

LOCAL GOVERNMENT IN SIX UPPER  
CANADIAN TOWNS, 1832-1860

BY AND FOR THE LARGE PROPRTIED  
INTERESTS:  
THE DYNAMICS OF LOCAL GOVERNMENT  
IN SIX UPPER CANADIAN TOWNS DURING  
THE ERA OF COMMERCIAL CAPITALISM, 1832-1860

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A Thesis

Submitted to the School of Graduate Studies  
in Partial Fulfilment of the Requirements  
for the Degree  
Doctor of Philosophy

McMaster University

February, 1985

DOCTOR OF PHILOSOPHY (1985)  
(History)

McMASTER UNIVERSITY  
Hamilton, Ontario

TITLE: By and For the Large Propertied Interests:  
The Dynamics of Local Government in Six  
Upper Canadian Towns During the Era  
of Commercial Capitalism, 1832-1860

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NUMBER OF PAGES: vi, 407

## THESIS ABSTRACT

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This dissertation analyzes the dynamics of local government in six communities -- Brockville, Hamilton, Kingston, Ottawa, St. Catharines and Toronto. Traditional politico-constitutional histories were obsessed with tracing the steady growth of participatory democracy at the local level. In contrast, this study adopts a more critical perspective, documenting the manner in which local elites utilized municipal government to shape the development of the province's urban communities. Among the relevant issues examined are the incorporation of towns and cities, the regulation of the public market, the expansion of municipal services, the subsidization of internal improvement projects, and the struggle to preserve public order and morality. By means of quantitative analysis, the author considers the essential characteristics of the men elected to civic office. Merchants and other businessmen who identified their interests with the community-at-large dominated the local councils. These individuals were committed to the growth of the towns and cities they represented, and they implemented measures designed to facilitate commercial expansion and urban development. At the same time, however, fearing the negative consequences of massive socio-economic change, they utilized municipal government as a means to ensure that order and stability prevailed in the changing urban environment.

## ACKNOWLEDGEMENTS

I am very fortunate to have a large number of people to thank for helping to bring this project through to fruition. An undertaking such as this is no easy task, and many individuals have contributed, both directly and indirectly, to its successful completion. I am especially pleased to have had Dr. John C. Weaver as my thesis supervisor. He first suggested that I examine the workings of local government in the pre-Confederation period, and his keen intellect, wealth of experience, and broad knowledge of urban history helped me to grapple with the innumerable theoretical and practical difficulties which emerged at both the researching and writing stages. In addition, I am gratified to note that we have become good friends over the course of the past three or four years. I am indebted to a number of other members of the History Department at McMaster University. Dr. David P. Gagan provided me with a working knowledge of quantitative analysis. Dr. C. M. Johnston contributed, in no small way, to my development as a graduate student, and Dr. David J. Russo brought to my attention the need to consider broad themes and generalizations when undertaking any historical study. Furthermore, Dr. Richard Allen, Dr. Ezio Cappadicia, Dr. Paul Fritz, Professor Harry Turner, Mrs. Vi Croydon and Mrs. Sheena Gorman helped to make my years at McMaster more rewarding and enjoyable. Manon Ames has proved to be a most diligent typist, and I am indebted to her for preparing the final draft of this dissertation. I would also like to express my gratitude to Dr. Gerald Killan, a McMaster graduate, who is now teaching at King's College in London, Ontario. Dr. Killan first sparked my interest in Canadian history more than ten years ago when I

was a student in his first year survey course, and he was largely responsible for my decision to apply for admission to the M.A. programme at McMaster University.

This dissertation could not have been completed without the assistance of a number of institutions. I am grateful to McMaster University, the Ontario Graduate Scholarship Fund, and the Social Sciences and Humanities Research Council for providing me with the financial support which allowed me to undertake a project of this magnitude. In addition, a generous grant awarded by the Ontario Ministry of Municipal Affairs covered the cost of my numerous researching expeditions. While pursuing my research, I visited a number of libraries and archival collections scattered throughout the province. I found the staff at all of these institutions to be most helpful and cooperative, and I am especially grateful to George Henderson at the Queen's University Archives and Mrs. Wilson at the St. Catharines Public Library for their enthusiastic assistance.

Finally, I must attempt to thank the various members of my family who have done so much to facilitate the completion of this project. My parents have always offered me unquestioning support and encouragement, and I can only begin to thank them for their selfless contribution. Similarly, I can never hope to repay Sheena Matthews for all that she has done while I have been engaged in the arduous and, at times, frustrating task of writing this dissertation. In addition to assisting me with the coding and proof-reading the completed manuscript, she furnished me with the stability and sense of purpose that made it all worthwhile.

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## INTRODUCTION

The unfolding of colonial "home rule" during the early decades of the nineteenth century is a theme that has dominated the writing of Canadian history. Indeed, as Carl Berger observed in his sweeping analysis of English Canada's historiographical tradition, the advent of responsible government "preoccupied amateur writers and politicians alike in the Victorian age, and in the decade after the First World War it was regarded by a group of historians as the single most significant development in the Canadian past."<sup>1</sup> Focussing exclusively on politico-constitutional developments while detailing the struggle between the elected assemblies and appointed councils, George M. Wrong, Adam Shortt, Chester Martin, W. P. M. Kennedy and innumerable subsequent historians laid the foundations of the traditional interpretation of Canadian history which still commands a sizeable following to this day.

In view of the predominance of the "whig" or liberal-nationalist approach, it is not surprising that scholars have tended to examine the development of local government from a similar perspective. Adam Shortt's 1907 monograph, Municipal Government in Ontario: An Historical Sketch, represented the earliest and, in many ways, the most impressive analysis of local government in the future province of Ontario. This work defined the main parameters of investigation, and it articulated the mode of interpretation that would prevail in subsequent studies.



Emphasizing the continuity between the American and British North American experiences, Shortt began by describing the limited form of local self-government which took root in Upper Canada during the late eighteenth century. The American settlers arriving in the newly-created province wished to establish the institution of the town meeting as it had functioned in New England for more than a century. British authorities recognized the need for a decentralized administrative framework, but they were reluctant to grant local self-government since it was widely believed that the overly-democratic townhall meetings of New England had been a primary cause of the American Revolution. According to Shortt, the Parish and Town Officers Act of 1793 represented the resultant compromise. While authorizing annual town meetings and permitting ratepayers to elect certain officials, the Parish and Town Officers Act restricted the legislative powers of the local councils to unimportant functions such as determining the optimum height of fences. The Court of Quarter Sessions remained "the only living centre of municipal affairs," and the Justices of the Peace, who were appointed by the Crown, retained capacious legislative, administrative and judicial prerogatives.<sup>2</sup>

The decades following the introduction of the Parish and Town Officers Act witnessed an upsurge in popular agitation for "home rule" at the local level. Exasperated by their inability to take charge of local affairs, a steadily increasing number of Upper Canadians began to call for the creation of a less authoritarian system of municipal government. Colonial officials eventually recognized the futility of further resistance, and they resolved to implement a series of reformist

measures which brought about an unprecedented decentralization of power. In Municipal Government in Ontario, Adam Shortt meticulously detailed the legislation which he considered to be the most important landmarks on the road to local self-government. The Public School Act of 1816 was especially significant, he exclaimed, because it "gave to the people of the different towns, villages and townships the first real measure of local self-government" by permitting "them to meet together for the establishment of schools."<sup>3</sup> Similarly, beginning in the 1830s, a number of urban communities managed to secure charters of incorporation from the provincial government which formally embodied the principle of self-determination at the local level. In 1832, for example, Brockville received a town charter which allowed the householders of each ward to elect two representatives to a legislative body designated the Board of Police. A number of other urban centres, including Belleville, Cornwall, Port Hope, Cobourg, Picton, Prescott, Hamilton and Toronto, subsequently obtained similar acts of incorporation, and following the defeat of the rebellion of 1837 and Lord Durham's historic mission to British North America, a series of even more sweeping reforms fundamentally restructured Upper Canada's traditional system of municipal government.

In Shortt's estimation, the struggle for more democratic municipal institutions was inextricably linked to the evolution of responsible government at the provincial level. In 1841, the colonial legislature adopted Lord Sydenham's District Councils Act. Although it failed to attract the support of Robert Baldwin and many other moderate reformers, the District Councils Act proved to be significant because it

provided for the election of district councils which assumed the most important functions of the Courts of Quarter Sessions. Moreover, this legislation clearly reflected the fact that colonial officials recognized the need to establish a more decentralized system of municipal government. Following the introduction of the District Councils Act, Robert Baldwin spearheaded the movement in support of municipal reform. In 1843, Baldwin drafted a bill designed to institute complete self-government for all of the province's municipalities. Deteriorating relations with the autocratic Sir Charles Metcalfe prevented the reformers from carrying their plan through to fruition, but with the formation of the second Baldwin-Lafontaine ministry in 1848 and the formal recognition of the principle of responsible government a year later, Baldwin finally enjoyed the unquestioned power required to initiate fundamental reform. Shortt concluded that the Baldwin Act or Municipal Corporations Act of 1849 represented the culmination of the long struggle for "home rule" at the local level. A reform of "historic significance," the Baldwin Act was "a most comprehensive and important measure, whose beneficial influence has been felt not merely in Ontario, but more or less throughout the Dominion."<sup>4</sup> Among other great reforms, it established elected assemblies in both urban and rural communities, and invested these institutions with a wide range of legislative, administrative and judicial powers which greatly reduced the provincial government's control over local affairs.

Since 1907, scholars studying the development of Canada's municipal institutions have advanced interpretations remarkably similar to that of Adam Shortt. In his contribution to the *Makers of Canada*

series, Stephen Leacock claimed that the Municipal Corporations Act represented "the culmination and final triumph of the agitation for local self-government that had, for over fifty years, run a parallel course with the movement for responsible government."<sup>5</sup> Similarly, in his laudatory biography of Robert Baldwin, George E. Wilson avowed that the Act of 1849 "was perhaps the greatest of Baldwin's legislative achievements and very fittingly became known by his name."<sup>6</sup> Kenneth Grant Crawford echoed this view in Canadian Municipal Government. Examining the growth of local government in Upper Canada from a blatantly "whig" perspective, Crawford related the Parish and Town Officers Act, the District Councils Act and the Municipal Corporations Act to "the long and bitter struggle to wrest from a reluctant government the right of local self-rule."<sup>7</sup> Indeed, as recently as 1980, J. M. S. Careless labelled the Baldwin Act the "Municipal Magna Carta" while proclaiming that it represented "the crowning achievement in the development of local self-government in Ontario."<sup>8</sup>

John H. Aitchison's doctoral dissertation, "The Development of Local Government in Upper Canada, 1793-1850," represented both the best and the worst of the traditional "whig" or liberal-nationalist approach. Endeavouring to provide a comprehensive account of the evolution of governmental institutions, this long, extremely detailed and, often, tedious work suffered as a result of the author's unimaginative politico-constitutional approach. Aitchison was largely concerned with documenting the process of decentralization, and as a result, his conclusions closely resembled those articulated by Adam Shortt almost half a century earlier. After detailing the long struggle for "home

rule" at the local level, the dissertation concluded with the familiar assertion that the Municipal Corporations Act brought about the fullest application of Robert Baldwin's great principle that "the people should manage their own affairs."<sup>9</sup> According to Aitchison, progress toward "'Home Rule" in the sphere of local government reached its zenith in Upper Canada" with the advent of the long-awaited Baldwin Act during the spring of 1849.<sup>10</sup>

The many similarities between the work of J. H. Aitchison and Adam Shortt attest to the fact that historical studies of local government have advanced little since the turn of the century. To date, the relevant secondary literature has been both superficial and uncritical. Excluding all factors except those directly related to constitutional developments, historians and political scientists, alike, failed to provide a comprehensive analysis of the dynamics of local government during the early-Victorian period. Indeed, even recent studies by J. M. S. Careless, G. P. de T. Glazebrook, D. J. H. Higgins and C. F. J. Whebell fell short of the mark.<sup>11</sup> They failed to adopt a wider perspective and, for the most part, simply reiterated the conclusions reached by Shortt, Aitchison and others. Clearly, the time has arrived for a more critical and innovative analysis of local government that will effectively transcend the limitations of the traditional "whig" approach.

This dissertation will pursue two primary objectives. Firstly, it will shift the main focus of study from nation-building to city-building. As we have seen, traditional historians perceived the development of municipal institutions as a mere adjunct to the larger

and, ostensibly, more significant struggle for colonial "home rule" in Upper Canada between approximately 1791 and 1849. They therefore scrutinized the dynamics of local government from the perspective of provincial politics, and they generally disregarded issues which appeared to be irrelevant to the emergence of responsible government. Surely, if we are to gain a fuller understanding of municipal affairs, it is absolutely essential that we abandon this provincial or national perspective and examine local government within the context of the needs and aspirations of Upper Canada's emergent urban communities. This task is especially important for the early-Victorian period since, as David J. Russo has suggested, the family and the local community remained the main foci of North American life at least until the latter part of the nineteenth century.<sup>12</sup>

While not ignoring the provincial statutes which defined the basic structure of municipal institutions, this study will concentrate on the dynamics of local government in six communities, namely Brockville, Hamilton, Kingston, Ottawa, St. Catharines and Toronto. In selecting this particular sample, an effort was made to choose towns and cities representing different regions within the province and, at the same time, reflecting contrasting urban typologies. Naturally, the availability of primary sources also influenced the selection process. Council minutes, municipal bylaws, miscellaneous municipal records, private manuscript collections and local newspapers provide the clearest insight into the workings of local government, and it was therefore necessary to select communities in which these materials have survived and cover the bulk of the early-Victorian period. Since they were

preoccupied with provincial initiatives relating to local government, traditional historians rarely consulted the great wealth of primary sources generated by Upper Canadian municipalities on a routine basis.

In addition to shifting the main focus from the provincial to the local level, this dissertation will counter the politico-constitutional bias pervading conventional studies by analyzing the dynamics of local government from a more critical perspective. Rather than assuming that an ideological commitment to representative institutions constituted the overriding motivating force, an effort will be made to ask questions ignored by previous scholars and determine the manner in which socio-economic factors shaped the development of municipal government. It is important, for example, to isolate the local imperatives which led to the incorporation of urban communities during the 1830s and 1840s. In addition, who spearheaded the reform movement, and which elements of society ran local government during these years? The steady expansion of municipal services also requires additional analysis. What measures did the city fathers implement, and, even more significantly, what purpose did they serve and whose interests did they promote in the local community? Only by asking questions such as these, is it possible to move beyond the parameters of the traditional "whig" approach and gain a more sophisticated understanding of the critical relationship between municipal government and the city-building process.

The eminent American historian, Edward Pessen, has provided an invaluable model for all scholars interested in studying the formation and implementation of public policy in nineteenth-century urban

communities. In an insightful article analyzing power relations in antebellum New York City, Pessen indicated that elitism constituted the most important factor determining the development of local government during the so-called 'era of the common man.' Despite the fact that they possessed the right to vote as well as to hold municipal office, the more plebian elements of society failed to play a significant role in city government. Wealthy businessmen and professionals monopolized a majority of positions on New York City's Common Council, and "ordinary men rarely held or offered themselves for local office during the period traditionally named in their honor."<sup>13</sup> In Pessen's estimation, the elitist nature of local government was not restricted to the socio-economic backgrounds of the men who achieved victory at the polls. The numerous ordinances implemented by the city council reflected the social and political philosophies of New York's most affluent residents, and these initiatives generally advanced the interests of the ruling elite rather than those of ordinary citizens. "From the substantial evidence that has to date been unearthed," Pessen declared, "it does seem that the city was governed largely for, as well as by, its large propertied interests."<sup>14</sup>

Through a detailed examination of local government in six specific communities, the chapters which follow illustrate that Edward Pessen's conclusions are equally as applicable to the towns and cities which emerged in Upper Canada during the early part of the nineteenth-century as they are to antebellum New York City. Chapter One dispels the myth that the creation of elected Boards of Police and Common Councils stemmed from a popular demand for a more democratic system of



local government. Documenting the manner in which a handful of affluent and influential individuals, rather than a plurality of common townsmen, propelled the pro-incorporation movement, it argues that the restructuring of municipal institutions was essentially a non-partisan measure designed to alleviate a wide range of everyday problems and provide increased scope for urban boosterism.

By means of quantitative analysis, Chapter Two provides conclusive evidence concerning the elitist composition of the local councils. The vast majority of mayors, aldermen and councilmen belonged to high ranking occupational groupings, and the lower strata of urban society were grossly underrepresented throughout the early-Victorian period. This chapter also examines the involvement of municipal politicians in other community activities, and it concludes that a multiplicity of factors, materialistic and psychological but all largely selfish in motivation, caused the urban elite to become directly involved in the day-to-day operation of municipal government.

Chapters Three through to Six explore the legislative behaviour of the province's Boards of Police and Common Councils. Chapter Three examines the manner in which Upper Canadian municipalities supervised the buying and selling of agricultural produce. Although they were based upon medieval statutes which had constituted an integral part of the moral economy of the poor, the market regulations introduced during the 1830s and 1840s were designed, not primarily to protect urban consumers, but rather to enhance the position of the commercial elite and stimulate urban development. Chapter Four focuses on legislative initiatives which sought to bolster the forces of law and order.

Convinced that an alarming increase in anti-social behaviour threatened the established order, the men elected to municipal office instituted a barrage of public order and morality bylaws. They also resolved to create professional police forces and to establish corrective institutions to house deviant and dependent members of society. Chapter Five details efforts to offset the ever-present threat of fire and disease. The authorities touted publicly owned and operated waterworks systems as a means of augmenting the security of all townsfolk, but as was the case with many of the reforms implemented during this period, large propertied interests were in a much better position to benefit than their less fortunate neighbours.

The final chapter of the dissertation analyzes civic finances, urban boosterism and the crucial role played by the province's municipalities in facilitating the construction of the technical infrastructure necessary for economic development. Eager to stimulate commerce and industry, Boards of Police and Common Councils subsidized road and railway companies with reckless abandon. Despite promises of quick profits and a prosperous future, public indebtedness increased so rapidly that, by the late 1850s, many urban communities lacked the revenue required to satisfy their creditors. Faced with imminent bankruptcy, the city fathers had no other option than to solicit emergency aid from the provincial government thereby bringing a fitting conclusion to more than three decades of elite domination in civic affairs.

## ENDNOTES

<sup>1</sup>Carl Berger, The Writing of Canadian History (Toronto: Oxford University Press, 1976), p. 32.

<sup>2</sup>Adam Shortt, Municipal Government in Ontario: An Historical Sketch (Toronto: Toronto University Studies, iii, 1907), p. 7.

<sup>3</sup>Ibid., p. 17.

<sup>4</sup>Ibid., p. 29.

<sup>5</sup>Stephen Leacock, Baldwin, LaFontaine and Hincks (Toronto: Morang and Company, 1910), p. 297.

<sup>6</sup>George E. Wilson, The Life of Robert Baldwin (Toronto: Ryerson Press, 1933), p. 261.

<sup>7</sup>Kenneth Grant Crawford, Canadian Municipal Government (Toronto: University of Toronto Press, 1954), p. 10.

<sup>8</sup>J. M. S. Careless, "Robert Baldwin," in J. M. S. Careless, ed., The Pre-confederation Premiers: Ontario Government Leaders, 1840-1867 (Toronto: University of Toronto Press, 1980), p. 136.

<sup>9</sup>John H. Aitchison, "The Development of Local Government in Upper Canada, 1783-1850," Ph.D. Thesis, University of Toronto, 1953, p. 792.

<sup>10</sup>Ibid.

<sup>11</sup>J. M. S. Careless, "Robert Baldwin;" G. P. de T. Glazebrook, "The Origins of Local Government," in F. H. Armstrong, H. A. Stevens and J. D. Wilson eds., Aspects of Nineteenth-Century Ontario (Toronto: University of Toronto Press, 1974); D. J. H. Higgins, Urban Canada, Its Government and Politics (Toronto: Macmillan of Canada, 1977); C. F. J. Whebell, "Robert Baldwin and Decentralization 1841-9," in Aspects of Nineteenth-Century Ontario.

<sup>12</sup>David J. Russo, Families and Communities (Nashville: The American Association for State and Local History, 1974), p. 4.

<sup>13</sup>Edward Pessen, "Who Has Power in the Democratic Capitalistic Community? Reflections on Antebellum New York City," New York History, 60, 1977, p. 134.

<sup>14</sup>Ibid., p. 136.

CHAPTER ONE  
"THE CORPORATION FEVER":<sup>1</sup> THE REORGANIZATION  
OF LOCAL GOVERNMENT IN UPPER CANADIAN TOWNS

Introduction

The decade and a half following the creation of the Brockville Board of Police in January of 1832 witnessed the full-scale reorganization of local government in Upper Canadian towns. By 1847, the list of incorporated communities included Hamilton, Kingston, Ottawa, St. Catharines and Toronto (Table 1.1) and the traditional system of government that had been in operation since the late eighteenth century became little more than a relic of the past. The granting of a municipal charter effected a fundamental transformation in the internal government of a town. A corporate body with all of the legal rights of an individual came into existence, and the responsibility for running the affairs of the community were placed in the hands of a Board of Police or Common Council. The men elected to civic office were thereby invested with a wide range of legislative and administrative prerogatives. They possessed the authority to levy an annual rate of assessment and to introduce rules and ordinances relating to internal improvements, the regulation of economic activity, fire protection, the suppression of public nuisances, and the preservation of public order and morality. In short, the diverse functions previously vested in the Commissioners of the Peace were transferred to the newly-established corporations, and in the process, they were greatly increased.

TABLE 1.1

INCORPORATED TOWNS AND CITIES IN UPPER CANADA (1832-1847)

<u>PLACE</u>	<u>DATE</u>	<u>TYPE OF INCORPORATION</u>
Brockville	January 28, 1832	Board of Police
Hamilton	February 13, 1833	Town Council
Toronto	March 6, 1834	City Council
Prescott	March 6, 1834	Board of Police
Cornwall	March 6, 1834	Board of Police
Cobourg	March 4, 1837	Board of Police
Picton	March 4, 1837	Board of Police
Kingston	March 6, 1838	Town Council
London	February 10, 1840	Board of Police
Niagara	March 29, 1845	Board of Police
St. Catharines	March 29, 1845	Board of Police
Ottawa	July 28, 1847	Town Council
Dundas	July 28, 1847	Town Council
Brantford	July 28, 1847	Town Council

Scholars who addressed the question of municipal incorporation failed to uncover the real significance of this important development. Taking to heart Alexis de Tocequeville's maxim -- "municipal institutions constitute the strength of free nations", they perceived the incorporation of towns and cities as yet another victory for democracy in the on-going struggle between the forces of progress and reaction.<sup>2</sup> According to the 'whig' or 'liberal-nationalist' interpretation, Upper Canadian townfolk favoured a more decentralized form of local government.<sup>3</sup> Their efforts to establish such a system, however, were frustrated by the Colonial Office and by a clique of reactionary Tories who dominated politics at the local and provincial levels. Under the guidance of the Reformers, the common people waged a campaign to dismantle the old oligarchical system of government, and largely because of the groundswell of support for local self-rule, the Colonial Office was forced to withdraw from its intransigent position. Beginning with Brockville in 1832, a number of towns secured charters establishing Boards of Police or Common Councils. In the wake of the rebellions of 1837 and Lord Durham's call for the decentralization of municipal institutions, local government became even more responsive to the wishes of the people. Additional charters were issued throughout the 1840s, and according to the 'whig' mythology, this evolutionary process reached its climax with the passage of Ontario's "Municipal Magna Carta" (The Municipal Corporations Act) in 1849.<sup>4</sup>

Painstakingly researched and carefully documented, John H. Aitchison's doctoral dissertation, "The Development of Local Government in Upper Canada, 1783-1850", was the most substantive of the traditional

studies of local government. Nevertheless, the author failed to go beyond the parameters of the conventional interpretation, and he advanced a rather superficial analysis of municipal incorporation. In his account of the events leading up to the granting of Brockville's charter, for example, Aitchison suggested that the desire of the common people to manage their own affairs and to live under democratic institutions had propelled the movement for incorporation.<sup>5</sup> Similarly, in accordance with the emphasis placed by the Oxford school on politico-constitutional history, Aitchison excluded many important social and economic factors from his analysis. Rather than relating the advent of representative institutions at the local level to the larger forces at work in Upper Canadian society, he examined constitutional developments in virtual isolation.

To be fair to the authors of traditional studies, it should be acknowledged that the Colonial Office manifested a reluctance to institute a more popular form of civic government during the late eighteenth century. Indeed, as Lieutenant-Governor John Graves Simcoe noted, the Parish and Town Officers Act of 1793, the first measure to recognize the legality of local gatherings, was initially "deferred under the idea that Town Meetings should not be too much encouraged".<sup>6</sup> Similarly, while he was Colonial Secretary, the Duke of Portland opposed the granting of town charters on the grounds that "Corporations" checked "Trade and Manufacturers" and were "a most powerful Engine in the hands of an Unprincipled Demagogue".<sup>7</sup> During this period, the shadow cast by the American Revolution and Jack Wilkes' radicalism was still very much in evidence. The makers of colonial policy were therefore determined to

prevent the outbreak of similar disturbances by restricting the powers of local assemblies.<sup>8</sup>

By the time Brockville received its charter, however, the situation had changed dramatically. The sentiments expressed by the Duke of Portland had waned, and townsfolk, regardless of their political persuasion, generally believed that incorporation was in the best interests of their communities. According to the most influential class of urban dwellers, the restructuring of local government would encourage commercial and manufacturing activity, while at the same time, proving useful for a variety of other purposes. Even though matters relating to party and ideology were not entirely irrelevant, incorporation was essentially a non-partisan issue. It is therefore erroneous to depict the sequence of events leading up to the incorporation of Upper Canadian towns as a political contest between a regime opposed to the introduction of democratic institutions and colonists who were determined to take charge of local affairs. Above all else, the emergence of municipal corporations represented a practical response to the many problems arising from the inadequacy of the traditional system of local government in the face of rapid urbanization and economic expansion. The utilitarian imperatives that propelled the reform movement can only be understood if the focus of study shifts away from political developments at the provincial level, and if one examines the circumstances surrounding incorporation in a number of specific communities.



## Incorporation as a Non-Partisan Measure

### Carried Out by Local Elites

During the late summer of 1830, a group of men gathered at Wheeler's Hotel in Brockville to discuss what steps should be taken to further the development of their village and have it incorporated as a town.<sup>9</sup> Brockville, or "Snarlington" as it was nicknamed due to the constant bickering between the two founding families -- the Buells and the Jones, had grown dramatically over the course of the past decade. Largely as a result of a recent influx of labourers and mechanics, upwards of one thousand souls lived in the burgeoning village by 1830.<sup>10</sup> As William Wallace, a Quebec-based timber trader, noted in his correspondence during the autumn of that year, "the neighbourhood is rapidly improving, their [sic] is quite a fine little village at the very place where but four or five years ago their [sic] was only a few houses".<sup>11</sup> Reflecting on the remarkable progress made by Brockville in such a short span of time, Wallace concluded that "this alone should be sufficient to prove the country is rising fast into importance".<sup>12</sup> The men attending the meeting at Wheeler's Hotel had good reason to be pleased with Brockville's rapid advancement. As the village had grown in both size and commercial importance, they had prospered, and they were determined that the future would bring additional growth and prosperity.

The individuals who dominated the evening's proceedings and who proved to be Brockville's most enthusiastic proponents of incorporation were Andrew Buell, Daniel Jones, Samuel Pennock, Jonas Jones, Paul Glassford and Henry Sherwood. These were the most active men in the

community, and although it would take some time to detail all of their accomplishments, a brief career profile of each is sufficient to illustrate that this group represented the elite of Brockville society.<sup>13</sup> The son of the village's first settler and the proprietor of the Recorder, Andrew Buell was a leading Reformer. He and his family owned much of the land in western and central Brockville, and understandably, he took a lively interest in any scheme designed to boost the village's development.<sup>14</sup> An affluent and well-respected gentleman, Daniel Jones had settled in Brockville soon after Andrew Buell's father, and for a number of years, he operated a mill in partnership with the village's founder. The holder of a number of important positions, Jones received his greatest distinction in 1836 when, for no apparent reason, he was knighted by King William IV.<sup>15</sup> In comparison to that of Daniel Jones, the career of Samuel Pennock was not particularly illustrious. Nevertheless, this loyal supporter of the Buells often played an active role in the affairs of the community. Educated by John Strachan and rising as an important member of the Family Compact, Jonas Jones was the chief antagonist of Brockville's Reformers. One of the region's most prominent residents, he inherited extensive land holdings from his father and represented Grenville in the Legislative Assembly between 1816 and 1828.<sup>16</sup> Paul Glassford and Henry Sherwood were both staunch allies of Jonas Jones, and along with the Jones family, they were well connected with the provincial oligarchy.<sup>17</sup> Glassford began his career as a local merchant, and he served regularly as Chairman of the Court of Quarter Sessions.<sup>18</sup> The eldest son of one of Leeds' first settlers, Henry Sherwood distinguished himself as a

successful lawyer and politician. He sat in the Legislative Assembly for over ten years (1841-1854), and before retiring from politics, he served as the Solicitor General (1844-1846) and Attorney General (1847-1848) of the United Canadas.<sup>19</sup> While participating in a number of divergent activities, these individuals shared one essential characteristic. Without exception, they had figured prominently in the early history of Brockville, and in the future, they would continue to dominate the political, economic and social life of the community.

Party rivalries, ideological differences and personal feuds had often strained relations between Brockville's principal residents. Yet, interestingly enough, remarkable unanimity characterized the meeting called to consider the question of municipal incorporation. Both Tories and Reformers filled the room, and political disagreements were put to one side as members of the local elite sat down to discuss their common interests. Chairman Paul Glassford supported the cause of the Family Compact, but in keeping with the non-sectarian nature of the evening's proceedings, those in attendance selected Samuel Pennock, a well-known Reformer, to assist him with his duties. After a brief and surprisingly amiable discussion, the meeting resolved that the interests of Brockville would be best served if the provincial government granted the village a charter of incorporation. To bring this into effect, a committee was established to draft the desired bill and its members drew up a petition declaring that the townsfolk they represented were "desirous of Police Regulations".<sup>20</sup>

In their memorial to the Legislative Assembly, the Brockville petitioners clearly stated why they believed that further provisions

were necessary for the internal government and regulation of their village. In the first place, they were "of the opinion, that the establishment of a Market and Police, in the said Town, would essentially promote its improvement, and advance its growth and prosperity".<sup>21</sup> The granting of a town charter would have both symbolic and practical value. Since 1820, Brockville had grown substantially in both population and commercial importance. Incorporation would provide a clear recognition of the town's ascendancy in the Leeds-Grenville area, while at the same time furnishing the local elite with the financial and legal means to facilitate further growth and development. Secondly, the advocates of incorporation anticipated that an elected Board of Police would "contribute materially to the convenience and security of the inhabitants".<sup>22</sup> Vital concerns such as fire prevention, health and sanitation, market regulation, and the construction of public thoroughfares had received insufficient attention from the local magistrates, and an alarming increase in robbery, assault and other public disturbances caused considerable anxiety among respectable citizens. Indeed, only one week prior to the meeting at Wheeler's Hotel, the home of Henry Sherwood was robbed of £15 by a "band of villains" who escaped without being apprehended.<sup>23</sup> No doubt, public interest in the question of incorporation predated this particular robbery. Nevertheless, the wording on the petition submitted to the provincial government illustrates that the men who attended the meeting were motivated at least partly by a desire to prevent such criminal acts and to more effectively preserve public order and morality. Referring to "the frequent occurrences of circumstances, attended with

- inconvenience and danger, and which the general laws of the Province are not designed to prevent or punish", the petitioners concluded by stating that they "felt more deeply sensible of the importance and necessity of some immediate Legislative provision being made for the internal government of their Town".<sup>24</sup>

By the time the statute incorporating the town of Brockville came into effect on January 28, 1832, the common front which launched the campaign for incorporation had disintegrated. Real estate, the often critical nexus of local affairs even during these early years, split Brockville's founding families. Realizing that the value of their extensive property holdings would be greatly increased if the market house was located in the eastern part of the town, Jonas Jones and his family used their political influence in an effort to have the position of the market specified in the town charter. They were frustrated in their efforts by the members of the Buell family and their allies in the Legislative Assembly. Owning much of the land in what was to become the town's West Ward, the Buells were as determined as the Jones clan to benefit from the location of the market house. Largely as a result of the manoeuvring of the two families, the debate in the Assembly on the Brockville bill was long and often acrimonious, and this dissension delayed the incorporation of the town. In the end, though, both sides realized that they had reached an impasse which benefitted neither family. The Buells and Jones therefore withdrew from their respective positions while negotiating a temporary compromise which left it to the discretion of the soon-to-be-elected Board of Police to select the most appropriate site for the market.<sup>25</sup>

The chain of events culminating in the establishment of the Brockville Board of Police was representative of the circumstances surrounding the incorporation of other Upper Canadian towns. In each community examined, incorporation proved to be an essentially non-partisan issue, and the men who dominated the economic, social and political life of a town were the most inclined to demonstrate an interest in restructuring local government. In St. Catharines, for example, the chief proponent of municipal incorporation was William Hamilton Merritt. The village's major landowner, the ambitious builder of the Welland Canal and an active participant in provincial politics, Merritt never allowed ideological principles or allegiance to a particular political party to supersede his personal interests. During the early part of 1845, Merritt demonstrated considerable enthusiasm for the question of municipal incorporation, and he made full use of the influence he wielded in Toronto to guide his hometown's charter through the legislature. A group of St. Catharines' most successful entrepreneurs including George Rykert, a man who had prospered during the early decades of the century as a merchant, land speculator and office holder, assisted Merritt in his efforts.<sup>26</sup>

In Kingston, the campaign for municipal incorporation went through several distinct phases before the Common Council was eventually established in 1838. In each instance, however, Kingston's most prominent residents headed the pro-incorporation movement. One of the first public meetings to discuss the matter of town government took place at the Court House on December 26, 1828. According to the Kingston Chronicle, the men who dominated the meeting were James

Nickells -- a foundry owner, Thomas Kirpatrick -- a Queen's Court barrister, agent for the Phoenix Insurance Company, and father of Sir George Kirpatrick, Lieutenant-Governor of Ontario (1892-1897), David Smith and George Mackenzie -- both lawyers, Barnabus Bidwell -- a school teacher and proponent of the Reformist cause, and Francis Harper -- Commissioner of the Trust and Loan Company. Those in attendance declared that they were of the opinion that the conventional system of local government was "inconvenient and unsatisfactory".<sup>27</sup> Furthermore, they resolved that "it would be for the manifest benefit of this Town that the said authority, so vested in the Justices of the Court of General Sessions, should be transferred to and vested in, a Town Council, of not less than eight, nor more than twelve members, to be elected for two years, one half to be elected every year".<sup>28</sup>

Leading businessmen and professionals dominated subsequent meetings called to discuss the most expeditious way of effecting the incorporation of Kingston. At a public forum held in 1835, for example, the most enthusiastic spokesmen for incorporation were John Counter and John Mowat. Counter began his career as a confectioner and baker, but was soon involved in a wide range of business activities including shipbuilding and land speculation. He also owned a sawmill, iron foundry and road company, and in his later years, served as one of Kingston's most dynamic mayors. Perennial commanding officer of the Kingston Field Artillery, a founder of Queen's University, and a successful merchant, John Mowat owned large tracts of land in the Kingston area. His son, Oliver, served as Premier of Ontario from 1872 to 1896. Largely through the efforts of Mowat and Counter, the

residents of Kingston became aware of the benefits to be reaped as a result of incorporation, and they subsequently petitioned the Legislative Assembly in the hope of obtaining a town charter.<sup>29</sup>

In Kingston, as well as in other communities throughout the province, merchants, manufacturers and mill owners, together with lawyers and other professionals, participated in the public meetings and endorsed the resolutions calling for the incorporation of urban centres. In England, the years leading up to the Reform Bill of 1832 and the Municipal Corporations Act of 1835 were marked by rising social tensions which stemmed from working-class demands for political and economic reform. In Upper Canada, however, such a groundswell of popular support was not apparent in the efforts to restructure local government. An equivalent to Chartism did not exist; nor did the commonfolk of towns and villages seize the initiative to lead a movement for local democracy. Incorporation may have extended the degree of popular participation in the formulation and implementation of local policy, but the fact remains that the upper stratum of urban society spearheaded the reform movement. The various committees established to further the cause of incorporation were elitist in both their composition and general orientation. Men such as John Counter, Thomas Kirpatrick, W. H. Merritt, Andrew Buell and Jonas Jones represented the most affluent and influential class of townsfolk. These individuals and their families had dominated the early development of their hometowns, and not surprisingly, they played an active role in defining the new framework within which Upper Canadian towns would be governed.



Municipal incorporation was a non-partisan measure attracting the support of local elite members regardless of their political affiliations. While factionalism was not entirely absent, the proponents of reform usually disregarded traditional animosities as they worked together for a common cause. As documented in the case of Brockville, both Tories and Reformers were "desirous of Police Regulations".<sup>30</sup> Furthermore, when the unanimity marking the early stages of the incorporation campaign vanished, this change was brought about not by ideological differences but rather by the divergent interests of the Buell and Jones families. Similarly, in Kingston, supporters of both political parties attended the meeting of 1828, and they cooperated with one another without regard to party loyalties. On this particular occasion, Thomas Kirpatrick -- a staunch Conservative, and Barnabus Bidwell -- a man whose name had symbolic overtones intrinsic to the mythology of reform, worked together in drafting the petition calling for the incorporation of Kingston. The focal point of the alien controversy of 1821 and a lifelong supporter of republican institutions, Bidwell represented an anathema to Upper Canadian Tories. Nevertheless, this did not prevent Kirpatrick from cooperating with the well-known radical in an attempt to further the interests of the community in which they both lived.<sup>31</sup>

The circumstances surrounding the incorporation of Toronto were more complex than those in other communities. Since York was Upper Canada's seat of government, individuals active in community affairs frequently participated in provincial politics, and the distinctions between local and provincial issues were often blurred. It was

therefore not surprising that the restructuring of local government was an issue that often took on political overtones. Indeed, as F. H. Armstrong maintained in his study of Toronto's early development, controversy raged while the town's charter was under consideration in the legislature, and the positions taken by the participants in the debate clearly reflected their political loyalties.<sup>32</sup> Toronto's Reformers suspected that Family Compact members intended to use prohibitive property qualifications in order to erect an oligarchical corporation, while the Tories feared that their adversaries wished to use incorporation as a means to advance the radical cause. Furthermore, following incorporation in 1834, William Lyon Mackenzie and his supporters marshalled their resources in a concerted effort to prevent a clique of Tories from dominating the newly-established Corporation. After a fiercely-contested election, the Reformers successfully captured a majority of seats on Council, and the fiery Scot was duly elected Toronto's first mayor. Subsequent elections witnessed similar clashes between Tories and Reformers as they sought to use control of the Common Council as a means of advancing the causes of their respective parties.

In view of the evidence, it is impossible to conclude that partisan politics was absent from every phase of Toronto's incorporation movement. Nonetheless, incorporation was not achieved as a result of the endeavours of either political party. Armstrong's assertion that "Reformers dominated the public meetings which discussed in detail the program of incorporation" may be true, but the fact remains that many influential Tories supported the cause of reform even though they favoured a less liberal franchise.<sup>33</sup> According to a report that

appeared in the Canadian Freeman during 1830, Henry John Boulton -- a son of D'Arcy Boulton and a leading member of the Family Compact, was Toronto's chief proponent of incorporation. Furthermore, supporters of "the official or Tory party" were as interested in seeing a Common Council established as were Mackenzie and his followers.<sup>34</sup>

Consequently, when a committee was established "to enquire into the matter, and report some system of police, better than the present, which was admitted by all to be inefficient", "the wisest heads in the town", rather than a plurality of Tories or Reformers dominated the group.<sup>35</sup> Seventeen of Toronto's "leading citizens" were selected to sit on the committee, and as Armstrong concluded, they represented "a cross section of the moderates of both parties".<sup>36</sup>

As indicated by the course of events in Toronto, Kingston and Brockville, neither political party held a monopoly as far as support for incorporation was concerned. Traditional studies suggested that the demise of the political system based upon the primacy of the magistrates represented a triumph for the cause of Reform. The evidence, however, does not lend credence to this assertion. Both Tories and Reformers championed the cause of reform, and Family Compact members were often instrumental in bringing about incorporation. Furthermore, ideological and political concerns were not paramount to those individuals who favoured the reorganization of local government in Upper Canadian towns. As the Brockville petitioners declared, the present laws were inadequate for the purposes of the village, and in their opinion, "the establishment of a market and Police" would be most advantageous to the region's inhabitants.<sup>37</sup> Similarly, in Kingston, the proponents of

incorporation subscribed to the belief that traditional practices, particularly "the non-publishing of By-Laws and Regulations", were "inconvenient and unsatisfactory".<sup>38</sup> They therefore advocated the creation of an annually elected Common Council on the grounds that such an arrangement "was best adapted to the interests and prosperity of the said Town of Kingston".<sup>39</sup> The petitioners maintained that all adult males with a stake in the community should be allowed to participate in the electoral process, but contrary to the assumption underlying conventional 'whig' histories, the extension of popular sovereignty did not constitute their primary preoccupation. Rather than focussing on nebulous political issues, the supporters of incorporation elaborated on a variety of often mundane problems adversely affecting the quality of urban life, and which the appointed magistracy had proven itself incapable of rectifying.

#### The Traditional System of Local Government in Crisis

In A Systems Analysis of Political Life, David Easton, the eminent political scientist, undertook a theoretical analysis of "the life processes of a political system".<sup>40</sup> Defining political life as an open system of behaviour subject to the influences flowing from an external environment, Easton proceeded to study the dynamics of a political system over time. In his estimation, the persistence of a regime depended upon two main factors -- the maintenance of a minimal level of support through "the inculcation of a sense of legitimacy," and the ability to respond to public demands with measures that successfully

alleviated stress.<sup>41</sup> Should either of these functions fail, Easton declared, the political system would suffer a crisis of legitimacy. Popular support would be eroded, and unless fundamental reform was undertaken, the continued existence of the established order was cast in doubt.

