personal Government for the benefit of a few, began to attract attention. Many things were needed for the improvement of the country, which those in authority refused to allow. When agitators like Gourlay called attention to existing evils, they were prosecuted and persecuted—the only result being to make the agitation greater and the opposition stronger, until at last the latter controlled the Assembly.

At the opening of Parliament in 1835, the opposition had a majority in the popular house. The vote for speaker stood 31 to 27 against the Government. The only London man in the body was Thos. Parke, who, with Elias Moore represented the County of Middlesex. He came to London from Toronto in 1826 having charge of the building of the Court House, and became a prominent citizen; though his real estate was principally in the County. Not a very brilliant man, and not an extremist; a Reformer, and yet not very objectionable to the ruling clique. He was for a short time Surveyor-General in the Executive Council of Governor Sydenham in 1841.

Sir Francis Bond Head reached Upper Canada in 1835. He was welcomed by the Reformers, who, for some reason thought he would be favorable to their views, but they soon found they were mistaken. The new Governor fell in with the oligarchy and was absorbed by it. He knew nothing of provincial affairs; and was easily led to believe that the opposition in his Assembly was composed of rebels and annexationists. He was a good talker, but a poor thinker. He had a very good opinion of himself; and a very poor opinion of all who did not agree with him.

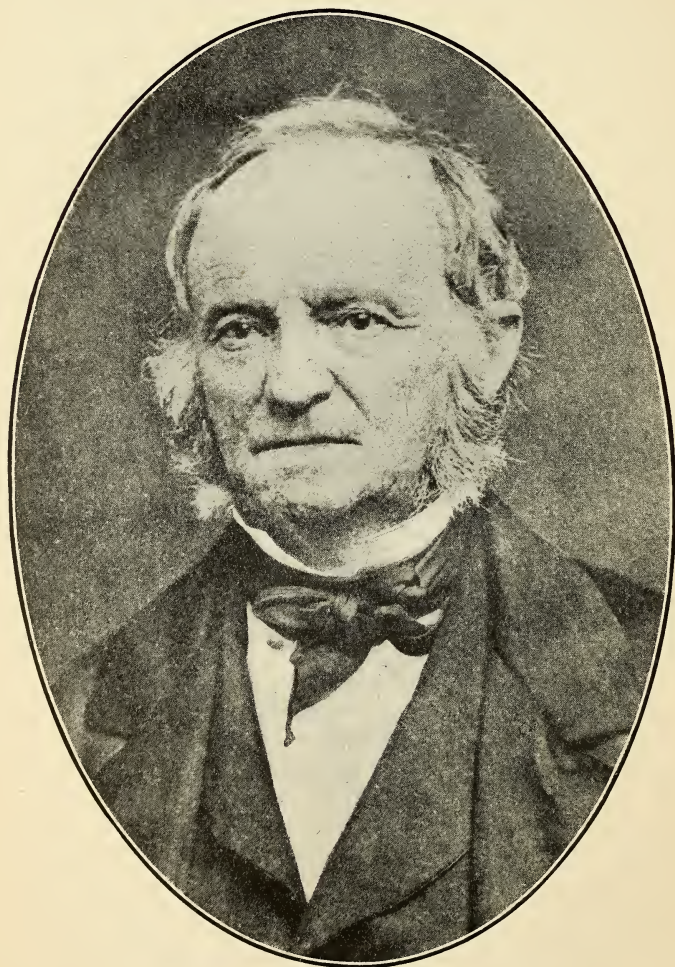
Doubtless instigated thereto by his advisors, he dissolved Parliament, and became the standard-bearer of a vigorous electoral campaign. His duty was to waive the flag and appeal to the loyalty of the people; while the Family Compact exercised its

influence by ways that were dark, and tricks that were not in vain. The combined forces were successful. There can be no question that they were helped very much by the indiscretion of some of the leading Reformers who threatened rebellion if their demands were not complied with. The people of the province wanted reform; but they were not disloyal; and they said so emphatically. They gave the Governor a majority in the Assembly, and he took all the credit to himself for it. The result of the campaign did not make him any wiser—nothing could do that. He accepted the vote as a full endorsement of himself and his policy, and an approval of all the evils against which the people had been protesting. A man of more intelligence might have been equally deceived. But the conduct of the Governor and his new Parliament only precipitated the outbreak, and hastened the dawn of responsible Government.