David Easton's model of a regime in crisis provides a valuable framework within which to examine the restructuring of municipal institutions. Prior to incorporation, the appointed magistracy possessed the primary responsibility for governing urban communities. In accordance with the Parish and Town Officers Act of 1793, the authority of annual town meetings was severely restricted, and as Adam Shortt exclaimed, the Justices of the Peace in the Courts of Quarter Sessions comprised "the only living centre of municipal affairs."<sup>42</sup> Even though it was highly centralized with the most important legislative, judicial and administrative functions being vested in the magistracy, the traditional system of local government failed to function in an efficient and effective manner. Indeed, within a decade of their creation, the Courts of Quarter Sessions encountered considerable difficulty in endeavouring to cope with the strains generated by massive socio-economic change. Riots and other violent disturbances threatened respectable citizens, and incidents of robbery, assault, drunkenness and licentiousness often went unpunished. Mundane matters such as internal improvements, public health and sanitation, fire protection, and the regulation of public markets, received meagre attention, and conventional arrangements seemed to provide insufficient scope for encouraging urban growth and development. Urban residents

prayed that effective measures be taken to come to terms with these and other difficulties, but their pleas failed to secure an adequate response from the authorities. To use David Easton's phraseology, the limits of the political system were stretched beyond their critical range and the regime suffered a crisis of legitimacy. By failing to fulfill the expectations of the people, the magistracy precipitated a loss of faith in the ability of the traditional system of local government to function effectively in the changing urban environment.

Historians have agreed that existing governmental institutions were inadequate to meet the needs of urban communities. Drawing attention to the ineffectiveness of the Courts of Quarter Sessions, J. H. Aitchison concluded that the problem stemmed from the fact that there were rarely enough able and willing men to act as Justices of the Peace. The shortage of magistrates "was not merely the cause of temporary inconvenience here and there," he avowed, it "was chronic, widespread and appalling".<sup>43</sup> While acknowledging the validity of Aitchison's conclusion, a number of other historians have stressed the importance of the rural bias which pervaded the traditional system of local government. According to F. H. Armstrong, "the root of the whole problem was the question of finance."<sup>44</sup> Since the assessment laws enacted by the provincial government were designed to save rural areas, magistrates who presided over rapidly-expanding towns discovered that they lacked the revenue required to carry out many local improvements. In Toronto, the need for strict economy resulted in inadequate police and fire protection. It also prevented the improvement of streets and sidewalks, and gave rise to widespread public concern. Indeed, the debt

incurred during the construction of a new market house between 1831 and 1833 drained the financial resources of the community to such an extent that many citizens concluded that incorporation represented the only alternative to bankruptcy. Geographic factors compounded the problems generated by the inadequate system of assessment. The Justices of the Peace were responsible for an entire district, and as a result, they "could not give adequate and consistent attention to the towns."<sup>45</sup>

The weaknesses of the political system were so apparent that the urgent need for reform was under discussion even before the turn of the century. In 1799, the Honourable Peter Russell directed John Elmsley to draft legislation that would provide more ample provisions for town government.<sup>46</sup> After stating that "the restraining of vice and the preservation of good order within the Precincts of each Town" represented "the principal objects" he hoped "to attain by a Police Bill", Russell went on to detail his "subordinate wishes":

. . . that a Summary Power may (if consistent with His Majesty's Instructions) be lodged in appropriated Magistrates (under the Denomination of a Board of Police) to inspect and Control the conduct of Bakers, Butchers, Retailers and Innkeepers. Whereby the Assize of Bread may be made to bear a due proportion to the current prices of Wheat or Flour, false weights & measures be punished, Regrating, forestalling and all Monopolies of Provisions restrained, if not totally prevented --; and disorderly Houses of entertainment be instantly shut up, without waiting (as now) for the quarterly returns of the sessions of Peace for the respective Districts -- to assess the Inhabitants within a limited Ratio for repairing Streets, Causeways and Bridges -- to punish the neglect of Poundkeepers, Parkmasters, Scavengers and Constables -- to establish Houses of Correction, erect Stocks and Pillories, to visit Prisons and finally to confine or inflict corporal punishment on Criminals brought before them according to their respective demerits and to subject others to hard labour for the benefits of the Community.<sup>47</sup>

Russell's clarion call for the reorganization of civic government did not result in immediate action. Following the turn of the century, however, successive administrations adopted the policy of introducing legislation supplementing the power of local officials. The first of these measures focused on the question of market regulation. In 1801, the provincial government authorized the Commissioners of the Peace for the Midland District to establish a market in Kingston "where butchers' meat, butter, eggs, poultry, fish, and vegetables, shall be exposed for sale".<sup>48</sup> Similarly, in 1814 and 1817 respectively, the magistracy in York and Niagara received permission to erect market houses and to supervise their day-to-day operation.<sup>49</sup> Subsequent legislation vested additional power in the Courts of Quarter Sessions. In 1817, local officials in York, Sandwich and Amherstburgh were instructed to make rules and regulations "relative to building a market house, paving, lifting, keeping in repair, and improving the streets of the said towns, regulating the assize of bread, slaughter houses, nuisances, and also relative to the inspection of weights, measures, firemen and fire companies".<sup>50</sup> They were also empowered to impose fines of up to 40 shillings and to levy an annual assessment not exceeding £100. Two years later, "An act for establishing a police in the town of Niagara" became law.<sup>51</sup> Similarly, in 1824, the provincial government passed legislation "to make more ample provision for regulating police in the town of Kingston".<sup>52</sup> Both of these measures closely resembled the act establishing police regulations in York, Sandwich and Amherstburgh, and like the statute of 1817, they were designed to make the rule of the magistracy more effective.



Attempts to bolster the traditional system of local government by augmenting the authority of the Commissioners of the Peace fell short of success. According to contemporary accounts, rather than abating, the complex array of problems confronting towns such as Kingston and York became more acute over time. The local press carried stories detailing the many vicissitudes of urban life on an increasingly regular basis, and townsfolk drafted numerous petitions elaborating on these difficulties and praying for some form of redress. Although the issues which compelled individuals to sign their names to petitions and to write newspaper articles were striking in their diversity, they shared one essential characteristic. Without exception, they reflected the widespread belief that fundamental change was necessary since the Courts of Quarter Sessions had demonstrated their inability to govern the province's urban communities.

The most common complaints concerned relatively mundane matters. Eager to improve the unpleasant and often hazardous environment which surrounded them, the inhabitants of Upper Canada's towns and cities were frustrated by the failure of the magistracy to take decisive action. The deplorable condition of public thoroughfares provides an interesting case in point. During the early decades of the nineteenth century, roads and sidewalks were invariably in a poor state of repair, and particularly in the spring, they were often impassable. As the Western Mercury reminded the residents of Hamilton two years before that town received its charter, "the Thaw is now at hand" and it "will inundate our streets with water, which will remain for a length of time, unless proper channels are made to carry it off".<sup>53</sup> The following description

of Bytown's principal thoroughfares is indicative of the situation in any number of communities:

There is not a single Street in Town in good order. In Rideau Street, opposite the entrance to the Court House Avenue, we have after every shower of rain an abundance of mud and water -- a most disgusting, as well as troublesome nuisance. The Bridge across the Canal Byewash is also in a wretched condition. . . . In Sussex Street there is a small portion of planked sidewalk although it is much more necessary on account of the low situation of the Street. A large hill, resembling the hump /sic/ on a camel's back, rises very ungracefully in the middle of the Street, while the slopes are a reservoir for all water and filth, and after a shower of rain at both ends of the street delightful pools of stagnant water remain for weeks to purify the atmosphere. The prettiest Street in Town (York Street) is in a condition which in an Indian village, would be considered disgraceful. A large uncovered creek runs through its centre and so scientifically has the excavation been performed that it is deeper in the centre than at either end, so that a quantity of water remains in during all the summer months.<sup>54</sup>

Despite the widespread inconvenience caused by poorly-maintained roadways, the Justices of the Peace lacked the financial resources to undertake much-needed repairs. Consequently, as was often the case in Hamilton during the 1830s, concerned citizens were compelled to call public meetings and to solicit voluntary donations for the purpose of improving public thoroughfares.<sup>55</sup>

Together with the inconvenience caused by impassable roads, townsfolk were confronted with other difficulties many of which were "prejudicial to health".<sup>56</sup> Newspaper reports testify to the fact that offensive heaps of refuse littered many communities. Pools of stagnant water remained throughout much of the year, and there were no effective measures to provide townsfolk with pure water or to dispose of sewage and other wastes. Public health and sanitation also received

insufficient attention. Beginning in 1832, many Upper Canadians lost their lives to outbreaks of cholera, and as the literature on the subject illustrates, local officials failed miserably in their attempts to halt the spread of the disease. Boards of Health came into existence only in emergency situations, and they suffered from an acute shortage of funds. For the most part, they limited their efforts to the enforcement of quarantines which prevented destitute immigrants from finding refuge in the towns.<sup>57</sup>

Next to disease, the threat most feared by urban dwellers was fire. As John C. Weaver and Peter De Lottinville documented, conflagrations broke out with astonishing regularity in British North America taking a heavy toll in both lives and property.<sup>58</sup> During their early years, urban communities were particularly susceptible to destructive fires. Building codes were non-existent, and wooden structures greatly outnumbered more fire-resistant brick and stone buildings. Furthermore, fire prevention received scant attention from the magistrates. Voluntary fire brigades were poorly organized, and they lacked the funds required to purchase effective fire fighting equipment. Two years before its incorporation, Hamilton had "neither a fire engine, an effective implement of any kind for the extinction of fire nor a sufficient supply of water", and the situation in other communities was not much better.<sup>59</sup> As a result, destructive fires ravaged many towns and villages, and local officials were helpless to prevent their reoccurrence. Indeed, as a report on the "extensive conflagration" which visited Kingston in November of 1833 concluded, it would seem that no sooner had the residents of a town "recovered from

the effects of one disaster of this kind, than another follows close after it -- no sooner has the alarm subsided, and misfortune been soothed", than they were "again doomed to witness them in more than usual frightfulness and severity".<sup>60</sup>

Anxiety caused by the absence of adequate market regulations paralleled the growing fear of fire. By the 1820s, the Commissioners of the Peace in the larger urban centres had been authorized to erect public market houses and to oversee their day-to-day operation. Many officials neglected their duties in this regard, however, and few markets functioned in the manner envisioned by urban consumers. Indeed, in virtually every community examined, complaints arose that a uniform system of weights and measures was not enforced thereby causing the price of essential commodities to fluctuate wildly. During the summer and autumn of 1831, the situation in Hamilton became so unstable that a local newspaper informed its readers that it was "useless to attempt quoting prices of flesh, meat, butter, etc. in our market table".<sup>61</sup> The village was without a proper market house, and since the magistrates were not in the habit of fixing prices, "there are scarcely two sales made on the same terms in one day".<sup>62</sup>

By failing to regulate the buying and selling of country produce, the authorities engendered widespread inconvenience and occasional hardship. As an irate consumer noted during October of 1823 while describing the operation of Kingston's hay market, "the greatest imposition exists" because of the absence of proper supervision.<sup>63</sup> Anyone who wishes to sell hay at the market simply "states that its weight is what he pleases", and "if the purchaser wishes to have it

weighed, it is refused -- and thus the Farmer is able to fix his own price by putting a less quantity in the load".<sup>64</sup> A week later, the Kingston Chronicle echoed the concerns of many townsfolk when it chastized the Justices of the Peace for their indolence while advocating stricter controls over marketing procedures. In the estimation of the Chronicle, it was scandalous that

. . . the Market of this town should remain without any regulation. To protect the fair dealer and detect the fraudulent one, is the object of all established regulations for markets, and without them it is impossible that those who have the supply in their hands can meet with that encouragement which alone secures competition. There is a clerk of the Market, but what is his use? There is also a numerous Magistracy, and why have they not made the wanted regulations? -- Are they too busy with their own concerns? Is it from supineness, or is it from want of information on this subject? If from the latter reason, they ought not to be ashamed to seek it from their more enlightened bretheren of the Lower Province, where the Police is on a much more active and better footing. At a time when our town is becoming daily more extensive, by handsome and substantial buildings, our market remains in the same confused state that we may suppose it to have been fifty years ago. How creditible to our Magistrates!<sup>65</sup>

Important as everyday matters relating to market regulation, fire protection and internal improvements were to the well-being of urban communities, another more urgent problem came to the forefront of local affairs during the early decades of the nineteenth century. A desire to restrain vice and preserve good order had always been important to Upper Canadian lawmakers. After approximately 1820, however, the civic elite became increasingly preoccupied with this issue as the province experienced a profound social and economic transformation. The arrival of large numbers of impoverished immigrants, unprecedented urban growth and the commencement of large-

scale public works projects gave rise to new social tensions which precipitated an apparent increase in criminal behaviour. Outdated and lacking popular support, the traditional system of local government proved to be woefully inadequate for the purpose of enforcing the rule of law. Contemporary sources documented numerous instances in which magistrates failed to suppress public disturbances and then were either unwilling or unable to apprehend and prosecute lawbreakers. In communities where there were large numbers of disgruntled workers, incidents of this kind represented much more than a mere annoyance or inconvenience. Protest marches, strikes and violent confrontations involving canallers and other labourers directly challenged the hegemony of the entrepreneurial class. By raising doubts concerning the survival of the established order, the failure of the magistracy to put down such 'lawless outrages' gave a sense of urgency to those residents who supported the restructuring of municipal institutions.

The subject of Upper Canadian labour unrest has attracted the attention of a number of historians. Michael Cross, for example, studied the Shiners' War which disrupted the village of Bytown during the 1830s. Irish raftsmen who were determined to protect their jobs challenged what Cross termed "the rule of the gentility".<sup>66</sup> Under the leadership of Peter Ayles, they seized control of Bytown's principal streets and proceeded to terrorize respectable townsfolk. Since the workers were completely alienated from the mainstream of community life and the English-speaking Catholic Church had not yet taken root, there were few social restraints to moderate the behaviour of Ayles and his men. In addition, Bytown was not yet incorporated as a town. The

system of local government was therefore rather haphazard, and effective provisions for policing the village had not yet been implemented. When confronted with widespread violent resistance, the Justices of the Peace failed to function effectively. As Cross illustrated, order and stability did not return to the Ottawa valley until the most important residents of Bytown banded together and established a vigilante organization capable of suppressing the striking raftsmen.<sup>67</sup>

The most frequent disturbances involving Irish workers were associated with canal construction projects. In his ground-breaking study of labour and capital in Canada, Claire Pentland undertook one of the earliest analyses of canal riots. Focussing on the strikes which marked the construction of the Lachine Canal, Pentland discovered that conventional means of preserving public order were incapable of restraining large numbers of volatile Irish workers. In order to put down the strikes and discipline the workers, the authorities were compelled to call upon army and militia units.<sup>68</sup> In her study of the canal riots of the 1840's, Ruth Bleasdale made a significant contribution by stressing that violent confrontations involving Irish workers simply cannot be dismissed as "the excesses of a turbulent nationality clinging to old behaviour patterns in a new environment" since these disturbances represented a form of class conflict.<sup>69</sup> While discounting Pentland's rather naive view of ethnicity, Bleasdale heartily agreed that extraordinary measures were required to meet the threat posed by rioting navvies and restore the rule of law in the vicinity of the canals.

Rioting which broke out in the St. Catharines area while the Welland Canal was being enlarged attested to the inadequacy of the traditional system of local government when confronted with large-scale public disturbances. During the summer of 1842, three years before the village's incorporation, hundreds of Irish workers besieged St. Catharines for a period of two weeks. Due to the surplus of labourers in the area and the manner in which the Board of Works awarded contracts, the canallers received very low wages and unemployment was rife in their ranks. As the violent confrontations which flared up during the 1840s indicate, the workers did not passively accept their lot in life. They were fully prepared to transgress the law in order to protect their interests, and when wages were slashed and work offered to less than a third of their number, they resolved to take direct action against their employers.

After enlisting the support of men who had found work in a nearby quarry, the angry canallers made their way to St. Catharines where they gave public notice of their demands. None of them would work until employment was found for them all, they declared, and unless they were supplied with food and other vital provisions they would take them by force. The workers then retired to their camp, but after two days when a reply to their demands was not forthcoming, they once again resorted to direct action. Marching en masse to the quarry, they seized twelve barrels of pork and two barrels of flour from the contractors' store-house. After distributing this food among the more than seventy workers' shanties located between the mountain locks and St. Catharines, the strikers paraded into the village carrying a banner emblazoned with



the words "Bread or Work", on one side, and "Peace and Union -- God save the Queen", on the other. Once again, they "openly declared . . . that they had come for something to eat, and if it was not given to them, they would take it".<sup>70</sup>

In response to these demands, the town magistrate, William Hamilton Merritt, ordered the navvies to disperse before they were subjected to prosecution. Rather than heeding the advice of Merritt, the crowd replied by shouting what the St. Catharines Journal termed "a well understood Irish shout" and then rushed into a nearby store hoping to find the provisions recently ordered by the contractors. When the store proved to be empty, the workers proceeded to plunder Merritt's flour mill, as well as the mill owned by Henry Mittleberger -- a successful merchant and another of St. Catharines' magistrates. After boarding a schooner moored in the town and removing thirteen barrels of pork, they prepared to storm the flour mill of yet another town magistrate, namely Oliver Phelps. Only the timely intervention of a well-respected Catholic priest persuaded the canallers to withdraw from the town thereby saving Phelps and other large property owners from further plundering.<sup>71</sup>

As the immediate crisis subsided, the hostility of the local population was increasingly directed against the magistracy. While recognizing that the efforts of Merritt and his colleagues had been hampered by the absence of a well-armed militia, many residents of St. Catharines concluded that the indecision of the Justices of the Peace had allowed the protest march to escalate into a full-scale riot. In his analysis of the disturbances, the editor of the Journal echoed the

concerns of a large proportion of townsfolk when he suggested that the officials appointed by the Governor in Council must shoulder the primary responsibility for the serious dimensions taken on by the crisis:

. . . the whole affair is disgraceful to British rule, and to those entrusted with the administration of the laws and the preservation of the peace. . . . We fearlessly aver, that a common share of the prudent and promptitude on the part of the Magistrates of this village, at the commencement of the disturbances, would have put an effectual check, if not, suppressed altogether, the shameful scenes of disorder, violence and robbery that is /sic/ being committed, under the eyes of the authorities and inhabitants of the place, up to the very hour that we are writing this paragraph.<sup>72</sup>

Instead of taking "decisive measures to prevent breaches of the peace", the writer continued, the Justices of the Peace made the excuse that "it was entirely out of their power to stop the threatened proceedings of the pretended starving canallers" since the provincial government had denied them military assistance.<sup>73</sup>

Once a detachment of the Royal Canadian Rifle Regiment was stationed in St. Catharines and another in nearby Thorold, the townsfolk expected that "some energetic measures would be taken by the Magistrates to stop the disgraceful outrages of the canallers".<sup>74</sup> Unfortunately, this did not prove to be the case. While the authorities argued over what steps should be taken to meet the crisis, the rioting continued unabated. Moreover, once the workers dispersed under their own volition, the magistrates failed miserably in their efforts to apprehend the instigators of the disturbance. Indeed, as the St. Catharines Journal informed its readers:

. . . the truth is, there is no unanimity among our Magistrates, as a body: their councils are distracted by their petty jealousies -- one assuming a superiority which the others will not brook; while each having a plan of his

own, will yield nothing to the suggestions of another; and so, while they are wrangling about measures, the people are rolled, churches burned, property destroyed, unoffending and quiet persons brutally beaten; and all this by a contemptible mob which two grains of energy would have dispersed at any time. The inhabitants have lost all confidence in the authorities, and have become dispirited -- the canallers hold them in contempt; and even our old women are begining to cry "Shame" upon their imbecility.<sup>75</sup>

Merritt and the other Justices of the Peace eventually convened a special meeting at which they adopted a series of emergency resolutions designed to restore order in the besieged village. Enforcing a strict curfew, they increased the size of the police force and decreed that anyone "unlawfully carrying or using firearms or other weapons, or committing any breaches of the peace" would be imprisoned immediately.<sup>76</sup> Even with the implementation of these emergency measures, law enforcement proved to be a difficult task. Sporadic outbreaks of rioting continued throughout the summer, and for the next three years while the Welland Canal was under construction, similar breaches of the peace were neither rare nor infrequent.<sup>77</sup>

The St. Catharines riot of 1842 was not an isolated incident. Throughout the 1830s and 1840s, many other communities suffered similar disturbances, and regardless of local circumstances, the authorities proved to be just as ineffective as Merritt and his colleagues. By the mid-1840s, the situation was so grave that the provincial government introduced legislation which authorized the Governor in Council to declare a state of emergency in any locality where a public works project was under construction and where "Riots and violent Outrages" seemed likely.<sup>78</sup> Under the provisions of this act, strict controls were placed on the carrying of arms, and the magistracy was invested with

sweeping powers to suppress public disturbances and to apprehend suspected offenders.<sup>79</sup>

Even when they were confronted with much less serious threats than those which occurred during violent strikes, Justices of the Peace often failed to maintain public order. Consider the following eye-witness account of "a row of somewhat portentous dimensions" which transpired in Bytown during the early part of 1846.<sup>80</sup> A large crowd had gathered in front of the British Hotel on Sussex Street, and a riot seemed imminent. Consequently, an urgent call was put out for the magistrates, and with little delay they

. . . hurried to the spot for the purpose of over-awing by their presence the spirit of rowdyism so dangerously manifest. The late Donald McArthur, J.P., the late Judge Armstrong, and the late Simon Fraser, Sheriff of the County of Carleton, were conspicuous on the occasion. It was thought by the spectators that the show of authority would have put a stop to the lawless proceedings of the hour. Did it do so? No such thing. Mr. McArthur was knocked down, the judge was hustled and roughly handled, and the high sheriff with all his dignity, received a kick from a stalwart rowdy which lifted him off the ground. In all the manifestations of rowdyism preceding this occurrence no such indignity has been offered to the higher dignitaries of the law than this. People were almost horror stricken when the lawless foot was so unceremoniously applied to the sacred person of the Sheriff.<sup>81</sup>

Although narrated in a rather humorous style, this story illustrates that even small-scale public disturbances frequently had serious consequences. McArthur, Armstrong and Fraser failed to disperse the crowd, and even more significantly, they received little respect from the rowdies. After being subjected to various outrages, they were forced to withdraw from the scene of the riot in disgrace.

The inability of the magistracy to enforce the rule of law provided the inhabitants of Upper Canadian towns with a clear indication of the inadequacies of the traditional system of local government. Many townsfolk therefore began to look for an alternative arrangement that would more effectively protect their interests. In the town of York, for example, disillusionment with the Justices, together with the belief that an elected Council would be more able to suppress outbreaks of lawlessness, caused a number of residents to come out in support of incorporation. During the late 1820s and early 1830s, freeholders and householders living in the neighbourhood at the foot of Yonge Street had frequently petitioned the authorities complaining of "Characters . . . whose principal object seemed to be the outraging of all order, peace and respectability".<sup>82</sup> The petitioners called for stricter law enforcement, but their pleas failed to bring an end to "Lawless anihilations /sic/ of the Public peace."<sup>83</sup> As "violent and Savage attacks" became increasingly commonplace, many law-abiding citizens concluded that the magistracy was "inefficient, or deficient of the power of controuling /sic/ the Evils then Existing."<sup>84</sup> Indeed, when discussion arose in York concerning the most desirable form of internal government for the town, the residents at the foot of Yonge Street were in the forefront of the pro-incorporation movement. As they reminded the Committee on Police a year and a half after the incorporation of Toronto, they had supported the restructuring of municipal institutions precisely because they believed that the creation of a powerful Common Council "would obviate the Evil" of which they had so frequently complained.<sup>85</sup> The Court of Quarter Sessions had failed to stem the tide

of lawlessness sweeping the town, and the petitioners were determined that their elected representatives take on a more vigorous role in enforcing public order and morality.

Concerned townsfolk believed that local government was deficient for the purposes of policing and law enforcement; they were also frustrated by the failure of the magistracy to supervise public market places and to carry out much-needed internal improvements. In their estimation, an atmosphere of stability, an honest and efficient market, adequate fire protection, together with well-maintained thoroughfares, were all essential to the well-being of a nascent urban community. Should any of these matters be neglected, commerce would suffer, and the future growth and prosperity of the town would be imperilled. Even though the concerns expressed by Upper Canadian townsfolk were largely practical in nature, they were at the same time indicative of the colonists' hopes and aspirations. Indeed, disillusionment with the traditional system of local government was inextricably linked to the spirit of ambition which came to characterize urban society during the early-Victorian period.

As the ineffectiveness of traditional arrangements gave rise to growing support for institutional reform, many individuals concluded that incorporation constituted a panacea capable of providing a quick solution to the many problems of urban life. As the Western Mercury informed its Hamilton readers on the eve of that community's first municipal election, the Police Act recently passed by the provincial government "will have a good effect in many respects".<sup>86</sup> In addition to implementing a wide range of provisions relating to internal

improvements and market regulation, "all of which are very necessary", the new charter "will ere long, make Hamilton one of the handsomest Towns in the Province".<sup>87</sup>

Similar accounts extolling the wonders of incorporation appeared in the newspapers of other communities around the time that they received their charters. In St. Catharines, an individual who identified himself only as a "Resident of eighteen years" submitted a letter to the Journal on the subject of the new Board of Police during April of 1845.<sup>88</sup> After expounding on the "all-important" benefits to be reaped as a result of the village's incorporation, he went on to encourage the inhabitants of St. Catharines to respond to the challenge presented by the charter. "There has been a general complaint for years past of the inefficiency of our Magistracy", he wrote, "and now that we have the power of remedying the evil complained of by electing a Board of Police (each member of which, for the time being, is a magistrate), let us endeavour to put in such men as will fearlessly and faithfully do their duty in this as well as other respects".<sup>89</sup> By choosing individuals who had been active in local affairs and demonstrated a keen interest in economic development, the obstacles standing in the way of the town's advancement would be overcome thereby guaranteeing all residents a bright and more prosperous future.

For decades, the inhabitants of urban communities had voiced complaints concerning the inadequacy of the traditional system of local government. Hoping to focus the attention of Commissioners of the Peace on a wide range of everyday problems, they petitioned the Courts of

Quarter Sessions and submitted numerous memorials to the provincial government. Yet, even with the introduction of legislation supplementing the authority of the magistracy, the system failed to fulfill the expectations of the people. As problems relating to the physical environment of the towns and the preservation of public order became more pressing, the citizenry responded by blaming the indolence of appointed officials and the outmoded system of civic government. Regarding structural change as the only viable alternative, they came to advocate the incorporation of towns and cities.

#### Incorporation and the Extension of Municipal Power

By opting in favour of incorporation, Upper Canadians were drawing upon a tradition common to both the British and American experiences. The practice of issuing town charters originated in medieval England. Sometime between 1130 and 1135, the citizens of London purchased a charter from King Henry I which permitted them to collect revenues and to elect a sheriff in return for a rent of £300.<sup>90</sup> Subsequent monarchs, most notably Henry II, Richard I and John, the great "charter-monger", sold similar charters to other communities. Many English towns thereby obtained the right to hold a town court, to elect local officials, and to establish a merchant guild for the regulation of trade.<sup>91</sup> In Colonial America, royal charters also regulated the internal government of urban communities. In contrast with England's "closed, self-perpetuating corporations," however, a more democratic form of town government prevailed.<sup>92</sup> Since the franchise was



much wider, propertied residents exercised a significant degree of control over the decision-making process.<sup>93</sup>

The granting of corporate charters was not restricted to the purposes of civic government. Traditionally serving the interests of trading and manufacturing communities, incorporation was readily adapted to assist enterprising businessmen in pursuit of private profit. As R. C. B. Risk noted in his study of business practices in nineteenth-century Ontario, American and British North American entrepreneurs discovered that corporations provided an effective way in which to organize both capital and energy. With a long history in Britain that "extended for centuries through the great trading corporations of the sixteenth century to medieval boroughs, guilds and churches", the first business corporations in the United States were established during the late-eighteenth century. In Upper Canada, the use of corporations for business purposes began in 1831. During the period of prosperity that lasted until 1837, the provincial government issued 42 separate charters, and between 1841 and 1867, more than 200 additional corporations came into existence.<sup>94</sup>

The business corporations described by Risk shared many characteristics with the corporate bodies established to govern urban communities. In both instances, incorporation involved the delegation of public power to a local or private organization. Despite the fact that the provincial government possessed the exclusive right to found corporations and define the manner in which they would operate, the very process of incorporation involved the creation of distinct legal entities capable of functioning independently of the central government.

- According to Risk, a desire to enhance "administrative utility" motivated entrepreneurs to advocate the incorporation of business enterprises:

The corporation offered an impersonal and enduring form for litigation, ownership of property and other right and commercial transactions, and offered a form that enabled a comparatively simple accomodation of unified management of a business and limited investments, by the managers or by strangers. Another reason was that the corporation became an easily used standard form for usual allocations of functions and powers in business. Once the corporation began to be used for a particular kind of undertaking, pressures of inertia or fashion alone may explain why others followed.<sup>95</sup>

Just as entrepreneurs hoped to stimulate commerce and manufacturing, townsfolk who supported municipal incorporation did so in the name of efficiency and public utility. By carefully defining the legal apparatus at their disposal, they endeavoured to rationalize the traditional system of municipal government. They intended to furnish local leaders with the authority to play a more vigorous role in the life of the community, and in doing so, to make civic government more effective.

The various town charters granted to Upper Canadian municipalities during the 1830s and 1840s did not differ in substance. They invariably established a community as "a Body Corporate and Politic" which was governed by an elected Board of Police or Common Council.<sup>96</sup> Prior to incorporation, a town or village was a mere collection of buildings with a nebulous legal identity and very little power. The authority of the magistracy was ill-defined; the law prevented Justices of the Peace from entering into legal agreements or from buying and selling property in the name of the townsfolk they

governed. In contrast, once a community received a charter of incorporation, a profound transformation took place. As phrased in the 1846 statute which established the City of Hamilton, a municipal corporation enjoyed the right to enter into contracts and "to break, renew, change and alter the same at pleasure".<sup>97</sup> In addition, the representatives chosen by the electorate were

. . . capable of suing and being sued, and of pleading and being impleaded in all Courts of Law and Equity and other places, in all manner of actions, causes and matters whatsoever, and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, moveable and immoveable estates, and of granting, selling and alienating, assigning, demissing and conveying the same, and of entering into and becoming a party of contracts, and of granting and accepting any bills, bonds, judgments or other instruments or securities for the payment or securing of the payment of any money borrowed or lent, or for the performance or securing the performance of any other duty, matter or thing whatsoever.<sup>98</sup>

Charters of incorporation also provided municipalities with a significant degree of financial independence. As we have observed, the effectiveness of the Commissioners of the Peace and the Courts of Quarter Sessions had been undermined by an inadequate system of assessment. Legislation passed in 1819 set fixed assessment values that did not take into account the actual worth of town property. Merchants' shops, for example, were rated at £200 regardless of their size or of the wealth of their owners.<sup>99</sup> Following the incorporation of towns and cities, many of these restrictions were lifted and the revenue available to the authorities was greatly increased. Municipalities received the prerogative to levy an annual rate of assessment on all of the property within their precincts. Chattels including "horses of the age of three years and upwards, horned cattle, phaetons, carriages, gigs, wagons,

sleighs and other carriages kept for pleasure" became subject to assessment, and the value of all "houses, shops, warehouses, buildings, gardens, grounds, lands, tenements and parts and portions thereof" were "rated according to the real rack rent or full yearly value" which assessors were to ascertain on an annual basis.<sup>100</sup> Furthermore, the corporations were empowered to commute the road labour which all townsfolk were compelled to perform into an annual tax, as well as to levy an additional rate of assessment on those residents who directly benefitted from internal improvements such as sewer construction and the lighting and repairing of public thoroughfares.<sup>101</sup> Restrictions were placed upon the taxing authority of the municipalities. Indeed, in most instances, the annual rate of assessment was not to exceed several pence in the pound, and throughout the early-Victorian period, civic officials campaigned to have their sources of revenue increased. Nevertheless, in comparison with the system that prevailed before the incorporation of urban communities, the municipalities enjoyed significant taxing privileges that allowed them to support a wide range of important functions.

In addition to receiving all of the legal and fiscal prerogatives of 'a Body Corporate and Politic', municipal corporations were invested with the power to introduce a variety of measures designed to facilitate "the better protection and management of local interests".<sup>102</sup> The responsibility for undertaking local improvement projects, for example, was placed in the hands of Boards of Police and Common Councils. Local leaders thereby obtained the right to construct sidewalks, roads, highways, wharves, docks and bridges, as well as to

prevent the encumbering or injuring of harbours, wharves, bridges and other public thoroughfares. They also were authorized to regulate fire companies, enforce building codes, establish Boards of Health, construct market houses, and regulate the exchange of country produce. The preservation of public order and morality represented another important issue addressed by charters of incorporation. Along with a mandate to suppress public nuisances such as furious driving and livestock running at large, the municipalities were instructed "to prevent and punish breaches of the peace, and generally to prevent and punish vice, drunkenness, profane swearing, obscene language and every other species of immorality and to preserve good order."<sup>103</sup> In a number of communities, the provincial government went so far as to empower the authorities to establish correctional institutions and "to take up and arrest, or order to be taken up and arrested, all rogues, vagabonds, drunkards and disorderly persons."<sup>104</sup>

The sweeping powers granted to Boards of Police and Common Councils assured them a prominent position in the daily life of urban communities. Through incorporation, local leaders received legal and financial powers of far greater significance than those enjoyed by the appointed magistracy. In order to eliminate inefficiency and instability, Upper Canadians believed that it was necessary to revamp the traditional system of local government by creating powerful municipal institutions controlled by a majority of propertied residents. The belief that structural change was capable of solving the many problems plaguing the province's towns and cities may have been naive and irrational. Indeed, most municipalities would suffer from chronic

revenue shortages within a few short years, and as urbanization continued at a rapid pace, officials were overwhelmed by a wide range of problems relating to internal improvements, market regulation, and the preservation of public order and morality. Nonetheless, the naivety of those individuals who supported the reform of local government should not be exaggerated. Incorporation effected a fundamental change in the internal government of urban communities, and unlike their relatively impotent predecessors, the men elected to civic office possessed the authority required to advance "the interests and prosperity" of their constituents.<sup>105</sup>

#### Conclusion

By perceiving incorporation as an ideological question with clearly-defined party lines, traditional historians failed to present a well-balanced interpretation of the demise of the traditional system of local government. Despite an element of political bickering, the reform movement was essentially non-partisan in both its composition and general orientation. Tories and Reformers may have differed over the details of how to organize Boards of Police and Common Councils (Reformers, for example, inevitably favoured a more liberal franchise than Tories), but the fact remains that a wide cross section of both political parties recognized the need for radical change. It is also important to note that plebeian townsfolk were conspicuous in their absence from the reform movement. Irrespective of political loyalties, the men who dominated the economic, political and social life of a community were the most inclined to champion the cause of incorporation. Concluding that a more efficacious system of local government would

advance their vital interests, local elite members cooperated with one another in order to realize this end.

If ideology and partisan politics were not of paramount importance, then what factors underlay the reform movement? An examination of the circumstances surrounding the incorporation of a number of specific towns and cities reveals that a host of problems relating to the physical environment of urban communities, internal improvement projects, the regulation of market places, and the preservation of public order and morality, caused townsmen to advocate the reorganization of local government. Designed to serve sparsely-populated rural areas, traditional arrangements proved to be entirely inadequate for the purpose of governing burgeoning urban communities. The Justices of the Peace in the Courts of Quarter Sessions lacked the financial resources and legal prerogatives to overcome the many difficulties of urban life, and the evidence illustrates that the situation became increasingly serious as the nineteenth century progressed. As pleas for redress failed to secure an adequate response from the authorities, Upper Canadians concluded that incorporation represented the only viable alternative. It was the strength of this conviction which united the most affluent and influential class of urban dwellers regardless of their political affiliations and which explains why the province's most important towns and cities were incorporated by mid-century.

## ENDNOTES

<sup>1</sup>Ottawa Citizen, 4 September 1847.

<sup>2</sup>K. G. Crawford, Canadian Municipal Government (Toronto: University of Toronto Press, 1954), p. 10.

<sup>3</sup>For a more detailed discussion of the whig interpretation of Canadian history refer to chapter 2, "The Rise of Liberty," in Carl Berger's The Writing of Canadian History (Toronto: Oxford University Press, 1976)

<sup>4</sup>J. H. Aitchison, "The Municipal Corporations Act of 1849," Canadian Historical Review, XXX, 1949, p. 122.

<sup>5</sup>J. H. Aitchison, "The Development of Local Government in Upper Canada, 1783-1850," Ph.D. thesis, University of Toronto, 1953, p. 566.

<sup>6</sup>E. A. Cruikshank, ed., The Correspondence of Lieutenant-Governor John Graves Simcoe, vol. III (Toronto: Ontario Historical Society, 5 vols., 1923-31), p. 53.

<sup>7</sup>Ibid., vol. IV, p. 12.

<sup>8</sup>The Parish and Town Officers Act restricted the power of local assemblies to selecting unimportant office holders, to preventing livestock from running at large, and determining the height of fences. Town meetings were authorized to take place only once a year.

<sup>9</sup>Brockville Recorder, 3 September 1830.

<sup>10</sup>Ibid., 7 September 1830.

<sup>11</sup>Public Archives of Ontario (P.A.O.), William Wallace to his uncles in Yorkshire, England, 30 September 1830.

<sup>12</sup>Ibid.

<sup>13</sup>A number of local histories provide useful information concerning the town's early history and its founding families. See Thadius W. H. Leavitt, History of Leeds and Grenville (Belleville: Mika Silk Screening Ltd., 1972, originally published by Recorder Press, Brockville in 1879); Ruth McKenzie, Leeds and Grenville: Their First Two Hundred Years (Toronto: McClelland and Stewart Ltd., 1967); H. C. MacNaught and A. G. T. Carter, Brockville: A Pictorial History (Kingston: Hanson and Edgar Ltd., 1972).



<sup>14</sup>G. R. I. MacPherson, "The Code of Brockville's Buells," M.A. thesis, University of Western Ontario, 1966.

<sup>15</sup>W. S. Wallace, ed., The Macmillan Dictionary of Canadian Biography (Toronto: Macmillan of Canada, 1978), p. 397.

<sup>16</sup>Ibid., p. 398. It is interesting to note that W.L. Mackenzie identified Jonas Jones as being a member of the Family Compact. See David Earl, The Family Compact: Aristocracy or Oligarchy (Toronto: The Copp Clark Publishing Company, 1967), p. 13.

<sup>17</sup>Henry Sherwood was also identified as being a Family Compact member. See Earl, The Family Compact, p. 13.

<sup>18</sup>Leavitt, History of Leeds and Grenville, p. 100.

<sup>19</sup>Wallace, Macmillan Dictionary, pp. 766-767.

<sup>20</sup>Brockville Recorder, 3 September 1830.

<sup>21</sup>Ibid.

<sup>22</sup>Ibid.

<sup>23</sup>Ibid., 23 August 1830.

<sup>24</sup>Ibid., 3 September 1830.

<sup>25</sup>Between 1830 and 1832, the Brockville Recorder reported the debate relating to the incorporation of the town, and in particular, the conflict between the Jones and Buell families over the question of the market house. See the Brockville Recorder, 10 February 1831, 17 February 1831, 17 November 1831, 21 November 1831, 16 February 1832, 2 April 1832, 19 April 1832.

<sup>26</sup>P.A.O., William Hamilton Merritt Papers, C 7063, L. D. Raymond to W. H. Merritt, 24 February 1845; C. Beadle to W. H. Merritt, 29 February 1845.

<sup>27</sup>Kingston Chronicle, 27 December 1828.

<sup>28</sup>Ibid.

<sup>29</sup>Margaret S. Angus, "John Counter," in the Dictionary of Canadian Biography (Toronto: University of Toronto Press), IX, 1861-70, p. 162.

<sup>30</sup>Brockville Recorder, 3 September 1830.

<sup>31</sup>Kingston Chronicle, 22 December 1828.

<sup>32</sup>F. H. Armstrong, "Toronto in Transition: The Emergence of a City. 1828-38," Ph.D. thesis, University of Toronto, 1965, p. 73.

<sup>33</sup>Ibid., p. 68.

<sup>34</sup>Canadian Freeman. Quoted in the Brockville Recorder, 30 November 1830.

<sup>35</sup>Ibid.

<sup>36</sup>Armstrong, "Toronto in Transition," p. 71.

<sup>37</sup>Brockville Recorder, 3 September 1830.

<sup>38</sup>Kingston Chronicle, 10 January 1829.

<sup>39</sup>Ibid.

<sup>40</sup>David Easton, A Systems Analysis of Political Life (New York: John Wiley and Sons, 1965), p. vii.

<sup>41</sup>Ibid., p. 278, p. 220.

<sup>42</sup>Adam Shortt, Municipal Government in Ontario: An Historical Sketch (Toronto: Toronto University Studies, iii, 1907), p. 7.

<sup>43</sup>Aitchison, "Local Government in Upper Canada," p. 33.

<sup>44</sup>Armstrong, "Toronto in Transition," p. 57.

<sup>45</sup>G. P. de T. Glazebrook, The Story of Toronto (Toronto; University of Toronto Press, 1971), p. 75.

<sup>46</sup>E. A. Cruikshank and A. F. Hunter, eds., The Correspondence of the Honourable Peter Russell, with allied documents relating to the Administration of the Government of Upper Canada during the official term of Lieutenant-Governor Simcoe (3 vols., Toronto 1932-6), III, p. 229.

<sup>47</sup>Ibid., pp. 229-230.

<sup>48</sup>Statutes of Upper Canada, vol. 1, "An act to empower the commissioners of the peace for the Midland district, in their court of general quarter sessions assembled, to establish and regulate a market in and for the town of Kingston," 9 July 1801.

<sup>49</sup>Ibid., "An act to empower the commissioners of the peace for the Home district, in their court of general quarter sessions assembled, to establish and regulate a market in and for the town of York, in the said district," 7 April 1817.

<sup>50</sup>Ibid., "An act to establish a police in the towns of York Sandwich and Amherstburg," 7 April 1817.

<sup>51</sup>Ibid., "An act for establishing a police in the town of Niagara, and for other purposes therein mentioned," 12 July 1819.

<sup>52</sup>Ibid., "An act to make more ample provisions for regulating the police in the town of Kingston," 19 January 1824.

<sup>53</sup>Western Mercury, 12 March 1835.

<sup>54</sup>Ottawa Citizen, 22 May 1847.

<sup>55</sup>Western Mercury, 22 September 1831.

<sup>56</sup>Ibid., 30 June 1831.

<sup>57</sup>Geoffrey Bilson, A Darkened House: Cholera in Nineteenth-Century Canada (Toronto: University of Toronto Press, 1980), pp. 171-172.

<sup>58</sup>John Weaver and Peter de Lottinville, "The Conflagration and the City: Disaster and Progress in British North America during the Nineteenth-Century," Histoire Sociale/Social History, XIII, no. 26, November 1980, pp. 417-449.

<sup>59</sup>Western Mercury, 15 November 1832.

<sup>60</sup>Brockville Recorder, 8 November 1833.

<sup>61</sup>Western Mercury, 1 September 1831.

<sup>62</sup>Ibid. .

<sup>63</sup>Kingston Chronicle, 24 October 1823.

<sup>64</sup>Ibid.

<sup>65</sup>Ibid., 31 October 1823.

<sup>66</sup>Michael Cross, "The Shiners' War: Social Violence in the Ottawa Valley in the 1830s," Canadian Historical Review, LIV, no.1, 1973.

<sup>67</sup>Ibid., p. 17.

<sup>68</sup>Claire Pentland, "The Lachine Strike of 1843," Canadian Historical Review, XXIX, 1948, p. 274.

<sup>69</sup>Ruth Bleasdale, "Class Conflict on the Canals of Upper Canada in the 1840s," unpublished paper, presented at the Canadian Historical Association Conference, 1978.

<sup>70</sup>St. Catharines Journal, 18 August 1842.

<sup>71</sup>Ibid.

<sup>72</sup>Ibid., 25 August 1842.

<sup>73</sup>Ibid.

<sup>74</sup>Ibid.

<sup>75</sup>Ibid.

<sup>76</sup>Ibid.

<sup>77</sup>Similar disturbances broke out in 1843 and 1844. See the St. Catharines Journal, 21 December 1843, 2 February 1844.

<sup>78</sup>Statutes of Canada, 1844-46, "An Act for the better preservation of the Peace, and the prevention of Riots and violent Outrages at and near Public Works while in progress of construction," 17 March 1845.

<sup>79</sup>Ibid.

<sup>80</sup>P.A.O., "How the Peace was Preserved in Days Gone by," in Personal Recollections of Bytown and Ottawa, Women's Canadian History Society of Ottawa, vol. VIII, 1922, p. 36.

<sup>81</sup>Ibid.

<sup>82</sup>P.A.O., City of Toronto Papers (mis.), MS 385, petition of Robert Bead and 27 others, 20 July 1835.

<sup>83</sup>Ibid.

<sup>84</sup>Ibid.

<sup>85</sup>Ibid.

<sup>86</sup>Western Mercury, 22 February 1933.

<sup>87</sup>Ibid.

<sup>88</sup>St. Catharines Journal, 10 April 1845.

<sup>89</sup>Ibid.

<sup>90</sup>Goldwin Smith, A History of England (New York: Charles Scribner's Sons, 1966), p. 48.

<sup>91</sup>Ibid., p. 157.

<sup>92</sup>Anthony Ridley, Living Cities (London: Heinemann, 1971), p. 156.

<sup>93</sup>Ibid., p. 157.

<sup>94</sup>R.C.B. Risk, "The Nineteenth Century Foundations of the Business Corporation in Ontario," University of Toronto Law Journal, 23, 1973, pp. 270--272.

<sup>95</sup>Ibid., p. 301.

<sup>96</sup>Statutes of Canada, 1844-46 "An Act to incorporate the Town of Saint Catharines," 29 March 1845.

<sup>97</sup>Ibid., "An Act to alter and amend the Act incorporating the Town of Hamilton, and to erect the same into a City," 9 June 1846.

<sup>98</sup>Ibid.

<sup>99</sup>Armstrong, "Toronto in Transition," p. 64.

<sup>100</sup>Statutes of Upper Canada, vol. 1, "An Act to Incorporate the Town of Kingston," 6 March 1838.

<sup>101</sup>Statutes of Canada, 1844-46 "An Act to Incorporate the Town of Kingston as a City," 18 May 1846.

<sup>102</sup>Ibid.

<sup>103</sup>Ibid., "An Act to amend the Act of Incorporation of the Town of Cornwall, to establish a Town Council therein, in lieu of a Board of Police," 9 June 1846.

<sup>104</sup>Statutes of Upper Canada, vol. 1, "An Act to Incorporate the Town of Kingston," 6 March 1838.

<sup>105</sup>Kingston Chronicle, 10 January 1829.

CHAPTER TWO  
"MEN OF EXPERIENCE AND PROPERTY":<sup>1</sup>  
MUNICIPAL POLITICIANS IN SIX  
URBAN COMMUNITIES

*Introduction*

The men who served in local government during the first half of the nineteenth century have attracted insufficient attention from Canadian historians. While containing detailed accounts of the evolution of governmental institutions, traditional studies such as those written by John H. Aitchison and Kenneth G. Crawford failed to subject the men elected to civic office to a careful analysis. Consequently, they advanced static interpretations that did not adequately explain the functioning of the political system at the local level. Following the example set by social scientists in Britain and the United States, Canadian scholars recently have undertaken investigations relating to the nature of power and the role of elites in urban communities. Much progress has been made in this area during the past decade, but since most studies have focused on the latter part of the nineteenth century, a great deal of work remains to be done for the pre-1860 period in particular. Without appreciating the essential characteristics of the men who sat on town councils during the early decades following the restructuring of municipal institutions, it is impossible to fully understand the factors which shaped the development of Upper Canada's emergent urban communities.

As documented in Chapter One, municipal incorporation was achieved largely as a result of the efforts of the most prominent and well-established inhabitants of towns and cities. Successful businessmen and professionals were the most ardent champions of incorporation, and poorer townfolk did not have an important role in the reform movement. The great influence wielded by local elite members in matters relating to local government did not vanish once urban communities succeeded in obtaining charters of incorporation from the provincial government. Many of the men who had campaigned for the reorganization of the political system offered their services to the newly-established corporations, and as we shall see, high ranking individuals monopolized a majority of positions in local government for the entire period under consideration.

#### The Predominance of Businessmen in Local Government

Several weeks before the 1855 municipal election in St. Catharines, a local newspaper provided its readers with advice concerning the sort of men for whom they should cast their vote. According to the editor of the St. Catharines Journal, men of property who had been active in community affairs and whose interests were inextricably linked to the prosperity of the town represented the most suitable candidates for civic office. "It must be recollected," the newspaper maintained, "that the man most capable of promoting his own interests is more likely to promote those of the public than any other."<sup>2</sup> No doubt, the sentiments expressed by the Journal reflected the opinion of a majority of the town's enfranchised residents. In the decade which had passed since St. Catharines was first incorporated, the

most successful inhabitants of the community had consistently been chosen to manage the affairs of the Corporation, and the results of the 1855 election did not depart from this tradition. Henry Mittleberger, one of the Niagara Peninsula's most dynamic entrepreneurs, and William Hamilton Merritt Junior, son of the ambitious promoter of the Welland Canal, President of the Welland Railway Company and managing director of the Great Western Railway, were both elected to Council. Half of the successful candidates were merchants or lawyers, and almost as many owned mills or other manufacturing establishments. As the editor of the St. Catharines Journal remarked with considerable satisfaction, "The members of our Board are all large property owners in the Corporation, and therefore have a common interest in the prosperity of the place."<sup>3</sup>

A prosopographic study of local politicians in six Upper Canadian towns reveals that the Journal's description of the successful candidates in the St. Catharines election of 1855 is applicable to the men who participated in local government throughout the province. In recent years, collective biography has become an increasingly popular form of historical research, and a growing number of historians have utilized the computer in order to trace social, economic and demographic change over time. This study of municipal politicians in Brockville, Hamilton, Kingston, Ottawa, St. Catharines and Toronto is based on a data file consisting of the names of the 628 men who were elected to public office in these towns from the time of their incorporation until 1860. Local histories, newspapers and directories allowed for the identification of all but a handful of these men, and the available data was both organized and analyzed by means of quantification. The



statistical evidence confirmed the general impression which came from a careful reading of the literary material. To quote the St. Catharines Journal once again, "men of experience and prosperity" dominated local government in each of the communities examined.<sup>4</sup> Successful businessmen dominated Boards of Police and Common Councils, and the lower echelons of society were not active participants in the political process.

The information contained in table 2.1 illustrates the general occupations of the men elected to municipal office. Each individual has been placed in one of eight occupational groupings. The categories are as follows: merchants (wholesale and retail functions), business services (advertising and transport), other business (hotel and tavern owners), manufacturers, real estate and finance, builders and contractors, professionals and personnel services, and artisans and workers. Anyone with more than one occupation was classified according to the occupation from which he derived his livelihood for the longest period. The most striking characteristic of the men included in the sample was the plurality of individuals engaged in business activities. As evident from table 2.1, four occupational groupings dominated the sample, with merchants, professionals and personnel services, other business, and manufacturers accounting for more than 80% of the politicians for whom information was available. Approximately 30% of the entire sample belonged to the merchant category, while more than 20% were classified as professionals, 10.8% as manufacturers, 9.9% as other business, and 5.6% as builders and contractors.

TABLE 2.1  
HORIZONTAL OCCUPATIONAL GROUPINGS\*

Occupational Group	Absolute Frequency	Relative Frequency
Merchants (wholesale/retail functions)	189	30.1
Business Services (advertising and transport)	21	3.3
Other Business (hotel and tavern owners)	62	9.9
Manufacturers	68	10.8
Real Estate and Finance	22	3.5
Builders and Contractors	35	5.6
Professionals and Personnel Services	127	20.2
Artisans and Workers	16	2.5
Not Classified/Unkown	88	14.0
Total	628	100.0

\* These groupings are based upon the categories used by Diana Middleton and David Walker in "Manufacturers and Industrial Development Policy in Hamilton, 1890-1910," Urban History Review, VIII, No. 3, February, 1980.

These statistics verify that a disproportionate number of businessmen held positions in local government. Indeed, almost 80% of the men whose occupations were identified belonged to one of the six business-related categories.<sup>5</sup> Merchants engaged in the wholesale and retail trades, the proprietors of hotels, taverns and victualling houses, grocers, the owners of hardware and dry goods stores, and builders, comprised a majority of these individuals. The relatively high percentage of office holders classified as professionals reflected the large number of lawyers (10.7% of the sample), and to a lesser extent, physicians (3.5%) and gentlemen (2.5%). In addition to being professionals, many of these men also became involved with outside business ventures at some point during their careers. As indicated in table 2.1, only 2.5% of men included in the sample derived their livelihood from occupations classified in the artisan and worker category. Since anyone running for municipal office had to satisfy a minimum property qualification, the insignificant number of individuals belonging to the most plebeian of the occupational groupings is not surprising. Moreover, the figure of 2.5% may be somewhat inflated. For example, on a number of occasions, a contractor or builder stated that he worked as a carpenter or plasterer even though he owned a successful business and employed a larger number of workers. Unless information concerning the actual extent of such an individual's operations came to light, it was necessary to place him in the artisan and worker category. Consequently, a number of the men falling into this particular grouping may have been relatively affluent, and they may have in fact belonged to

one of the business-related categories. Moreover, as Michael Katz documented in his study of Hamilton, artisans were among the wealthiest 10% of the town's population during the mid-nineteenth century.<sup>6</sup>

The data presented in table 2.2 further illustrates the elitist nature of local government in Upper Canadian towns. The men elected to civic office have been classified according to six vertical occupational groupings ranging from high through to low. These categories relate specific occupations to various socio-economic determinants and provide an objective reading of an individual's status in the local community. The great preponderance of municipal politicians who fell into the two highest groupings (81.2%) is quite extraordinary. More than 43% of the men were classified in the high category, while almost 38% fell into the medium high grouping. An insignificant proportion of the sample belonged to the middle and medium low categories, and most significantly, not a single individual was placed in the low grouping. Lawyers represented the largest number of men belonging to the high category, while merchants and manufacturers comprised a significant proportion of the 38% of the sample classified as medium high.

As illustrated in table 2.3, the percentage of men belonging to the six vertical occupational groupings varied according to the specific positions which they held in local government. The more prestigious the position (the offices of president and mayor were the most highly regarded), then the higher the proportion of individuals falling into the top category. A well-respected gentleman or attorney who belonged to a founding family was often selected to serve as mayor, while an especially large number of businessmen became aldermen and councilmen.

TABLE 2.2  
VERTICAL OCCUPATIONAL GROUPINGS\*\*

Occupational Rank Group	Absolute Frequency	Relative Frequency
I (High)	272	43.3
II (Medium High)	238	37.9
III (Middle)	45	7.2
IV (Medium Low)	2	.3
V (Low)	0	0
VI (Unclassifiable/Unknown)	71	11.4
Total	628	100.0

\*\* The categories used in this table are taken from Michael B. Katz's The People of Hamilton, Canada West (Cambridge: Harvard University Press, 1975). Appendix two, pp. 343-348.

TABLE 2.3  
POSITIONS HELD IN RELATION TO  
OCCUPATIONAL GROUPINGS

Vertical Occupational Groupings	Positions Held in Descending Order of Prominence				
	Mayor	President	Police Board Members	Alderman	Councilman
High	78.0	71.4	51.9	51.0	35.8
Medium High	22.0	7.1	25.9	33.6	44.6
Middle	0	7.1	3.7	5.1	9.0
Medium Low	0	0	0	.4	.5
Low	0	14.3	18.6	9.5	9.9
Total	100.0	100.0	100.0	100.0	100.0

It should also be noted that the property qualifications for the various municipal offices were not uniform. For example, a candidate for the position of mayor or alderman had to possess a minimum amount of property of greater value than someone running as a common councilman. The lower property qualification may therefore explain why a greater proportion of councilmen belonged to the middle occupational grouping than any other office holders. However, even among councilmen, more than 80% of the sample fell into the two highest categories.

The preponderance of high ranking individuals in local government stemmed from the prohibitive property qualifications included in most town charters. Only affluent and well-established townsmen were eligible to become members of municipal corporations, and the acts of incorporation denied the more plebian elements of society the privilege of voting in local elections.<sup>7</sup> A candidate for public office had to be both male and a British subject. In addition, depending upon the town in question, he had to possess real property or freehold ranging in value from £40 to £100, and it was necessary for him to have resided in the community for at least one or two years. The qualifications for persons wishing to vote in municipal elections were somewhat less restrictive than those for candidates to public office. Nevertheless, most charters included a residency qualification, and all voters had to be in possession of a fixed amount of property, the minimum value of which increased rather than decreased over the course of this period. The absence of adequate documentation prevents one from ascertaining what proportion of townsmen held the franchise and were eligible for municipal office, but the fact remains that exclusory

provisions prevented many individuals from participating in the political process. The residency qualification alone would exclude a large number of townsmen. As Michael Katz ascertained in his study of Hamilton, only 31.3% of the males identified in the 1851 census still resided in Hamilton ten years later. Furthermore, Katz discovered a direct relationship between transiency and socio-economic class, and he concluded that the less affluent inhabitants of urban communities had the highest incidence of geographic mobility.<sup>8</sup>

With the passing of time, a larger proportion of businessmen came to hold positions in local government. In table 2.4, the horizontal occupational groupings have been presented in relation to three sequences which indicate the years in which the men included in the sample were first elected to municipal office. The data summarized in the table points to several significant changes. Between 1832 and 1860, the relative number of individuals belonging to the professional category decreased by one half from 31.2% to 15.1% of the total sample. On the other hand, the percentage of local officials who fell into the merchant grouping increased from 22.6% to 34.1%. Similarly, the proportion of men belonging to the builders and contractors, manufacturers, other business and business services categories grew by more than 10%. Interestingly enough, the relative number of workers and artisans did not change appreciably between 1832 and 1860.

The increasing number of municipal politicians engaged in business-related occupations corresponded to similar changes in the proportion of men belonging to the vertical occupational groupings. Table 2.5 is virtually identical to table 2.4 except that the vertical



TABLE 2.4

CHANGES IN THE NUMBER OF MEN BELONGING TO  
THE HORIZONTAL OCCUPATIONAL GROUPINGS OVER TIME

First Year Elected	Merchant	Business Services	Other Business	Manufacturer	Real Estate & Finance	Builders & Contractors	Professionals	Artisans & Workers	Unknown
1833- 1839	21 22.6%	2 2.2%	9 9.7%	9 9.7%	3 3.2%	2 2.2%	29 31.2%	2 2.2%	16 17.2%
1840- 1849	34 24.8%	2 1.5%	6 4.4%	14 10.2%	7 5.1%	8 5.8%	36 26.3%	2 1.5%	28 20.4%
1850- 1860	133 34.1%	17 4.4%	46 11.8%	45 11.5%	11 2.8%	25 6.4%	59 15.1%	12 3.1%	42 10.8%

rather than the horizontal occupational groupings have been presented in relation to the periods during which the office holders first became active in local government. The data reveals a steady decline in the relative number of men who fell into the highest occupational category. In the 1833-1839 period, more than half of the men elected to municipal office (51.6%) belonged to the high grouping. By the 1850s, however, this figure had dropped by more than 10%. An increase in the proportion of individuals belonging to the medium high occupational grouping accompanied the decrease in the highest category. While the occupations of 31.2% of the sample were classified as being medium high during the 1830s, 41.5% of the men first elected during the 1850s fell into this category. There was no significant change in the proportion of municipal politicians belonging to the middle occupational grouping.

The statistical evidence contained in tables 2.4 and 2.5 indicates that the predominance of professionals in local government declined as the importance of businessmen steadily increased. As we have seen, the period 1833-1860 witnessed a significant decline in the proportion of municipal politicians belonging to the highest vertical occupational grouping, and a corresponding increase in the relative number of individuals who derived their livelihood from occupations placed in the medium high, and to a lesser extent, the middle categories. By the mid-nineteenth century, lawyers and other professionals comprised a smaller portion of the sample, while merchants, manufacturers and men engaged in a variety of other business activities became relatively more numerous.

TABLE 2.5

CHANGES IN THE NUMBER OF MEN BELONGING TO  
THE VERTICAL OCCUPATIONAL GROUPINGS OVER TIME

First Year Elected	Vertical Occupational Groupings					
	High	Medium High	Middle	Medium Low	Low	Unknown
1833- 1839	48 51.6%	29 31.2%	6 6.5%	0	0	10 10.8%
1840- 1849	63 46.0%	47 34.3%	6 4.4%	0	0	21 15.3%
1850- 1860	155 39.7%	162 41.5%	33 8.5%	2 .5%	0	38 9.8%

The question arises as to whether these changes are in keeping with the concept of genteel decline advanced by a number of Canadian and American scholars. As David Hammock noted in his article, "Problems of Power in the Historical Study of Cities, 1800-1860," theories of genteel decline have influenced much of the historical writing relating to the exercising of power in American cities. Richard Hofstadter's influential work, The Age of Reform, avowed that "previously powerful elites of gentlemen lost out to mere wealth sometime between 1830 and 1910".<sup>9</sup> More recently, historians such as Frederick Jaher and Stow Persons reiterated the assertion that a "decline of American gentility" occurred during the latter part of the nineteenth century.<sup>10</sup> Although relatively few Canadian studies have addressed the question of genteel decline, historians traditionally accepted the notion that a patrician elite, not unlike the gentility described by certain American scholars, dominated the early development of Upper Canada. Prior to the work of Frederick Armstrong, J.K. Johnson and Brian Wilson, the standard interpretation depicted the Family Compact as a "pseudo-aristocratic elite" composed of socially-prominent gentlemen who demonstrated little enthusiasm for entrepreneurial ventures.<sup>11</sup> According to the traditional view, the 1840s represented an important watershed in the history of the province. The advent of responsible government, coupled with rapid economic development, undermined the position of the Family Compact, and a new, more dynamic elite composed of individuals who derived their livelihood from commerce and manufacturing superseded the pseudo-aristocrats bringing the age of gentility to an abrupt close.

The data relating to municipal politicians in six Upper Canadian towns seems to indicate a pattern of genteel decline. As towns increased in population and as their economies grew and became more diversified, men belonging to the professional category (predominantly attorneys, physicians and gentlemen) constituted a smaller proportion of the sample. The prominence of the founding families became less noticeable, and businessmen were elected to public office in ever increasing numbers. One must be cautious, however, when making sweeping generalizations concerning the nature of local elites. Recent scholarship has questioned the traditional assumption that a pseudo-aristocratic elite dominated the early development of the province. Michael Cross's study of Bytown uncovered an "age of gentility, extending from 1818 into the mid-1840s," but as Cross indicated, Bytown was not typical of other urban communities. A large number of retired army officers had settled in the area, and as a result, military rank was more important in determining social prominence than wealth.<sup>12</sup> Indicating that Family Compact members had varied socio-economic backgrounds, a number of other historians have illustrated that the ruling oligarchy initiated important developmental projects. In his doctoral thesis, Robert J. Burns ascertained that the predominance of Toronto's first elite was based upon more than extensive land holdings and well-placed social connections. In 1821, the "initial elite families" established Toronto's first bank, and in later decades, they helped to organize a number of other financial institutions and railway projects.<sup>13</sup> Furthermore, as Peter Baskerville indicated in "Entrepreneurship and the Family Compact: York-Toronto, 1822-1855," the

Toronto elite promoted the construction of both the Great Western Railway and the Toronto and Lake Huron Railway.<sup>14</sup> In view of evidence such as this, traditional assumptions concerning Upper Canadian history have been called into question as scholars have recognized the many complexities involved in studying the nature of elites and power in urban communities.

The significance of the declining number of professionals elected to municipal office should not be overemphasized. In the first place, attorneys, physicians and gentlemen never dominated Boards of Police and Common Councils. At its peak, only 31.2% of the office holders belonged to the professional category, and even during the 1830s and 1840s, businessmen constituted a clear majority of the sample. One must also recognize that members of the legal profession comprised an integral part of the business world. As Michael Doucet and John Weaver commented in their innovative study of Hamilton's Mills family, "the god of law as much as the Law of God ruled the conduct of the bourgeoisie" thereby making it essential that businessmen have a thorough understanding of the law.<sup>15</sup> In addition, the term professional does not adequately convey the wide range of outside activities undertaken by many of these individuals. A significant number of professionals became involved in developmental projects similar to those described by Robert Burns and Peter Baskerville, and the careers of attorneys, physicians and gentlemen were often multi-faceted.

The following are only a few examples of the many municipal politicians belonging to the professional category who exhibited significant entrepreneurial behaviour. The members of Hamilton's Mills

family may have cultivated a pseudo-aristocratic image, but their social prominence was based upon wealth derived from land speculation and assorted business ventures. Samuel Mills, a member of both the Board of Police and Common Council, "rapidly became a commercial success with interests in merchandising, milling, shipping and construction."<sup>16</sup> His brother, George Hamilton Mills, a lawyer and Hamilton alderman, had profitted from land speculation, and he was involved with both the Hamilton and Lake Erie Railway Company and the Hamilton and North West Railway Company.<sup>17</sup> Similarly, in Brockville, men such as Daniel Jones, Henry Hones, Jonas Jones and Henry Sherwood were considered to be gentlemen of the first order. They belonged to the professional category and were well connected to the provincial oligarchy. Nonetheless, these individuals did not hesitate to invest in business ventures, and they were among the most successful of Brockville's entrepreneurs. In Kingston, a large number of the professionals elected to civic office also participated in outside business activities. Francis Hill, for example, a lawyer and gentleman, operated the Kingston Forwarding Company, and he served as a director of the Kingston Fire and Marine Insurance Company. A notable physician who held the position of mayor for three years, James Sampson invested in the Cataraqui Bridge Company while presiding over the operation of the Midland District Building Society. He also served as Commissioner of Customs and as an agent for the Canada Company. Horatio Yates, another of Kingston's medical practitioners, participated in the management of a long list of companies including the Kingston Permanent Building Society, the Phillipville Road Company, the Pittsburg and Gananoque Road Company and

the Perth Road Company. Similarly, a successful attorney and one of Kingston's most prominent residents, Overton Gildersleeve operated a steamboat company. In addition, he acted as president of the Kingston and Phillipsville Road Company and as a director of the Pittsburg and Gananoque Road Company.

While many other examples could be cited, those given for Hamilton, Brockville and Kingston are sufficient to illustrate the tendency for so-called professionals to participate in various business ventures. Simply because an individual worked as a lawyer or claimed to be a gentleman, one should not conclude that he was divorced from commerce or manufacturing. As recent studies have indicated, early elites cannot be neatly categorized as being patrician or pseudo-aristocratic in nature. The changing composition of local councils reflected a decline in the importance of professionals, but this does not alter the fact that merchants, manufacturers, contractors and other businessmen comprised a majority of the men elected to municipal office throughout the first half of the nineteenth century.

#### The Involvement of Municipal Politicians in Other Community Activities

In addition to belonging to high ranking occupational groupings, municipal politicians figured prominently in other facets of community life. Members of founding families, Loyalists and their descendants, and individuals prominent in provincial politics frequently became involved in local government. John Beverley Robinson, Henry Sherwood, William Lyon Mackenzie, Daniel Jones, John A. Macdonald and George



Taylor Denison were but a few of the notable persons elected to municipal office. The names of a number of dynamic entrepreneurs such as John Counter of Kingston, William Hamilton Merritt Jr. of St. Catharines and Jasper Tough Gilkison of Hamilton also appeared in the sample. Furthermore, a significant proportion of the men who served in local government were active in a wide range of outside activities relating to road, railway and bridge construction projects, financial institutions, public utility projects, and voluntary organizations. In Hamilton, Kingston and Ottawa (the best documented of the six communities included in this study), more than 40% of the office holders was closely associated with one or more of these outside activities, and if better documentation was available, this figure undoubtedly would be proven to be much higher.

Two sorts of outside activities tended to attract the attention of the men elected to municipal office. A number of individuals contributed their time and energy to religious, ethnic and charitable organizations. Poor relief and bible societies, temperance organizations and the St. Andrew's Society were among the most common of these groups. Despite the popularity of various voluntary organizations, a much larger proportion of the men included in the sample had connections with developmental projects designed to facilitate commercial expansion and urban growth. Local politicians demonstrated a great propensity for becoming involved with banks, insurance companies, boards of trade and building societies, and a relatively large number were associated with railway companies, road construction projects, gas companies and waterworks projects. Since

they were motivated by a broad commitment to economic development, the men included in the sample participated in these various activities as a natural adjunct to their interest in municipal government.

The involvement of local politicians in a number of community projects undertaken in Brockville during the 1830s provides an illustration of the divergent interests of the men elected to public office. As documented in Chapter One, a handful of prominent residents had been instrumental in bringing about the incorporation of the town. The proponents of reform never doubted the necessity of structural change, and once Brockville received its charter, many of them volunteered to serve on the Board of Police. Successful candidates included William Buell, Daniel Jones, Henry Jones, Jonas Jones, Samuel Pennock and Henry Sherwood. Along with being active in local government, these individuals dominated virtually every voluntary group and developmental project organized in the Leeds-Grenville area.

During the 1830s, the Brockville elite established a number of voluntary organizations in an effort to counter the social problems generated by the urbanization process. In July of 1833, for example, Jonas Jones, Paul Glassford, John Murphy, Samuel Pennock and several other prominent residents founded the Brockville Bible Society. Alarmed by what they perceived to be a steady increase in irreligious behaviour, they established the Society for the purpose of ensuring "a more general diffusion of the Word of God."<sup>18</sup> Townsfolk who served as members of the Brockville Corporation at one time or another comprised almost half of the Brockville Bible Society's first executive. Similarly, during the winter of 1833, a public meeting took place at the Brockville court

house "for the purpose of adopting measures to relieve the poor."<sup>19</sup> After selecting Jonas Jones to act as chairman, those in attendance resolved to establish the Brockville Poor Relief Society. According to the account printed in the Recorder, "the objects of the said society shall be first to dispense the necessaries of life to such as are destitute and unable to provide them."<sup>20</sup> It also intended "to procure medical aid for the indigent sick" and "to provide employment for the destitute and able-bodied who cannot themselves procure it."<sup>21</sup> An examination of the Poor Relief Society's list of managers reveals that like the Brockville Bible Society half of its executive held public office at some point during the 1830s.

The willingness of the Brockville elite to band together in order to establish voluntary organizations was exceeded only by their eagerness to become involved with developmental projects which they hoped would boost trade and commerce in the vicinity of the town. During the 1830s, three such projects, namely the establishment of a local bank, the improvement of the St. Lawrence and the formation of a steamboat company, attracted the attention of the handful of men who dominated the Brockville Corporation. On August 30, 1830, several days before the first meeting to consider the question of municipal incorporation took place, Daniel Jones, Jonas Jones, Henry Sherwood and a number of other prominent townsfolk gathered at Wheeler's Hotel in order to launch a campaign for the creation of a local bank. Since all attempts to attract a branch of the Bank of Upper Canada had met with failure, they decided that the province required an entirely new bank, the first branch of which would be set up in Brockville. Appointing

seven persons to a committee for the purpose of drafting a petition to the Governor in Council, the proponents of the scheme limited the amount of available stock to £100,000 and then immediately opened subscriptions.<sup>22</sup> Despite the enthusiasm with which they launched the campaign, several years passed before the Brockville elite succeeded in having a bank established in their community. By October of 1833, however, the Brockville Savings Bank was in full operation, and as the Recorder observed, it contributed to the well-being of the community by increasing "the savings of the industrial class of society within the District of Johnstown."<sup>23</sup> Merchants and other entrepreneurs had much to gain from the presence of a bank in their midst, and the members of Brockville's Board of Police gave their full support to the new company. Each of the Brockville Savings Bank's three trustees, Jonas Jones, Paul Glasford and George Crawford, had been vocal proponents of municipal incorporation, and the treasurer, George Mallock, and six of the bank's fifteen managing directors served as members of the Brockville Corporation.<sup>24</sup>

The same group of prominent residents who campaigned to have a bank established in Brockville directed their efforts toward the improvement of the system of transportation linking the town to Lower Canada. The prosperity of Brockville depended upon the flow of goods up and down the Saint Lawrence River. Consequently, the civic elite jealously guarded their hometown's position as an important entrepôt on the route between Kingston and Montreal, and businessmen encouraged all efforts to facilitate commercial activity in the Brockville area. One of the first public meetings called to consider the question of internal

communications took place in the autumn of 1830. Two familiar figures dominated the evening's proceedings; Jonas Jones chaired the meeting, while Andrew Buell acted as secretary. Enthusiastically endorsing the idea of improving the St. Lawrence waterway, the townsfolk in attendance donated more than £60 for the purpose of defraying the costs of a committee established to investigate the viability of the most popular proposals.<sup>25</sup>

Throughout the 1830s, the improvement of the St. Lawrence continued to command a great deal of attention in the Brockville community. Public meetings addressed this issue on a regular basis, and by printing detailed accounts of the proceedings in the Recorder, Andrew Buell engendered an upsurge in public interest. Even though the prospect of increased prosperity appealed to a wide cross section of the town's inhabitants, the handful of men who initiated the campaign, and who subsequently were elected to municipal office, remained the most persistent spokesmen for the cause of internal improvements. They petitioned the provincial government praying for financial assistance and never missed an opportunity to expound upon the many benefits resulting from improved means of communication. Indeed, in a petition drafted during November of 1832, the Brockville elite claimed that the construction of a series of canals along the St. Lawrence represented the key to the successful development of the northern half of the continent. Acknowledging the need to support "the prosecution of other projects for facilitating internal communication throughout the country," they doggedly maintained that their proposal was the most worthwhile since its implementation would advance the interests of all

colonists regardless of where they lived.<sup>26</sup> By removing the major impediments to commercial activity, the improvement of the St. Lawrence would give rise to immense savings that would more than compensate for the initial cost of the project. Over a period of ten years, they estimated with dazzling specificity, Upper Canadians would save more than £678,300.<sup>27</sup>

Apart from advocating the construction of canals, the Brockville elite organized a number of other developmental projects. The means of communication between Brockville and Montreal were both expensive and inefficient, and when pleas for better roads failed to secure an adequate response from provincial authorities, local businessmen combined their resources in a concerted attempt to facilitate the all-important export trade. Believing that prosperity depended on "greater and cheaper transportation facilities," they held a public meeting in September of 1832 at which they formed "a joint Stock Company for the Establishment of a Line of Steam Boats and Coaches to run between Montreal and Brockville."<sup>28</sup> After limiting the amount of available stock to £25,000, the townsfolk who attended the meeting selected sixteen notable persons to manage the affairs of the company. The list of managers printed in the Recorder included Jonas Jones, Henry Sherwood, Andrew Buell, Daniel Jones and Alexander Morris (each of these individuals served on the Board of Police for at least one year), and Jonas Jones and another Brockville resident who was also well known to Montreal businessmen received instructions to proceed to Lower Canada for the purpose of obtaining additional investment.<sup>29</sup>

Public interest in the affairs of the newly-established company heightened during the early part of 1833 when word arrived that a group of Prescott businessmen had formed "a powerful coalition" with the intention of asserting control over the forwarding trade to and from Montreal.<sup>30</sup> At a meeting held on January 31 of that year, Brockville's principal residents discussed "the injurious effects that will arise to the commerce and property of this Province, in consequence of the formation of a monopolizing association for Forwarding."<sup>31</sup> They expressed support for a group of Montreal merchants who wished to offset the effects of this monopoly, and after a brief discussion, concluded that the construction of a steamboat to "ply between this place and the head of the Long Sault" represented the most expedient solution.<sup>32</sup> Due to the threat posed by the Prescott forwarders, little difficulty was encountered in raising the £4,000 required for the construction of the steamer. Work progressed at a rapid pace, and on September 6, 1833, the Brockville was launched from the drydock owned by the Jones family at a public ceremony which proved to be an occasion for great celebration. Despite heavy rain, more than a thousand onlookers gathered at the waterfront, and as the new steamboat "glided into the water in a most beautiful style," the crowd cheered loudly and enthusiastically applauded the entrepreneurs responsible for bringing the project to a successful completion.<sup>33</sup>

The launching of the Brockville represented a major triumph for the civic elite. The attempt by a group of Prescott-based forwarders to monopolize the flow of traffic on the St. Lawrence had been countered with little difficulty, and as a result, the prosperity of the town

seemed to be assured. For a number of years, Brockville's most prominent residents had been preoccupied with improving the means of communication connecting their community to the outside world. They recognized that costly undertakings such as the construction of the new steamer would enhance their personal interests as well as those of the community at large. Just as they had volunteered to serve in municipal government, successful townsmen did not hesitate to become involved with a variety of developmental projects when the prosperity of Brockville seemed to be at stake.

The men elected to civic office in St. Catharines shared the tendency of the Brockville elite to dominate important community activities. Many of the men who became members of the St. Catharines Board of Police after 1845 had been active supporters of William Hamilton Merritt and his scheme to build a canal linking Lake Erie and Lake Ontario. Oliver Phelps, for example, a successful candidate both in 1846 and 1847, had received the contract to excavate the deep cut of the Welland Canal in 1827, and as a contractor, he pioneered the use of important labour-saving devices.<sup>34</sup> Furthermore, a significant number of the men who attended the dinner marking the tenth anniversary of the Welland Canal on St. Andrew's Day, 1834, went on to serve in local government during the following decade. Among the guests who drank a toast to -- "The Internal Improvements of Upper and Lower Canada -- may they always receive the support of an enlightened and liberal Legislature. Speed the plough," was Elias S. Adams.<sup>35</sup> In later years, the inhabitants of St. Catharines referred to the prosperous mill owner



and magistrate as Squire Adams, and he served as President of the Board of Police from 1846 to 1849 and as Mayor between 1850 and 1858.

St. Catharines' municipal politicians figured prominently in a number of other community activities. In 1835, Oliver Phelps played an important role in the formation of the St. Catharines Temperance Society.<sup>36</sup> A year later, when a group of local residents established the Niagara District Mutual Fire Insurance Company, they selected George Rykert and James Benson (both men were active in local government during the 1840s and 1850s) to act as managing directors.<sup>37</sup> Similarly, in 1846, a number of prominent businessmen incorporated the St. Catharines Building Society. The proponents of this scheme intended to establish a fund which would allow members to purchase property by means of small periodical payments, and they claimed that the company would provide "an easy and profitable mode of investing small sums of money."<sup>38</sup> John F. Mittleberger, a future Board of Police member and Councilman, became the first Vice-President of the Building Society, and in addition, four other local politicians volunteered to serve as managing directors.<sup>39</sup> The men elected to civic office also demonstrated considerable interest in banking institutions. The Niagara District Bank, for example, managed to obtain its charter largely as a result of the efforts of the St. Catharines elite, and many of the bank's most important stockholders held positions in local government. An 1855 stocklist included the names of no less than eleven men who at some point during their careers became members of the Board of Police or Common Council.<sup>40</sup>

A significant proportion of local leaders were also involved with railway construction projects. Throughout his career, William

Hamilton Merritt, Jr., represented the interests of a number of railway companies. He served as President of the Welland Railway Company, and he also became a managing director of the Great Western Railway. During the winter of 1848, a public meeting took place at the St. Catharines House for the purpose of discussing the affairs of the Great Western Railway. Along with Merritt, a half dozen other individuals active in local government attended the meeting and participated in the discussion which followed. The guest speaker, George Tiffany, a Hamilton resident and President of the Great Western, informed the crowd that the company which he represented required a \$2,000,000 loan guarantee from the provincial government. After a brief discussion, the townsfolk in attendance unanimously adopted a series of resolutions expressing support for Tiffany and the railway project. In view of the fact that the railway would be beneficial to the entire province, they declared, "the Government should extend sufficient aid to secure its early and efficient construction."<sup>41</sup> Half of the six resolutions passed at the meeting, including the one advising the provincial government to guarantee the \$2,000,000 loan, were both moved and seconded by successful entrepreneurs who also happened to be members of the Board of Police. Since the interests of these individuals depended upon the prosperity of St. Catharines, they enthusiastically supported the construction of a railway which promised to increase land values and encourage commercial activity in the vicinity of the town.<sup>42</sup>

This discussion of the non-political activities of municipal office holders attests to the fact that the prominence of these individuals was not confined to their success in business or their

participation in local government. They dominated the economic, social and political life of the province's towns and cities, and there were few community projects in which they did not play a leading role. In view of the fact that the most successful class of urban dwellers held a majority of positions in municipal government, the great enthusiasm which developmental projects such as the construction of the Great Western Railway and the improvement of the St. Lawrence generated among local officials comes as no surprise. It was widely believed that projects of this nature would bring about economic development and urban growth. For men of property, the advancement of the communities in which they lived promised to further their own personal interests as well as the interests of society at large.

#### A Question of Interests

Historical studies have tended to advance two antithetical characterizations of the men elected to public office. Popularized by local histories of a traditional nature, the first interpretation largely ignored petty rivalries, scandal and corruption while depicting municipal politicians as selfless, public-minded individuals who had the vision to become involved in local government and to devote themselves to the common good. As Kevin Quinn concluded in his eulogistic examination of Kingston's nineteenth-century mayors, "the very fact that important men took on the thankless job of mayor is an indication of their desire to help the community."<sup>43</sup> Rather than pursuing their private interests, they "aided their fellow man in the only way they knew how -- by providing able leadership."<sup>44</sup> In contrast with the

idealism and naivete of Quinn's approach is a more critical interpretation which has documented the manner in which greed and corruption pervaded local government. First published in 1914, Gustavus Myers' A History of Canadian Wealth defined the main parameters of what has been labelled the muckraking tradition. Describing "the manner in which small and poor municipalities were depleted of funds, and corrupted or compelled to mortgage future generations for the benefit of railway contractors and owners," Myers exposed a number of politicians who profitted from a variety of corrupt practices.<sup>45</sup> He singled out Mayor John Bowes of Toronto and described how Bowes collaborated with Francis Hincks in order to extract £60,000 from the City of Toronto for the benefit of the Northern Railway. A director of the railway and one of its larger stockholders, Bowes made a profit of £4,115 from the transaction which the Judicial Committee of the Privy Council later denounced "as a corrupt bargain."<sup>46</sup> Myers believed that self-interest invariably determined the actions of public officials, and he presented a most unflattering view of both local government and municipal politicians.

Of the two aforementioned positions, the second, more critical interpretation provides a closer approximation of the truth. Scholars who focussed solely on altruistic considerations overlooked the seamier side of local government as they adulated the great men who shaped the early development of Upper Canadian towns. Granted, the local press frequently referred to the European tradition of noblesse oblige when entreating prominent persons to become involved in civic affairs, but the behaviour of municipal politicians rarely conformed to this ideal.<sup>47</sup>

Scandal and corruption were an integral part of the system, and by the end of the period under consideration, little progress had been made in the way of meaningful reform.

While acknowledging that the self-interest of office holders had a profound impact on the dynamics of local government, one must be careful not to embrace a crude form of economic determinism. Gustavus Myers was correct in pointing out that corruption was rife in the province's urban communities, but his analysis failed to consider the significance of motives other than pecuniary gain. To break new ground and move beyond the bounds of the muckraking tradition, one must recognize that a variety of interests came into play. The prevalence of disreputable practices, ranging from major scandals involving large sums of money to relatively unimportant incidents of pork barrelling, indicates that many politicians used their official positions in order to advance directly their selfish interests. However, the importance of more complex considerations or indirect means of accumulation, such as class interests, real estate enhancement, and the desire to assert social prominence and cultural hegemony, must not be ignored. The discussion which follows will therefore take each of these factors into account in an attempt to illustrate the multiplicity of interests which influenced the actions of municipal politicians.