It was in the campaign of 1836 that London obtained representation. The election here was very close. The Government candidate was Col. Burwell. A Surveyor by profession; he had been a protege of Col. Talbot; had done a great deal of work in surveying the south-western part of the province; and had acquired considerable property. He had been chosen one of the members for Middlesex in 1831; but was defeated the next year. He had considerable influence in London; and should have made a strong candidate. But he was not of a very amiable disposition, nor of an attractive manner. In religion his views were of a very negative character, and he did not hesitate to express them. At the same time he was a strong supporter of the Church of England as an institution bound up with the interests of the State; and he showed the sincerity of this rather paradoxical belief by large legacies to the church. He was, of course, an outsider; as he did not reside in the village.

His opponent, John Scatcherd, was a more popular man. A leading merchant, held in the highest respect by his neighbors; a burly, good-natured English gentleman; sensible and energetic. He came to Canada in 1831; and after a brief stay in Toronto, he became so discouraged that he decided to take the first vessel home. But walking through the streets of Toronto he met a friend who strongly advised him to remain in the province. The result was that he purchased from a Toronto man a farm in the Township of Nissouri, without seeing it, and started on foot for his new estate. Fortunately the farm was a good one; and he found that investment satisfactory. Shortly after, however, he started a general store in London; and remained here for a few years; then returned to Nissouri where he passed the remainder of his life, becoming Warden of the County, and member of Parliament.

The contest was close; but then the vote was very small—Burwell, 37; Scatchard, 27. Of course, there were more than 64 property holders in the constituency; but a great many of them were in no hurry to pay the fees necessary to secure their



HON. THOS. PARKE

patent from the Crown. Having secured the lot from the authorities, and having taken possession, and built thereon, a man was perfectly safe so far as his right to the land was concerned, so he waited a convenient season to get his deed. Doubtless many of them were not thinking about the privilege of voting and the first election found them unprepared.

Col. Burwell held the seat until 1840. He never attained any prominence in Parliament; and disappeared from public life when the union of the two provinces was effected.

The suppression of the rebellion in Upper and Lower Canada was followed by Lord Durham's visit to the province; his memorable report on political conditions; and the Act of Union passed by the British Parliament on 23rd July, 1840 to join together the two provinces under a system of responsible government. This Act came into force in Canada, Feb. 10th, 1841. The Candidates in London, at the election that year were Hamilton H. Killaly and Jno. Douglas. Killaly was an Irish gentleman, who came out with the Blakes; but while the latter settled in Adelaide, he located in London Township on the 4th concession, north east of London, near what is now known as Fanshawe Post Office.

He was a civil engineer by profession and was a very notable man in his time. He was not a strong politician; for while rather inclined to Toryism, he had a place as Commissioner of Public Works in Lord Sydenham's first Administration, as well as in what is known as the first Baldwin-Lafontaine Cabinet. In his younger days he was somewhat of a dandy; but afterwards he would seem to have combined the dandy and the hobo in about equal proportions. He was a warm-hearted, free-handed Irishman; a great sportsman; a *bon vivant*; and scattering his money lavishly when in office became a poor man in his later years.

A Mr. Adamson, who was chaplain to Lord Sydenham, wrote a book on "Salmon Fishing in Canada," in which he describes the fishing expedition of a small party including Mr. Killaly. He thus pictures the Commissioner of Public Works: "The most expensively and worst-dressed man on the Continent. I have seen him at one time promenading a populous city in a dirty, powder-smearred, and blood-stained shooting coat; while his nether-man was encased in black dress pantaloons, and highly varnished French leather dancing pumps. At another time I have met him with one of Gibb's most recherche dress coats, a ragged waist coat and worn-out trowsers, all looking as if he had slept in them for weeks. His shirts never had a button on them, which caused his brawny and hairy chest to be exposed to view; while a fringe of ravelled threads from the wrists usually hung dangling over his fat, freckled and dirty hands. His head was white, and his face purple—a red cabbage in snow. His step was brisk and vigorous, while his laugh was defiant and jocund as the crow of a cock—his voice was like the blast of a clarion." The probabilities are that the reverend fisherman had

a fisherman's tendency to exaggeration; and painted his picture in colors more striking than true.