The unscrupulous behaviour of Mayor Bowes may have been atypical, but stock swindles such as the one described by Myers involving the Corporation of Toronto and the Northern Railway were not uncommon. Major scandals transpired in virtually every community in the province, and the regularity with which they occurred attests to the

willingness of certain politicians to enrich themselves at the expense of the ratepayers whose interests they were supposed to represent. The lack of stringent regulations governing the conduct of civic affairs made it relatively easy for dishonest persons to defraud the public. Conflict of interest guidelines were either vague or non-existent, and the authorities resisted all efforts to disqualify individuals from municipal office on the grounds that they held stock in a company with which a corporation had dealings.<sup>48</sup> Moreover, as J. K. Johnson noted in his study of Samuel Zimmerman, an ambitious and, often, unprincipled railway contractor whom a contemporary described as "one bold operator," the mid-nineteenth century was not characterized by "a strict moral code."<sup>49</sup> Despite the fact that voters often expressed their disdain for corrupt politicians by defeating them at the polls, "much of the leadership of government and society was quite prepared to accept and to profit from 'railway morality.'"<sup>50</sup>

Assisted by the absence of a strict moral code, municipal politicians closely associated with canal, road and railway projects did everything in their power to advance the interests of the companies they represented. During the 1850s, for example, Jasper Tough Gilkison, a successful businessman and close associate of Sir Allan MacNab, used his position on Hamilton's Common Council to obtain generous financial assistance for the Great Western Railway.<sup>51</sup> Similarly, during December of 1854, the Corporation of Kingston passed a bylaw "to authorize the taking of stock in the Kingston, Pittsburgh and Gananoque Joint Stock Road Company to the amount of £5,000."<sup>52</sup> While the city fathers upheld their decision by proclaiming that the construction of the road would

"greatly promote the interests of the City of Kingston," an examination of the company's list of subscribers discloses that a significant number of politicians were in a position to derive more direct benefit from the loan than they were prepared to admit.<sup>53</sup> Five of the men voting in favour of the bylaw had already invested in the project, and half of the company's stockholders served on the Kingston Council at some point during the 1850s.<sup>54</sup>

Of all of Kingston's city fathers, John Counter proved to be the most successful champion of his private interests. President of the Wolfe Island Railway and Canal Company and a member of the Common Council for more than a decade, Counter focused much of his energy on obtaining municipal subsidies for developmental projects in which he had a personal stake. In 1852, while serving as mayor, he convinced his colleagues to invest £2,500 in the Wolfe Island Railway and Canal Company to facilitate the building of a canal across Wolfe Island.<sup>55</sup> Two years later, accepting the premise that the project would "promote the general interests of the City" by bringing it in direct communication with the Rome and Cape Vincent Railway of New York State, the Common Council agreed to grant the company additional aid when "unforseen difficulties" slowed construction and brought on the threat of bankruptcy.<sup>56</sup> Counter's protestations to the contrary notwithstanding, the investment of public money in the Wolfe Island Company involved a clear conflict of interest which directly benefitted the company's stockholders at the expense of Kingston's ratepayers. Even as the Wolfe Island project faltered, John Counter continued to prosper. The municipality, on the other hand, was compelled to secure

several loans from the provincial government, and by the end of the decade, it found itself on the brink of bankruptcy.

The tendency for vested interests to manipulate local government for the purpose of private gain is perhaps best illustrated by a discussion of the close relationship between the Corporation of St. Catharines and the powerful Merritt family. Even though he had neither the time nor the inclination to become directly involved in municipal affairs, William Hamilton Merritt successfully dominated the day-to-day operation of the *Common Council* through a number of close associates including his son, William Hamilton Merritt Junior, and his brother-in-law, Elias S. Adams. A prominent councilman throughout the 1850s, W. H. Merritt Jr. initiated several bylaws granting financial assistance to private trading companies in which the Merritt family had substantial investments. During May of 1851, for example, he proposed that the municipality purchase two hundred shares of capital stock in the recently-incorporated St. Catharines and Merrittsville Road Company. The city fathers anticipated that improved means of communication would stimulate trade and commerce, and without questioning the prudence of their actions, they unanimously agreed to invest more than £6,000 in the project.<sup>57</sup> Three months later, Merritt pushed a bylaw through Council extending public aid to the St. Catharines and Suspension Bridge Company. Warning that a shortage of capital threatened to bring to an end to work on the road connecting Thorold and St. Catharines, he managed to convince the authorities to grant the company a £500 bonus in addition to purchasing one hundred shares at full cost.<sup>58</sup> Since Merritt and various members of his family owned stock in both the St. Catharines



and Merrittsville road Company and the St. Catharines and Suspension Bridge Company, his actions were not impartial on either of these occasions. Similarly, in 1855, Merritt succeeded in persuading the city fathers to acquire \$26,000 worth of stock in the St. Catharines and Welland Canal Gas Light Company. In partnership with four other successful entrepreneurs, Merritt had established the company two years earlier, and in addition to investing heavily in the project, he served as president for more than a decade.<sup>59</sup> Although it is impossible to ascertain how profitable these ventures proved to be for Merritt, the support given by the Common Council strengthened the positions of the three companies involved, and by doing so, could only be beneficial to Merritt and the other investors.

The most glaring example of skulduggery involving the Corporation of St Catharines and the Merritt family concerned the financing of the Port Dalhousie and Thorold Railway company, or as it was later known, the Welland Railway Company. Designed to complement the Welland Canal and to draw trade from Lake Erie and the United States into Upper Canada and through St. Catharines, the Welland Railway was constructed during the mid-1850s. William Hamilton Merritt was the most prominent exponent of the scheme (he saw it as a natural outgrowth of the Welland Canal), and his son and namesake, W. H. Merritt Jr., held the position of company president. The elder Merritt used his full influence in order to convince the inhabitants of St. Catharines to aid in the financing of the railway. Claiming that it would guarantee the town a "bright future," he maintained that the Welland Railway Company represented a profitable investment.<sup>60</sup> Both men of business and

labourers would be attracted to St. Catharines, and according to Merritt, the railway would "give employment to our manufacturers and merchants, and other branches of business will be developed beyond our most sanguine expectations."<sup>61</sup> Without a railway linking Port Dalhousie and Port Colbourne, he concluded, "we sink into insignificance. The products of Canada West would pass by us to Rochester and Buffalo; and our mills and unrivaled water power continue to remain idle during the winter months."<sup>62</sup> Both a majority of ratepayers and municipal politicians heeded Merritt's advice. With the enthusiastic support of Mayor Elias Adams, the Corporation granted the railway company an initial loan of £25,000. As construction progressed, additional funds were forthcoming, and by 1856, St. Catharines had invested more than \$200,000 in the project.<sup>63</sup>

The subsidization of the Welland Railway Company seriously strained the municipality's financial resources. By the spring of 1857, the public debt exceeded £98,000, and the Common Council had no other alternative than to issue debentures to the value of £45,242 in a desperate attempt to stave off bankruptcy.<sup>64</sup> Hoping to find a permanent solution to the many problems generated by "the Large indebtedness of the Town," the authorities also agreed to raise additional capital by authorizing the sale of stock held in the Welland Railway.<sup>65</sup> After establishing a committee "with full power to dispose of such stock," they directed Mayor Adams "to execute such papers as may be necessary to effect such sale or transfer."<sup>66</sup> The depressed state of the economy prevented the committee from finding a buyer for the municipality's debentures, but when W. H. Merritt announced his intention to travel to

England in order to obtain additional financing, the city fathers accepted his offer to sell the aforementioned stock to British buyers. Accordingly, on July 6, 1857, they empowered Merritt to sell the shares owned by the Corporation of St. Catharines "on such terms as the new Stock of the said Company may be disposed of, and ... to accept in part payment of such Stock held by the Town, Iron Pipes to the value of a third of such Stock."<sup>67</sup>

Almost a year later, when W. H. Merritt returned from his mission to England, the members of the Common Council found ample reason to be unhappy with both Merritt and Mayor Adams. At a meeting held on June 10, 1858, they learned that Merritt had failed to dispose of the railway stock as he had been requested to do, and to their dismay, they discovered that Adams had secretly transferred ownership of the municipality's shares to Merritt at some point during the winter of 1857-8.<sup>68</sup> After expressing their disapproval of Mayor Adams' actions and disallowing any transfer of stock, the aldermen and councilmen in attendance decided to hold a public investigation in order to clarify the circumstances surrounding this transaction.

Without giving a reason, Merritt declined the invitation he received to attend the meeting. The absence of the man around whom the controversy revolved, however, did not prevent the authorities from launching a full-scale enquiry. Councilman William McGiverin asked if it was true that W. H. Merritt now controlled the whole of the stock held by the town in the railway. After hesitating for a moment, "the Mayor acknowledged having made the transfer himself without the knowledge of Council, Finance Committee or Town Solicitors."<sup>69</sup> The

response of Mayor Adams enraged McGiverin causing him to declare that the Mayor's conduct was "reprehensible."<sup>70</sup> "No man occupying the position that his Worship did," the Councilman avowed, "should have become a party to such a nefarious piece of business, as to dispose of \$200,000 worth of our property in such a surreptitious and scandalous manner."<sup>71</sup> Adams defended himself by insisting that he had carried out the transfer simply to make it easier for Merritt to dispose of the stock, but his explanation did not satisfy a majority of his colleagues. According to Councilman James Currie, "the whole affair was easily understood, and was a finely concocted scheme on the part of the persons managing the Railroad and the Mayor . . . to diddle the rate-payers."<sup>72</sup> Indicating that the power of attorney granted to Merritt before he left for England "was perfectly legal and right, and sufficient to enable him to sell the stock had he wished to," Currie claimed that Merritt had instructed Adams to transfer the town's stock to him only after he had discovered that this arrangement "would enable him to sell the \$300,000 of new stock to better advantage."<sup>73</sup>

The allegations of Councilmen McGiverin and Currie caused considerable controversy in St. Catharines, and during the summer and autumn of 1858, the subject of the stock transfer dominated the local press. Merritt's refusal to attend the special meeting called by the Common Council in mid-June fuelled speculation that he had acted illegally, and in the end, Merritt was compelled to provide a public explanation of his conduct. At a public gathering which the St. Catharines Journal described as "the largest and most orderly meeting we have ever seen in St. Catharines," Merritt challenged the accusations

directed against both himself and Mayor Adams.<sup>74</sup> Reminding the crowd that he had always endeavoured to act in the best interest of the town, he began his speech by emphasizing the great importance of railway construction: "If we desire progress, to keep up with the 'spirit of the age', we must make the same improvements, and obtain the same facilities as other places; to effect this, we must procure capital, and, as we have no surplus among us, we must go to where it is to be had."<sup>75</sup> In response to the charge that he and his family had monopolized "all the offices and profits" connected with the Welland Railway Company, Merritt insisted that he "never received a farthing compensation since the railway commenced."<sup>76</sup> In addition, he maintained that the transaction involving the transfer of railway stock "was fair, open and straightforward."<sup>77</sup> Since "no sales could be made, and no money paid until after this transfer was received by the agents in England," it was necessary for Adams to grant him legal title to the stock.<sup>78</sup> Merritt assured his listeners that he had every intention of disposing of the St. Catharines stock while he was in England, but due to an economic downturn and the failure of the company to pay interest to its stockholders, "a general distrust prevailed," and no matter how he tried, he was "unable to dispose of a single share."<sup>79</sup> In view of this most unfortunate situation, he continued,

I had but two courses to pursue. The one was to return with my fingers in my mouth, give up the undertaking, and allow the town, as well as the individual shareholders, to lose their property. The other was, to remain where I was, wait for a change, and devote my time to obtaining as much money as would complete the road; at all events, to save the amount of property invested in it.<sup>80</sup>

The insistence with which he claimed that he had not deliberately disobeyed the instructions given to him by the authorities convinced many residents of St. Catharines that W. H. Merritt had not behaved in a devious manner.<sup>81</sup> Nonetheless, Merritt's private correspondence covering the period 1856-1858 casts considerable doubt upon his personal integrity by substantiating the charge that he never intended to sell the stock held by the town in the Welland Railway Company. During 1856 and 1857, both W. H. Merritt and his son, W. H. Merritt Jr., devoted considerable energy to the difficult task of finding additional financing for the project. During the summer of 1856, the younger Merritt travelled to England for the purpose of procuring "a sufficient Loan of Money to ensure the completion of the road."<sup>82</sup> When this expedition failed to turn up the requisite capital, the elder Merritt decided that he would travel to England himself while his son visited Montreal and a number of cities in New England. The younger Merritt's search for additional financing proved to be a miserable failure. Despite all his "prayers and efforts," he was unable to interest investors in the project, and as he sadly wrote to his father on the eve of his return to St. Catharines, the directors of the Welland Railway now had no other alternative than "to suspend all works except those necessary to protect what has already been done."<sup>83</sup>

The news conveyed to him by his son gave a sense of urgency to W. H. Merritt's mission to England. Without an immediate input of capital, the project in which the Merritt family had taken such a personal interest faced financial ruin. The economic crisis of 1857-1864 made it increasingly difficult for businessmen to secure

sufficient quantities of long-term credit, and the elder Merritt realized that the Common Council's decision to dispose of its railway stock would only compound his problems by adding to the growing speculation that the Welland Railway Company was financially unsound. Determined to prevent insolvency at any cost, he decided to disregard the instructions which he had received from the city fathers. Since he held legal title to the debentures issued by the Corporation of St. Catharines, Merritt was able to claim that he had invested more than \$200,000 in the project while endeavouring to convince British financiers to purchase additional stock. There is no doubt that Mayor Adams actively assisted his brother-in-law in carrying out this deception. In a letter written around the time that Merritt left for England, he authorized J. H. Cameron, the Welland Railway Company's London agent, "to receive subscriptions for 500 shares of new stock at the rate of £50 eleven shillings per share."<sup>84</sup> Adams informed Cameron that Merritt would be arriving in London in order to assist in carrying out the new subscription, but significantly, he did not even mention the fact that the city fathers had resolved to divest the municipality of the stock it held in the Railway. Clearly, W. H. Merritt and his eldest son had conspired with mayor Adams in a deliberate attempt to mislead the members of the common Council and enhance the vital interests of the financially-troubled Welland Railway Company.

The underhanded dealings of the Merritt family illustrate that unbridled self-interest had a significant impact on the conduct of civic affairs. Broader class interests, however, constituted an equally important force determining the actions of municipal politicians. As we

have seen, more than 80% of the sample belonged to the high or medium high vertical occupational groupings, and a majority of these individuals were engaged in some form of business activity. The class bias of many measures implemented during this period clearly reflects the relatively homogeneous composition of Boards of Police and Common Councils. Affluent, well-established and propertied, local officials paid little attention to the needs of the poor, and on a number of occasions, they acted in direct opposition to working class demands. In Kingston, for example, the authorities banned the keeping of cows during the summer of 1860 even though "poor people" who relied on the animals for their livelihood begged for permission to keep livestock on tracts of land within the precincts of the city.<sup>85</sup> Blinded by their desire to improve public health and establish the fact that Kingston was not an unsophisticated backwater where livestock roamed the street, they ignored evidence of widespread hardship and refused to consider the possibility of lifting the ban.

While disregarding the pleas of commonfolk, the men elected to civic office responded favourably to petitions received from members of the business community. During the winter of 1841-42, for example, a group of prominent merchants wrote to the Common Council of Kingston on several occasions complaining of the difficulties arising from an acute shortage of legal coins. Expressing support for the merchants and concurring that the supply of coinage "now in circulation is manifestly insufficient for the purpose of trade," the city fathers applied to the provincial government for permission to issue £1,500 worth of copper coins.<sup>86</sup> When the government turned down their request, they promptly



agreed to contact the Banque du Peuple in Montreal in order to purchase the required coinage.<sup>87</sup> Believing that the retail trade had suffered as a result of the shortage of coins, they exhibited a willingness to incur considerable expense in order to rectify the situation and assist the city's businessmen.

Similarly, whenever merchants and other entrepreneurs were threatened with legislation unfavourable to their interests, municipal politicians responded by championing the cause of the business community. In 1851, for example, when a new assessment act was under consideration in the provincial legislature, the Corporation of Toronto gave its full support to the pressure group lobbying for the inclusion of a clause exempting retailers from paying a tax on their stock in trade. In lieu of levying a uniform rate of assessment on the stock of all retailers, the authorities suggested that a tax be levied only on "the declared profits of each merchant or tradesman carrying on business in Towns or Cities."<sup>88</sup> Ten years later, when the provincial government proposed an increase in customs tariffs, Toronto's local leaders once again rallied to the support of the province's businessmen. Stressing that "the prosperity of Toronto in common with that of other mercantile communities is mainly dependent on the success of its Merchants in the prosecution of their business," they submitted a petition to the Governor in Council praying "that the propositions of the Honourable Inspector General may be so modified as to avoid those sudden changes which cannot fail to upset the arrangements of our Merchants, derange their calculations, endanger their prosperity, and impose a previous burden on the consumer."<sup>89</sup>

Despite the explanation which they advanced, the concern manifested by Toronto's city fathers for the well-being of the business community was not selfless in motivation. Most of the men elected to municipal office depended on trade and commerce for their livelihood, and they therefore feared the disruption that would result from the implementation of the government's proposal. On issues such as taxation and customs tariffs, municipal politicians throughout the province adopted positions which were virtually identical to those articulated by Boards of Trade. They staunchly defended the interests of the business community, and in the process, provided evidence of the class bias which pervaded civic affairs.

As well as allowing them to defend and promote their general class interests, participation in municipal government furnished local elite members with a plenitude of small rewards. Opportunities for pork barrelling came up on a regular basis, and politicians made full use of their official positions in order to benefit themselves, their families and their friends. During the summer of 1848, for example, the visit of the circus performer, General Tom Thumb, provided "the far famed City Council of Hamilton" with the opportunity to perpetrate what the Spectator termed "a nice little job."<sup>90</sup> After exempting the famous midget from paying "the tax heretofore levied indiscriminately upon the works of nature and art," Mayor George S. Tiffany proceeded to grant him "free use of the City hall."<sup>91</sup> In return, "the City Fathers, their wives and little ones, down to the third generation" were "permitted to attend the levees of the General, without being compelled to stoop to anything so vulgar as purchasing tickets."<sup>92</sup> Relating other instances

of "tom-foolery" involving "the unenviable and degraded Tom Thumb Corporation of the City of Hamilton," the Spectator went on to conclude that the city fathers were interested only in their personal well-being and they cared little for the public good.<sup>93</sup>

The most common form of jobbing involved the awarding of contracts to corporation members. A large number of politicians owned merchandising establishments, and they frequently supplied building materials and other provisions to the corporations without following proper bidding procedures. During the 1830s and 1840s, this practice was especially widespread, and it was not until the mid-nineteenth century that a concerted effort was made to ensure that municipal contracts were awarded in a fair and open manner. As common as this form of jobbing was, it was not without risk. There was rarely enough patronage to go around, and disgruntled politicians who felt that they had been overlooked were not adverse to levelling formal charges against their more successful colleagues. The local press reported these petty scandals in great detail, and they figured prominently in civic election campaigns.

In Toronto and Kingston, charges of widespread corruption compelled the authorities to establish special investigative committees in 1857 and 1858 respectively.<sup>94</sup> The members of these committees unearthed numerous cases of underhanded dealings, and the reports they presented documented the prevalence of jobbing in local government. According to the Toronto committee, no less than six members of the previous Council had secretly obtained contracts from the Corporation. Councilman Rowell, for example, had been paid more than £118 "for a

description of articles which had previously been supplied to the Corporation by a person having no seat in the Council."<sup>95</sup> The committee reported that it could "discover no satisfactory reason for transferring any part of the business from him to Mr. Rowell, except that the latter was a member of the Council."<sup>96</sup> In addition to enriching themselves, a number of politicians favoured friends and relatives by awarding them municipal contracts. The son-in-law of Alderman Bugg, for example, received £84 in a clandestine deal involving the sale of lumber. On another occasion, one of Bugg's business associates secured a contract from the Corporation valued at almost £2,000, and according to the committee's report, he proceeded to purchase all of the wood required for the project at the Alderman's lumberyard. In an equally disreputable transaction, another member of Toronto's Common Council, Alderman Carruthers, secretly awarded a contract worth more than £3,478 to a builder named Mr. Mitchell who as it turned out was Carruthers' principal business partner. The widespread corruption which they uncovered so shocked the members of the special committee that they suggested the propriety of enforcing strict conflict of interest guidelines. They also advised their colleagues that the only way to prevent "new occasions of jobbing" was through constant vigilance.<sup>97</sup>

In addition to reaping numerous small rewards, municipal politicians used their influence in order to increase the value of their property holdings. As many Canadian and American historians have noted, real estate enhancement was of central importance in civic affairs. Common Councils and Boards of Police invested large sums of public money in road and railway projects in the hope of increasing property values,

and this object provided a major impetus to the spirit of boosterism which gripped many North American cities during the late nineteenth century. Politicians from different neighbourhoods endeavoured to have market houses and other important public buildings constructed in the Wards which they represented, and they vied with one another to ensure that they were the main beneficiaries of local improvement projects.

The haphazard manner in which internal improvements were carried out facilitated the misuse of public funds. As George Hamilton Mills, a former mayor of Hamilton, wrote in his memoirs, "a certain sum of money, a portion of the City taxes was set aside for the improvement of Streets and sidewalk repairs etc., for distribution all over the City."<sup>98</sup> The city fathers intended to distribute this money equally among the various Wards, but they rarely managed to achieve this end. "Sharp and active Aldermen . . . who cared little for the interest of the City when compared with their own personal ambition or interest, got the money," Mills observed, "while those less active but probably more entitled had only to put up with the manifestly unfair agreement."<sup>99</sup>

During the 1840s and 1850s, a number of aldermen and councilmen in Hamilton made a practice of using ward appropriations to improve roads and sidewalks in the vicinity of their property while ignoring the needs of other residents. In 1854, for example, the misuse of public funds by John Moore -- "the street-widening Alderman," caused the Spectator to announce that Moore's "sole ambition" was "to advance his own interests at the expense of those in the city generally."<sup>100</sup>

"Instead of making good the dilapidated side-walks which most required repairing," Alderman Moore and his two lieutenants, Councilmen Dalton

and Davidson, went about "laying down new walks, levelling streets, and putting up lamps where they are least required."<sup>101</sup> According to the Spectator, large sums of money had been expended on the improvement of Wilson Street, where Moore and his friends resided, "while other portions of the Ward have been almost entirely neglected."<sup>102</sup> The self-seeking behaviour of Alderman Moore aroused a great deal of hostility in the Ward. At the nomination meeting held to select candidates for the 1855 election, Moore vigorously denied the various allegations directed at him, but he failed to convince those in attendance of his innocence. When he refused to follow the advice of a heckler who directed him to take off his hat, "a scene of great confusion ensued."<sup>103</sup> A group of electors attempted to evict Moore from the meeting, and the beleaguered Alderman was then subjected to a barrage of "hooting, hissing and shouting from all sides."<sup>104</sup>

The misuse of public funds for the purpose of real estate enhancement carried with it many risks. As Hamilton's Alderman Moore discovered, those townsfolk whose needs had been ignored frequently organized powerful opposition groups capable of toppling unscrupulous politicians. Furthermore, the inequitable distribution of the money set aside for internal improvements gave rise to "a great deal of sectional jealousy."<sup>105</sup> Throughout the first half of the nineteenth century, the rivalry between the residents of various Wards represented one of the most potent issues in civic politics. It frequently overrode party loyalties and class divisions, and seriously disrupted the functioning of local government. In 1845, for example, Hamilton's municipal election degenerated into a contest between the two main Wards over

the spoils of public office. According to an election report appearing in the Bee, "Locality is the repeated pass-word, and the town is now to decide where the town shall be! Anomalism is consequently triumphant -- conservative, Radical, Moderate, Yankee, Free-born and Slave have Amalgamated."<sup>106</sup> Rather than voting along traditional party lines, Hamiltonians supported candidates who promised to promote the interests of the Wards in which they resided.

Following the 1845 election, sectional rivalry continued to have a profound impact on local politics in Hamilton, and several decades passed before municipal politicians discovered a viable solution to the problem of ward appropriation. During the latter part of the 1870s, George Hamilton Mills campaigned for the introduction of a less arbitrary system of allocating the money set aside for local improvements. Elaborating on "the existing injustice," Mills convinced the Council "that a change in the manner of distributing the appropriation was absolutely necessary."<sup>107</sup> In consultation with William Haskins, the City Engineer, Mills devised a plan which allowed the Board of Works to arrive at an "equitable sum" based upon both "area assessment" and the "pressing necessities of each Ward."<sup>108</sup> Aldermen would know exactly how much money they were entitled to spend on local improvements over the course of a year, and this amount would not fluctuate. According to Mills, the new system of pro-rated expenditures proved to be of "great advantage to the City."<sup>109</sup> A major cause of sectionalism was removed, and it became more difficult for dishonest politicians such as Alderman Moore to use public money in order to boost the value of their property holdings.

While allowing them to advance their material well-being, participation in municipal government also furnished the civic elite with an important symbol of power and community attachment. In recent years, many scholars have employed theories of deference and cultural hegemony as a means to study the nature of power in local communities. As Patrick Joyce insisted in his analysis of factory society in late-nineteenth century England, deference should be viewed "as a form of social interaction" which "is centrally linked with the legitimation of social hierarchy."<sup>110</sup> By injecting an element of morality into power relations and allowing the powerless to reap certain benefits, deference ensures the survival of a social structure threatened by the failure of coercive and inherently unstable relationships to garner widespread popular support. According to Joyce, elaborate rituals constituted an integral part of political life in nineteenth-century England. Prior to the extension of the franchise, public ritual inspired a coherent sense of identity among those excluded from the decision-making process, while in later years, it contributed to development of the illusion of popular participation. Joyce indicated that new forms of civic ritual became increasingly important once rotten boroughs were abolished and local government was reorganized in accordance with the Municipal Corporations Act. Parades, public celebrations and royal occasions fostered the idea of mutual interests thereby offsetting the tensions which arose in an essentially exploitative socio-economic system.<sup>111</sup>

In a legalistic and hierarchical society such as Upper Canada, the central importance of office holding cannot be overestimated. By becoming involved in civic affairs, an individual was able to acquire



both power and prestige. The holding of public office confirmed one's status in the community, and it provided the opportunity for future advancement. The insignia associated with local government, the robes frequently worn by mayors and the impressive town halls erected in most communities symbolized the power and authority of civic office. The men who served in local government were set apart from other townsfolk, and, to a surprising extent considering their low standard of behaviour, they received the respect and admiration of their neighbours. In common with the British experience, the "notion of corporate town identity" was promoted by means of civic ritual.<sup>112</sup> The ceremonies marking important developments such as the opening of a new town hall, the formation of a railway company or the completion of a major construction project became occasions for public celebration. Large crowds gathered to participate in the festivities, and officials delivered rousing speeches elaborating on the bright future which lay ahead. By encouraging the commonfolk to have a feeling of loyalty and pride in their hometowns, celebrations such as these contributed to social order and stability. In addition, they reinforced the predominance of public office holders and ensured that the accomplishments of the civic elite received popular recognition.

The available evidence does not allow one to ascertain the relative importance of the various factors influencing the actions of municipal politicians. The ideal of public service may have convinced certain individuals to become members of municipal corporations, but the primacy of less altruistic motives cannot be denied. A highly-visible symbol of power and prestige, the holding of public office enabled local

elite members to augment their authority and to bolster the established order. Participation in local government also allowed powerful vested interests to promote projects which they favoured, and it provided unscrupulous politicians such as John Bowes of Toronto and W. H. Merritt of St. Catharines with the opportunity to profit through the manipulation of municipal debentures. In addition, the men elected to civic office received innumerable small rewards, and they controlled the distribution of local patronage. By lobbying on behalf of the mercantile community and introducing legislation which reflected the aspirations of respectable townsfolk, municipal politicians actively promoted the general interests of their class. They also used their authority for the purpose of real estate enhancement, and many individuals sought to ensure that local improvement projects increased the value of their property holdings. While a variety of complex factors may have encouraged the men belonging to the sample to become involved in local government, the evidence clearly suggests that their motives were largely selfish in nature.

#### The Nature of Local Politics

Recognizing that they were united by common interests which superseded their political loyalties, local leaders strove to exclude factionalism from the day-to-day operation of municipal government. As Adiel Sherwood, a staunch Tory and notable Brockville resident, suggested in a letter to Andrew Buell, the prominent Reformer, needless squabbling benefitted the members of neither political party. Stressing the fact that he detested petty feuds, Sherwood claimed that he had

struggled throughout his career "to reconcile part spirit and harmonize political feelings, as the true source of restoring and perpetuating peace, prosperity, and happiness to the community."<sup>113</sup> Similarly, local newspapers regularly condemned "the common and very injurious practice of introducing politics into Corporation elections" on the grounds that party rivalries encouraged "unnecessary internal dissensions."<sup>114</sup> Rather than considering the best way to advance their personal interests or the interests of the party they supported, the men elected to public office should be motivated by "a strong sense of public duty, and a desire to promote the general good."<sup>115</sup> As the Spectator reminded the members of the Common Council of Hamilton after a particularly factious meeting, "it is in the interests of the city that party feelings should be repressed among men who meet together for a common object."<sup>116</sup>

Despite the pleas of the local press and the efforts of influential townsfolk such as Adiel Sherwood, petty rivalries and political bickering were never far from the surface in municipal affairs. Violence and corruption often marred election campaigns, and candidates demonstrated a willingness to resort to any means to ensure that they were returned by the electorate. During the 1850 election in Hamilton, for example, the overly-enthusiastic supporters of one candidate caused havoc by "constantly blocking up the way, interfering and tampering with the voters, sneering or making insulting remarks respecting two of the candidates, and altogether acting in an ungentlemanly, and . . . scandalous manner."<sup>117</sup> On another occasion, the campaign leading up to the city election became so heated that the Hamilton Spectator referred to the contest as "the tug of war."<sup>118</sup> "All

sorts of manoeuvring are going on in certain quarters with the view of securing the return of special favourites," the newspaper reported, and "to borrow the classic language of a candidate, dodging is likely to be the order of the day."<sup>119</sup> In an attempt to discourage fraudulent electioneering, town charters contained lengthy provisions which set out the procedure to be followed if the return of a particular candidate was contested. Boards of Police and Common Councils frequently disallowed election results in cases of overt dishonesty, but this did not prevent politicians from utilizing a variety of disreputable practices in the hope of obtaining victory at the polls.

The most dramatic incidents of electoral violence and illegality occurred when organized groups such as the Orange Order attempted to challenge the primacy of traditional elites in civic affairs. Representing the interests of recent Irish immigrants who had been excluded from the political consensus, the Orange Order sought to obtain greater recognition for its members by influencing the outcome of electoral contests. In Brockville, the intervention of Ogle Gowan, the founder and Grand Master of the Orange Order of British America, in the municipal election of 1833 precipitated a major crisis which culminated in widespread rioting. According to the report which appeared in the Brockville Recorder, the calmness which prevailed in the East Ward where most residents favoured the return of the men who had sat on the previous Board of Police contrasted dramatically with the situation in the town's West Ward. Samuel Pennock and John Murphy declared that they wished to be re-elected as the Ward's representatives, but they were opposed by two candidates, David Jones and Dr. Edmondson, who

sympathized with Ogle Gowan and the Orange Order. Hoping to gain control of the Board of Police, Gowan gave his full support to Jones and Edmondson, and as a result of his involvement, the 1833 election proved to be one of the most tumultuous in Brockville's history.<sup>120</sup>

As the residents of the West Ward gathered to cast their votes, a group of Gowanites began to direct "a great deal of unpleasant and sometimes abusive language against Pennock and Murphy."<sup>121</sup> Fearing that the trouble-makers intended to use illegal means to influence the outcome of the contest, the bailiff postponed the election for twenty-four hours. When voting resumed the following day, the supporters of Jones and Edmondson once again attempted to disrupt the polling process. The authorities were forced to execute the law "to the discomfiture of the shillalegh-men," and several "desperate characters" were committed to the local jail.<sup>122</sup> Angered by what they considered to be the arbitrary arrest and imprisonment of their friends, a group of Mr. Gowan's "Fine Boys" took to the streets in order to express their displeasure. They "collected together and paraded through the town, cheering in front of one house, and growling near another," and during the night, a number of notable residents "had their windows broken with stones."<sup>123</sup> While successfully disrupting the municipal election of 1833, Ogle Gowan and his followers failed to obtain victory at the polls. A majority of townsfolk voted in favour of Pennock and Murphy, and as the Recorder concluded with great delight, "the majesty of the laws bore sway."<sup>124</sup>

As illustrated by the Brockville election of 1833, a vibrant political culture characterized by intense rivalry, public participation, and a general disregard for legal niceties flourished at

the local level. Although complaints of voter apathy were not uncommon and many officials were returned without opposition, a significant number of municipal elections were fiercely contested. The men running for public office were not adverse to spreading damaging rumours concerning their competitors, and they frequently used liquor in order to bribe the electorate and to encourage their supporters to intimidate the forces of the opposition. Local newspapers championed the candidates which they favoured with great enthusiasm, and poems and ballads urging voters to support a particular camp were circulated around the towns. In addition, crowd action comprised an integral part of the political process. Large groups of townsfolk paraded through the streets carrying banners and shouting slogans, and unprincipled candidates packed polling places with their supporters in order to prevent individuals supporting rival politicians from casting their votes.<sup>125</sup>

Once elected to public office, the behaviour of municipal politicians rarely conformed to the standards of professionalism promoted by contemporary observers. Many individuals neglected their civic responsibilities by failing to attend council meetings on a regular basis. Lack of quorum resulted in the cancellation of numerous meetings, and consequently, matters of considerable importance were often subjected to needless delay. In a number of communities, the problem became so acute that local officials were compelled to pass bylaws instituting fines for non-attendance.<sup>126</sup> All too often, politicians betrayed the trust placed in them by the electorate, and they frequently behaved in a petty and childish manner. During the

1840s, for example, a Kingston resident was so offended by "all the nonsense spoken and blackguarism bandied by the members" of that town's Corporation that he concluded that the Common Council was no better than "a company of disorderly fishmongers."<sup>127</sup>

A high turnover of municipal politicians further illustrated the volatile nature of local government during the early-Victorian period. According to the statistics contained in table 2.6, 40% of the sample members held positions in local government for only one year, and more than three-quarters of all civic officials either declined to run for public office or failed to win re-election after three years or less of service. Only a handful of politicians sat on Boards of Police or Common Councils for more than a decade. Generally, an individual participated in local government for only one or two years. Moreover, the length of service did not vary significantly in accordance with the positions held by the men included in the sample. Presidents and members of Boards of Police, councilmen, aldermen and mayors all came and went with surprising regularity, and the composition of town councils changed dramatically from one year to the next.

The short periods of service for local leaders stemmed from several factors. High levels of geographic mobility meant that many individuals would have moved on to other communities where they may or may not have become involved once again in local government. In his study of the Brantford business community, David Burley made a significant contribution to the literature on this subject by documenting the extremely high level of transiency among that town's businessmen.<sup>128</sup> It is of course impossible to trace the movements of

TABLE 2.6

NUMBER OF YEARS THE MEN INCLUDED IN THE SAMPLE  
HELD POSITIONS IN LOCAL GOVERNMENT

Number of years in Local Government	Absolute Frequency	Relative Frequency
1	251	40.0
2	137	21.8
3	84	13.4
4	49	7.8
5	36	5.7
6	16	2.5
7	13	2.1
8	6	1.0
9	9	1.4
10	7	1.1
11	3	.5
12	2	.3
13	2	.3
14	2	.3
15	1	.2
16	3	.5
18	1	.2
Unknown	6	1.0
 Total	 628	 100.0
 Mean	 2.756	
Median	1.916	



all of the men who held public office in the six communities under examination, but undoubtedly, many of the politicians who withdrew from local government no longer resided in the towns where they had been active. In a number of cases, an individual's interest in civic affairs clearly did not wane following relocation in another part of the province. Henry Sherwood, for example, the successful attorney and prominent provincial politician, was elected to Brockville's Board of Police while living in the Leeds-Grenville area. After moving to the provincial capital in order to advance his career, Sherwood became a leading member of the Common Council of Toronto, and he served as Mayor between 1842 and 1844.<sup>129</sup>

The rough and tumble of local politics also aids in explaining why the men belonging to the sample did not remain active in municipal government for long periods. Many office holders retired following defeat at the polls. Other individuals were forced to resign their positions due to their involvement in underhanded dealings which gained public notoriety. John Counter of Kingston certainly falls into this category.<sup>130</sup> Particularly ambitious politicians, such as John A. Macdonald who served as a Kingston alderman for three years, often chose to pursue careers in provincial politics where the rewards for their efforts would be much greater. Disturbed by the low moral tone of civic politics, other officials may have decided not to seek re-election. During the 1840s and 1850s, local government gained an unenviable reputation for scandal and corruption, and firsthand experience may have convinced certain individuals that they should channel their efforts into

more worthwhile activities.<sup>131</sup> All of these factors contributed to the high turnover in municipal politicians.

Thus far, the discussion has indicated that a lack of stability characterized civic affairs. Most of the men included in the sample served in local government for only one or two years, and public office holders frequently conducted themselves in a most unbecoming manner. Dissension disrupted the day-to-day operation of Boards of Police and Common councils, and bribery and intimidation were freely used by candidates during election campaigns. In the final analysis, however, while acknowledging the prevalence of instability, one must recognize that a powerful unifying force gave a sense of order and cohesion to an otherwise fragmented political system. As we have seen, municipal politicians represented a relatively homogeneous group of men. Individuals may have retired from public life or suffered defeat at the polls, but the fundamentally elitist nature of local government did not change appreciably. This constant served to stabilize the political process, and it allowed the authorities to pursue those long-term goals which had propelled the pro-incorporation movement.

### Conclusion

This study of municipal politicians in Brockville, Hamilton, Kingston, Ottawa, St. Catharines and Toronto bears witness to the elitist nature of local government in Upper Canadian towns. Attorneys, merchants, shopkeepers, the proprietors of inns and hotels, manufacturers and other high ranking individuals comprised a majority of the men elected to public office, while artisans and workers were virtually

excluded from the sample. Between 1832 and 1860, as commerce and manufacturing expanded in the provinces' urban communities, the relative number of businessmen participating in local government increased. By the latter part of this period, men belonging to the professional category no longer formed the largest occupational grouping, and a much larger number of merchants and manufacturers held public office.

#### ENDNOTES

<sup>1</sup>St. Catharines Journal, 10 April 1845.

<sup>2</sup>Ibid., 14 December 1854.

<sup>3</sup>Ibid., 17 November 1853.

<sup>4</sup>Ibid., 10 April 1845.

<sup>5</sup>The business-related categories are as follows: merchants, business services, other business, manufacturer, real estate and finance, and builders and contractors. The professional and personnel category has not been included.

<sup>6</sup>Michael B. Katz, "The Entrepreneurial Class in a Canadian City: the mid-Nineteenth Century," The Journal of Social History, vol. 8, 1975, p. 3.

<sup>7</sup>In his study of municipal government in Manchester and Leeds, E. P. Hennock discovered that property qualifications prevented a majority of townfolk from voting in municipal elections. Between 1841 and 1861, Manchester's municipal electorate represented only 3% of the city's total population. In addition to wage earners, "young men" who were "in the process of building up their business" were excluded from the political process. E. P. Hennock, Fit and Proper Persons: Ideal and Reality in Nineteenth-Century Urban Government (Montreal: McGill-Queen's University Press, 1973), pp. 10-12.

<sup>8</sup>Michael B. Katz, The People of Hamilton, Canada West, Family and Class in a Mid-Nineteenth-Century City (Cambridge, Massachusetts: Harvard University Press, 1976), p. 123.

<sup>9</sup>David Hammock, "Problems in the Historical Study of Cities, 1800-1860," American Historical Review, LXXXIII, no. 2, 1978, p. 331.

<sup>10</sup>Ibid.

<sup>11</sup>Peter A. Baskerville, "Entrepreneurship and the Family Compact: York-Toronto, 1822-1855," Urban History Review, IX, no. 3, 1981, p. 65.

<sup>12</sup>Michael Sean Cross, "The Dark Druicidal Groves: the Lumber Community and the Commercial Frontier in British North America, to 1854," Ph.D. thesis, University of Toronto, 1968, p. 230.

<sup>13</sup>Robert J. Burns, "The First Elite of Toronto: An Examination of the Genesis, Consolidation and Duration of Power in an Emerging Colonial Society," Ph.D. thesis, University of Western Ontario, 1975, p. 203.

<sup>14</sup>Baskerville, "Entrepreneurship and the Family Compact," p. 21.

<sup>15</sup>Michael Doucet and John Weaver, "The Bourgeoisie and the City-Building Process: The Mills Family of Hamilton, Canada, 1816-1921," unpublished paper, p. 9.

<sup>16</sup>Melville T. Bailey, Patricia Filer, Robert L. Fraser and John C. Weaver (eds.), Dictionary of Hamilton Biography (Hamilton: Dictionary of Hamilton Biography, 1981), I, p. 154.

<sup>17</sup>Ibid., p. 153.

<sup>18</sup>Brockville Recorder, 5 July 1833.

<sup>19</sup>Ibid., 6 December 1833.

<sup>20</sup>Ibid., 13 December 1833.

<sup>21</sup>Ibid.

<sup>22</sup>Ibid., 31 August 1830.

<sup>23</sup>Ibid., 11 October 1833.

<sup>24</sup>Ibid.

<sup>25</sup>Ibid., 16 November 1830.

<sup>26</sup>Ibid., 22 November 1832.

<sup>27</sup>Ibid.

<sup>28</sup>Ibid., 6 September 1832.

<sup>29</sup>Ibid.

<sup>30</sup>Ibid., 31 January 1833.

<sup>31</sup>Ibid.

<sup>32</sup>Ibid.

<sup>33</sup>Ibid., 6 September 1833.

<sup>34</sup>C. F. P. Meaney, "The Welland Canal and Canadian Development," M.A. thesis, McMaster University, 1980, p. 10.

<sup>35</sup>British American Journal, 11 December 1834.

<sup>36</sup>Ibid., 15 January 1835.

<sup>37</sup>St. Catharines Journal, 3 November 1836.

<sup>38</sup>Brock University Library, Special Collections (B.U.S.C.), microfiche F5004 C3-1-2075, records of the St. Catharines Building Society.

<sup>39</sup>Ibid.

<sup>40</sup>Public Archives of Ontario (P.A.O.), Merritt Papers, C 1065, stock list of the Niagara District Bank, 20 July 1855.

<sup>41</sup>St. Catharines Journal, 24 February 1848.

<sup>42</sup>Ibid.

<sup>43</sup>Kevin Quinn, "Kingston Mayors, 1838-1860: Sketches of a Local Elite," Historic Kingston, XXVI, 1978, p. 8.

<sup>44</sup>Ibid.