Mr. Killaly's opponent was John Douglas of the firm of Douglas and Warren, general merchants. He claimed to be a reformer. Very little is known of him except that he was a man of very moderate abilities, who subsequently became a bankrupt, and left London suddenly for the United States, to escape imprisonment for debt.

The election was vigorously contested; and marked by the violence characteristic of the times, as well as by the trickery characteristic of later days. The law had been changed so that while there was still a property qualification for elections, there was a loop-hole of which advantage was taken. If a man squatted on Government land, built a house on it, and lived there, he was entitled to a vote. With the connivance of the officers of the Garrison, several little shacks were erected, during the election week on some crown lands, and occupied by soldiers who slept there one night; and next morning presented themselves at the polls and voted for Killaly.

Of course, the friends of Douglas were indignant; and showed their feelings by pelting Col. Wetherall's house with stones, and smashing his windows. The same treatment was accorded Mr. Givens, Killaly's legal adviser. Shortly after, the Magistrates offered a reward of £40 for the discovery of the rioters; but, as usual with political offenders, they were not found.

Killaly was elected by a small majority; and as previously intimated, was called to the Executive Council by Lord Sydenham, and made Commissioner of Public Works. In this capacity he rendered good service to this section of the country. He secured an appropriation of \$400,000 for work in the London District. The Hamilton road, the Port Stanley road, the Longwoods Road and the Sarnia Road were all graded, and also planked for a considerable distance. Mr. C. S. Gzowski, a Pole, who had to fly from his country for rebelling against the Russian Government, had charge of this work, and lived in London most of the time.

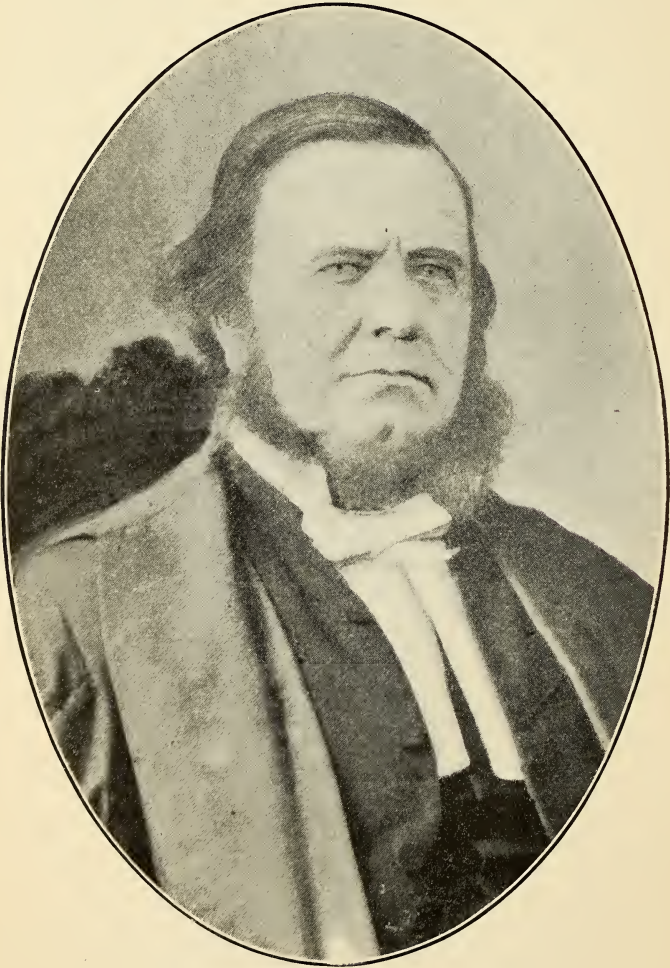
In 1841, Mr. G. J. Goodhue, a prominent business man of London, was appointed to the Legislative Council. He was nominally a Reformer; but not an active one like his brother in St. Thomas; and his social relations were largely with Tories. Though not a very loveable man, he had a great deal of influence in the community, as many of the settlers were indebted to him by note or mortgage. A vacancy occurring in the Council, the Governor expressed himself as willing to appoint whoever might be the choice of the people of the district. Mr. Goodhue had influence; but proposed to get more. He was known to be very indifferent in religious matters, and no church goer; nor was he noted for charitable expenditures. But at a Methodist tea-meeting, he surprised everyone by a contribution of \$50. This would be a large sum in those days from anyone; but coming from

Mr. Goodhue, was absolutely startling. The Methodists concluded that he had been converted; and great things were expected from him. Their influence thrown into the scale, doubtless helped his appointment. Whereupon he became an adherent of the Church of England and a supporter of the Family Compact. He remained in the Council until Confederation; but appears to have taken no prominent part in public affairs.

Lord Sydenham's administration, as it may be called, contained two London men—Killaly, Commissioner of Public Works, and Parke, of Middlesex, Surveyor-General. The Governor died the following year; and was succeeded by Sir Chas. Bagot. He was a Tory in British politics; but he understood that he was to take for his advisors those who had the confidence of the people; and so the Lafontaine-Baldwin Ministry came into power. In 1843 he was succeeded by Sir Charles Metcalf. The new governor had no sympathy with the new idea of responsible Government; and it is supposed that his instructions from the Colonial Secretary were in accord with his own views. As he at once commenced making appointments without consulting his Ministry, they promptly resigned—all except Mr. Dominick Daly, who never had any opinion at variance with those of his Governor. Sir Charles could not find anyone to take the responsibility of Government; and so with the aid of Mr. Draper, a member of the Legislative Council, he undertook to run the country himself. Parliament was dissolved, and an election ordered in November. The Governor appealed to the loyalty of the people, assuring them that the policy of his late advisers endangered British connection; and the appeal was successful. A majority was returned ready to support the Governor; and among them came, as representative from London, Lawrence Lawrason.

Our new member was one of the first settlers—originally a partner of Geo. J. Goodhue, but afterwards in business for himself. He had always been opposed to the reformers, and was a very active loyalist during the rebellion. His opponent was J. Duggan of Toronto. He was a lawyer, with red hair, fond of talking; but with no claims on London; and the result of the election was a strong hint for him to go home to Toronto and stay there.

Mr. Lawrason was elected; but did not retain his seat very long. The Governor was having some difficulty in Parliament. Though he had a majority in the Assembly, his chief advisor, Mr. W. H. Draper was in the Council. It was thought necessary that he should obtain a place in the popular branch; and Mr. Lawrason vacated his seat in London, and the premier was duly elected there in 1845. Mr. Lawrason never returned to Parliament; but he was a prosperous member of the community, until the "hard times" of the fifties left him stranded. He was subsequently appointed Police Magistrate of London, performing the duties of that office very creditably during the rest of his life.



MR. JUSTICE WILSON

Though London was usually to be depended upon by the Government of the day, yet it was good fighting ground. Even the Governor's Chief Advisor could not get the seat without a struggle. His opponent was John Farley, an Irishman, a brother-in-law of John Scatcherd, and his partner in business. After Mr. Scatcherd returned to Nissouri, Mr. Farley continued on the store for a time and became quite prominent in municipal affairs. Being an opponent of Mr. Draper's, I assume his political views were adverse to Governor Metcalfe and his irresponsible system. As was usual in those days, people who opposed the Government were all classed as rebels, anarchists, infidels, and everything else that was bad; and, of course, Farley had to be the recipient of much abuse, and slander. Mr. Draper made a personal canvass. He was a smooth talker and could extend the "glad hand" to the electors in a charming manner. All good men were urged to array themselves on the side of righteousness and loyalty. Which of course, they did; and Mr. Draper's majority was large enough to prove the high moral standard of the London electorate.

The new member, Mr. W. H. Draper was one of the most noted men in Canadian History. In his subsequent career as a judge he had the esteem and respect of all classes to a very high degree. But as a politician, he did not meet with unanimous approval. As to his ability there was no question; and his oratory was of so persuasive a type that he was commonly called "Sweet William." But his enemies said he was insincere and unscrupulous. A Kingston paper of the time thus describes him: "The most plausible of mortals; bland, insinuating, persuasive, and somewhat eloquent. When speaking, one would suppose he was honesty personified. If you don't look out he would make you believe he is the most candid open and frank of all public men; but all the time he is squirming, twisting, and moulding a delicate little loop-hole which few but himself can see, out of which he will afterwards creep; and no one can accuse him of inconsistency."

Of course this picture is drawn by an opponent; and must be toned down a little. But there is no doubt, he was strongly re-actionary in politics; and opposed to responsible Government.