<sup>45</sup>Gustavus Myers, A History of Canadian Wealth, introduction by Stanley Ryerson (Toronto: James Lorimer and Co., 1975), pp. 191-192.

<sup>46</sup>Ibid., p. 183.

<sup>47</sup>For example, on December 18, 1852, the Hamilton Spectator printed an article requesting the city's "active and independent business men" to disregard their selfish interests and to consent to run for public office. "Of course the business of the city must occupy a considerable portion of the time of those who are elected," the newspaper noted, "but the duty is one which every qualified man owes to the community, and useful and qualified people should not be allowed to shirk because others are willing to work." Clearly, the Spectator believed that privilege brought with it certain responsibilities.

<sup>48</sup>Mills Memorial Library, Special Collections (M.S.C.), The Marjorie Freeman Campbell Collection, Hamilton Minutes, 30 March 1857; City of Toronto Archives (C.T.A.), 1854 Journal, 6 March 1854.

<sup>49</sup>J. K. Johnson, "'One Bold Operator': Samuel Zimmerman, Niagara Entrepreneur, 1843-1857," Ontario History, LXXIV, 1, 1982, p. 41.

<sup>50</sup>Ibid.

<sup>51</sup>M.S.C., The Marjorie Freeman Campbell Collection, Hamilton Minutes, 21 August 1849.

<sup>52</sup>Queen's University Archives (Q.U.A.), City of Kingston Papers, Kingston By-Laws, "By-Law to authorize the taking of Stock in the Kingston, Pittsburgh and Gananoque Road company," 4 December 1854.

<sup>53</sup>Ibid.

<sup>54</sup>Q.U.A., City of Kingston papers (mis.), list of stock-holders in the Kingston, Pittsburgh and Gananoque Road Company, January 1858.

<sup>55</sup>Q.U.A., City of Kingston Papers, Kingston By-Laws, "By-Law for taking Stock in the Wolfe Island Railway and Canal Company," 14 May 1852.

<sup>56</sup>Ibid., "By-Law to provide for increasing the stock held by the City of Kingston in the Wolfe Island Railway and Canal Company," 11 September 1854.

<sup>57</sup>St. Catharines Historical Museum (S.C.H.M.), St. Catharines Board of Police Minutes, microfilm reel #171, 312, 27 May 1851.

<sup>58</sup>Ibid., 29 August 1851.

<sup>59</sup>B.U.S.C., Minutes of the St. Catharines Board of Trade 1876-1920, micro. HF 298 A3 S32, Annual Report for 1900.

<sup>60</sup>St. Catharines Journal, 2 December 1858.

<sup>61</sup>Ibid.

<sup>62</sup>Ibid.

<sup>63</sup>Ibid., 18 November 1858.

<sup>64</sup>S.C.H.M., St. Catharines Board of Police Minutes, microfilm reel #171, 313, 23 May 1857.

<sup>65</sup>Ibid., 16 May 1857.

<sup>66</sup>Ibid.

<sup>67</sup>Ibid., 6 July 1857.

<sup>68</sup>Ibid., 10 June 1858.

<sup>69</sup>St. Catharines Journal, 17 June 1858.

<sup>70</sup>Ibid.

<sup>71</sup>Ibid.

<sup>72</sup>Ibid.

<sup>73</sup>Ibid.

<sup>74</sup>Ibid., 2 December 1858.

<sup>75</sup>Ibid.

<sup>76</sup>Ibid.

<sup>77</sup>Ibid.

<sup>78</sup>Ibid.

<sup>79</sup>Ibid.

<sup>80</sup>Ibid.

<sup>81</sup>The fact that Merritt's reputation did not suffer too much as a result of the scandal is confirmed by the decision of the Common Council to give him another opportunity to travel to England in an effort to sell the stock held by the town in the railway. St. Catharines Journal, 6 October 1859.

<sup>82</sup>S.C.H.M., Merritt Papers, C-7064, W. H. Merritt to W. H. Merritt Jr., 25 August 1856.

<sup>83</sup>Ibid., W. H. Merritt Jr. to W. H. Merritt, 17 September 1857.

<sup>84</sup>Ibid., E. S. Adams to J. H. Cameron in London, 18 August 1857.

<sup>85</sup>Q.U.A., City of Kingston Papers (mis.), 16 July 1860.

<sup>86</sup>Q.U.A., Kingston Minutes, 4 March 1842.

<sup>87</sup>Ibid., 23 May 1842.

<sup>88</sup>C.T.A., 1851 Journal, 21 August 1851.

<sup>89</sup>Ibid., 1859 Journal, Appendix 42, report of the Committee appointed to draft a memorial to the Legislature relative to the Inspector General's new customs tariff.

<sup>90</sup>Hamilton Spectator, 1 July 1848.

<sup>91</sup>Ibid.

<sup>92</sup>Ibid.

<sup>93</sup>Ibid., 9 August 1848.

<sup>94</sup>Q.U.A., City of Kingston papers, Kingston Report Book, 4 December 1858; C.T.A., 1857 Journal, 9 November 1857.



- <sup>95</sup>C.T.A., 1857 Journal, 9 November 1857.
- <sup>96</sup>Ibid.
- <sup>97</sup>Ibid.
- <sup>98</sup>Hamilton Public Library, Special Collections (H.P.L.S.C.), George Hamilton Mills, Life Memoirs, typed manuscript, p. 22.
- <sup>99</sup>Ibid.
- <sup>100</sup>Hamilton Spectator, 22 November 1854.
- <sup>101</sup>Ibid.
- <sup>102</sup>Ibid.
- <sup>103</sup>Ibid., 8 December 1854.
- <sup>104</sup>Ibid.
- <sup>105</sup>Ibid., 4 September 1847.
- <sup>106</sup>Hamilton Bee, 14 March 1945.
- <sup>107</sup>H.P.L.S.C., Mills, Life Memoirs, p. 22.
- <sup>108</sup>Ibid.
- <sup>109</sup>Ibid.
- <sup>110</sup>Patrick Joyce, Work, Society and Politics (London: Methuen and Co., 1980), p. 92.
- <sup>111</sup>Ibid., pp. 277-278.
- <sup>112</sup>Ibid., p. 278.
- <sup>113</sup>P.A.O., A. N. Buell Papers, A. Sherwood to A. N. Buell, 20 June 1843.
- <sup>114</sup>Ottawa Citizen, 29 April 1848.
- <sup>115</sup>Ibid.
- <sup>116</sup>Hamilton Spectator, 19 January 1848.
- <sup>117</sup>Ibid., 12 January 1850.
- <sup>118</sup>Ibid., 3 January 1857.

119 Ibid.

120 Brockville Recorder, 4 April 1833.

121 Ibid.

122 Ibid.

123 Ibid.

124 Ibid.

125 The St. Catharines election of 1858 resulted in a number of amusing ditties which satirized the various candidates running for municipal office. They were sung to the tunes of traditional folk-songs, and the lyrics were printed in the local press. See St. Catharines Journal, 23 September 1858.

126 Between October 18 and 26, 1847, for example, five meetings of the St. Catharines Corporation were cancelled due to the absence of a quorum. S.C.H.M., St. Catharines Board of Police Minutes, microfilm reel #171, 312, 18-26 October 1847.

127 Duncan Lovatt McDowell, "Kingston, 1846-1854: A Study of Economic Change in a Mid-Nineteenth Century Canadian Community," M.A. thesis, Queen's University, 1974, pp. 124-125; quote from the Kingston Argus.

128 David Burley, "The Businessmen of Brantford, Ontario: Self-Employment in a Mid-Nineteenth Century Town," Ph.D. thesis, McMaster University, 1983.

129 W. S. Wallace (ed.), The Macmillan Dictionary of Canadian Biography (Toronto: Macmillan of Canada, 1978), pp. 766-767.

130 Due to a conflict of interest, Counter was forced to resign his seat during 1855. "John Counter," Historic Kingston, XXVI, 1979, p. 22.

131 There is much evidence which suggests that many influential Upper Canadians had a low opinion of municipal government. The controversy which arose when Robert Baldwin accused Toronto's municipal authorities "of exercising intimidation and corruption" during the 1841 civic election provides an interesting case in point. Appalled by the fraudulent practices used by the Tory, George Gurnett, to win re-election, Baldwin refrained "from contesting the representation of this City." P.A.O., City of Toronto Papers (mis.), 18 January 1841. The corruption which pervaded local politics in Toronto moved Francis Hincks to describe the municipality as "a rotten borough under the control of an ignorant and violent faction." Examiner, 6 January 1841.

## CHAPTER THREE

### "TO PROTECT THE FAIR DEALER AND DETECT THE FRAUDULENT ONE":<sup>1</sup> LOCAL GOVERNMENT AND THE REGULATION OF THE PUBLIC MARKET

#### Introduction

Throughout the first half of the nineteenth century, the supervision of public markets comprised one of the most important functions of local government in Upper Canadian towns. As we have noted, this specific issue was one of the practical concerns that had compelled the inhabitants of urban communities to champion the cause of incorporation, and following the restructuring of municipal institutions, it continued to command a great deal of attention in civic affairs. The central importance accorded the question of market regulation comes as no surprise. A ready and reasonably-priced supply of wholesome agricultural produce was a necessary prerequisite for urban growth. As hamlets grew into villages and towns, a larger proportion of residents became engaged in urban as opposed to rural activities, and country produce became an increasingly important source of food. Indeed, the well-being of urban communities necessitated that local officials took effective steps to ensure that the buying and selling of grain, meat, fruit, vegetables, fuel and fodder was carried on in as honest and efficient manner as possible.

Based upon pre-industrial concepts of economic morality, the market regulations enacted by Upper Canadian municipalities differed from traditional marketing procedures both in their intent and practical application. Consumer protection represented a significant motivating force, but townsfolk did not support all facets of the municipal system of market controls. A number of ordinances aroused widespread opposition, and rather than enhancing the security of consumers, they served the needs of special interest groups which used their influence to determine the course of public policy. As we shall see, for example, local politicians benefitted from an upsurge in revenue, while licenced vendors prospered as a result of the restrictions placed upon itinerant traders. Businessmen also recognized that they had good reason to advocate increased government intervention. By concentrating commercial activity in the central business districts and creating an atmosphere conducive to the pursuit of private profit, market regulations contributed in a substantive manner to the developmental policy implemented by the civic elite.

#### The Development and Expansion of Municipal Market Controls

The Upper Canadian market tradition can be traced back to medieval England where the weekly market and less frequent fair became the principal medium of exchange for a majority of consumers between approximately 1200 and 1500.<sup>2</sup> According to economic historians, religious festivals provided the impetus for the early development of medieval markets. Because of their central importance to local economies, public forums for the buying and selling of agricultural

produce received the formal recognition and protection of both Church and State, and numerous laws were introduced to govern their operation. As farmers produced greater quantities of food in excess of their personal requirements, public markets increased in number. The Crown granted 2,800 market licences between 1199 and 1483, and by the end of this period, the inhabitants of London were able to purchase food, fuel and fodder at more than 35 separate locations.<sup>3</sup>

English markets operated according to a set of rules which evolved over the centuries and were codified during the reign of King Edward VI. Elaborating on the importance placed by Anglo-Saxon law on the presence of witnesses at all transactions, medieval burghers developed a comprehensive system of market controls which constituted an integral part of what E.P. Thompson termed "the moral economy of the poor."<sup>4</sup> The primary aim of market laws was to protect consumers and, as phrased in a medieval code, "to promote fair dealing, and to prevent and punish chicanery."<sup>5</sup> In an attempt to eliminate middlemen and prevent the manipulation of supplies for the purpose of inflating prices, the authorities prohibited engrossing, forestalling and regrating. They prescribed the hours and places of trading and endeavoured to ensure that the commonfolk were able to satisfy their needs before dealers were permitted to purchase agricultural produce in large quantities. Market inspectors enforced uniform weights and measures, and they required that only good and wholesome victual was offered for sale. Perceiving the inevitability of a conflict between public and private interests, medieval lawmakers concluded "that the welfare of the community constituted the primary purpose of commercial dealing."<sup>6</sup> They therefore

initiated a series of regulations which translated the principle of consumer protection into practice.

The first public markets in Upper Canada appeared in garrison and government towns such as Kingston, Niagara and York. As Linda Biesenthal noted in her overview of the market tradition in Canada, there were relatively large numbers of soldiers and civil servants to provide for in these communities; a ready supply of country produce was therefore essential.<sup>7</sup> Beginning with Kingston in 1801, the provincial government passed legislation empowering the Commissioners of the Peace, who were responsible for the Districts within which these towns were situated, "to fix upon and establish some convenient place . . . as a market, where butter, eggs, poultry, fish and vegetables shall be exposed for sale".<sup>8</sup> The magistrates were authorized "to appoint such days and regulations relative thereto, as they shall deem expedient", as well as to fine anyone who disobeyed their directives.<sup>9</sup> In Niagara, they received the additional power of raising by means of assessment a sum of money not exceeding £100 for the purpose of erecting a market house.<sup>10</sup>

The Justices of the Peace failed to supervise the operation of public markets in a systematic manner. By the beginning of the Victorian era, many communities still lacked properly-regulated markets, and even in Kingston, Niagara and York, the magistracy often neglected this important concern. As towns and villages secured charters of incorporation from the provincial government, the responsibility for overseeing the marketing of agricultural produce was transferred from the Courts of Quarter Sessions to Boards of Police and Common Councils.

Municipal corporations received the authority to establish public markets whenever they liked. Furthermore, as phrased in Hamilton's act of incorporation, they were empowered

. . . to regulate the place and manner of selling and weighing hay, straw, fodder, wood, lumber and fish; to restrain and regulate the purchase and manner of selling all vegetables, fruit, country produce, poultry, and all other articles, or things, or animals exposed for sale, or marketed in the open air; to restrain and regulate the purchase of any such things by hucksters and runners within the City, and one mile distant from the outer limits thereof, to regulate the measurement, length and weight of coal, lime, shingles, lath, cord wood, and other fuel, and to impose penalties for light weight, or short count or measurement in anything marketed; to have the exclusive right of regulating weights and measures in the markets, and within the said City, according to the lawful standard, and to seize and destroy such as are not according to the standard; to regulate all vehicles, vessels and other things in which anything may be exposed for sale or marketed in any street or public place, and for imposing a reasonable charge or duty thereon, and establishing the mode in which it shall be said; to seize and destroy all tainted and unwholesome meat, poultry, fish or articles of food.<sup>11</sup>

The earliest actions taken by a newly-established corporation inevitably included the construction of a market house and the implementation of a series of rules to govern its operation. While controversy over the location of market buildings delayed action in several communities, the authorities usually acquired a central site and erected a suitable building in the early months following incorporation. In comparison with the impressive town halls constructed during the 1840s and 1850s, the first market houses were simple, utilitarian structures. They were often designed to serve as temporary shelters, and many were replaced by more substantial buildings as soon as sufficient funds became available. The design of public markets did not vary greatly from one community to the next. Butchers and grocers

usually occupied the booths inside, and in the adjoining squares, vendors sold hay, firewood and other bulky goods from wagons and open stalls. For the convenience of consumers and to attract as much trade as possible into the towns, the market houses maintained long hours of operation. They opened their doors as early as 5 a.m. and usually did not close until the early evening. In addition, many were open everyday of the year except for Christmas Day, Good Friday, and Sundays.

Bylaws forbidding the sale of country produce at any place other than at publicly-supervised markets constituted the backbone of the system of controls which emerged during this period. As Hamilton's Market Act of 1839 declared, "No person shall sell or expose for sale . . . any Butchers' meat, poultry, eggs, butter, cheese, or vegetables at any other place than the public market under the penalty of not less than 10/, nor more than 30/, for each offence".<sup>12</sup> The only exception was that "persons from the Country" were not prohibited from travelling around the town and "selling any and all of the articles mentioned after the hour of two o'clock p.m., if they paid the market fees thereon and had been unable to dispose of the provisions in the regular market".<sup>13</sup> By the early afternoon, anyone who wished to attend the market would have had ample time to do so, and the Board of Police deemed that it would not be prejudicial to the public interest to relax certain restrictions. Hucksters, however, were compelled to pay a licence fee, and they were expected to obey all of the ordinances enacted by the Corporation regardless of where they sold their produce.<sup>14</sup>

By proclaiming that public markets were the only places where meat, grain and other vital provisions could be offered for sale, civic



officials endeavoured to establish full control over the buying and selling of country produce and, in doing so, to protect consumers from careless and dishonest retailers. Market bylaws directed grocers and butchers to keep their stalls in a clean and sanitary condition, as well as to have an abundance of wholesome produce on hand. Any farmer who sold goods by weight had to equip himself with a proper scale, and the weights and measures he used had to be inspected and stamped by the market keeper. Moreover, consumers enjoyed the prerogative of having the weight of certain items verified at weighing stations. Produce that proved to be deficient in weight or of an inferior quality was confiscated, and the authorities fined the offending retailers. Quality controls provided still further protection to urban consumers as Boards of Police and Common Councils introduced measures similar to the Kingston bylaw prohibiting farmers from "exposing for sale . . . any unwholesome, blown, tainted, stuffed or mealy, meat, poultry or fish."<sup>15</sup>

Along with allowing officials to inspect the weight and quality of country produce, the early market regulations sought to ensure that urban communities were supplied with an abundance of foodstuffs, and that middlemen manipulated neither the supply nor the price of essential commodities. Bylaws forbidding farmers from selling their goods at any place other than the public markets prevented dealers from diverting the flow of goods away from the town centres. Additional regulations prohibited "the forestalling, regrating or engrossing of any Butchers' meat, poultry, butter, eggs, vegetables, corn, grain, flour or meal".<sup>16</sup> Local officials believed that the commonfolk should be able to make their purchases without having to compete with speculators and dealers.

They therefore implemented measures which forbade "anyone from directly or indirectly purchasing any fresh meat, poultry, butter, eggs, etc. . . . offered for sale in town before the afternoon for the purpose of selling the same again".<sup>17</sup>

Provisions relating to the assize of bread comprised an integral part of early market codes. With the intention of enforcing an equitable relationship between the cost of grain and the price charged by bakers for a loaf of bread, various municipalities passed ordinances extending their control over the manufacture and sale of bread. Within weeks of receiving its charter, for example, Brockville's Board of Police introduced a market act which among other things fixed a maximum price for bread. The law stipulated that anyone selling

. . . wheaten Bread at any greater or higher price than 8 pence for every loaf, weighing 4 pounds, and so in proportion for every loaf, weighing more or less, - he, she or they shall forfeit or pay at the rate of one shilling and 3 pence per ounce for whatever is wanting in the weight every such loaf purports to be of.<sup>18</sup>

Shortly after the incorporation of Toronto, the Common Council passed a similar measure entitled "An act to authorize and regulate the Assize and Price of Bread".<sup>19</sup> Under the provisions of this bylaw, two or more aldermen were authorized to fix the assize of bread on the first and third Monday of each month in accordance with information obtained by the Clerk of the Market concerning current grain prices.<sup>20</sup> In addition to setting the maximum price to be charged by bakers for a loaf of bread, officials in various towns and cities enacted a number of other regulations relating to the manufacture and sale of bread. They invariably prohibited the use of unwholesome flour. They also decreed

that loaves were to be of a particular weight and that a baker's initials were to appear on each loaf of bread he sold. The market keepers confiscated any bread deficient in weight or of an inferior quality, and they subjected offending bakers to substantial fines. In several communities, local leaders went so far as to appoint Inspectors of Bread. These officials scrutinized the premises where bread was baked, and they ensured that all of the ordinances concerning the assize bread were duly obeyed.<sup>21</sup>

The municipal system of consumer protection and market supervision became increasingly complex over the course of the early-Victorian period. As we have observed, a newly-established corporation enacted regulations which outlined the manner in which agricultural produce was to be marketed in the area under its jurisdiction. During the 1840s and 1850s, Boards of Police and Common Councils introduced additional bylaws which supplemented earlier provisions thereby making the system of controls more comprehensive and systematic. A long list of goods was added to those which already came under the watchful eye of the market keeper. Special bylaws regulating carters and cabmen were implemented for the purpose of encouraging commerce and facilitating the flow of country produce into the towns. Local officials made the apparatus for enforcing market regulations more effective, and additional market houses were constructed in burgeoning communities.

The growing importance of market regulation in Upper Canadian towns is exemplified by the steady expansion of Kingston's market code between 1838 and 1854. Following incorporation in 1838, the question of market supervision frequently attracted the attention of the civic

city, and the Corporation of Kingston initiated a number of bylaws relating to the buying and selling of agricultural goods. After 1840, however, the Common Council enacted supplementary legislation which reflected the growing sophistication of Kingston's system of market controls. For example, in 1841, the authorities passed an ordinance regulating the sale of firewood.<sup>22</sup> Several years later, they sanctioned the appointment of an Inspector of Weights and Measures.<sup>23</sup> In 1849, the Kingston Council introduced a specific act that dealt only with butchers and the marketing of meat, and at the same time, a bylaw regulating the sale of straw went into effect.<sup>24</sup> As the central market place became uncomfortably crowded, the city fathers resolved to establish an additional forum where hay, boards, staves, shingles, coal, lime, other heavy and bulky articles, cattle, sheep and swine were to be offered for sale.<sup>25</sup> Before too long, the bylaws relating to the operation of Kingston's public markets were so numerous and complex that it became necessary to consolidate all of these provisions under one omnibus piece of legislation. Accordingly, in 1854, the Market Committee brought forward a lengthy bill entitled "A Market Bylaw to provide for one general Bylaw to regulate the public market of the City of Kingston".<sup>26</sup> This bylaw was much more thorough than any previous legislation, and its implementation indicated the growing importance attached to the question of market regulation. In Kingston, as well as in other urban communities throughout the province, the supervision of the day-to-day operation of public markets continued to be one of the essential functions of local government even after 1850.

### Private and Public Interests Assessed

The vitality of Upper Canada's market tradition is a phenomenon worthy of careful study. As we have noted, the market regulations enacted by local officials drew upon the pre-industrial traditions of English corporations. The provisions contained in Upper Canadian bylaws closely resembled medieval codes, and the rhetoric of 'the old moral economy' was often used to explain why municipal corporations expended so much energy on regulating the day-to-day operation of public markets. Despite many superficial similarities, however, the Upper Canadian system of market controls contrasted dramatically with the situation in Great Britain. Just as British North Americans were introducing a myriad of regulations to oversee the buying and selling of agricultural produce, their compatriots in the Old World were in the process of rescinding the very medieval codes which had provided a model for colonial legislation. In 1822, the Corporation of London abolished the assize of bread in the region under its jurisdiction, and soon thereafter, the practice of fixing the price of bread in relation to the cost of grain vanished in other communities. By the 1840's, many similar regulations had been eliminated in the name of laissez-faire, and the medieval system of market supervision and consumer protection lay in ruins.<sup>27</sup>

Seeking to explain the demise of traditional economic relations, British scholars have advanced a number of theoretical models which provide clues as to why the tradition of market regulation survived in Upper Canada well into the nineteenth century. The medieval system of market supervision has generally been regarded as a 'pre-modern'

phenomenon which vanished with the emergence of a capitalist, free-market economy. Historians and political scientists who subscribed to liberal beliefs and wrote during the first half of the twentieth century generally concluded that the dismantling of the old market codes represented a positive development. Underestimating the many benefits provided to both urban and rural consumers, R.B. Westerfield, author of the 1915 monograph, Middlemen in English Business, concluded that the laws which governed economic activity during the Middle Ages were both antiquated and detrimental to the common good. They placed severe restraints on entrepreneurial behaviour thereby precluding the implementation of a more progressive policy of economic development. In Westerfield's estimation, the abolition of market controls had a liberating effect upon English society. By eliminating the restraints placed upon dealers and speculators, lawmakers began the process which culminated in the Industrial Revolution.<sup>28</sup>

Scholars of a more radical orientation have been less willing to depict the demise of medieval laws and customs in a favourable light. Beginning with Karl Polanyi's brilliant study, The Great Transformation, social scientists questioned the public utility of the profit motive while elaborating on the disruption precipitated by the advent of a self-regulating economic system. Polanyi pointed out that under feudalism certain institutionalized principles had protected the traditional fabric of society by ensuring that commercial activity was consistent with the common good. In contrast with Westerfield and other liberal writers who heralded the coming of laissez-faire economics, Polanyi concluded that "the idea of a self-adjusting market implied a

stark utopia".<sup>29</sup> Had the concept of "the market as the only organizing power in the economic sphere" been implemented without modification, he proclaimed, "the human and natural substance of society" would have been altered beyond recognition.<sup>30</sup>

Drawing upon many of the insights contained in Polanyi's work, E.P. Thompson, the most influential of Britain's neo-Marxist historians, went on to apply the concept "of an older moral economy" to the tensions which disrupted English society during the eighteenth century.<sup>31</sup>

Placing crowd action within the context of the rise of the political economy of the free market and the erosion of the old paternalistic order, Thompson ascertained that food riots and other forms of popular protest reflected the opposition of the masses to the ascendancy of a new socio-economic system dedicated to the pursuit of profit rather than to the common good. By taking the law into their own hands, working people endeavoured to reconstruct "the paternalistic model of the marketing and manufacturing process" which had prevailed during the medieval period.<sup>32</sup> Crowd action may have failed to prevent the coming of a free-market economy, but the resistance of the commonfolk contributed to the ongoing process which Thompson characterized as the making of the English working class.

What insight does British scholarship offer into the Upper Canadian experience? Both liberal and neo-Marxist studies indicated that market controls comprised an integral part of the moral economy of the poor. While arriving at different conclusions concerning the benefits derived from the traditional, paternalistic order, scholars ranging from Westerfield to Thompson agreed that market regulation was a

pre-capitalist phenomenon characteristic of a feudal society. Should we therefore view the vitality of the market tradition in Upper Canada's towns and cities as an indication of the triumph of the common people against the selfish interests of speculators and dealers? Or, should we conclude that market regulations survived in upper Canada because the economy of the province was essentially 'pre-modern' in nature? No doubt, the stages of economic development in England and Upper Canada were quite different during the period under consideration. The Industrial Revolution had radically transformed social and economic relationships in England, and the traditional order had fallen by the wayside as industrial capitalism came to dominate the life of the nation. Upper Canada, on the other hand, was little more than a colonial outpost; it depended upon a rather rudimentary staples economy for its survival. Commerce was on the rise, but industrialism did not take root until the latter part of the century. In view of this information, it is not unreasonable to conclude that the vitality of Upper Canada's system of market controls reflected the colony's basic level of economic development. The dramatic transformation referred to by Polanyi and Thompson had not yet taken place, and this allowed certain 'pre-modern' traditions to survive for a number of decades after they had vanished in Great Britain. As appealing as such a conclusion is, however, it is based largely on a theoretical argument. Furthermore, one must remember that by the beginning of the nineteenth century Upper Canada was already well integrated into the larger British economy.<sup>33</sup>

There are many parallels between the neo-Marxist view of historical development and the conservative position. This is not



surprising since, as Gad Horowitz indicated, both conservatism and socialism have rejected the excesses of laissez-faire liberalism.<sup>34</sup> A brief consideration of the main tenets of Canada's conservative tradition suggests that if the question of market regulation was examined from a Tory perspective, this interpretation would advance many of the same ideas popularized by neo-Marxist scholars. The defenders of the Tory tradition maintain that a unique strain of conservatism has always been present in Canada, and it is this 'Tory touch' which distinguished British North America from the overwhelmingly-liberal United States. According to S. F. Wise, an historian who has devoted much energy to the subject, two main bodies of belief, the Loyalist tradition and the Toryism of late-eighteenth century England, formed the basis of Canadian conservatism.<sup>35</sup> Emphasizing the need for order and stability, the Tory tradition sanctioned an interventionist role for the state while embracing an enduring respect for authority and an organic view of society. A proponent of this philosophy would no doubt look favourably upon the neo-Marxists' condemnation of free-market economics, as well as upon their idealized portrayal of pre-capitalist society. Furthermore, when examined within this context, the survival of a comprehensive system of market controls in Upper Canada appears to be yet another indication of the 'Tory touch' described by Horowitz. Due to the presence of conservative traditions, colonists implemented regulations which were designed to ensure that commercial activity was in keeping with the common good. Had it not been for the vitality of conservatism, Upper Canadian townsfolk would have embraced laissez-faire liberalism more enthusiastically, and they would have discontinued

traditional practices, such as consumer protection and market supervision, in their haste to establish a self-regulatory economic system.

The application of Tory concepts to the question of market regulation engenders many of the same difficulties associated with the liberal and neo-Marxist schools. Granted, these theories suggest possible explanations for Upper Canada's distinctive pattern of development. The conservative interpretation alerts one to the importance of ideology and cultural tradition, and the neo-Marxist position illuminates the crucial link between the advent of a modern, capitalist economy and the abolition of market controls. Both the radical and Tory accounts, however, are largely hypothetical. They are motivated by overriding ideological considerations and therefore do not provide viable, historical explanations. In order to fully understand why a comprehensive system of market controls flourished in Upper Canada, a new set of more specific questions must be asked. What was the main thrust of market regulations? Were they really designed for the purpose of consumer protection, or did local officials have other intentions in mind? Moreover, which elements of society pushed for the introduction of market bylaws, and who actually benefitted from their operation? Questions such as these can only be answered if one moves beyond the realm of theoretical debate and shifts the focus of study to include developments at the local level. No single explanation is capable of standing on its own, and one must therefore take into account a variety of complex factors.

Primary material relating to Upper Canada's market tradition abounds. Boards of Police and Common Councils received numerous letters and petitions expounding upon this subject, and fortunately, much of this evidence had been preserved in archival collections. In addition, local newspapers reported market conditions on a regular basis, and they often featured articles elaborating on various aspects of the market code. This body of material provides an invaluable insight into the day-to-day operation of public markets. It reveals the effects of the bylaws enforced by municipal officers, and allows for the identification of those townsmen who most enthusiastically supported the regulation of commercial activity.

Contrary to one's expectations, Upper Canadian consumers manifested a rather ambivalent attitude toward the municipal system of market controls. In medieval England, regulations against forestalling, engrossing and regrating had been legitimized by the popular concept of economic morality. Similarly, in Upper Canada, there was a popular basis for certain market regulations. A significant proportion of the population favoured at least some form of consumer protection, and many of the bylaws initiated during the early-Victorian period constituted a direct response to public pressure. Nonetheless, urban consumers did not always applaud the manner in which civic officials supervised the buying and selling of agricultural produce. Certain provisions proved to be detrimental to the common good, and on a number of occasions, consumers went so far as to advocate the deregulation of marketing procedures.

Popular support for specific regulations is clearly exemplified by the circumstances surrounding the construction of Toronto's first fish market. During April of 1835, one year after the incorporation of the city, ninety-five Toronto residents wrote to Mayor Sullivan seeking to bring an end to the forestalling of fish. "The Fish exposed in this City for sale is immediately purchased by forestallers (or hucksters)," they declared, and then is "Retailed by them to the Citizens at an advanced price."<sup>36</sup> The petitioners suggested that an immediate stop be put to this lamentable practice since it gave rise to widespread hardship among the poor, and they requested that the mayor and his colleagues enact a bylaw specifying that "no forestallers (or hucksters) shall purchase fish - unless for their own use, before ten o'clock a.m."<sup>37</sup> The members of the Common Council sympathized with the concerns expressed by those townsfolk who signed the petition. After a brief discussion, they unanimously agreed to amend the market code so that it included a specific provision relating to the buying and selling of fish. They also acknowledged the need for a new building where consumers could make their purchases directly from fishermen and eventually allocated funds for the construction of a fish market on the Toronto waterfront.

Regulations preventing middlemen from buying up large quantities of produce before it was offered for sale to the public proved to be especially popular. In memorials submitted to their elected representatives, consumers frequently complained of dishonest retailers and greedy speculators, and they called for the speedy introduction and strict enforcement of specific measures forbidding forestalling. During

the winter of 1841, for example, "various citizens" of Toronto attended a public meeting at which they drafted a petition "praying for an alteration in the law regulating Public markets, to prohibit the sale of farm produce at other places than markets without payment of fees."<sup>38</sup> The memorialists called the attention of the city fathers to the fact that large amounts of country produce never reached the central market place. In their estimation, it was "bought up in other portions of the City and then resold during the same day at exorbitant rates."<sup>39</sup> Since the inhabitants of Toronto were therefore compelled to pay inflated prices for eggs, butter and other essential commodities, the petitioners concluded by suggesting "the propriety of levying a fine, not upon the farmers (many of whom have toiled a long distance over bad roads and cannot be acquainted with City law), but upon the purchasers who make a business of inducing the sellers to avoid the regular Market and fees."<sup>40</sup>

Consumer anxiety was most pronounced during periods of scarcity. When there was a poor wheat harvest, for example, townsfolk became apprehensive about the actions of dealers who purchased large quantities of grain for distilleries and for export purposes. They feared that grain merchants would divert so much wheat away from the towns that the supply would be inadequate to satisfy the needs of urban consumers. Throughout the period under consideration, a shortage of any vital commodity was sure to give rise to popular protests against forestalling, engrossing and regrating. During the winter of 1846, for example, there was a scarcity of potatoes in the Kingston area. As James Irvine, the market keeper, informed the Common Council of Kingston

on January 26 of that year, the summer drought coupled with an "extraordinary disease in the potatoes" had reduced the crop by more than a half.<sup>41</sup> The resulting shortage of potatoes "greatly increased the demand for the little to be disposed of," and a number of forestallers resorted "to various means in order to avail themselves of the little that remains to be sold; for instance, they meet the farmer on his way to market and purchase his produce before he arrives at the said market."<sup>42</sup> In addition to attracting the attention of Irvine who had been deprived of a large portion of his commission, the unscrupulous actions of these individuals aroused the opposition of Kingston consumers. Most residents agreed that it was immoral for speculators to profit from shortages caused by crop failures, and they urged the city fathers to prosecute anyone who attempted to monopolize the supply of potatoes.

Consumers believed that they should be protected from the evils of forestalling. They were not so enthusiastic, however, in supporting other aspects of the municipal system of market controls. As noted, corporations usually stipulated that central markets were the only places where country produce was to be offered for sale. Local officials thereby compelled townsfolk to purchase their food from retailers who occupied stalls in the centrally-located market buildings regardless of how far they had to travel over poorly-maintained roads. Particularly in larger communities such as Kingston and Toronto where the population was becoming increasingly dispersed, this arrangement aroused the resentment of individuals who resided in outlying areas. Indeed, as a number of "residents of St. Patrick's and St. Andrew's

Wards" informed Toronto's City Council in 1837, it "has always been a source of great inconvenience to your Petitioners being compelled to go such a distance to market."<sup>43</sup>

The stipulation forcing consumers to attend the central market caused many individuals to conclude that licenced retailers exercised a virtual monopoly over the buying and selling of country produce. In November of 1849, for example, in a massive petition signed by approximately 1,000 of Toronto's residents, a group of freeholders and householders implored the city fathers to alter the bylaw relating to the licencing of butchers. The petitioners claimed that the present arrangement which only allowed butchers who rented booths in the central market house to sell meat was injurious to the community at large. In their words, it compelled consumers to "submit to the effects of a Monopoly in this branch of the trade."<sup>44</sup> The petitioners maintained that Torontonians should be allowed to purchase meat wherever it was the most convenient to them, and they concluded by proclaiming that if the monopoly of the market butchers was abolished, this step "would be hailed as a great boom not only by the poorer and middling classes . . . but by the better classes also."<sup>45</sup> Ignoring the wishes of approximately one-fifth of the city's adult males, the members of the Common Council refused to adopt the recommendations contained in the petition. They refrained from amending the law relating to butcher shops, and as a result, consumers continued to pay artificially high prices for meat purchased from a select group of retailers.<sup>46</sup>

Since public opinion was divided, the question arises as to which segments of society benefitted most directly from the control

exercised over the marketing of country produce. An examination of the official correspondence of a number of municipalities reveals the existence of several special interest groups, the members of which demonstrated a keen interest in all matters relating to the regulation of public markets. Retailers who occupied market stalls, shopkeepers, hotel and tavern owners, professionals, merchants and other members of the influential commercial class, recognized the many advantages they reaped as a result of market bylaws. They lobbied the authorities in order to make their views known, and as a group, they had a profound impact on the formation of public policy. In addition, municipal politicians had their own reasons for resisting deregulation. Public markets represented an important source of patronage and revenue, and the regulation of commercial activity figured prominently in the developmental policy implemented by the civic elite. Even though certain ordinances ensued from public pressure for stricter controls, the members of these special interest groups functioned as the most persistent and influential proponents of governmental intervention.

Local leaders proved to be staunch defenders of the market tradition. In the early months following the incorporation of a town, they invariably introduced a series of market regulations, and as we have seen, these provisions were supplemented by more sweeping measures in later years. The authorities never seriously considered the possibility of abolishing this comprehensive system of controls, and whenever the utility of market supervision was questioned, they responded by upholding traditional practices. A number of factors account for the position taken by the men elected to civic office. In



the first place, they appear to have been convinced of the just and worthwhile nature of the customs inherited from pre-industrial England. Contending that market codes were drawn up with the public interest in mind, they defied anyone to prove that these regulations did not operate to the benefit of urban consumers. For example, when a group of petitioners from Toronto suggested the propriety of deregulating the marketing of meat during the winter of 1850, the response of the Common Council was unequivocally negative. The members of the Market Committee declared that Toronto's market was well supplied with country produce largely as a result of the present regulations. Any "inconvenience to which purchasers are put in consequence of having to go to the Market," they avowed, "is far more than counterbalanced by the opportunity of selection, afforded in the Market, and the difference in price, caused by the continued competition, among those who repair thither for the sale of their meat."<sup>47</sup> Concurring with the position taken by the Market Committee, the city fathers refused to deregulate the sale of meat stating that they had an obligation to protect Toronto's consumers from dishonest butchers.

While altruistic motives came into play, there is much evidence to suggest that more selfish considerations often influenced the actions of local leaders. Municipal corporations controlled the selection of officers associated with public markets, and they rented market stalls and issued licences to grocers, butchers and other retailers. Each of these functions allowed councilmen and aldermen to wield a great deal of influence in the local community, and patronage, bribery and other forms of corruption were not uncommon. In addition, the rents paid by

licenced vendors and the fees collected at weighing stations comprised a significant portion of a municipality's income. Local officials were well aware of the serious difficulties that would confront them if the practice of levying market fees was discontinued, and consequently, they jealously guarded this vital source of revenue. To give an example, in 1837, the income collected from the operation of Toronto's markets exceeded £550. This sum represented approximately 10% of the city's annual income, and it was therefore not surprising that the Standing Committee on Public Markets reported "that the most important part of their duty" was "to render that part of the City revenues which are derived from the public Markets as large as may be".<sup>48</sup> In later years, the income derived from the regulation of public markets constituted an even larger proportion of a corporation's revenue. Indeed, by 1859, almost half of Kingston's annual income originated from market tolls and rents.<sup>49</sup> With so much money at stake, the deregulation of marketing procedures did not present a viable alternative.

Licensed butchers, grocers and hucksters were also obvious beneficiaries of the traditional system of market controls. These retailers paid a fee to the authorities for the privilege of selling country produce to urban consumers, and they fully expected to be protected from what they considered to be unfair competition. This explains why the most common objections to transgressions of the market code came not from common townsfolk but rather from the licensed vendors who occupied market stalls. Municipal corporations were inundated with letters and petitions from butchers, grocers and hucksters remonstrating on the unfair competition they faced as a result of the illicit trade

carried on by unlicensed hucksters, and praying for a more vigorous enforcement of market regulations. Indeed, throughout the 1840s and 1850s, the Common Council of Kingston received communications of this nature on a regular basis. During April of 1844, for example, a group of licensed hucksters wrote the mayor, and complained of numerous individuals who were "selling potatoes from carts outside said shops, and also going round town with carts retailing potatoes, also the hucksters in the Green market sell foul, butter and eggs, which they put aside when the Clerk of the Market is present."<sup>50</sup> Soon thereafter, the Common Council received another petition elaborating on similar infractions of the market code. "There is [sic] so many Huxters which formerly occupied Stalls inside has now left and is [sic] Hawking with Baskets about the Streets of the Town to the Great injury of the Green Market," wrote William Derry and a number of other grocers, that "if your Honourable Body do not take some means to put a Stop to such proceedings there will be no Green or vegetable market inside a Short time."<sup>51</sup>

Butchers reiterated many of the concerns expressed by licensed grocers and hucksters. In 1835, a group of twenty-five butchers who occupied stalls in Toronto's market house submitted a petition to the city fathers protesting against unfair competition and demanding some form of redress. They called the attention of Council to the presence of "American and Canadian jobbers", and claimed that "country people and Butchers" who had not taken stalls in the market building were selling meat in Toronto contrary to the regulations recently introduced by the Corporation.<sup>52</sup> Praying that an immediate stop be put to these

proceedings, they exhorted the market keeper to compel anyone who wished to sell meat within the confines of the city to obtain a licence and attend the regular market. The butchers added that they were occupying their stalls at considerable expense and that numerous bylaws restricted the manner in which they carried on their trade. In view of this inconvenience, it was only reasonable to expect "that they should be protected in their business."<sup>53</sup>

Butchers, grocers and hucksters were willing to accept certain restrictions as long as they believed that the market code was being enforced in a fair and systematic manner. As a group of grocers informed Kingston's Common Council shortly after the opening of a new market house in 1844, they had decided to rent stalls in the recently-completed building only on the condition that unlicensed hucksters would be barred from hawking their wares in the adjoining square. Apparently, they had received assurances that their trade would be protected from unfair competition, but to their "Sorrow and loss," they saw "this arrangement violated every day by a number of Hucksters who sit every afternoon on the public street on the Northwest end of the new Market."<sup>54</sup> They claimed that they required "all the protection and encouragement you can afford us, to enable us to pay the same," and concluded by proclaiming -- "we only wish to be protected in the enjoyment of our Rights and privileges."<sup>56</sup>

Irrespective of their many grievances, retailers who rented market stalls occupied a privileged position in the local economies. The space available in a market house was usually limited, and as the fierce competition which marked the annual auction of stalls suggests,

public markets were considered to be lucrative places in which to engage in commercial activity. The regulations governing the day-to-day operation of market places were clearly designed to benefit those individuals who secured licences from the municipalities. As the petitions from residents of outlying neighbourhoods illustrate, the provisions forbidding all trade except that which took place in the centrally-located markets inconvenienced large numbers of urban consumers. Since townsfolk had no other alternative than to attend public markets, the business of licenced vendors received a generous boost. Market regulations also served to protect the more established and successful retailers from the competition of unlicenced hucksters. Poor, itinerant traders had neither the financial resources nor the personal connections that would allow them to rent a space in a market house, and once they failed to secure a licence from the market keeper, they were effectively barred from selling agricultural produce.