Mr. Draper's administration lasted till the election of 1848. He was occasionally defeated in the Assembly; but held on as long as the Governor wanted him. The election of 1848, however left his party in a decided minority; the new Governor, Lord Elgin, was determined to carry out the principle of responsible Government, and called in Messrs. Baldwin and Lafontaine, who formed one of the strongest administrations Canada ever had. Mr. Draper, foreseeing the results of the election, had resigned office into the hands of Mr. Sherwood, and was not a candidate at the election ensuing. London had the great honor of being represented by a premier; but otherwise received no benefit.

Opportunity being thus given for a local man, Mr. John Wilson became a candidate, and was elected. He was at that time

leader of the bar in London. A Scotchman by birth; but a John Bull in appearance; burly and florid-faced; blunt in manner, frank in speech; a hater of cant, hypocrisy and snobbery; a friend of the poor and oppressed. An able lawyer, a good speaker, and an aggressive fighter. In fact he could fight with weapons not used to-day; for he fought a duel in defense of a lady's honor—one of the last duels in Canada.

Mr. Wilson was a popular man, and had no trouble in receiving an election by acclamation. In politics he was a supporter of the Sherwood Administration, but was by no means a rabid partisan.

This election resulted in a victory for the reformers; the Government was defeated by a vote of 54 to 20 for the speakership; and Messrs. Baldwin and Lafontaine again came into power.

Meanwhile as has been intimated, Lord Elgin had been appointed Governor. He was the first Governor who really established Responsible Government in Canada; and he did it at some inconvenience to himself. A bill was passed through Parliament, providing payment for losses incurred by Canadians during the rebellion. Of course, loyal citizens were the parties to be benefited; but as the only proof of disloyalty was active participation in the rebellion, the Opposition took the ground that many who were really rebels, but against whom no proceedings had been taken, would come under its provisions. A great outcry was raised, and the Governor was asked to reserve the bill for the consideration of the Home Government. But he held that this was a local affair—passed by a large majority in a newly elected parliament; and that, therefore, if Responsible Government was to be a reality, he had no option in the matter. And so he approved the bill. At once the rampant loyalty of the rabble broke forth in active demonstrations—stimulated by incendiary speeches of public men. The Governor was stoned in his carriage; the parliament buildings were burned down; and the rioters ruled the streets of Montreal. With the aid of the Militia they were finally quelled, and peace restored, but at a great loss of property, and even of some lives.

As soon as Parliament could re-assemble, violent speeches were made by some of the opposition leaders, and the course taken by them was actually an endorsation of the rioters. This was more than Wilson could stand. He strongly condemned both the rioter and his sympathizers; he was too honest a man to support his own leaders when he thought they were wrong; and while he never became a reformer in name, he was no longer considered a loyal party man; and thenceforward occupied an independent position in the Assembly.

In London, some of his supporters were very indignant on account of the course he had followed; and he was charged with being a traitor to his party. He promptly resigned his seat, and offered himself for re-election, so that his constituents might have an opportunity of pronouncing judgment. His opponent at the

by-election was Thos. C. Dixon, who kept a hat store. In England, Mr. Dixon had been a dissenter, and a reformer; in Canada he became a High Churchman and a rabid Tory. He was now to be the chronic opponent of Wilson, with varying success. In his first attempt he was defeated. Mr. Wilson was personally very popular, and carried with him in this election not only the reform vote, but a large section of the conservatives who admired his independence, and agreed with his views in regard to the Montreal riots.

The London sympathizers with the rioters, however, did not confine themselves to criticism of their representative in Parliament. In March there was a riotous meeting held; and the Governor was buried in effigy. The Mayor, T. C. Dixon, declined to interfere; but no harm was done. In May, a motion was introduced in the Council, approving of the Governor's conduct. The Mayor refused to put it; and declared the Council adjourned. But the Council appointed a chairman, and passed the motion.

In the Autumn of this year, Lord Elgin paid a visit to the Western part of his jurisdiction; and when he reached Hamilton it was proposed in the Council to invite him to London. The mayor balked, and vainly attempted to adjourn the Council; but the motion passed; and the invitation was accepted. Preparations were made for this reception, on the 3rd of October; some arches were erected; and in view of threats of violence freely uttered, a sturdy band of His Excellency's friends, armed with cudgels, walked out to Dorchester to escort him to the village. While they were gone, the so-called loyalists chopped down the arches. When the vice-regal party reached the village, and his local escort saw what had been done, the atmosphere became sulphurous; and shillalys were flourished. But the Mayor and his gang had expended all their energy on the arches, and sought shelter. The Governor went to the Robinson Hall Hotel quietly, where he addressed the people; and the little tempest in a tea-pot subsided.

In this connection it may be remarked that Mr. Dixon was the most cantankerous mayor London ever had. He was in a state of chronic quarrel with his Council. During the year on about six different occasions, he refused to put motions, and declared the Council adjourned. Each time the Council would appoint a chairman, do its business, and censure the Mayor. This commenced in January; and continued till after the Governor's visit in October. And then, at the last meeting in December, the Council, by an almost unanimous vote, passed a resolution, thanking the Mayor for his "straight-forward and manly conduct" during the year. We may be disposed to think either that this was intended as a joke, or that the Councillors were all full of Christmas cheer.

At the next General election, 1851, Mr. Dixon was the victor. This, however, was largely due to the fact that some expressions used by Mr. Wilson in a speech in Parliament, were considered

insulting to the Irish, who all voted for Dixon—not because they wanted him—but because they wanted to punish their too outspoken representatives.

But London returned to its allegiance in the general election of 1854, and Mr. Wilson was again elected over Mr. Dixon. This was the last appearance of the latter in public life. He soon after became bankrupt, and left for a more congenial clime south of the lines.

Mr. Wilson continued to represent London until 1857. During this time he occupied an independent position in Parliament, and was recognized as one of the ablest of men in that body. Had he been a straight party-man, he would have become a leader. Indeed, from reports, it is possible he was looked upon as a man who ought to be premier. Baldwin and Lafontaine had retired from Parliament, and had been succeeded by Mr. Hincks. But a disintegration of parties was beginning. A section of the Reformers led by George Brown, ceased to support the Government—claiming that Mr. Hincks was not a good enough Reformer for them. On the other hand, a younger element in the Tory party, led by John A. McDonald, who realized that the time had gone by for antiquated politics, was growing in influence. At the election of 1854 the Government was left in a minority. There were three parties in evidence—the Reformers, the Tories, and the Clear Grits or radical Reformers. The Government party was the strongest of the three; but were in a minority of the whole house. Each party began pulling the wires on its own behalf. It has been stated that Mr. Hincks proposed to unite the two sections of the Reform party with Mr. Wilson as leader; but that, Brown refused his consent. While the Hon. Jas. Young of Galt, in his published “reminiscences,” mentions this reunion, I have not been able to obtain any proof of its truth. Mr. Hincks, in a lecture in later days, detailing the circumstances connected with the defeat of his Government, said nothing about this plan; and Mr. Wilson’s brother-in-law, Judge Hughes, who knew as much of his affairs as anyone, tells me he has no knowledge of it. Possibly it was only something thought of, but not attempted. But it might have been a good scheme. Both sections of the reform party could have united under Mr. Wilson; they certainly would not under either Mr. Hincks or Mr. Brown. If the latter had been opposed to a combination under Mr. Wilson, the result did not improve things, for him. For there came about a coalition between the Government and the Tories; and though Sir Allan McNab was made premier for the time, John A. McDonald was the leading spirit under whom the moderate reformer and the new-school conservative coalesced into what has since been known as the Liberal-Conservative party.

Mr. Wilson retired from the Assembly at the dissolution of Parliament in 1857. He did not, however, give up all interest in public affairs; for in 1863 he was elected to the Legislative Council by the St. Clair Division. But before he took his seat he was

appointed as a judge—a position which he filled with honor until his death.

While Mr. Wilson was a very strong man in London, he was too independent to give satisfaction to the leaders of the political parties. The Conservatives especially were on the look-out for a suitable representative. In 1854, Mr. Spence, Postmaster General, and Mr. Cayley, Inspector General, were in London in connection with the purchase of a site for a Post Office building; and were brought into close relationship with Mr. John Carling, from whom the land was subsequently purchased. Their association with Mr. Carling gave them a good opinion of his merits. He was a young man, taking a prominent part in Municipal affairs—both in the Council and the School Boards. Almost a native of the town (he was born in London Township), he was well-liked by all classes of the people. A man of fine presence, with a genial manner, and, above all, with a high reputation for honesty, he certainly appeared to possess the necessary qualifications for a parliamentary candidate. Messrs. Spence and Cayley, it is said, took the opportunity of their visit to make careful enquiry of Mr. Carling's fellow-citizens as to his character, and were able to give a good report to their leader, Mr. John A. McDonald.