The control exercised by local government over public markets also benefitted licenced retailers by stabilizing the manner in which their trade was conducted. By concentrating commercial activity within a relatively small area, officials ensured that they would be able to supervise the exchange of goods with the minimum amount of difficulty. Furthermore, the occupants of market stalls were able to keep a close watch on their competitors and ascertain whether anyone was evading the law unbeknownst to the others. The law compelled all retailers to maintain the same hours of operation, and since they all paid a standard rent to the corporation, they were faced with similar overhead expenses. These and other restrictions guaranteed that the marketing of country

produce was carried on in an orderly and orthodox manner. Retailers were thereby protected from overly-aggressive competitors who otherwise may have been prepared to go beyond the bounds of normally accepted behaviour in order to maximize their profits. In a study of the attitudes of businessmen in late-nineteenth century Ontario, Michael Bliss discerned that "Early Closing" movements were indicative of the "protective impulse" among those entrepreneurs who wished to be shielded from the negative effects of unbridled competition.<sup>57</sup> Although the campaign they launched to have their operating hours fixed by law cannot be equated with the support given by butchers, grocers and hucksters to municipal market regulations, the manner in which licenced vendors insisted that local officials protect them from unfair competition may have indeed foreshadowed the advent of the "protective impulse" described by Bliss.

In addition to serving the interests of licenced butchers, grocers and hucksters, the local system of market supervision benefitted the entrepreneurial class which dominated the early development of Upper Canada's towns and cities. The owners of hotels, taverns, victualling houses, as well as of grocery, hardware and dry goods stores, looked favourably upon centrally-located, carefully-regulated markets. Public forums such as these attracted people from the countryside and neighbouring villages into the towns. They boosted commercial activity and fostered urban growth and development. Farmers who travelled into the towns in order to sell their goods patronized the inns, taverns and victualling houses located in the vicinity of the market houses. They used the money obtained in exchange for their wares to purchase goods

from dry goods stores and hardware shops, and they made use of the professional services available in the towns. Merchants, doctors, lawyers, pharmacists and journalists realized that they were dependent upon the farmers who populated the surrounding hinterlands for a significant portion of their business. They therefore demonstrated a lively interest in any development which threatened to decrease the number of customers making use of their services. In a petition dated February 9, 1841 which complained of persons who purchased country produce from farmers on the outskirts of Toronto, a group of that city's leading citizens articulated their belief that businessmen should benefit from the operation of public markets. They maintained that by intercepting the flow of goods into the centre of the city, forestallers actively discouraged both farmers and consumers from attending the market on a regular basis. As a result of this unfortunate situation, the municipality lost a large share of its revenue, and most importantly, "merchants and others residing in the vicinity of the Market Square and paying extra rents for the location of their premises are, in a great measure, deprived of the business with Farmers which they had calculated upon."<sup>58</sup> The petitioners suggested that anyone who induced a farmer to avoid the regular market should be subjected to a substantial fine.

Market regulations represented one means by which growing urban communities sought to establish themselves as bona fide metropolitan centres. Since J. M. S. Careless first proposed that scholars offset the shortcomings of the frontier thesis by focusing more closely on the crucial role played by urban centres, the concept of metropolitanism has

received widespread acceptance from Canadian historians. It is now clear that towns and cities provided a focal point for nineteenth-century society, and that they dominated the development of rural areas. As we have seen, civic officials implemented market bylaws for the expressed purpose of drawing farmers into the towns and concentrating as much commercial activity as possible into the central business districts. By compelling producers to attend the centrally-located markets, Boards of Police and Common Councils sought to reinforce the control which urban communities exercised over their surrounding hinterlands thereby augmenting the trade of local businessmen.<sup>59</sup>

Merchants recognized that, in addition to attracting farmers into the towns, market regulations benefitted them by creating a favourable environment for commercial activity. Prior to the creation of a system of market supervision, business transactions were carried on in an informal and rather haphazard manner. Since a uniform standard of measurement did not exist, it was impossible for a buyer to verify that the goods he was purchasing were the weight which the seller purported them to be. Irregularities such as these undermined the confidence of both buyers and sellers, and they discouraged the growth of commercial enterprise. In view of this evidence, it was not surprising that the most common petitions urging local politicians to appoint market inspectors and institute a uniform system of weights and measures came not from urban consumers but rather from the business community.

In Toronto, entrepreneurs engaged in trade and commerce played a crucial role in bringing about the extension of municipal market



controls. Beginning at the time of incorporation and continuing well into the next decade, the Toronto Board of Trade presented the city fathers with a series of petitions calling for the appointment of additional inspectors so that the market code would be enforced more systematically. Indeed, as Douglas McCalla also discerned, wholesalers, retailers, and exporters dominated Toronto's Board of Trade. They championed an ambitious policy of economic development and called for "a greater ordering and structuring of trade, in the interests of clarity and security."<sup>60</sup> During December of 1839, in their first communication to the Toronto Council, the businessmen who comprised the Board of Trade lamented the fact that "there exists no satisfactory means of ascertaining the relative value of produce such as Beef, Pork, Flour and Ashes, offered for sale in this Market."<sup>61</sup> "Knowing from experience that the want of such assistance very materially retards the increase of this very important branch of our commerce", the petitioners maintained that "some efficient means" should be found "to ascertain the quality of such produce."<sup>62</sup> The appointment of an inspector of beef, pork, flour and ashes "would be of great advantage to the province at large," they declared, "increasing as it would do both the confidence of the seller and buyer of such articles, as well as greatly facilitating business transactions of this nature."<sup>63</sup> The city fathers wasted little time in adopting the Board of Trade's recommendations. They promptly announced their intention to appoint an additional market inspector and agreed to extend the control which they exercised over the marketing of meat and ashes.

In subsequent communications, businessmen continued to lobby the Common Council in the hope of adding other commodities to the list of goods inspected by the authorities. In 1841, the Board of Trade once again wrote to the Market Committee, and on this occasion, recommended the appointment of an Inspector of Flour. "The increasing business in this great Staple of our Country," the petition read, "requires some plan to be adopted by which a Merchantable Value can be placed upon it, for the purpose of facilitating sales and purchases."<sup>64</sup> Several years later, the city fathers received a similar memorial from Toronto's lime dealers. The signatories expounded upon the negative consequences resulting from the want of adequate controls and prayed that a bylaw enforcing a standard measurement of lime be passed. In its report to the mayor, the Market Committee decided in favour of the lime dealers. It concluded that their wishes were in the best interest of the city and advised Council to grant them their prayer. Thereafter, all lime sold in Toronto was to be measured in a container holding two bushels and bearing the official stamp of the Inspector of Weights and Measures.<sup>65</sup>

Merchants who resided in communities other than Toronto also advocated the strict enforcement of market regulations. In Kingston, for example, a group of leading residents drafted a petition during the summer of 1840 suggesting that the Common Council appoint an Inspector of Flour. They implored the authorities to recognize "the inconvenience under which we labour, as well as the loss which we sustain," due to the failure of the market keeper to vigorously enforce the regulations governing the buying and selling of this important staple product.<sup>66</sup> The absence of adequate supervision made it extremely difficult for

businessmen to ascertain the price, quality and quantity of the goods which they purchased, and many individuals feared that this atmosphere of uncertainty would impede trade and commerce thereby presenting a major obstacle to the urbanization process.

Within this context, then, the introduction of quality controls and a standardized system of weights and measures, together with the appointment of market inspectors, represented an important step toward the rationalization of commercial activity. Since entrepreneurs perceived this development as being advantageous to their interests, they encouraged local leaders to introduce supplementary measures which made the municipal system of market controls more rigorous and comprehensive. Many of these regulations were based upon the medieval tradition of consumer protection, but their implementation reflected the influence wielded by the business community rather than an altruistic concern for the common good.

The few disagreements which occurred between businessmen and politicians suggest that the entrepreneurial class was generally satisfied with the manner in which the municipalities regulated trade and commerce. This is not surprising since local leaders were careful to ensure that market bylaws did not interfere needlessly with business transactions. They refrained from imposing a toll on wheat (the most important trading commodity produced by Upper Canadian farmers), and they rarely compelled merchants engaged in the export trade to pay a fee on the agricultural produce which they purchased from farmers. In a number of communities, the law explicitly exempted contractors from the market tolls which applied to all other individuals. Kingston's Market

Act of 1854, for example, specified that the market keeper was not to levy a fee in instances where any duly executed contract in writing was exhibited as proof of an existing contract between a person residing in the city and a farmer.<sup>67</sup> As long as market regulations facilitated commercial activity and did not stand in the way of the export trade, there was no reason for merchants and other entrepreneurs to advocate their abolition. Indeed, the few instances in which businessmen criticized the municipal system of controls can be traced back to misunderstandings concerning a particular bylaw, and as we shall see, they invariably focused on local circumstances and the private interests of a particular individual.

The controversy which arose in Kingston when the market keeper insisted that James Morton, the proprietor of the Kingston Brewery and Distillery, pay a toll on the grain delivered to his establishment was representative of incidents in other towns. During the autumn of 1850, Morton sent a letter to the Common Council objecting to the improper manner in which the market code was being enforced. The brewer noted that in previous years the municipality had not interfered with the operation of his business, and he maintained that his competitors in Quebec, Montreal, Toronto and Hamilton were not compelled to pay market fees. Considering the fact that the toll increased the cost of grain and encouraged farmers to find alternative buyers for their produce, Morton's determination to have the law amended was not surprising. He claimed that nine-tenths of the grain brought to his brewery had been purchased prior to delivery, and he reminded the city fathers of how important the patronage of these farmers was to Kingston's businessmen.

Unless the toll was discontinued, "the Farmers of Fredericksburgh, Camden and Ernestown" would "be driven to the necessity of delivering their grain at Bath for shipment to these premises."<sup>68</sup> Such a development, Morton proclaimed, "would materially affect the business of this corporation, by keeping the Farmers away and causing them to make their purchases in Bath, or elsewhere."<sup>69</sup>

Several weeks after the Kingston Council considered James Morton's communication, a group of residents submitted a petition to the city fathers supporting the cause of the Kingston Brewery and Distillery. The petitioners noted that in the past large numbers of farmers had travelled to Kingston in order to sell grain to the brewery. However, "in consequence of a market Toll put on each load of grain going there, Mr. Morton will be compelled at the request of the Farmers . . . to purchase at Bath and Napanee, and have the grain shipped to his premises here, thereby keeping the Farmers from coming into Kingston as usual."<sup>70</sup> Emphasizing how important the trade of these farmers was to the city's commercial prosperity, the petitioners suggested that the practice of imposing a toll on grain sold to the brewery be discontinued. The minute book did not record whether the city fathers made a formal decision on this matter. Subsequent communications from Mr. Morton and his supporters were not forthcoming, however, and when the authorities amended Kingston's market act several years later, contractors and manufacturers were specifically excluded from paying market fees.<sup>71</sup>

In St. Catharines, the control exercised by civic officials over the buying and selling of grain was first challenged by a local

contractor named R. D. Dunn. In the fall of 1859, Dunn -- a member of the St. Catharines Council and, in the estimation of the local press, a representative of "the grain interest" -- discovered "that the little word "Forage" in the Market By-Law" could be taken to include grain, and that such an interpretation could possibly "interfere with his own operations in the line."<sup>72</sup> Dunn therefore attempted to amend the law so that he could be certain that it did regulate the marketing of wheat and other grains. In the estimation of the St. Catharines Journal, Dunn was motivated entirely by self-interest. He was "legislating for the few," and his proposal represented a blatant example of "class legislation" that was "calculated to do injury to the market, and to place its control in the hands of a few speculators."<sup>73</sup> As harsh as the Journal was in its criticism of "the grain interest," the newspaper conceded that the passing of Mr. Dunn's bylaw would be "to the benefit of a very few, and to the injury of a very few."<sup>74</sup> While it was inconceivable to even entertain the idea of abolishing all market controls (the editor of the Journal declared that his would "benefit the few to the injury of the many"), the deregulation of the grain trade would not have had particularly serious consequences since contractors had never been compelled to attend the public market in order to make their purchases.<sup>75</sup> Dunn's proposal caused considerable controversy, but in the end, the Corporation did not depart from tradition. The word "forage" was not taken to mean grain, and St. Catharines' grain exporters continued the practice of purchasing wheat and oats and exporting it to outside buyers without paying market fees.

The efforts of entrepreneurs to alter certain regulations cannot be viewed as a general attack on the market tradition. Disagreements between municipal politicians and businessmen occurred only rarely, and as the incidents involving R. D. Dunn and James Morton exemplified, disgruntled entrepreneurs focussed their attacks on one specific facet of the law. They did not suggest that local officials abandon the task of supervising the day-to-day operation of the markets. Similarly, they did not object to conducting their business activities under the watchful eye of the municipalities as long as prohibitive fees absent in other communities were not levied on their operations. Entrepreneurs realized that significant benefits could be gained from the traditional system of market controls. Certain regulations, such as those instituting quality controls and standardized weights and measures, stimulated trade and commerce by providing businessmen with a more favourable environment in which to pursue their private interests. Just as consumers hoped to be protected from fraudulent hucksters who sold produce that was underweight or of an inferior quality, members of the entrepreneurial class supported ordinances which mitigated against fraud and increased the confidence of both buyers and sellers. Indeed, when the Corporation of Kingston consolidated its market code in 1854 and inserted a provision formally stating that tolls were not to be collected from contractors, it was not accidental that, at the same time, the authorities also extended the control which they exercised over the marketing of agricultural produce.<sup>76</sup> Market vendors, shop owners and merchants had been instrumental in convincing local officials to make the municipal system of market supervision more efficacious, and

they continued to defend these regulations as long as they served their interests and constituted an important part of developmental policy.

### Conclusion

Canadian scholars often have been preoccupied with discerning the uniqueness of the Canadian experience. This examination of the Upper Canadian market tradition suggests a number of interesting comparisons between the course of development in Upper Canada and the British and American experiences. As we have seen, the first half of the nineteenth century witnessed the emergence of a comprehensive body of market regulations in the province's towns and cities. Local leaders came to exercise sweeping control over the marketing of food, fodder and fuel, and there were few aspects of trade and commerce that did not come under their jurisdiction. The vitality of the Upper Canadian market tradition contrasted with the dominant trend in both Britain and the United States. While Boards of Police and Common Councils initiated one market bylaw after another in the name of consumer protection, municipal corporations in Great Britain were in the process of abandoning their traditional regulatory functions. Similarly, in the United States, much less emphasis was placed upon market supervision after 1800. Indeed, as Jon C. Teaford concluded in The Municipal Revolution in America, the inhabitants of New England's principal urban centres resolved at the time of the American Revolution to substitute a more utilitarian alternative for the model of civic government inherited from medieval Europe. "This fresh structure," Teaford declared, "would be one in which concerns of health, safety, streets and lighting outweighed those



of monopolies, markets, price-fixing, and commercial chicanery."<sup>77</sup> Regarding government intervention as a major impediment to growth and development, American townsfolk opted in favour of a self-regulating economic system similar to that advocated by liberal philosophers during the late-eighteenth and early-nineteenth centuries.

The significance of the British precedent in influencing Upper Canada's tradition of market supervision cannot be ignored. Recent scholarship has indicated that the market codes of English corporations comprised an integral part of the moral economy of the poor. Consumer protection represented the traditional order's raison d'être, and its demise resulted from the ascendancy of a modern capitalist economy. In Upper Canada, many bylaws such as those prohibiting forestalling were modelled on regulations first enacted by medieval burghers. Furthermore, municipal politicians made full use of the rhetoric of the old moral economy when they attempted to convince disgruntled consumers that a particular measure was in harmony with the public interest. However, even though there were many similarities, the market traditions of England and Upper Canada were quite distinct. Consequently, one cannot simply apply the idealized view of the pre-capitalist economy advanced by neo-Marxist historians to developments in Upper Canada. The vigour of the province's market tradition reflected not so much a concern on the part of local officials for the welfare of the commonfolk, as it indicated the adaptability of traditional practices once they were transplanted in a new environment. Regulations which were being abolished in England in order to hasten the advance of a

modern, capitalist economy prospered in Upper Canada precisely because they served the interest of the business community by facilitating urban growth and commercial development.

## ENDNOTES

<sup>1</sup>Kingston Chronicle, 31 October 1823.

<sup>2</sup>Worthwhile discussions of medieval markets are contained in R. B. Westerfield's Middlemen in English Business (New Haven, Connecticut: Yale University Press, 1915) and E. Lipson's The Economic History of England: The Middle Ages (London: Adam and Charles Black, 1915).

<sup>3</sup>Lipson, Economic History, p. 224.

<sup>4</sup>E. P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," Past and Present, 50, February, 1971.

<sup>5</sup>Westerfield, Middlemen, p. 338.

<sup>6</sup>Lipson, Economic History, p. 293.

<sup>7</sup>Linda Biesenthal, To Market, To Market: The Public Market Tradition in Canada (Toronto: Peter Marten Ass. Ltd., 1980), pp. 24-25.

<sup>8</sup>Statutes of Upper Canada, vol. 1, "An Act to empower the commissioners of the peace for the Midland district, in their court of general quarter sessions assembled, to establish and regulate a market in and for the town of Kingston," 9 July 1801.

<sup>9</sup>Ibid., "An Act to empower the commissioners of the peace for the Home district, in their court of general quarter sessions assembled, to establish and regulate a market in and for the town of York, in the said district," 14 March 1804.

<sup>10</sup>Ibid., "An Act to establish a market in the town of Niagara in the Niagara district," 7 April 1817.

<sup>11</sup>Statutes of Canada, 1844-46, "An Act to alter and amend the Act incorporating the Town of Hamilton, and to erect the same into a City," 9 June 1846.

<sup>12</sup>Mills Memorial Library, Special Collections (M.S.C.), The Marjorie Freeman Campbell Collection, Hamilton Minutes, Market Regulations, 17 June 1839.

<sup>13</sup>Ibid.

<sup>14</sup>Ibid.

<sup>15</sup>Q.U.A., City of Kingston Papers, Kingston By-Laws, "An Act for the regulating of the Public Market of Kingston," 3 July 1838.

<sup>16</sup>Ibid.

<sup>17</sup>Ibid.

<sup>18</sup>Victoria Hall (V.H.), Brockville Minutes, vol. 1, Market Bylaw, 19 April 1832.

<sup>19</sup>Public Archives of Ontario (P.A.O.), City of Toronto Bylaws, vol. 1, "An Act to authorize and regulate the Assize and Price of Bread," 19 April 1835.

<sup>20</sup>Ibid.

<sup>21</sup>This discussion of the assize of bread is based upon the following municipal statutes: Q.U.A., City of Kingston papers, Kingston By-Laws, "An Act to regulate the Assize of Bread for the Town of Kingston," 28 February 1842; M.S.C., The Marjorie Freeman Campbell Collection, Hamilton Minutes, 18 March 1833; P.A.O., City of Toronto Bylaws, vol. 1, "An Act to authorize and regulate the Assize and Price of Bread in the City and Liberties," 13 May 1835.

<sup>22</sup>Q.U.A., City of Kingston Papers, Kingston By-Laws, "An Act to further regulate the Sale of Firewood in the Town of Kingston," 25 January 1841.

<sup>23</sup>Ibid., "An Act for the regulation of Weights and Measures," 19 November 1842.

<sup>24</sup>Ibid., "An Act to provide for the weight of straw and for other purposes," 14 May 1849, and "An Act to regulate the place of selling Butchers' Meat in the Market Building," 7 May 1849.

<sup>25</sup>Ibid., "An Act to establish a Market for Wood, Hay, Cattle, and other purposes," 25 April 1843.

<sup>26</sup>Ibid., "A Market By-Law to provide for one general By-Law to regulate the public market of the City of Kingston," 20 April 1854.

<sup>27</sup>Lipson, Economic History, p. 427.

<sup>28</sup>Westerfield, Middlemen, p. 338.

<sup>29</sup>Karl Polanyi, The Great Transformation (Boston: Beacon Press, 1945), p. 3.

<sup>30</sup>Ibid.

<sup>31</sup>E. P. Thompson, The Making of the English Working Class (Harmondsworth, Middlesex, England: Penguin Books, 1968), p. 62.

<sup>32</sup>Thompson, "The Moral Economy of the English Crowd," p. 79.

<sup>33</sup>The pattern of development in the United States lends credence to the assertion that market regulations reflected a basic level of economic development. In the early nineteenth century, towns in the recently settled mid-West placed considerable emphasis on regulating the day-to-day operation of public markets. However, more mature cities in New England abandoned functions such as market regulation around the time of the American Revolution. See Jon C. Teaforde, The Municipal Revolution: Origins of Modern Urban Government 1650-1825 (Chicago: The University of Chicago Press, 1975), p. 47; and Mason Wade, The Urban Frontier: The Rise of Western Cities 1790-1830 (New York: Phoenix Paperback, 1959).

<sup>34</sup>Gad Horowitz, "Conservatism, Liberalism and Socialism in Canada: An Interpretation," Canadian Journal of Economics and Political Science, 32:2, May 1966.

<sup>35</sup>S. F. Wise, "Upper Canada and the Conservative Tradition," in Profiles of a Province: Studies in the History of Ontario (Toronto: Ontario Historical Society, 1967), p. 20.

<sup>36</sup>P.A.O., City of Toronto Papers(mis.), MS 385, petition of James Malten and 94 others praying for a ban to prevent forestalling fo fish, 3 April 1835.

<sup>37</sup>Ibid.

<sup>38</sup>Ibid., petition of various citizens praying for an alteration in the law regulating Public Markets, to prohibit the sale of farm produce at other places than markets without payment of fees, 9 February 1841.

<sup>39</sup>Ibid.

<sup>40</sup>Ibid.

<sup>41</sup>Q.U.A., City of Kingston Papers(mis.), petition of James Irvine, 26 January 1846.

<sup>42</sup>Ibid.

<sup>43</sup>P.A.O., City of Toronto Papers, MS 385, petition from residents of St. Patrick's and St. Andrew's Wards, 7 April 1837.

<sup>44</sup>Ibid., petition of various householders and freeholders praying for an alternation in the law relating to butcher shops, 18 November 1849.

<sup>45</sup>Ibid.

<sup>46</sup>Ibid.

<sup>47</sup>P.A.O., City of Toronto Papers(mis.), MS 385, report of the Market Committee to whom was referred the petition praying leave to open Butcher Shops throughout the City, 25 January 1850.

<sup>48</sup>City of Toronto Archives (C.T.A.), 1838 Journal, report of the Special Committee on Public Markets, 15 March 1838.

<sup>49</sup>Q.U.A. City of Kingston Papers, Kingston Report Book, 27 June 1859. More than \$7,779 was collected from market tolls and rents according to Report #292 of the Finance Committee. Total revenues for that year equalled \$14,479.80.

<sup>50</sup>Q.U.A., City of Kingston Papers(mis.), petition of Hucksters, April 1844.

<sup>51</sup>Ibid., petition from W. Derry regarding the Green market, 3 September 1844.

<sup>52</sup>P.A.O., City of Toronto Papers(mis.), petition of W. King and 25 other butchers in the market, April 1835.

<sup>53</sup>Ibid.

<sup>54</sup>Q.U.A., City of Kingston Papers(mis.), petition from Hucksters in the new market, 20 August 1844.

<sup>55</sup>Ibid.

<sup>56</sup>Ibid.

<sup>57</sup>Michael Bliss, "The Protective Impulse: An Approach to the Social History of Oliver Mowat's Ontario," in D. Swainson, ed., Oliver Mowat's Ontario (Toronto: Macmillan of Canada, 1972), pp. 174-188.

<sup>58</sup>P.A.O., City of Toronto Papers(mis.), MS 385, petition from various citizens praying for an alteration in the law regulating the Public Market, 9 February 1841.

<sup>59</sup>Carl Berger, The Writing of Canadian History (Toronto: Oxford University Press, 1976), p. 176.

<sup>60</sup>Douglas McCalla, "The Commercial Politics of the Toronto Board of Trade, 1850-60," Canadian Historical Review, VL, 1969, p. 53.

<sup>61</sup>P.A.O., City of Toronto Papers(mis.), MS 385, petition from a Committee of the Board of Trade to the Mayor, 13 December 1839.

<sup>62</sup>Ibid.

<sup>63</sup>Ibid.

<sup>64</sup>Ibid., report of the Committee of the Board of Trade, recommending the appointment of an Inspector of Flour for the City, 3 May 1841.

<sup>65</sup>Ibid., report of the Committee to whom was referred the petition of several dealers in lime, 8 May 1849.

<sup>66</sup>Q.U.A., City of Kingston Papers(mis.), petition that an Inspector of Flour be appointed, 20 June 1840.

<sup>67</sup>Ibid., Kingston By-Laws, "A Market By-Law to provide for one general By-Law to regulate the public market of the city of Kingston," 20 April 1841.

<sup>68</sup>Ibid., (mis.), letter from James Morton, 7 October 1850.

<sup>69</sup>Ibid.

<sup>70</sup>Ibid., petition of 29 persons praying to have the toll on grain sold to the Kinston Brewery and Distillery discarded, 14 October 1850.

<sup>71</sup>Ibid., Kingston By-Laws, "A Market By-Law to provide for one general By-Law to regulate the public market of the City of Kingston," 20 April 1854.

<sup>72</sup>St. Catharines Journal, 6 October 1859.

<sup>73</sup>Ibid.

<sup>74</sup>Ibid.

<sup>75</sup>Ibid.

<sup>76</sup>Q.U.A., City of Kingston Papers, Kingston By-Laws, "A Market By-Law to provide for one general By-Law to regulate the public market of the City of Kingston," 20 April 1854.

<sup>77</sup>Teaford, The Municipal Revolution, p. 47.

CHAPTER FOUR  
"TO PREVENT VICE AND PRESERVE GOOD ORDER":<sup>1</sup>  
LOCAL GOVERNMENT AND THE PATHOLOGY  
OF THE TOWN

Introduction

The preservation of public order and morality represented one of the most important responsibilities entrusted to Boards of Police and Common Councils. The provincial government invested the municipalities with a wide range of powers relating to law enforcement, and the men elected to civic office made full use of their authority in order to combat the many ills afflicting Upper Canada's urban communities. Fearing that they would be overwhelmed by a tide of lawlessness, local leaders introduced a myriad of bylaws prohibiting immoral and disorderly behaviour. They also sought to improve the system of policing, and in certain communities, they established corrective institutions to house the deviant and dependent members of society.

The bewildering array of theoretical models dealing with the pathology of the city can be classified according to two general categories.<sup>2</sup> Writing during the 1930s, the American sociologist, Louis Wirth, identified the main tenets of the ecological-modernization model by postulating that the urban environment was inherently pathological. Through "the substitution of secondary for primary contacts, the



weakening of bonds of kinship, the declining social significance of the family, the disappearance of the neighbourhood, and the undermining of the traditional basis of social solidarity," Wirth declared, the urbanization process engendered widespread social disruption.<sup>3</sup> Crime, disorder and immorality increased as urban communities became larger and more densely populated, and in order to offset this upsurge in anti-social behaviour, the authorities were compelled to evolve formal mechanisms of social control.<sup>4</sup>

In contrast with the determinism which characterized the work of Louis Wirth and his followers, the behaviouralist school has adopted a more humanistic perspective. Indeed, as Roy Lubove, an influential behaviouralist, maintained in an influential article which examined various theoretical approaches to urban history, the ecological-modernization model has failed to provide a viable explanation of urban development. Since scholars who subscribed to the ecological complex simply defined urbanization in terms of population concentration, they grossly underestimated "the role of behavioral and subjective phenomena as change-agents."<sup>5</sup> In his scathing critique of the ecological-modernization model, Lubove stressed the fact that cities are "artifacts . . . created by concrete decisions over time."<sup>6</sup> A wide range of "subjective, attitudinal variables" have contributed to the urbanization process, and historians therefore must endeavour to "clarify the elusive relationship between personality, social organization and environment."<sup>7</sup>

The ecological-modernization model has little relevance to the Upper Canadian experience. Urban growth and economic development had a profound impact on colonial society, but the existence of a large number

of extraneous variables prevents one from focusing exclusively on these impersonal processes. Included among the significant determinants which operated independently of the modernization process were immigration, the province's position astride an important migration route to the United States, the commencement of massive public works projects, and the presence of large numbers of navvies. In addition, a variety of 'subjective, attitudinal variables' gave rise to the belief that more efficacious measures were necessary in order to safeguard the peace and security of burgeoning urban communities. Upper Canadians were influenced by the flow of moral reform ideas, and by British and American innovations, as well as by their prejudicial fear of the Irish and the transient poor.

Recognizing the limitations of the ecological-modernization model, the three sections which follow examine the growth of public order and morality concerns, police reform, and the development of charitable institutions from a perspective which is largely behaviouralist in orientation. While not ignoring the impact of rapid urbanization, an effort has been made to avoid the pitfalls of determinism by advancing multi-causal explanations whenever possible.

#### The Growth of Public Order and Morality Concerns

A number of historians have discerned that a growing interest in matters relating to public order and morality characterized the mid-nineteenth century. In his innovative study, Urban Masses and Moral Order in America, 1820-1920, Paul Boyer avowed that the Jacksonian period witnessed the ascendancy of a regime of moral order. According

to Boyer, "the process of urbanization functioned as a potent catalyst for social speculation and social action."<sup>8</sup> The Jacksonians expressed great pride in the cities which had sprung up in their midst, but at the same time, they feared that unprecedented urban growth posed a profound threat to social stability. Alarmed by the depravity which appeared to be endemic to urban society, American reformers determined that it was necessary to control the behaviour of the urban masses by replicating the strict moral order of village life. Boyer indicated that evangelicism represented the first organized response to the moral challenge precipitated by the urbanization process. Inspired by the fervour of evangelical Christianity, the reformers established a host of voluntary organizations including the American Bible Society, the American Tract Society, and the American Sunday School Union. Although they called for the reformation of the individual, the voluntary societies founded during this period were largely preoccupied with saving society. As Boyer concluded, they sought to offset "the centrifugal forces that were at work in Jacksonian America" by promoting "deferential and disciplined patterns of behaviour based on an image of society as stable, orderly, and securely hierarchical."<sup>9</sup>

In a recent study of changing attitudes toward criminal behaviour in Gore District between 1831 and 1851, John Weaver uncovered evidence which suggests that Paul Boyer's findings are applicable to the Upper Canadian experience. Utilizing quantitative analysis in order to examine the temporal patterns of criminal prosecution, Weaver documented a steady growth in moral order concerns. Over the course of the early-Victorian period, the rate of jail committals in the Gore District

doubled, and an increasingly large proportion of incarcerations resulted from minor sex offences and from incidents of vagrancy, drunkenness and disorderly conduct. Between 1832 and 1843, only 19% of the men committed to the District jail had been found guilty of moral or civil order violations. By the period 1844-51, however, this figure exceeded 49%, and more than three-quarters of all female inmates had been arrested for behaving in an immoral or disorderly manner.<sup>10</sup>

Weaver indicated that religious reform ideas, coupled with a fear of newcomers, fostered the growth of public order and morality concerns. Embracing evangelical beliefs emanating from the United States, Upper Canadian townfolk launched a crusade against vice and licentiousness during the early decades of the nineteenth century. They founded Temperance Societies in an effort to decrease the consumption of alcohol. The reformers also spearheaded the Sunday School movement, and following the example set by organizations such as the American Tract Society, they produced pamphlets exhorting Upper Canadians to live virtuous and sober lives.<sup>11</sup>

An upsurge in immigration gave a sense of urgency to the concerns expressed by the reformers. Approximately 200,000 immigrants landed at Quebec City between 1824 and 1836, and many of these newcomers became transients who eventually found their way to Upper Canada.<sup>12</sup> Indeed, as David Gagan and Michael Katz have documented in their respective studies, a high degree of geographic mobility characterized nineteenth-century society.<sup>13</sup> A desire to improve their lot in life motivated many transients, but a significant number of them (particularly the Irish immigrants who arrived during the 1840s and

1850s) suffered from disease, malnutrition and destitution. Initially, Upper Canadians responded enthusiastically to the arrival of the famine Irish. According to G. J. Parr, they sought to fulfill their Christian responsibility by organizing voluntary committees which collected money and vital provisions for the relief of destitute immigrants. As the famine Irish flocked into the province's towns and cities in ever-increasing numbers, however, journalists and legislators came to view them with fear and suspicion.<sup>14</sup> Associating poverty with both crime and licentiousness, they concluded that the newcomers represented a potential source of disorder and immorality. As John Weaver observed, Upper Canadians believed that the immigrants "possessed a dangerous anonymity that enticed them into wayward and eventually criminal activities, especially in urban centres."<sup>15</sup>

The growing interest in matters relating to public order and morality had a profound impact upon civic affairs. Firm in the conviction that an increase in anti-social behaviour threatened the established order, municipal politicians responded by implementing a series of bylaws which addressed issues as diverse as the use of obscene language and the handling of firearms. While it is impossible to ascertain whether criminal activity actually increased, the bylaws initiated during this period attest to the fact that local leaders believed that extraordinary measures were required in order to suppress crime and immorality. Beginning with the anti-nuisance regulations enacted during the 1830s, the discussion which follows traces the growth of public and moral order concerns through an examination of municipal bylaws.

The members of a newly-established corporation moved quickly to enforce the supremacy of law and order in the area under their jurisdiction. In most urban communities, the authorities implemented an omnibus bylaw drawn up for the purpose of suppressing nuisances and ensuring good government. Although they dealt with a wide range of matters, the early anti-nuisance bylaws contained lengthy provisions relating to public order and morality.<sup>16</sup> In addition to regulating houses of public entertainment, they required the retailers of ale, beer and liquors to obtain licenses from the municipalities. Gambling, the violation of the Sabbath, the throwing of stones and snowballs in the streets, immoderate driving, the obstruction of public thoroughfares, the damaging of public and private property, and the use of firearms were strictly forbidden. The bylaws also included provisions which prohibited the "making of any public disturbances . . . , profane oaths, crusings, excretions, drunkenness, uncleanness and other scandalous actions."<sup>17</sup>

During the 1840s and 1850s, the early anti-nuisance bylaws were superseded by more detailed regulations which focused exclusively on public order and morality concerns. An indication of the growing sophistication of local government, these measures also reflected the fears and apprehensions of Upper Canadian townsfolk. During this period, thousands of impoverished Irish immigrants arrived in the province, and according to contemporary accounts, they contributed to an increase in poverty, crime, immorality and vagrancy. Chronic labour unrest also characterized this period. Navvies working on railway and canal construction projects frequently revolted against their employers,

and many communities witnessed riots and public disturbances similar to those which transpired in St. Catharines during the summer of 1842.

When considered along with the rapid pace of urban growth and the influence of religious and moral reform ideas, these factors combine to explain why municipal politicians perceived the need to strengthen the early anti-nuisance bylaws.

In St. Catharines, the authorities first introduced detailed regulations relating to public order and morality during June of 1847. Since the early spring of that year, large numbers of famine Irish had found their way to the town, and the local press complained that burglaries and public disturbances were becoming increasingly commonplace.<sup>18</sup> It was in this atmosphere of uncertainty that the Board of Police implemented "An Act for the suppression of Disorderly Conduct." Supplementing many of the provisions contained in an anti-nuisance bylaw passed two years earlier, the act stated that

. . . it shall not be lawful . . . for any person or persons to aid, assist, counsel, create, instigate or make any breach of the peace, disturbance, quarrel, riot or row; nor to brawl, halloo or make any improper loud noise, nor to publicly insult or molest anyone; nor to threaten, challenge, strike, fight, or dare anyone to fight.<sup>19</sup>

The authorities also resolved to ban the throwing of stones and brick-brats, vandalism, and also other forms of mischievous behaviour.

Moreover, they declared that no one was

. . . to use any profane, obscene, indecent, insulting or abusive language; nor to swagger through the town in a boisterous, drunken manner; nor to exhibit himself, or herself, in a state of intoxication, or in a state of nudity; nor to make any indecent exposure of their persons publicly; nor to lie down in the street, upon the side-walk, or in any other public place in a state of drunkenness.<sup>20</sup>

In addition to prohibiting disorderly conduct of all kinds, municipal politicians enhanced their authority by enacting measures which allowed for the arbitrary arrest and imprisonment of suspected troublemakers. On July 29, 1843, the members of Hamilton's Board of Police passed an ordinance providing for the incarceration of "all vagrants, vagabonds, or other persons who are drunk and found wandering in the Town at night."<sup>21</sup> Several years later, Kingston's city fathers voted in favour of a similar bylaw which authorized "any Constable, or any other person whomsoever, without any warrant for that purpose," to apprehend any drunkard, mendicant or beggar found wandering in the streets and to convey that individual "before the Mayor, the Police Magistrate or any Alderman of the said City."<sup>22</sup> After taking evidence, the official presiding over the case had the prerogative to convict the offending party and to commit that person to jail for one month. Other municipalities followed the example set by Hamilton and Kingston, and by the 1850s, most Upper Canadian communities had implemented comparable bylaws "to restrain and punish" the transient poor.<sup>23</sup>

Boards of Police and Common Councils also sought to enforce "good order" and "prevent the disturbance of the public peace" by initiating bylaws which prohibited "unlawful assemblages known as Charivaris."<sup>24</sup> According to Bryan Palmer, the charivari represented "a ritualized mechanism of community control" which came to be employed by the commonfolk as a means of resistance in the class struggle.<sup>25</sup> Frequently culminating in violence, it posed "an implicit challenge to the hegemony of the bourgeoisie."<sup>26</sup> One of the earliest bylaws forbidding charivaris was passed by the Corporation of Hamilton on March



22, 1842. Claiming that "such assemblages endanger the peace of the Town, the safety of property and person, and are highly disgraceful to all concerned with them," the Board of Police outlawed "the custom of meeting together at night by ill disposed persons disguised by dress and paint, and, for the purpose of indulging in what is commonly called a Chevari."<sup>27</sup> Several years later, local leaders in St. Catharines adopted a similar resolution. With the intention of protecting "the peaceable inhabitants of the town," they declared that anyone who took part in a charivaris or provided a participant with "any mask, dress or other material or machine whatsoever" either would be fined £10 or imprisoned for thirty days.<sup>28</sup> The anti-charivari bylaw initiated by Kingston's city fathers during the summer of 1846 provided for penalties equally as harsh as those enforced in St Catharines. In addition, the authorities were empowered to arrest anyone participating in an "unlawful meeting" or suspected of planning a charivaris, and ordinary townsfolk were compelled to assist in suppressing public disturbances when called upon to do so.<sup>29</sup>

Regulations prohibiting disorderly conduct were complemented by bylaws which dealt primarily with public morality. As Paul Boyer and John Weaver documented, 'subjective, attitudinal variables' provided a major impetus to moral order concerns. Upper Canadians enthusiastically embraced British and American religious reform ideas, and they organized a host of voluntary societies in the hope of suppressing depravity and enforcing bourgeois respectability. It is not difficult to understand why Boards of Police and Common Councils were willing to implement regulations forbidding vice and immorality. Many of the men active in

local government also belonged to Bible societies and temperance groups, and as we shall see, various voluntary organizations frequently lobbied municipal politicians encouraging them to take on a more active role in the moral reform campaign.