A year or two later Messrs. Carling and McDonald met in Hamilton at a meeting of Great Western Railway directors; and the premier urged upon the young Londoner to offer himself as a candidate at the next election. Some correspondence with London Conservatives followed; and the result was that at the election of 1857, Mr. Wilson retired, and Mr. Carling became the Conservative candidate.

Both candidates at this election were straight party men. The Reformers nominated Mr. Elijah Leonard, one of the principal local manufacturers, and founder of the business still carried on by his sons. Mr. Carling was elected by a majority of over 600. But Mr. Leonard recovered from his defeat by being elected to the Legislative Council for the Malahide Division, in 1862. Both men were in the public eye as long as they lived. Mr. Leonard was in the Council until Confederation, when he was appointed to the Senate and held that position until his death in 1891. Mr. Carling became a Cabinet Minister both in this Province, and in the Dominion; was appointed to the Senate first in 1891 and again in 1896; received a Knighthood in 1893; and died full of years and honor in 1911.

In speaking of the politicians of early London, I have confined myself to the candidates, who were, of course, the representative men. But, in those days, as now, while the candidates were in the lime light, the man behind the scenes, who made and unmade candidates, were important people—sometimes more important than the men elected to represent them. The names of some of these can be given; but others have been forgotten.

Jno. Harris, the County Treasurer, a retired naval officer;

Jno. B. Askin, clerk of the Court; Jno. O'Neil, keeper of the Mansion House and leader of the Orangemen; James Given, a pioneer lawyer, afterwards County Judge; Murray Anderson, a dealer in stoves and tin-ware; W. Barker, agent for the Renwick estate, and one of our first mayors; H. C. R. Becher, who divided with John Wilson the leadership of the local bar; these, with others, were among the practical politicians of their time.

As to political campaigns, it may be said that they were conducted as they are to-day—only more so. The orators and canvassers of each party presented their arguments with embellishments. Facts were buttressed with fictions. Personal abuse and misrepresentation were permissible weapons. Debates were stormy, and were enlivened by cudgels and fists. An occasional riot only added interest to the contest of tongues. An election lasted for several days, and was by open vote. At the close of each day the opposing forces would compare the votes cast, and gather encouragement or the reverse as the case might be. Schemes would be devised for the next day's fight; and plans laid to bring out the electors who would vote right, and keep away those who would vote wrong. Meanwhile whiskey flowed more freely than usual; cajolery or bribery, violence or trickery, would be brought to bear as the case might require; the end always justified the means.

Pessimists to-day lament the evils connected with politics; and doubtless there is plenty of room for improvement. But when we compare the present with the past, we may congratulate ourselves on a higher standard of political morality than our grandfathers possessed; and be encouraged in the hope that the same rate of progress will develop still higher standards in the future.



THE WRECK OF THE VICTORIA.

The construction of the London Water Works System in 1878-79, by building a dam at Springbank had the effect of raising the water in the river, and providing a beautiful stretch of some four miles for boating purposes. Some enterprising citizens took advantage of this by placing a couple of small steam boats on the river, which ran regular trips through the summer, and were especially patronized by excursion parties. The 24th May, 1881, was a very pleasant spring day, and large numbers of people availed themselves of the river ride. About five p.m., one of the boats—the Victoria—left Springbank for the city, crowded with passengers, probably seven or eight hundred. The boat was of 43 tons burthen, 70 feet long, with a 26-foot beam. It was probably loaded to three times its normal capacity. Besides which it is said to have been very lightly constructed; and, further, its timbers had been wrenched in the ice the previous winter. As the boat neared the Cove Bridge, about two hundred yards below the bend, it careened, the boiler broke loose, and carried away the pillars supporting the upper deck, and the entire structure sank to the bottom in some twelve feet of water. Estimates varied as to the exact number drowned, from 200 to 215. Four-fifths of these were residents of London, and the remainder from the immediate vicinity with very few exceptions. To mark the event, and the scene of the disaster, the London and Middlesex Historical Society has erected a memorial boulder. It is on the north side of the river within a few feet of where the Victoria was wrecked.



"VICTORIA" MEMORIAL