Prostitution figured as one of the first moral evils which the municipalities made a concerted effort to suppress. As early as 1834, Brockville's Board of Police made it illegal for "any person or persons" to "keep a Bawdy house or Brothel or a House of ill fame for the resort and commerce of lewd and dessolute people, or a House where lewdness, indecencies and other immoral and scandalous actions are permitted."<sup>30</sup> During September of 1840, the Corporation of Hamilton resolved to introduce a similar bylaw. Drawing attention to the need "to prevent the spread of vice and immorality within the Town of Hamilton and to preserve good order within the same," the Board of Police prohibited anyone from keeping or inhabiting a house of ill fame.<sup>31</sup> Public pressure was often instrumental in bringing about anti-prostitution bylaws. In St. Catharines, for example, the law-abiding inhabitants of the town were united in their opposition to prostitution, and they encouraged their elected representatives to do all that was possible to eliminate "infamous houses."<sup>32</sup> As a group of townsfolk remarked in a letter to the St. Catharines Journal, "We hope our officials will ferret out every house of this character . . . , as the mischief done to our young men, in such places is incalculable."<sup>33</sup> During the spring of 1847, when the Board of Police eventually introduced a bylaw prohibiting houses of ill fame, an urgent petition received from eight well-known residents of St. Catharines compelled the authorities to "set aside the

usual Rules in Passing Bills" so that the Bylaw could "become Law at once."<sup>34</sup>

The men elected to civic office implemented a variety of other bylaws which reflected their growing interest in matters relating to public morality. In towns and cities throughout the province, they required that all "Theatres or other public shows or Exhibitions" be licensed, and they stipulated that no "indecent or immoral matter or thing whatsoever shall be spoken, sung or displayed in any of the performances."<sup>35</sup> Ordinary townsfolk received instructions not to use "any profane, lewd, indecent or vulgar language."<sup>36</sup> Gambling was suppressed, and the keeping of bagatelle and billiard tables "for hire or gain" was discouraged.<sup>37</sup> The authorities also carefully regulated the operation of inns, taverns, and houses of public entertainment. A bylaw passed by Kingston's Common Council on March 18, 1850 required that the proprietors of all public houses "produce satisfactory evidence of their being of good fame, and of sober life and conversation, and that they have taken the oath of allegiance to our Sovereign Lady the Queen."<sup>38</sup> Ordering that they "shall not suffer books of a seditious or immoral tendency to be read or discussed" on their premises, the bylaw forbade innkeepers from harbouring "any notorious smugglers, or any dealer in forged notes or counterfeit coin, or any known or reputed thief, or any common prostitute, or any immoral, turbulent, disorderly or drunken person."<sup>39</sup>

The introduction of bylaws regulating the operation of inns and taverns constituted an integral part of the campaign to curb the consumption of intoxicating liquors. Spurred into action by temperance

societies and petitions received from concerned citizens, municipal politicians prohibited public drunkenness.<sup>40</sup> They required that all inns and taverns be licensed, and they ordered that the proprietors of public houses not allow drunkenness on their premises. To ensure that inns and taverns operated within the confines of the law, the authorities appointed "Inspectors of Houses of Public Entertainment."<sup>41</sup> Furthermore, in a number of communities, they went as far as to restrict the number of establishments allowed to sell "Spirituous liquor."<sup>42</sup>

Boards of Police and Common Councils were motivated by the belief that alcohol abuse was responsible for a wide range of social ills. By controlling the consumption of intoxicating beverages, they hoped to drastically reduce crime, disorder, immorality and poverty. Throughout the early-Victorian period, temperance organizations regularly submitted petitions elaborating on "the lamentable effects" of widespread alcohol abuse.<sup>43</sup> As the Temperance Reformation Society of Toronto informed the city fathers in a petition dated December 11, 1843, much of the "crime and wretchedness" existing "in this City . . . may be attributed . . . to the facilities furnished for indulgence in all kinds of intoxicating drinks."<sup>44</sup> According to the petitioners, "the character of a great majority of the Houses bearing Tavern Licenses is no less to be deplored than their numbers."<sup>45</sup> In these places, the young "are often initiated into all the mysteries of iniquity, and imbibe the principles of the most ruinous licentiousness," and the poor are allowed to "spend their hard earned wages, while their familites are suffering from want of the necessaries of life."<sup>46</sup> Proclaiming that the "habitual use of alcohol, in any of its varied combinations, strengthens the power

of motive to do wrong, and weakens the power of motive to do right," the Temperance Reformation Society concluded by linking an upsurge in criminal behaviour to "the numberless opportunities which exist for obtaining intoxicating drinks."<sup>47</sup>

During the 1840s, the Corporation of Kingston endeavoured on several occasions to reduce "the number of Taverns or rather drinking hosues" operating in that town.<sup>48</sup> The authorities agreed that fewer liquor licenses should be granted, but since the Magistrates for the Midland District also possessed licensing powers, it proved impossible to implement meaningful restrictions. Contrary to the wishes of the Common Council, a greater number of licenses were issued each year, and by 1841, there was a "drinking shop for every seventh or eighth male adult," and Kingston was "swarming with drunkards."<sup>49</sup> Frustrated by their powerlessness, the city fathers petitioned the provincial government praying that the District be denied the power of granting tavern licenses. In a communication signed by Mayor John Counter on July 25, 1842, they declared that

. . . the Magistrates of this District have departed not only from the spirit but the letter of the law, in having licensed, especially during the last year, applicants of every character, when it was notorious not only that there was no stable to the house, as the law requires, but that there were only three rooms in the whole house, and not as many beds.<sup>50</sup>

Of the 136 taverns operating in Kingston, all but a handful were "low dram shops, the Constant resort of the idle and dissolute."<sup>51</sup> The city fathers were especially concerned about the connection between the consumption of intoxicating beverages and lawlessness. Suggesting that low dram shops were largely responsible for "the rapid increase of Crime

which the last few years have exhibited," they declared that the "records of the Police Magistrate will prove that in nine of ten cases which come before him, the parties either frequent or make their haunts in these fruitful nurseries of crime."<sup>52</sup>

Despite the efforts of Mayor Counter and his colleagues, the provincial government did not amend the law relating to the licensing of taverns. As a result, the Magistrates for the Midland District retained the prerogative to issue licenses, and throughout the 1840s and 1850s, a large number of low dram shops continued to operate in Kingston. During December of 1848, the Common Council once again attempted to establish stricter controls over liquor licensing. Elaborating on "the great injury to the cause of morality and good order, and . . . the increased duties and expense of the Police Establishment, consequent on the licensing of several low taverns," the municipality requested that

. . . His Worship the Chairman of the Quarter Session and his brother Magistrates not . . . issue or re-issue a license for a tavern which they have any reason whatever to believe is kept by a person of immoral or drunken character, or to any tavern which they have reason to believe is frequented by drunken, loose or disorderly persons.<sup>53</sup>

The request of the city fathers had little impact on the District Magistrates. Licenses continued to be granted to establishments which did not fulfill the requirements of the law, and by 1852, more than forty dram shops operated in "the Ontario, St. Lawrence and Cataraqui Wards, alone," thereby contributing "to pauperism and crime" and causing "a heavy taxation to the City."<sup>54</sup>

The struggle to suppress low dram shops clearly reflected the growth of public order and morality concerns. Many municipalities

shared the Corporation of Kingston's pro-temperance sentiments, and they marshalled their resources in an effort to close down "these fruitful nurseries of crime."<sup>55</sup> The importance attached to the temperance issue stemmed from the conviction that widespread drunkenness was the root affliction in urban society. Upper Canadian townsfolk believed that insobriety gave rise to crime, immorality and poverty, and they anticipated that the duties of the police would become less difficult once the habitual use of alcohol subsided. By the mid-nineteenth century, the reformers had failed to eliminate the problem which they regarded as "the curse of Canada."<sup>56</sup> They had succeeded, however, in making temperance the focal point of the campaign to preserve public order and morality.

The question arises as to whether municipal politicians vigorously enforced the bylaws which they enacted. It is impossible to undertake a detailed analysis of law enforcement comparable to John Weaver's study of Gore District, but the evidence suggests that officials devoted much time and energy to the task of apprehending and convicting those persons who transgressed the law. They routinely dispossessed poverty-stricken squatters who erected shanties on vacant land, and whenever possible, they prevented undesirable characters from taking up residence in the towns.<sup>57</sup> In Brockville, more than half of the entries in the minutes books covering the period from April 5, 1832 to April 4, 1836 concerned criminal convictions. Individuals charged with public order and morality violations regularly appeared before the Board of Police, and with only

a few exceptions, the accused were summarily convicted and subjected either to a substantial fine or imprisonment.<sup>58</sup>

Throughout the 1830s, the vast majority of criminal convictions in Brockville resulted from charges of drunk and disorderly conduct. Most offenders were arrested in response to the complaints of their neighbours, and the evidence suggests that crime and alcohol abuse were inextricably connected. For example, on October 5, 1832, a Brockville man named Owen Reynolds was accused by causing a public disturbance while "deranged by liquor."<sup>59</sup> According to several witnesses who lived in the same house as Reynolds, "on Tuesday evening last, the Defendant . . . was drunk, and was guilty of cursings and excretions, which conduct was very much to the annoyance of his neighbours."<sup>60</sup> Constables called upon to suppress the disturbance confirmed that Reynolds "was drunk, Swore very profusely, and made much disturbance."<sup>61</sup> They also testified that the "Defendant's wife . . . had been compelled to leave the lodgings" along with her child in order "to avoid the abuse of the Defendant."<sup>62</sup> Finding Reynolds guilty of the charges directed against him, the Board of Police committed him to the local jail. Another case of drunk and disorderly conduct involved a well-known drunkard named Peter Tart. According to the testimony of Michael Hunter, a Brockville blacksmith, "Tart came to his house last night after he was asleep . . . and behaved in a most abusive manner."<sup>63</sup> On the basis of Hunter's testimony, the authorities convicted Tart of drunk and disorderly conduct. They reprimanded the defendant for causing a public disturbance and ordered him to pay a fine of 20 shillings.<sup>65</sup>



A significant number of convictions in Brockville also resulted from minor sex offenses. Prostitution and indecent exposure appear to have been the most common transgressions comprising this category. A case of indecent exposure which attracted considerable public interest during this period involved a man named John Vanschank. According to the evidence presented before the Board of Police, Vanschank had argued with a neighbour's wife and called her "a french bitch."<sup>66</sup> When the woman "rebuked him," the defendant "unbuttoned his pantaloons in front, and told her to look at his concerns (meaning his private parts)."<sup>67</sup> Finding no justification for Vanschank's loathsome behaviour, the Board convicted him of "drunkenness, shewing his private parts, and other indecent and scandalous actions to the annoyance of the inhabitants of the Town."<sup>68</sup>

During the 1830s, the authorities frequently brought charges against the proprietors of Brockville's principal bawdy houses. On August 5, 1834, for example, a woman named Claire Foster received a sentence of fifteen days in jail after being found guilty of operating a common bawdy house.<sup>69</sup> On another occasion, Foster was brought before the Board of Police, along with two unidentified men, and was accused of behaving in a most scandalous and unnatural manner. James Mulligan, a Brockville saddler, testified that when he went to the house occupied by Miss Foster "to complain of noise and improper conduct," he discovered the defendant and two men in a room.<sup>70</sup> Noting that Foster's house "is considered of ill-fame," Mulligan declared that the scene which he had witnessed defied description.<sup>71</sup> The testimony of a number of other witnesses corroborated the claim that the defendant

operated a bawdy house. Determining that Foster had violated the anti-prostitution bylaw, the official presiding over the case ordered that she be committed to the local jail.

While not providing conclusive evidence concerning the incidence of crime in Brockville, the records kept by the Board of Police indicate that a large proportion of criminal convictions resulted from public order and morality violations. The bylaws prohibiting prostitution, drunkenness and disorderly conduct were actively enforced, and the men elected to municipal office demonstrated an unwillingness to tolerate behaviour deemed to be anti-social in nature. The pattern of law enforcement in other towns and cities appears to have resembled that of Brockville. As we have seen, John Weaver determined that 49% of the men committed to the Gore District jail between 1844 and 1851 had been found guilty of moral or civil order violations.<sup>72</sup> In 1842, Kingston's Committee on Police reported that drunk and disorderly conduct was the most common transgression in that town.<sup>73</sup> Similarly, in Toronto, approximately half of all criminal convictions recorded by the High Bailiff in 1848 and 1859 resulted from moral or civil order violations.<sup>74</sup> When considered along with the barrage of regulations implemented at the local level, this data lends credence to the assertion that the early-Victorian period witnessed the ascendancy of a regime of moral order.

### The Emergence of Professional Police Forces

In addition to implementing bylaws which defined the parameters of acceptable behaviour, local leaders sought to preserve public order and morality by restructuring the traditional system of law enforcement. During the 1830s and early 1840s, most municipalities utilized policing practices adopted from pre-industrial England. As urban communities grew in size and became less cohesive, however, "ancient methods of community-based social control" proved to be incapable of adequately protecting the peace and security of respectable townsfolk.<sup>75</sup> Boards of Police and Common Councils responded by undertaking a variety of police reforms. Beginning in the province's two largest towns, municipal politicians abandoned traditional methods of policing as they organized professional constabularies similar to those already in operation throughout Great Britain.

The first permanent uniformed police force was organized by the British government in 1819 for the purpose of subduing the rebellious Irish. A decade later, Home Secretary Robert Peel pushed the Metropolitan Police Act through Parliament thereby establishing London's first professional force.<sup>76</sup> The Peelers represented a significant departure from tradition. Receiving a regular salary from the Corporation of London, they wore a blue, semi-military uniform and operated on a twenty-four hour a day basis. The implementation of the Metropolitan Police Act only initiated the process of police reform in Great Britain. During the 1830s and 1840s, Parliament passed a number of supplementary acts which encouraged the creation of professional

police forces in both urban and rural areas, and numerous towns and cities followed the example set by London.<sup>77</sup>

The social control thesis has been the most persistent explanation of police reform. Scholars throughout the western world have argued that a desire to restrain what Louis Chevalier and Eric Monkkonen have termed the 'dangerous class' gave rise to the creation of more efficacious systems of law enforcement. Indeed, as Monkkonen concluded in his influential study, Police in Urban America 1860-1920, "the uniformed police" represented "the front line in the formal, urban social control system."<sup>78</sup> Despite the fact that the social control thesis offers a valuable framework within which to study the emergence of professional police forces, one must be careful to employ this concept "with as much value neutrality as possible."<sup>79</sup> Moreover, it is essential that determinants other than the impulse to control the lower echelons of society be taken into consideration.

Many of the factors compelling the municipalities to initiate moral and civil order bylaws also influenced the progress of police reform. Massive immigration, fear of the Irish, labour unrest and rapid urban growth taxed the traditional system of law enforcement and gave rise to widespread anxiety. In addition, the constabularies organized in Great Britain and the United States provided models to Upper Canadian reformers. Feeling that civic maturity required a formal system of policing and a front of decency to raise the tone of their communities, leaders sought to emulate the example set by London and other metropolitan centres. Recent literature has also determined that police reform was linked to administrative change and to the evolution of

efficient forms of town government. Emphasizing the importance of professionalization and bureaucratization, James Richardson related policing to various facets of administrative development.<sup>80</sup> Similarly, Eric Monkkonen postulated that

The transformation signalled by the uniform marked the transition from a relatively relaxed, traditional form of city government to a rule-bound, less personalistic form of city bureaucracy necessary in a numerically large society peopled by transients. This transformation in the structure of city government, traced by Michael Frisch in a book aptly titled Town into City, marked the end to ancient methods of community-based social control -- the constable and the watch -- and the origins of the modern city's administrative bureaucracy.<sup>81</sup>

While recognizing the legitimacy of the social control thesis, Monkkonen cautioned against the exclusion of other relevant factors.

During the early-Victorian period, an informal system of policing similar to the constable-watch system of pre-industrial England operated in the towns and cities of Upper Canada. Each year, the men elected to municipal office appointed a number of special constables to enforce the bylaws of the corporation. A "High Constable" presided over the day-to-day operation of the police office, and two or three subordinate officers who received instructions "to keep the peace and preserve good order" were appointed for each Ward.<sup>82</sup> Although these constables performed the most important functions relating to law enforcement, they did not constitute a professional police force. They were not employed on a permanent, full-time basis, and rather than receiving a regular salary, they were paid according to a rather complicated system of fees. Moreover, there is no evidence to suggest that police officers wore uniforms prior to the mid-nineteenth century.

The involvement of ordinary townsmen in the law enforcement process further indicated the non-professional nature of the early system of policing. As we have seen, the primary responsibility for preserving public order and morality lay with the handful of men selected to act as constables. Nonetheless, law enforcement was considered to be the concern of all respectable residents. Members of the general public freely provided the authorities with information concerning a wide range of criminal activities, and they played an indispensable role in putting down public disturbances and apprehending those persons who transgressed the law. Recognizing the central importance of public intervention, civic officials introduced legislation which allowed them to fine anyone who refused to assist a constable when called upon to do so.<sup>83</sup> On the rare occasions when an individual failed to provide assistance to the police, they acted swiftly to make an example of the offending party by levying a substantial fine.<sup>84</sup>

During periods of crisis, the municipalities found it necessary to bolster the forces of law and order by appointing additional constables and establishing voluntary night watches. During April of 1833, for example "the depredations committed by a band of disorderly persons" in Brockville compelled the newly-elected Board of Police in that town to increase the size of their beleaguered constabulary.<sup>85</sup> Hoping to guard against "a recurrence of similar Scenes" and to enforce "Peace, order and good conduct" in the area under their jurisdiction, the authorities resolved to appoint thirty-five special constables.<sup>86</sup> Several years later, Hamilton's principal residents responded to a

similar crisis by convening a public meeting at which a committee was appointed for the purpose of considering "the best means of preventing the frequent burglaries."<sup>87</sup> Since they determined "that sufficient money could not be obtained to support a paid police," the members of the committee concluded "that the protection of the Town should be entrusted to volunteers."<sup>88</sup> With the full support of Hamilton's Board of Police, they proceeded to organize a vigilante force that would assist the regular police by patrolling the streets at night.<sup>89</sup>

Fearing that rebel forces positioned along the American border were planning to invade Upper Canada, a number of communities introduced special security measures during the period of uncertainty following the rebellion of 1837. As John Macaulay, a leading member of the Executive Council, observed in a letter to Mayor William Boulton of Toronto, this was "a time when there was reason to suppose that many strangers and disaffected persons were plotting to induce Revolt or a favourable reception of an invading force."<sup>90</sup> It was therefore imperative that the authorities initiated additional law enforcement measures. Since Mackenzie had launched his major offensive on the provincial capital, the circulation of rumours concerning "the machinations of the enemy" gave rise to much anxiety among Toronto's municipal politicians.<sup>91</sup> Claiming that their community was in "imminent danger" of an attack "by the Rebels and Pirates who are organized for that purpose," they voted to appoint twelve special constables during the autumn of 1838.<sup>92</sup> Rather than increasing the size of their police force and incurring additional expense, Kingston's city father sought to offset the danger of invasion by encouraging the citizenry to watch out for suspicious

strangers. Accordingly, when a group of residents expressed a desire to organize a voluntary night watch, they responded enthusiastically and, with little hesitation, gave the plan their full support.<sup>93</sup>

Serious incidents of labour unrest also necessitated the introduction of extraordinary measures relating to law enforcement. During the spring of 1851, for example, when work on the Great Western Railway was disrupted by a series of violent strikes, the Corporation of Hamilton responded by cooperating with the directors of the railway company in the creation of a special police force. Acknowledging the impotence of the regular constabulary when confronted with large numbers of disgruntled workers, the members of the Common Council agreed to employ twenty-seven additional police officers at an estimated cost of more than £400. According to the instructions issued by the municipality, the primary purpose of the newly-established force was to suppress "the violence of the laborers" and "to keep order on the line of the railway."<sup>94</sup>

During the early 1850s, Ottawa's Common Council also initiated special security measures in a desperate attempt to deal with unruly workers. "Owing to the assemblage in town at frequent periods of the year of large bodies of men connected with the lumber business," the regular constabulary frequently failed to prevent riots and other violent disturbances.<sup>95</sup> The city fathers therefore founded a special committee to investigate the matter which subsequently concluded that "additional aid to what already exists is required to preserve order, and enforce strictly the Bylaws of this Municipality."<sup>96</sup> After considering various possibilities, the authorities determined that the most



expedient solution was to allow tavern keepers to be "sworn in as Constables for the respective Wards in which they live."<sup>97</sup> They anticipated that "by appointing the Keepers of Inns and houses of Entertainment Guardians of the public peace, it will enlist them in the cause of order" thereby contributing to the peace and security of all law-abiding residents.<sup>98</sup>

Efforts to bolster Ottawa's traditional system of policing were not particularly successful. The decision to appoint tavern keepers as special constables had little impact, as violence and crime continued to plague the community. Eventually, during June of 1852, the provincial government felt compelled to take direct action, and it announced its intention to employ troops in order to re-establish the supremacy of law and order. Declaring that the use of military force was "calculated to injure the character and credit of the town," the members of the Common Council maintained that they were fully capable of putting down public disturbances without outside interference.<sup>99</sup> The Governor in Council, however, remained unconvinced. Ignoring the official protest launched by the municipality, the provincial government proceeded with its original plan to station a battalion of troops in the Ottawa area.

The use of troops and militia units for policing purposes constituted an important pattern. The municipalities were encumbered with the responsibility for law enforcement, but due to financial constraints, they lacked the resources required to suppress large-scale public disturbances. As Solicitor General Lewis Thomas Drummond noted in reference to the "great disorders" which broke out in Dundas during

the summer of 1851 while the Great Western Railway was under construction, the "experience of both Upper and Lower Canada was sufficient to show that the local authorities were far from being uniformly equal to the preservation of the public peace."<sup>100</sup> In Dundas, he continued, "the officers of justice were unable to issue warrants against any of the rioters; and if any of the farmers interfered, their barns and property were injured or destroyed."<sup>101</sup> The inability of the municipalities to enforce the supremacy of law and order necessitated the intervention of the provincial government. The military preferred not to be called upon to restore civil order, but on numerous occasions, troops had to be dispatched for the purpose of restraining navvies working on canal and railway construction projects.

Aware of the need for a more effective means of law enforcement, the provincial government explored the possibility of organizing its own police force. One of the first proponents of this idea was Sir George Arthur, lieutenant-governor of Upper Canada from 1838 to 1841. In a letter to Colonel J. F. Love dated November 4, 1839, Arthur remarked: "A police force we need exceedingly. A Government without it is like a Fleet without Frigates -- it is impossible to watch the enemy."<sup>102</sup> Despite his enthusiasm, a lack of popular support prevented Arthur from implementing his plan. Members of the magistracy feared that the proposed constabulary threatened their livelihood, and many influential Upper Canadians regarded it as "an unconstitutional force."<sup>103</sup> A decade and a half passed before the provincial government made another serious attempt to establish its own police force. Once again, however, the

prospect of a provincial constabulary aroused widespread opposition, and the government was dissuaded from proceeding with its plan.<sup>104</sup>

Municipal politicians disapproved of proposals to establish a provincial police force for two essential reasons. Firstly, they believed that creation of a provincial constabulary would seriously encroach upon an area under municipal jurisdiction. In addition, they were angered by the suggestion that they were incapable of carrying out their responsibilities. As the members of Ottawa's Common Council informed the provincial government in a rather indignant petition,

. . . they feel the fullest Confidence in the ability of the Civic Authorities to maintain the entire Supremacy of Law and order, recognizing to the fullest extent the responsibility incumbent on them of controlling the affairs of the Town which they represent and regarding the preservation of breaches of the peace or of the laws as a duty paramount to all others.<sup>105</sup>

Even though they often encountered difficulty in carrying out their mandate, local leaders were not prepared to tolerate the interference of the provincial government. They opposed the use of the military and refused to sanction the creation of a provincial police force. Insisting that law enforcement was a municipal concern, the authorities doggedly maintained that they would succeed in restraining the forces of disorder.

Kingston and Toronto were the first Upper Canadian towns to initiate significant police reform. In both communities, the men elected to municipal office initially employed the traditional constable-watch system during the early years following incorporation. By the 1840s, however, determining that a more formal system of policing was required, they began to introduce reforms which led to the creation

of professional police forces similar to the constabulary established by Robert Peel's Metropolitan Police Act. The fact that Kingston and Toronto led in the area of police reform comes as no surprise. In comparison to other Upper Canadian communities, these cities were relatively populous. They had prospered during the early decades of the century and therefore possessed the revenue required to support a professional force. Furthermore, both Kingston and Toronto had served as the provincial capital for a number of years, and as a result, their residents were well informed of recent developments in the metropolitan centre.

A municipal bylaw enacted on December 30, 1841 signalled the advent of police reform in Kingston. During October of that year, Mayor John Counter had convened a special session of the Common Council "to take into consideration the establishment of a Constabulary Police Force."<sup>106</sup> Proclaiming that the need for such a force "was everyday becoming more pressing," Counter exhorted his colleagues to support the creation of a professional constabulary.<sup>107</sup> The members of the Common Council agreed wholeheartedly with Mayor Counter's recommendations. With little delay, they drafted a bylaw entitled "An Act to establish a Police Force in the Town of Kingston," and they then petitioned the provincial government in the hope of obtaining the use of the guard house in the rear of the District Gaol as a police station.<sup>108</sup>

According to the bylaw's preamble, "the great increase in trade and population," coupled with the pressing need "to preserve good order and public morals," necessitated the introduction of further provisions relating to law enforcement.<sup>109</sup> Empowering the municipality to organize

a professional constabulary, the Kingston police act specified that the force would consist of one chief constable (who also carried out the duties of the High Bailiff) and as many as six sub-constables. To strengthen the position of the police, the authorities included a provision which allowed for the prosecution of anyone who hindered a "member of the said Force, when in the proper and peaceable performance of his duty."<sup>110</sup> In addition, they obliged all townsfolk "when called upon, to aid and assist . . . in the arrest, detention or capture of any offender."<sup>111</sup> While not stipulating whether they wore an official uniform, the bylaw indicated that the police were considered to be permanent employees of the municipality, and that they worked on a full-time basis.

The affluent residents of Kingston applauded the creation of a professional constabulary, but members of the working class responded less enthusiastically. During the spring of 1842, George Lambert, a poor labourer, wrote to the Common Council complaining of police harrassment. According to Lambert, a member of the force had arbitrarily dispossessed him of a violin while he was in the act of playing on St. Patrick's Day. Noting that he was simply following "a Usual Custom" practiced "in all the Towns were [sic] the Sons of Erin are to be found," Lambert argued that the constable in question had behaved in an indefensible manner.<sup>112</sup> He also avowed that he was not the only law-abiding person who had good reason to denounce the actions of the Kingston constabulary. Proclaiming that "their [sic] are Numbers of Inhabants [sic] of the Town who also have been assulted [sic],"

Lambert begged the city fathers to reprimand the offending constables and to exert greater control over the operation of the force.<sup>113</sup>

The records kept by the Corporation of Kingston lend credence to the view that the newly-established constabulary vigorously enforced the regulations enacted by the Common Council. In a report presented on November 3, 1842, the Police Committee informed the city fathers that "the duties of the Police have been heavy."<sup>114</sup> Between May 16 and October 14 of that year, more than 620 prisoners were taken into custody. Of this number, 273 had been arrested for drunkenness, 220 on charges of assault, 69 for larceny, and 56 for behaving in a disorderly manner. The police made an average of four arrests each day.<sup>115</sup>

Within a year of establishing a professional constabulary, the inhabitants of Kingston were compelled to expand the existing force. At a special meeting held on April 10, 1843, the Committee on Police informed the Common Council that "the present state of the Town" required immediate action.<sup>116</sup> "Gangs are committing deprivations upon property, and disturbing the peaceable Citizens," they reported, and several disreputable houses "are kept open nearly all night for the reception of the disturbers of the peace, and to the great injury of youth."<sup>117</sup> Acting upon the Committee's recommendations, the authorities agreed to employ two additional officers to patrol the city at night. In order to pay the new constables' wages, however, they found it necessary to decrease the annual salary of the men belonging to the existing force by £10, as well as to dispense with the services of the messenger.<sup>118</sup>

Subsequent measures refined Kingston's system of policing.

During July of 1845, the night patrol was incorporated into the regular constabulary. Aiming to "prevent much harm, and great loss of property in this Town," the Common Council decreed that each policeman would take his turn on night duty, and that he would then be exempt from regular service the next day.<sup>119</sup> Along with the reorganization of the night watch, local leaders updated the Kingston police force by employing additional officers. By 1858, the constabulary had quadrupled in size, and worried officials believed that even more policemen were "required for the preservation of property and the peace."<sup>120</sup> As the Police Magistrate noted in a letter to Council dated October 13, 1858, the citizenry had recently witnessed many "disgraceful scenes."<sup>121</sup> Moreover, past experience suggested that the situation would worsen during the winter months as large numbers of unemployed workers flocked into the city. Spurred into action by the Magistrate's prediction, the Police Committee recruited an undisclosed number of men to become members of the force. Although they invited applications from all interested parties, there is no evidence to suggest that the city fathers utilized a professional system of recruitment. Objective criteria were not employed to select the best qualified candidates, and the recruits did not undergo a formal training process.<sup>122</sup> Much progress had been made from the days of the constable and watch, but Kingston's police still did not constitute a fully professional force.

The advance of police reform in Toronto closely paralleled developments in Kingston. By the 1840s, the traditional constable-watch system had largely been abandoned in favour of a more formal means of

law enforcement. Hoping to render "the Police more effective for preserving the Peace, maintaining good order, and enforcing the observance of the Laws of the Corporation more generally throughout the City," municipal politicians organized a "Constabulary Force" during the spring of 1843.<sup>123</sup> At the outset, the Toronto constabulary consisted of only a High Baliff and eight constables. In later years, however, the Common Council appointed additional officers, and the police force became increasingly professionalized.

During the 1850s, the authorities implemented a number of significant reforms. In order to free the police from unnecessary political interference, they altered the manner in which members of the force were selected. In its report of February 15, 1856, the Standing Committee on Police declared "that the principal of appointing the Police Constables of the City by the Council is in itself wrong."<sup>124</sup> Since politicians frequently abused the authority entrusted to them, the Committee concluded that "the power of future appointments" should be vested "in his Worship the Mayor, the Recorder and the Police Magistrate."<sup>125</sup> The members of the Common Council responded favourably to the Police Committee's report. They resolved to establish a Board of Police Commissioners, and they furnished this semi-independent body with the authority to make future appointments and to supervise the operation of the force.<sup>126</sup> The creation of Toronto's Board of Police Commissioners represented a significant development. For the first time, the responsibility for policing was taken away from politicians and placed in the hands of allegedly professional administrators. The members of the Board ultimately were responsible to the Common Council,



but they still enjoyed considerable autonomy. In addition to indicating the growing maturity of civic government, this innovation reflected the progress of administrative reform in Upper Canada's largest urban centre.

Several years after the introduction of a more professional selection process, the city fathers decided to undertake a general reorganization of the Toronto constabulary. Responding to the widespread belief that the municipal system of law enforcement was inefficient, the Board of Police Commissioners conducted a thorough investigation into the question of policing during the winter of 1858-9. At a special meeting held on February 1, 1859, the Commissioners presented their findings to Council. Strongly recommending that the existing police force be disbanded, they advocated the creation of a new constabulary consisting of one chief of police, one deputy chief of police, three senior sergeants, six junior sergeants and sixty constables. The Commissioners maintained that the new force should be fully professional. "When police service is required," they proclaimed, "it is too unsafe to entrust to any raw, unpracticed help which can be had on the sudden, for the duties of the police man are such as demand long practice, and the exercise of many other qualities, which those unused to the discipline of the force, are very unfit to be entrusted with."<sup>127</sup> The old constabulary had consisted of fifty regular constables and approximately twenty special constables. The latter "were employed either in lieu of regular constables absent from sickness or other causes; or, to perform some special duty."<sup>128</sup> According to the Police Commissioners, this arrangement proved to be inadequate.

Indeed, they contended that it would be much more expedient "to add a few to the number of the regular force to meet these contingencies rather than to have twenty or upwards of irregular constables hanging about the office seeking daily appointment, and losing at least half their time."<sup>129</sup>

Implementing many of the recommendations contained in the Commissioners' report, the city fathers moved to reorganize the Toronto police force. They summarily dismissed the fifty men who constituted the old force and then proceeded to recruit sixty new constables. Even though members of the old constabulary who wished to enlist in the new force were the first applicants to be considered, the Board of Police Commissioners ensured that these individuals possessed the necessary qualifications and, in particular, that they were capable of writing intelligent reports. As the Commissioners informed the members of the Common Council, they endeavoured to select those applicants "with the best qualifications, both as regards educational requirements, but especially those who have had previous experience of police duties either in England, Ireland, Scotland, or this country."<sup>130</sup> In the end, only eight of the men who had belonged to the old force were not reinstated.

The reforms of 1859 made Toronto's police force a truly professional body. In accordance with the wishes of the Police Commissioners, the authorities barred unqualified persons from enlisting in the force, and they discontinued the practice of employing "irregular constables" on an occasional basis.<sup>131</sup> The new constabulary sought to provide the city with constant protection. In place of a night watch,

all members of the force worked regular shifts "with three changes of relief every twenty-four hours."<sup>132</sup> In addition, the constables were outfitted with a uniform that was easily recognizable even from a great distance. Due to the increased size of the city, it became necessary for the Corporation to equip the police with three separate station houses. These buildings furnished the officers on duty with a secure base of operation, while providing the citizenry with a tangible symbol of Toronto's recently reorganized system of law enforcement.

The police reforms initiated in Toronto and Kingston influenced other Upper Canadian communities. During the autumn of 1847, for example, Ottawa's Common Council seriously considered the possibility of establishing a professional constabulary. While anticipating that a police force would contribute to "the preservation of the peace and the protection of the lives and properties of the inhabitants of Bytown," the city fathers believed that they lacked the financial resources required to support such "an establishment."<sup>133</sup> Consequently, when the provincial government refused their request for an annual grant of £500 "towards the maintenance . . . of a Police," they opted to retain the traditional constable-watch system.<sup>134</sup> Municipal politicians in Hamilton were also reluctant to incur the additional expense necessitated by police reform. By the early 1850s, however, they had managed to overcome their reservations, and a professional constabulary was in full operation.<sup>135</sup> Similarly, in 1856, the Corporation of St. Catharines resolved to reorganize its police force. The Common Council announced its intention to equip the men who became members of the new constabulary with an official uniform, and it provided detailed

instructions concerning the force's responsibilities. In addition to removing "all nuisances in any part of the Town" and maintaining "good order . . . in and about the Market ground," the police were directed to patrol the streets at night.<sup>136</sup> They were also informed that it was their duty "to preserve the public peace, and good order throughout the Town -- to report all violations of By Laws -- to report all suspicious persons and places, and generally to watch and guard the Town day and night for the prevention of crimes, and arrest of offenders."<sup>137</sup> Having concluded that traditional arrangements were incapable of enforcing the rule of law, the authorities followed the example set by Kingston and Toronto and organized a professional constabulary.

#### Institutionalism as a Response to Public Order and Morality Concerns

The struggle to preserve public order and morality culminated in the establishment of charitable institutions funded and administered by the province's municipalities. Since they assumed that the primary responsibility for poor relief lay with voluntary organizations, local leaders initially allocated little money for this purpose. As the traditional means of dealing with deviant and dependent members of society broke down, however, they were compelled to initiate significant reforms. They founded Houses of Industry, Industrial Farms and other similar institutions in a conscious effort to reduce costs and promote social stability, and by the mid-nineteenth century, the traditional system of outdoor relief had largely been abandoned.

The development of charitable institutions in Upper Canada was greatly influenced by the innovations of British and American reformers. Prior to the mid-1830s, the most common form of public relief in Britain involved the subsidization of workers' wages during periods of scarcity and rising prices. This traditional practice functioned effectively for centuries, but with the advance of industrial capitalism, it proved to be increasingly expensive. Moreover, in the eyes of Benthamite reformers, outdoor relief appeared to be overly haphazard and inefficient. In 1832, the Whig Government established a Royal Commission to investigate the matter, and acting upon the recommendations contained in the Commission's report, it introduced the Poor Law Amendment in 1834. In effect, the new law made poverty a crime. Providing for the construction of prison-like workhouses where paupers were to be incarcerated, it sought to deny able-bodied persons outdoor relief.<sup>138</sup> In the estimation of E. P. Thompson, the reformers adopted a deliberate "policy of psychological deterrence."<sup>139</sup> As one Assistant Commissioner remarked, they intended "to make the workhouse as like prisons as possible" by establishing "therein a discipline so severe and repulsive as to make them a terror to the poor and prevent them from entering."<sup>140</sup> Despite resolute opposition from the working class, the authorities implemented the new system of poor relief with little delay. By 1838, a multitude of "Poor Law Bastilles" held 78,356 unfortunate souls, and in 1843, there were almost 200,000 workhouse inmates in England alone.<sup>141</sup>

Americans also advocated institutionalism as a means to reform deviant and dependant members of society. Indeed, as David Rothman

observed, the 1830s and 1840s can properly be labelled "the age of the asylum."<sup>142</sup> Disturbed by the lack of cohesion and stability in Jacksonian America, social reformers perceived the almshouse, the orphan asylum, the penitentiary, the reformatory, and the insane asylum as a means to "rehabilitate inmates," as well as to "set an example of right action for the larger society."<sup>143</sup> Rather than accepting the poor as a natural part of the divine order, the Jacksonians regarded poverty as an indication of the pervasiveness of vice and as a serious threat to social stability. As a result, they were anxious to implement a new programme of reform and correction. In order to rehabilitate the poor, the reformers established almshouses which would remove paupers from the community and enforce a strict and regular routine of back-breaking labour. Rehabilitation may have represented an important goal for the reformers, but as was also the case in Great Britain, the newly-established institutions were designed in part to "frighten the poor into independence."<sup>144</sup>

Since the late 1960s, the concept of social control has been used widely in order to explain the emergence of schools, prisons, reformatories, asylums and workhouses in nineteenth-century Europe and North America. Rejecting the traditional assumption that humanitarianism represented the driving force behind these reforms, the advocates of the social control thesis have viewed institutionalism as a means used by the rising middle class to assert their predominance and to restrain the lower orders in developing capitalist societies. In his ground-breaking study of 1965, Madness and Civilization: A History of Insanity in the Age of Reason, Michel Foucault concluded that asylums

represented "a structure that formed a kind of microcosm in which were symbolized the massive structure of bourgeois society and its values."<sup>145</sup> Anxious "to protect their newly-won status and position," Foucault argued, the bourgeoisie employed the confinement of the insane as "a rather insidious instrument of . . . social control cloaked in the garb of a supposedly dispassionate and humane medical science."<sup>146</sup>

In the years following the publication of Madness and Civilization, many historians have adopted the social control thesis while studying various facets of institutional change and social reform. Among Canadian scholars, the subject of school reform has most frequently been examined within this context. In an explicitly Marxist analysis, Stephen Schecter declared that the legitimization of a changing class structure represented the reform movement's raison d'être. According to Schecter, the main goal of Egerton Ryerson and his supporters was to warn Upper Canadians of the threat posed by the predominantly Irish-Catholic working class, and to persuade the bourgeoisie "that investment in schools was as worthwhile as investment in railroads."<sup>147</sup> In an article entitled "Politics, Schools and Social Change in Upper Canada," Susan Houston also argued that a fear of widespread social unrest caused educational promoters to advocate the foundation of a provincial school system. Indicating that Upper Canadians were becoming increasingly apprehensive about an upsurge in anti-social behaviour, Houston concluded that the reformers perceived education as a means "to prevent pauperism, crime, vice, ignorance, and contribute to the increased productivity of the labour force."<sup>148</sup> Similarly, in The School Promoters, Education and Social Class in Mid-

Nineteenth Century Upper Canada, Alison Prentice related the emergence of the public school system to the anxieties of middle class reformers. The school promoters feared that men were "infinitely corruptible and society infinitely depraved," Prentice contended, and they banded together hoping to minimize class conflict, control the uncivilized masses and promote middle class respectability.<sup>149</sup> Clearly, in the estimation of Prentice, Houston and Schecter, the development of educational institutions in Upper Canada reflected much more than a simple commitment to humanitarian principles.

In recent years, a number of historians have questioned the utility of the social control thesis. As Thomas Edward Brown stressed in his study of the Provincial Lunatic Asylum at Toronto, scholars must be willing to recognize the many complexities involved in an historical development. According to Brown, the history of the Toronto asylum was "more of a tragedy than a conspiracy."<sup>150</sup> Indeed, the reformers "saw in the asylum an institution that would accomplish not one but a number of purposes: protection for the community, cheap and efficient, but strictly humane, care for the insane, and perhaps most importantly, the ultimate promise of cure and the eradication of the 'insanity problem' itself."<sup>151</sup> Judith Fingard is another historian who has cautioned against mono-causal explanations of institutionalism. In a biting review of John K. Alexander's Render Them Submissive: Responses to Poverty in Philadelphia, 1760-1800, Fingard criticized Alexander for relying too heavily on "the rather outdated interpretation of social control."<sup>152</sup> In her estimation, insufficient emphasis has been placed upon economic imperatives. "Increasing population, greater extremes of



poverty and wealth, and the emergence of the economy-conscious middle class all point to a desire to control, not the poor themselves," Fingard avowed, "but the escalating expense of both relieving and reforming them."<sup>153</sup>

While not dismissing the reservations expressed by Judith Fingard and Thomas Brown altogether, the discussion which follows assumes that the social control thesis is applicable to the Upper Canadian experience. Perceiving the prevalence of crime and poverty as a threat to the established order, local leaders established institutions which they hoped would rehabilitate deviant and dependent persons by subjecting them to a harsh routine of frugality, hard work and discipline. Humanitarianism, coupled with the escalating cost of poor relief, provided a major impetus to reform, but the impact of the desire to forestall widespread social unrest cannot be ignored.

During the first three or four decades of the nineteenth century, civic officials presided over a varied and informal system of poor relief. Town councils regularly donated food and fuel to poverty-stricken families, and when economic downturns took place, they sponsored public works projects which provided employment to able-bodied men. Cash payments were made to townsfolk who cared for the poor and sick in their homes, and the municipalities supported the work of a variety of privately-run benevolent organizations by providing them with financial assistance. On occasion, troublesome paupers and vagrants were imprisoned for short periods of time, but no systematic effort was made to institutionalize individuals such as these until the late 1840s and early 1850s.

A number of factors brought about the demise of the traditional system of poor relief. Designed to serve the needs of small and cohesive communities, informal arrangements proved incapable of functioning effectively when confronted with unprecedented urban growth and an influx of impoverished immigrants. As the number of paupers and vagrants passing through the towns and cities of Upper Canada swelled, the cost of outdoor relief skyrocketed, and concerned townsfolk became convinced that additional measures were required to feed, clothe and house the transient poor. In addition, the vigorous enforcement of anti-vagrancy bylaws and other measures designed to promote public order and morality contributed to an increased rate of incarceration. Most communities, however, lacked the facilities to cope with these offenders, and local jails soon suffered from acute overcrowding.

Documenting the deplorable conditions which prevailed in local jails, a report written in 1856 by Thomas Reynolds, a Brockville physician, provides an illustration of the concerns which led to the establishment of Industrial Farms and Houses of Industry. Due to "the fact the Town of Brockville has no lock up," Reynolds wrote, "the Jail is made use of to keep vagrants from the street."<sup>154</sup> This arrangement proved to be most unsatisfactory. Vagrants were "frequently sent to the cells in a most disgusting state covered with filth," and at the time the report was written, there was "a revolting instance of this kind . . . causing extreme annoyance to the unfortunate inmates as well as to the officers of the prison."<sup>155</sup> According to Reynolds, the problem stemmed from the fact that the duties of the Jail Surveyor had not been taken seriously. The authorities never attempted "to classify the Prisoners

or to separate the sick from the well," and consequently, "the poor invalids suffered from the noise and the well prisoners were rendered uncomfortable by the presence of the sick."<sup>156</sup> Doctor Reynolds concluded his report by advocating the construction of a building adjacent to the prison which would house the poor, the sick, and the insane.

Toronto was the first Upper Canadian town to establish a permanent House of Industry. During the winter of 1836-7, a group of concerned citizens under the direction of John Strachan, the first Anglican bishop of Toronto and pillar of the Family Compact, generated a great deal of public interest in the question of poor relief. Indicating that an unusually large number of paupers and vagrants were found wandering the streets of Toronto that winter, Strachan and his supporters submitted a petition to the Common Council praying that a public meeting be called "to devise ways and means" to provide food and shelter for the poor.<sup>157</sup> The meeting disappointed those individuals who had hoped for immediate action, but it succeeded in giving momentum to the idea of establishing a publicly-funded charitable institution. Several months later, on May 4, 1837, the committee which had been established at the meeting "to provide for the relief of the poor and destitute" petitioned the city fathers praying for the construction of a House of Industry.<sup>158</sup> According to the members of the committee, a workhouse would result in "the total abolition of street begging, the putting down of wandering vagrants, and securing an asylum at the least Possible expense for the industrious and distressed poor."<sup>159</sup> In addition, it would allow for "the inculcating and encouraging of

principles and habits of industry and moral virtue, whereby the temporal, as well as future happiness of 'Child of Adversity' may be promoted."<sup>160</sup> The Toronto Council gave its full support to the committee's initiative and immediately dispatched a petition to the provincial government requesting "a grant of land within this City whereon to erect a House of Industry."<sup>161</sup> Soon thereafter, the province's first workhouse came into existence.

Within a decade of its creation, the House of Industry proved to be incapable of caring for more than a small fraction of the paupers who flocked to the Toronto area. Financial problems had plagued the project from the very beginning, and during the spring of 1847, W. N. Westmacott, the House of Industry's secretary, informed Mayor W. H. Boulton that it would become necessary to discontinue the operation of the institution unless "some substantial relief may be afforded."<sup>162</sup> More than £100 in debt, the Managing Committee of the House of Industry had "been compelled to refuse relief to destitute persons," and not "to receive any more Inmates into the Institution."<sup>163</sup> Large numbers of famine Irish sought refuge in Toronto during the summer months, and according to all accounts, conditions in the city rapidly deteriorated. Indeed, as Sheriff Jarvis informed Mayor Boulton in a letter dated August 28, 1847, the inhabitants of Toronto were forced to witness many distressing scenes. Families lay "under the shelter of fences and trees, not only in the outskirts, but within the very heart of the town," and "human beings . . . having disease and famine depicted in their countenances and without a shelter to cover them" could be seen begging for food along several main thoroughfares.<sup>164</sup>

The inability of the House of Industry to provide assistance to the growing number of poverty-stricken immigrants engendered a desire to improve Toronto's system of poor relief. In the autumn of 1847, the members of the Finance Committee focused the attention of the Common Council on

the immediate necessity which exists of making some provision either of a temporary or permanent nature for the relief of the unfortunate creatures who have within the last five months been thrown upon us for support without any means whatever of providing for themselves and who during the approaching winter will most probably be frozen in our streets unless timely aid is afforded them.<sup>165</sup>

Indicating how expensive it was to keep vagrants, paupers and disorderly persons in the city jail where their labour could not be converted to a useful purpose, they strongly recommended that the authorities procure the land necessary for "Public and Charitable Institutions."<sup>166</sup> Several months later, Mayor Boulton appointed a special committee to investigate the question of poor relief. In their report of January 25, 1848, the members of this committee confirmed that new buildings were urgently required to house the poor; they therefore suggested that the municipality finance the construction of the workhouse on the condition that the directors of the House of Industry surrender the property under their control to the City.<sup>167</sup> Reluctant to incur the large expenditure which this project would have necessitated, Mayor George Gurnett refrained from adopting the committee's recommendations. By the mid-1850s, however, the pressing need for significant reform could no longer be ignored, and the city fathers eventually agreed to finance a more effective system of poor relief.

In 1854, the Common Council launched a full-scale enquiry into whether Toronto should support the construction of additional charitable institutions. Concluding that an Industrial Farm and House of Correction "may be established and kept up at an expense not exceeding the annual sum required by the country from the city," a lengthy report presented on March 13 that year maintained "that juvenile criminals and habitual vagrants are those for whom the discipline and occupation" of these institutions would be most beneficial.<sup>168</sup> A group of prominent Torontonians responded enthusiastically to the report, and they admonished their representatives to take on a more active role in providing assistance to the needy. John Strachan was among those townsmen who exhorted the city fathers to do something about "the distressing state of our poor."<sup>169</sup> Noting that "Toronto, from its central position has become a sort of reservoir and place of refuge to the indigent from all parts of the Province," Strachan contended "that the period has arrived, when some public aid should be given not to supersede, but to strengthen and encourage voluntary charity."<sup>170</sup> In the opinion of the influential clergyman, British customs provided a perfect example to Upper Canadian lawmakers:

The generous provision for the poor in England has been for more than three centuries, the glory of the nation, and has preserved her in all her strength and dignity under the most perilous difficulties; when the nations around her disappeared in anarchy and revolution. The benefit of an assessment is that it reaches all classes of Society and leaves the truly benevolent as charitable as ever.<sup>171</sup>

Encouraged by the pleas of concerned residents and increasingly aware of the inadequacy of the traditional system of poor relief, the Common Council moved quickly to establish an Industrial Farm and House

of Refuge. In 1856, the Corporation of Toronto purchased 135 acres "with a view of affording means of so employing the poor and destitute as to provide for them maintenance without burthening the Revenue of the City and also for providing such employment for the Criminal and disorderly portion of our population as would tend to the reduction of the City Expenditures in connection with the department of Police Prisons."<sup>172</sup> Construction on the new buildings began shortly after the purchase was made, and by the end of the decade, the Industrial Farm and House of Refuge were in full operation.

By removing paupers and vagrants from society and placing them in a highly-structured environment where they would be forced to work for their keep, Toronto's municipal politicians hoped to discourage indolence among the poor while fostering an appreciation for hard work and self-discipline. According to a report presented by Mayor Adam Wilson during October of 1859, the House of Refuge had been erected to hold five types of offenders. These included: "poor and indigent persons incapable of supporting themselves; all persons without means of maintaining themselves and able to work, and who refuse or neglect to do so; all person leading a lewd, dissolute or vagrant life, and exercising no ordinary calling or lawful business sufficient to give or procure an honest living; all persons who spend their time and money in Public houses to the neglect of any lawful calling; and Idiots."<sup>173</sup> Although Mayor Wilson acknowledged the importance of "relieving the meritorious poor," he placed greater emphasis on the need "to exercise a strict control over the idle, the lewd, the dissolute and the vagrant members of the community."<sup>174</sup> He stated without hesitation that the poor should

be compelled to labour and those who refused to do so should be severely punished. In the mayor's opinion:

These compulsory powers are an injury to no one. They remove an idle, useless set of people from the community, they compel them to earn their own bread, they relieve the respectable part of the people who are certainly entitled to some protection from the solicitations, imposition and maintenance of so unworthy a class; and they secure to the really deserving objects of charity a better and ampler support by cutting off those who prey upon and consume the fund.<sup>175</sup>

Wilson and his colleagues intended to reduce the amount of money spent on poor relief by putting inmates to work and by discouraging the poor from seeking public assistance. Furthermore, in common with British and American reformers, they ultimately hoped to stabilize society by effecting the incarceration and rehabilitation of troublesome individuals.

During the 1850s, several other municipalities moved to establish charitable institutions. Kingston's city fathers first recognized the need for a House of Industry during the spring of 1841. Referring to the "increase in all kinds of vice, which imperatively require a House of Industry for their correction," they declared that the current practice of confining "the dissolute and vagabond" to jail for three days "is found to operate as the reverse of punishment."<sup>176</sup> In 1850, the Common Council passed an act to establish a House of Industry, and five years later, the city fathers resolved to expand the institution's facilities and to place its operation directly under their control.<sup>177</sup> In St. Catharines, the Ladies Union Charitable Association, of which the wife of W. H. Merritt was a leading member, petitioned Mayor Elias Adams during April of 1853 praying that measures be taken to



relieve the poor and destitute. Responding favourably to the Charitable Association's petition, the authorities moved quickly to establish a House of Refuge.<sup>178</sup> Local leaders in Ottawa acknowledged the need for a publicly-funded institution to house the poor as early as 1850. Due to financial constraints, however, they refrained from taking immediate action stating that at present it was not in their power to establish such an institution.<sup>179</sup>

Similarly, Hamilton's municipal politicians initially refused to sanction the construction of a workhouse on the grounds that such an undertaking would give rise to increased taxation. In a report tabled during May of 1848, the Police Committee on Paupers claimed that if the municipality established a House of Industry, it would end up supporting the "pauper who had expended his labour upon and enriched the soil of a distant Township and who never appeared in Hamilton until he was beyond labor and then for the express purpose of soliciting charity."<sup>180</sup> The members of the Police Committee conceded emergency poor relief should be provided to the destitute, but only "when it is ascertained they have enriched their respective locations by rate-paying and labor."<sup>181</sup> Due to the reluctance of officials to spend substantial amounts of money on poor relief, a number of years passed before a House of Industry was erected in Hamilton. Furthermore, when the workhouse finally opened its doors on July 16, 1855, it was too small to hold more than a handful of paupers, and the authorities were compelled to introduce strict guidelines which prevented all but the most impoverished persons from gaining admittance.<sup>182</sup>

Less than a year after the opening of the House of Industry, the growing number of paupers and vagrants in the Hamilton area forced the city fathers to consider the possibility of establishing additional charitable institutions. During the spring of 1856, the Common Council appointed a committee to conduct an investigation into the question of poor relief. In its report presented on May 26 of that year, the committee declared that an Industrial Farm and House of Correction

would confer lasting benefit on the Corporation, the importance of which can hardly be questioned. The many loose and disorderly characters that spring up in large and rapidly growing Cities, render some provision for their proper training under charge of the civil authorities of the first importance, and your Committee considers that the proposed institutions would be the means of reclaiming such from a career of vice and infamy, and restoring them to society as virtuous and industrious citizens.<sup>183</sup>

The report concluded that "the blessings conferred" on inmates, as well as "the vast benefits that would accrue to the City," more than justified the expense which the construction and maintenance of an Industrial Farm and House of Correction would necessitate.<sup>184</sup>

An ambivalent attitude toward crime and punishment motivated the members of the special committee studying the question of poor relief. On the one hand, they manifested "feelings of dread" concerning the future well-being of their community.<sup>185</sup> As the committee noted in a subsequent report, "the increased and increasing amount of vagrancy and crime" in Hamilton demanded a prompt and energetic response from the authorities.<sup>186</sup> Otherwise, public order and morality would be undermined, and their "fair City" would gain a reputation of "unenviable notoriety."<sup>187</sup> Hamilton's aldermen and councilmen may have feared for the future stability of society, but at the same time, they displayed a

surprisingly optimistic view of criminal behaviour. The committee's report stressed that punishment should not be the main object of law enforcement, and it elaborated on the paramount importance of the "prevention of similar offences and the reformation of the individual."<sup>188</sup> Adopting the theories of British and American reformers, the advocates of corrective institutions postulated that environmental factors caused crime and poverty. By institutionalizing offenders and initiating them to the virtues of hard work, frugality and discipline, Upper Canadian reformers believed that it was possible to rehabilitate the individual and, in the long run, to reform society.

According to all accounts, deplorable conditions prevailed in the institutions established in Hamilton, Kingston and Toronto. From the outset, they received insufficient funding from the authorities, and as a result, they suffered from serious overcrowding, unsanitary conditions and a want of adequate facilities. Indeed, as early as 1852, complaints concerning the deplorable state of Kingston's House of Industry caused municipal politicians in that town to launch an official enquiry into the management of the institution. Citing several instances of extravagance involving the use of public funds, the investigating committee reported that "the inmates of the House were in a very filthy state, and that the beds in said house were in a very dirty bad condition without either hay or straw, decent and sufficient covering."<sup>189</sup> Due to his failure to manage the institution in a more professional manner, the committee members concluded that William Doherty, the Superintendent of the House of Industry, should be relieved of his duties.

Conditions in Kingston's House of Industry did not improve once the Council replaced Doherty with another manager. The vast majority of the comments recorded in the Visitor's Book continued to be critical of the institution, and they suggest that, rather than improving, conditions steadily deteriorated. During the spring of 1853, for example, a visiting alderman noted that "the Soup is very bad" while suggesting that "a small sum be spende[d] daily on proper Vegetables" for the inmates' meals.<sup>190</sup> On December 23, 1854, a delegation from the Congregational Church "found all the rooms very much crowded," and they expressed concern about the lack of heating.<sup>191</sup> A year later, Thomas Brownley, a leading member of the Common Council, also commented on the institution's crowded conditions. He stated that the present building was incapable of accommodating so many persons, and he "recommended Some Steps be taken to afford better accomodation either by enlarging the Building or lessening the number of Inmates."<sup>192</sup> In addition, Brownley complained of both the quality and quantity of the food provided to the House of Industry's residents. He declared that the soup "was extremely bad" and "entirely unfit for use" since "there was neither Barley, Rice, Salt, nor any kind of Vegetable whatever in it."<sup>193</sup> Around the same time, another visitor wrote that "he found the inmates in a Most Wretched Condition destitute of food and clothing," while others commented on the presence of vermin and the privy's "very unfit state for use."<sup>194</sup> During the winter of 1860, a group of individuals visiting the institution expressed surprise at finding "the inmates . . . all sitting idle."<sup>195</sup> Reflecting the popular belief that the poor should be compelled to work for their keep, they lamented the "lack of employment

both for men and women," and urged the directors to find work for the able-bodied.<sup>196</sup> Apparently, part of the problem in Kingston during the late-1850s stemmed from the fact that William Graham, the House of Industry's superintendent, was a heavy drinker. Graham's intemperance greatly reduced his effectiveness as manager, and according to certain reports, he actually assisted the inmates in procuring "Intoxicating liquors."<sup>197</sup>

The chronic underfunding and overcrowding which plagued the operation of institutions such as Kingston's House of Industry had serious consequences. The managers lacked the resources to closely supervise the behaviour of the deviants and dependents placed under their care, and inmates rarely received the training which according to the reformers was essential if they were to be rehabilitated. In addition, it became increasingly difficult to find dedicated and trustworthy managers. As the enthusiasm of the early years dissipated and as conditions in the asylums worsened, rehabilitation no longer represented a realistic goal. Custodianship became the primary function of the institutions; they merely served as holding places which temporarily prevented vagrants, paupers and other undesirables from roaming the streets.

The steady erosion of the reforming impulse caused most historians to conclude that the experiment with institutionalism was a dismal failure. In The Discovery of the Asylum, David Rothman declared that the initiatives of the Jacksonian period were not particularly successful.

By the 1850's almost every type of asylum was losing its special qualities, and by the 1870's few traces remained of the original designs. In a majority of mental hospitals the careful balance of moral treatment gave way to custodial care; in almost every penitentiary the unique arrangements of the Auburn and Pennsylvania plans disappeared before wardens' preoccupation with peace and security. Almshouses, never very attractive places, to begin with, became even more disorderly, while houses of refuge frequently came to resemble poorly run state prisons.<sup>198</sup>

Similarly, in Upper Canada, the innovations implemented during the 1840s and 1850s proved incapable of bringing about all that the reformers had promised. The deplorable conditions and lack of success in rehabilitating inmates, however, does not necessarily mean that the Houses of Refuge and Industrial Farms were a complete failure. Firm in the conviction that these institutions provided at least a partial solution to the problems of urban crime and poverty, the authorities never doubted that they represented a worthwhile investment.

### Conclusion

Presuming that crime, poverty and immorality were on the rise, respectable townsfolk utilized local government in their struggle to bolster the established order. In addition to initiating a litany of regulations prohibiting anti-social behaviour, they refined the municipal system of law enforcement and established charitable institutions to house paupers, vagrants and other destitute persons. As indicated throughout this chapter, no single factor determined the actions of municipal politicians. The impact of the urbanization process cannot be discounted, but other less deterministic influences must also be taken into consideration. Labour unrest, immigration and

transiency generated fears concerning the maintenance of social stability thereby contributing to institutional change. Furthermore, a number of important attitudinal variables also came into play. Religious reform ideas focused public attention on the moral state of society, and the innovations implemented in Great Britain and the United States provided invaluable models to Upper Canadian reformers. Fostering a growing interest in matters relating to public order and morality, these factors combined to determine the manner in which the civic elite responded to the many problems plaguing the province's urban communities.

## Endnotes

<sup>1</sup>Statutes of Upper Canada, vol. 2, "An Act to define the limits of the Town of Hamilton, in the District of Gore, and to establish a Police and Public Market therein," 13 February 1833.

<sup>2</sup>For a more detailed discussion of this subject see: Eric Monkkonen, "The Quantitative Historical Study of Crime and Criminal Justice," in James A. Inciardi and Charles E. Faupel, eds., History and Crime (London: Sage Publishers, 1980), and Yvon Desloges, "The Study of the Urban Past and its Many Approaches: An Historiographic Review," Parks Canada, Research Bulletin No. 197, June 1983.

<sup>3</sup>Louis Wirth, "Urbanism as a Way of Life," in Alexander B. Callow Jr., ed., American Urban History (New York: Oxford University Press, 1969), p. 500.

<sup>4</sup>Ibid., pp. 501-502.

<sup>5</sup>Roy Lubove, "The Urbanization Process: An Approach to Historical Research," in Callow, American Urban History, pp. 647-648.

<sup>6</sup>Ibid., p. 649.

<sup>7</sup>Ibid., pp. 643-644.

<sup>8</sup>Paul Boyer, Urban Masses and Moral Order in America 1820-1920 (Cambridge: Harvard University Press, 1978), p. vii.

<sup>9</sup>Ibid., p. 43.

<sup>10</sup>John Weaver, "Criminal Justice and Crime in Upper Canada: The Gore District, 1831-1851," unpublished paper, pp. 19-20.

<sup>11</sup>Ibid., pp. 15-16.

<sup>12</sup>Ibid., p. 17.

<sup>13</sup>David Gagan, Hopeful Travellers: Families, Land, and Social Change in Mid-Victorian Peel County, Canada West (Toronto: University of Toronto Press, 1981), pp. 95-125. Michael Katz, The People of Hamilton, Canada West: Family and Class in a Mid-Nineteenth Century City (Cambridge: Harvard University Press, 1975), pp. 94-175).

<sup>14</sup>G. J. Parr, "The Welcome and the Wake: Attitudes in Canada Towards the Irish Famine Migration," Ontario History, LXVI, 1973-74, p. 102.



<sup>15</sup>Weaver, "Criminal Justice and Crime in Upper Canada," p. 17.

<sup>16</sup>This discussion is based upon the following bylaws: "Police Regulations," Brockville Recorder, 19 April, 1832; "An Act concerning Nuisances and the good government of the City," Public Archives of Ontario (P.A.O.), City of Toronto Bylaws, vol. 1, 30 May 1834; and "An Act for the suppressing of nuisances and the good government of the Town of Kingston," Queen's University Archives (Q.U.A.), City of Kingston Papers, Kingston By-Laws, 22 June 1838.

<sup>17</sup>Brockville Recorder, 11 April 1832.

<sup>18</sup>St. Catharines Historical Museum (S.C.H.M.), St. Catharines Board of Police Minutes, reel #171, 312, 28 June 1847.

<sup>19</sup>St. Catharines Journal, 24 June 1847.

<sup>20</sup>Ibid.

<sup>21</sup>Mills Memorial Library, Special Collections (M.S.C.) The Marjorie Freeman Campbell Collection, Hamilton Minutes, Bylaw #90, Vagrancy, 22 July 1843.

<sup>22</sup>Q.U.A., City of Kingston Papers, Kingston By-Laws, 31 January 1848.

<sup>23</sup>Ibid.

<sup>24</sup>Ibid., "An Act to prevent the disturbance of the public peace and good order, by unlawful assemblages know as Charivaris," 24 August 1846.

<sup>25</sup>Bryan Palmer, "Discordant Music: Charivaris and Whitecapping in Nineteenth-Century North America," Labour/Le Travailleur, III, 1978, p. 9.

<sup>26</sup>Ibid., p. 60.

<sup>27</sup>M.S.C., The Marjorie Freeman Campbell Collection, Hamilton Minutes, 22 March 1842.

<sup>28</sup>St. Catharines Journal, 24 Juen 1847.

<sup>29</sup>Q.U.A., City of Kingston Papers, Kingston By-Laws, 24 August 1846.

<sup>30</sup>Victoria Hall (V.H.), Brockville Minutes, vol. 1, 14 July 1834.

<sup>31</sup>M.S.C., The Marjorie Freeman Campbell Collection, Hamilton Minutes, 21 September 1840.

<sup>32</sup>St. Catharines Journal, 15 March 1849.

<sup>33</sup>Ibid.

<sup>34</sup>S.C.H.M., St. Catharines Board of Police Minutes, microfilm reel #171, 312, 29 April 1847.

<sup>35</sup>Q.U.A., City of Kingston Papers, Kingston By-Laws, "An Act to regulate the licensing or prevent the exhibition of Theatres or other public shows or Exhibitions in the Town of Kingston," 7 September 1840.

<sup>36</sup>Ibid., "An Act to amend the by-law relating the Public Market in the City of Kingston," 22 April 1852.

<sup>37</sup>P.A.O., Brockville Minute Book, vol. 2, "By-Law Relating to Bagatelle, and to Billiard Tables," 22 February 1859.

<sup>38</sup>Q.U.A., City of Kingston Papers, Kingston By-Laws, "An Act to provide for the granting of Licenses to Inn Keepers and the Keepers of Houses of Public Entertainment," 15 March 1850.

<sup>39</sup>Ibid.

<sup>40</sup>The importance of public opinion must not be underestimated. In 1859, more than 900 "principal rate-payers" residing in Hamilton signed a petition calling for stricter controls over liquor licensing. M.S.C., The Marjorie Freeman Campbell Collection, Hamilton Minutes, 31 January 1859.

<sup>41</sup>Q.U.A., City of Kingston Papers, Kingston By-Laws, "A By-Law to fix and determine the duties, powers and privileges of the Inspectors of Houses of Public Entertainment," 11 February 1858.

<sup>42</sup>P.A.O., Brockville Minute Book, vol. 2, "By-Laws to license Houses of Public Entertainment," 22 February 1859.

<sup>43</sup>P.A.O., City of Toronto Papers (mis.), MS 385, petition of the Temperance Reformation Society, 11 December 1842.

<sup>44</sup>Ibid.

<sup>45</sup>Ibid.

<sup>46</sup>Ibid.

<sup>47</sup>Ibid.

<sup>48</sup>Q.U.A., City of Kingston Papers, Kingston Report Book, draft of the communication in reply to one from Hon. L. B. Harrison, 24 June 1842.

<sup>49</sup>Ibid., Kingston Minutes, 3 May 1841.

<sup>50</sup>Ibid., Kingston Report Book, draft of the communication in reply to one from Hon. L. B. Harrison, 24 June 1842.

<sup>51</sup>Ibid.

<sup>52</sup>Ibid.

<sup>53</sup>Ibid., Kingston Minutes, 10 December 1840.

<sup>54</sup>Ibid., City of Kingston Papers (mis.), Inspectors of Houses of Public Entertainment to Council, 9 February 1859.

<sup>55</sup>Ibid., Kingston Report Book, 25 July 1842.

<sup>56</sup>Ibid.

<sup>57</sup>P.A.O., City of Toronto Papers (mis.), MS 385, 14 May 1834; P.A.O., City of Ottawa Minutes, GS 3721, 4 April 1857.

<sup>58</sup>V.H., Brockville Minutes, vol. 1, 5 April 1832 to 4 April 1838.

<sup>59</sup>Ibid., 5 October 1832.

<sup>60</sup>Ibid.

<sup>61</sup>Ibid.

<sup>62</sup>Ibid.

<sup>63</sup>Ibid., 3 June 1834.

<sup>64</sup>Ibid.

<sup>65</sup>Ibid.

<sup>66</sup>Ibid., 14 September 1835.

<sup>67</sup>Ibid.

<sup>68</sup>Ibid.

<sup>69</sup>Ibid., 5 August 1834.

<sup>70</sup>Ibid., 3 November 1832.

<sup>71</sup>Ibid.

<sup>72</sup>Weaver, "Criminal Justice and Crime in Upper Canada," p. 18.

<sup>73</sup>Q.U.A., City of Kingston Papers, Kingston Report Book, Report of the Committee on Police, 3 November 1843.

<sup>74</sup>P.A.O., City of Toronto Papers (mis.), MS 385, statistical statement of crime in the City of Toronto for the year 1848, 1 June 1849; City of Toronto Archives (C.T.A.), 1859 Journal, Statistical Report of Crimes committed in the City of Toronto, Appendix.

<sup>75</sup>Eric Monkkonen, Police in Urban America 1860-1920 (Cambridge: Cambridge University Press, 1981), p. 152.

<sup>76</sup>The following are two excellent studies of policing in nineteenth-century England: David Philips, Crime and Authority in Victorian England (London: Croom Helm, 1977); J. J. Tobias, Crime and Police in England 1700-1900 (Dublin: Gill and Macmillan, 1979).

<sup>77</sup>The Municipal Corporations Act of 1835 obliged "all incorporated boroughs to set up police forces under the control of a Watch Committee appointed by the Borough Council." The County Police Acts of 1838 and 1840 allowed "county Quarter Sessions to set up professional county police forces," while the County and Borough Police Act of 1856 "made it compulsory for all counties and boroughs to establish police forces." Philips, Crime and Authority, p. 54.

<sup>78</sup>Monkkonen, Police in Urban America, p. 10.

<sup>79</sup>Ibid.

<sup>80</sup>Deborah S. Gardner, "American Urban History: Power, Society and Artifact," in Patricia J. F. Rosof, William Zeigel, and John B. Quandt, eds., Urban History: Reviews of Recent Research (New York: The Institute for Research in History and the Haworth Press, 1981).

<sup>81</sup>Monkkonen, Police in Urban America, p. 152.

<sup>82</sup>V.H., Brockville Minutes, vol. 1, 24 May 1832.

<sup>83</sup>On May 28, 1835, for example, the Brockville Corporation introduced such a bylaw. Ibid., 28 May 1835.

<sup>84</sup>In 1848, for example, local officials in Ottawa fined a man named Henry Shouldis for refusing to assist the High Constable in making an arrest. P.A.O., City of Ottawa Minutes, GS 3721, 11 September 1848.

<sup>85</sup>V.H., Brockville Minutes, vol. 1, 3 April 1833.

<sup>86</sup>Ibid.

<sup>87</sup>M.S.C., The Marjorie Freeman Campbell Collection, Hamilton Minutes, 25 July 1838.

<sup>88</sup>Ibid.

<sup>89</sup>Ibid.

<sup>90</sup>P.A.O., City of Toronto Papers (mis.), MS 385, 29 December 1838.

<sup>91</sup>Ibid., copy of a report by the Executive Council approved by His Excellency the Lieutenant Governor on the subject of the city police, 3 December 1838.

<sup>92</sup>C.T.A., 1838 Journal, 15 November 1838.

<sup>93</sup>Q.U.A., City of Kingston Papers, Kingston Minutes, 25 October 1838.

<sup>94</sup>M.S.C., The Marjorie Freeman Campbell Collection, Hamilton Minutes, 11 April 1851.

<sup>95</sup>P.A.O., City of Ottawa Minutes, GS 3721, 31 March 1851.

<sup>96</sup>Ibid.

<sup>97</sup>Ibid.

<sup>98</sup>Ibid.

<sup>99</sup>Ibid., 7 June 1852.

<sup>100</sup>Elizabeth Nish, ed., Debates of the Legislative Assembly of Upper Canada, vol X, part 11, p. 1505.

<sup>101</sup>Ibid.

<sup>102</sup>Charles R. Sanderson, ed., The Arthur Papers, v. 2, 1839-1840 (Toronto: Toronto Public Libraries and the University of Toronto Press, 1957), p. 298.

<sup>103</sup>Ibid., v. 3, 1840-1850, p. 160.

<sup>104</sup>P.A.O., City of Ottawa Minutes, GS 3721, 29 March 1856.

<sup>105</sup>Ibid., 7 June 1852.

<sup>106</sup>Q.U.A., City of Kingston Papers, Kingston Minutes, 13 October 1841.

<sup>107</sup>Ibid.

<sup>108</sup>Ibid., Kingston By-Laws, 20 December 1841.

109 Ibid.

110 Ibid.

111 Ibid.

112 Ibid., City of Kingston Papers (mis.), 18 March 1842.

113 Ibid.

114 Ibid., Kingston Report Book, Report of the Committee on Police, November 1843.

115 Ibid.

116 Ibid., Report of the Committee on Police, 10 April 1842.

117 Ibid., Kingston Report Book, report of the Committee on Police, 10 April 1843.

118 Ibid.

119 Ibid., City of Kingston Papers (mis.), letter from the Chief Constable of Police, 21 July 1845.

120 Ibid., letter from the Mayor, the Recorder and the Police Magistrate to Council, 13 October 1858.

121 Ibid.

122 Ibid., Kingston Minutes, 8 November 1858.

123 P.A.O., City of Toronto Papers (mis.), MS 385, report of the Committee appointed to report upon the duties required to be performed by the City Inspector, the Constabulary Force, etc., 29 May 1843.

124 C.T.A., 1856 Journal, 25 February 1856.

125 Ibid.

126 Ibid., 1859 Journal, 1 February 1859.

127 Ibid., Report of the Board of Commissioners on Police, Appendix.

128 Ibid.

129 Ibid.

130 Ibid.

131 Ibid.

132 Ibid.

133 P.A.O., City of Ottawa Minutes, GS 3721, 27 October 1847.

134 Ibid.

135 M.S.C., The Marjorie Freeman Campbell Collection, Hamilton Minutes, 21 July 1855.

136 S.C.H.M., St Catharines Board of Police Minutes, reel #171, 312, 18 February 1856.

137 Ibid.

138 J. R. Edwards, British History 1815-1839 (London: G. Ball and Sons Ltd., 1970), pp. 93-97.

139 E. P. Thompson, The Making of the English Working Class (Harmondsworth, England: Penguin Books, 1966), p. 295.

140 Ibid.

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142 David J. Rothman, The Discovery of the Asylum (Toronto: Little, Brown and Company, 1971), p. xiv.

143 Ibid.

144 p. 195.

145 Michel Foucault, Madness and Civilization: A History of Insanity in the Age of Reason (New York, 1965), p. 266.

146 Thomas Edward Brown, "Living with God's Afflicted: A History of the Provincial Lunatic Asylum at Toronto, 1830-1911," Ph.D. Thesis, Queen's University, 1981, p. 18.

147 Stephen Schecter, "Capitalism, Class and Educational Reform in Canada," in Leo Panitch, ed., The Canadian State: Political Economy and Political Power (Toronto: University of Toronto Press, 1977), p. 375.

148 Susan E. Houston, "Politics, Schools and Social Change in Upper Canada," Canadian Historical Review;, LIII, 1972, p. 266.

149 Alison Prentice, The School Promoters: Education and Social Class in Mid-Nineteenth Century Upper Canada (Toronto: McClelland and Stewart, 1977), pp. 25, 124.

<sup>150</sup>Brown, "Living with God's Afflicted," p. 378.

<sup>151</sup>Ibid., p. 89.

<sup>152</sup>Judith Fingard, "Review of John K. Alexander's Render Them Submissive: Responses to Poverty in Philadelphia, 1760-1800", Urban History Review, Vol. XI, No. 3, 1983, p. 89.

<sup>153</sup>Similarly, in her study of poor relief in three Maritime cities, Judith Fingard refused to accept an explanation which relied solely on the social control thesis. She noted that the self-interest of the reformers "demanded economical relief," and she illustrated how "the search for economy" influenced social policy. Judith Fingard, "The Relief of the Unemployed: The Poor in Saint John, Halifax, and St. John's, 1815-1860," in Gilbert A. Stelter and Alan F. J. Artibise, eds., The Canadian City: Essays in Urban History (Toronto: McClelland and Stewart, 1977), pp. 347-348.

<sup>154</sup>P.A.O., Johnston District Papers, letter from Thomas Reynolds, M.D., on the subject of the Brockville Jail, 25 October 1856.

<sup>155</sup>Ibid.

<sup>156</sup>Ibid.

<sup>157</sup>P.A.O., City of Toronto Papers (mis.), MS 385, petition of John Strachan and others, 22 December 1836.

<sup>158</sup>Ibid., petition of the Committee appointed by the citizens to provide relief for the poor and destitute, 4 May 1837.

<sup>159</sup>William B. Jarvis, the sheriff of the Home District, and John Ryerson, a prominent minister in the Wesleyan Methodist Church, were among the members of this committee, ibid.

<sup>160</sup>P.A.O., City of Toronto Papers (mis.), MS 385, letter from B. Turgard to Mayor Morrison, 28 December 1836.

<sup>161</sup>Ibid., report of the Select Committee to whom was referred the Petition praying this Council establish a House of Industry, 4 May 1837.

<sup>162</sup>Ibid., letter from W. N. Westmacott to W. H. Boulton, 17 May 1847.

<sup>163</sup>Ibid.

<sup>164</sup>Ibid., letter from Sheriff Jarvis to the Mayor, 28 August 1847.



<sup>165</sup>C.T.A., 1847 Journal, report of the Finance Committee, 27 September 1847.

<sup>166</sup>Ibid.

<sup>167</sup>P.A.O., City of Toronto Papers (mis.), MS 385, report of the Special Committee appointed to confer with a delegation from the Managing Committee of the House of Industry, 25 January 1845.

<sup>168</sup>C.T.A., 1854 Journal, 13 March 1854.

<sup>169</sup>P.A.O., City of Toronto Papers (mis.), MS 385, letter from "John Toronto" (John Strachan) to Mayor J. Hutchison, 30 November 1857.

<sup>170</sup>Ibid.

<sup>171</sup>Ibid.

<sup>172</sup>C.T.A., 1858 Journal, 13 December 1858.

<sup>173</sup>Ibid., 1859 Journal, Appendix, the Mayor's report on the House of Refuge, 3 October 1859.

<sup>174</sup>Ibid.

<sup>175</sup>Ibid.

<sup>176</sup>Q.U.A., City of Kingston Papers, Kingston Minutes, 4 May 1841.

<sup>177</sup>Ibid., Kingston By-Laws, "An Act to establish a House of Industry," 13 May 1850; Kingston Minutes, 7 May 1855.

<sup>178</sup>S.C.H.M., St. Catharines Board of Police Minutes, reel #171, 312, 25 April 1853.

<sup>179</sup>P.A.O., City of Ottawa Minutes, GS 3721, 5 August 1850.

<sup>180</sup>M.S.C., The Marjorie Freeman Campbell Collection, Hamilton Minutes, 22 May 1848.

<sup>181</sup>Ibid.

<sup>182</sup>Ibid., 11 June 1855, 16 July 1855.

<sup>183</sup>Ibid., 26 May 1856.

<sup>184</sup>Ibid.

<sup>185</sup>Ibid., 23 June 1856.

186 Ibid.

187 Ibid.

188 Ibid.

189 Q.U.A., City of Kingston Papers, Kingston Report Book, report of the Special Committee to investigate the management of the House of Industry, 13 December 1852.

190 Ibid., House of Industry Records, Visitors' book 1853-9, 31 May 1853.

191 Ibid., 23 December 1854.

192 Ibid., 20 January 1855.

193 Ibid.

194 Ibid., 8 February 1855, 18 April 1860, 27 February 1855.

195 Ibid., 24 January 1860.

196 Ibid.

197 Ibid., letter from the Board of Directors to Mr. William Graham, Superintendent of the House of Industry, 6 November 1860.

198 Rothman, The Discovery of the Asylum, p. 237.

## CHAPTER FIVE

### "FOR THE HEALTH AND COMFORT OF THE INHABITANTS"<sup>1</sup>: FIRE, DISEASE AND THE CONSTRUCTION OF PUBLIC WATERWORKS

Fire and disease constituted the two greatest threats to the comfort, welfare and physical well-being of Upper Canadian townsfolk. In addition to endangering both life and property, these twin scourges threatened to inhibit the growth and development of the province's urban communities. Conflagrations levelled large numbers of buildings without warning, and a succession of cholera epidemics claimed thousands of innocent victims. The destruction precipitated by fire and disease necessitated a significant response from the civic elite. Together with the implementation of a host of precautionary regulations, Boards of Police and Common Councils appointed local medical boards and encouraged the creation of voluntary fire brigades. Moreover, once the need for more sweeping measures became apparent, they assumed the responsibility for a number of costly projects including the installation of drains and sewers, and the construction of public waterworks.

#### Fire Protection

The introduction of fire prevention codes and the organization of volunteer fire companies predated the incorporation of the province's urban communities. In towns where wooden buildings frequently

outnumbered brick and stone structures and a variety of combustible materials including hay, straw and sawdust littered vacant lots and alleys, the threat of fire was palpable. Major conflagrations broke out with frightening regularity, and according to all accounts, they took a heavy toll in both property and lives. Recognizing that accidents by fire presented a major impediment to the advancement of urban communities, provincial politicians initiated legislation which they hoped would provide fuller protection to their constituents. As early as 1792, the Upper Canadian government empowered the magistracy "to make regulations to prevent accidental fires, and if necessary, to appoint firemen to prevent and extinguish fires, where forty store and dwelling houses are erected within a half a mile square."<sup>2</sup> Subsequent enactments encouraged police towns such as Kingston, Niagara and York to organize voluntary fire brigades, and in order to encourage public involvement, firemen were exempted from militia duty, from serving as jurymen and constables, and from all other parish and town offices.<sup>3</sup>

Members of the local elite expressed a keen interest in the question of fire protection. Since they owned the most substantial residences and businesses, merchants, retailers, manufacturers and other well-established and relatively affluent individuals had the most to lose from disastrous fires. Well aware of the need for co-operative action, they pooled their resources during the early decades of the century to establish mutual insurance companies and to organize and equip voluntary fire brigades. In 1833, for example, more than fifty notable residents of Toronto including Bishop Strachan, John Rolph, H. J. Boulton and John Elmsley founded the British American Fire

Insurance Company.<sup>4</sup> Several years later, the cream of St. Catharines society organized the Niagara District Fire Insurance Company. Men such as Thomas Merritt -- the local sheriff and the Commissioner of Woods and Forests, William Chase -- a prominent physician, Henry and John Mittleberger -- successful merchants who owned several commercial blocks in the centre of the town, and E. W. Stephenson -- the proprietor of a famous hotel and spa, realized that St. Catharines was defenseless against the threat of fire; they therefore founded the insurance company in the hope of minimizing their losses in the event of a conflagration.<sup>5</sup>

Personal experience often highlighted the need for a more efficacious means of fire protection. In 1829, the Merritt family incurred losses in excess of £1,000 when a fire razed their "Salt Works."<sup>6</sup> Similarly, a number of years later, six of the buildings which the Mittleberger brothers owned on St. Paul Street, the town's principal thoroughfare, were destroyed by an uncontrollable blaze.<sup>7</sup> Prior to the introduction of fire insurance schemes, property owners such as these had to rebuild without any form of outside assistance, and in many cases, businessmen were forced into bankruptcy.

In addition to constituting insurance companies, the civic elite sought to protect themselves from the ravages of fire by encouraging the creation of voluntary fire brigades. When Toronto established its first engine company in 1826, prominent residents dominated the organization, and as W. C. Morrison -- a future secretary of the fire department, recalled two decades later, "Judges, Lawyers, Clergymen, Merchants and Laborers all vied with each other in a zealous discharge of a Mutual duty."<sup>8</sup> Working in conjunction with the founders of the Niagara

District Fire Insurance Company, Henry Mittleberger was the driving force behind the St. Catharines fire department. An advocate of canal and railway construction, the director of the St. Catharines Hydraulic Company, and a well-respected magistrate who by day and night watched "over the peace and security of the neighbourhood, when threatened with invasion from without and insurrection from within," Mittleberger organized the town's first fire brigade soon after settling in St. Catharines during the early 1820s.<sup>9</sup> Recognizing the need for modern fire fighting equipment, he raised the money required to purchase a hand-operated engine christened the "Jenny Lind," and he volunteered to serve as captain of the fire company. As Daniel Sweeney, a spokesman for the firemen of St. Catharines, remarked during the summer of 1848 at a dinner held in Mittleberger's honour,

He has been unceasing in his attention to the interests of the Company, since its formation. He has drilled and done everything that could make us efficient and useful as a body; and has performed all this to protect our property from the horrors of fire. There is not one in the Company but looks on him as father.<sup>10</sup>

Sweeney's assertion that Henry Mittleberger was motivated by a desire to protect all townsfolk from the horrors of fire cannot be denied. The captain of the fire brigade donated large sums of money to allow for the purchase of much-needed fire fighting equipment, and his determination and zeal remained undiminished after more than twenty-five years of service. Nonetheless, one must recognize that the question of fire protection was inextricably linked to the interests of the civic elite. Fire posed a major challenge to the security and prosperity of large property owners, and as a result, individuals such as Henry Mittleberger

could not afford to ignore the pressing need to establish mutual insurance companies, as well as to organize and equip voluntary fire brigades.

With the incorporation of towns and cities, the primary responsibility for fire protection was placed in the hands of elected officials. Along with the authority to enact regulations for the prevention and suppression of fires, Boards of Police and Common Councils enjoyed the prerogative to establish fire companies and to supervise their day-to-day operation. During the early months following the incorporation of a town, the authorities typically introduced a bylaw which sanctioned the creation of a fire department consisting of a chief engineer and as many assistant engineers, enginemen, hosemen, and hook and ladder men as they wished to appoint.<sup>11</sup> Operating on a volunteer basis, the various brigades which constituted a fire department each performed separate functions under the direction of the chief engineer. The twenty to thirty men belonging to an engine company were responsible for conveying their equipment to the scene of a fire as quickly as possible and ensuring that it operated at full capacity. Hose companies connected the hand-operated pumps to the nearest supply of water, while hook and ladder companies tore down buildings and removed combustible materials in an attempt to prevent the flames from spreading.<sup>12</sup> Invested with "absolute and sole command" over all members of the department, the chief engineer took charge at the scene of the blaze and positioned the engines where he felt they would be most effective. He was also empowered to secure the assistance of all male

inhabitants between the ages of sixteen and sixty and to appoint guards who would prevent vandalism and pillaging.<sup>13</sup>

Despite the nominal control exercised by the municipalities, fire departments enjoyed a significant degree of autonomy. Reluctant to encroach upon traditional privileges, the authorities allowed firemen to select their own officers and enact their own bylaws. In addition, the various brigades received permission to adopt official badges so that the members of one group could be distinguished from those of another.<sup>14</sup> Motivated by the spirit of voluntarism, firemen developed strong loyalties for the particular companies to which they belonged, and they steadfastly resisted outside interference. During October of 1848, for example, when the Common Council of Hamilton dismissed Mr. Kerr, the fire department's chief engineer, for making a purchase without first receiving official permission, the city's firemen responded by resigning en masse. In an angry petition, they declared that they found Kerr's dismissal to be distasteful, and they stipulated that until he was reinstated they would not return to their duties. The city fathers decided that they had no option but to acquiesce to the demands of the firemen. Claiming that the whole affair had been an unfortunate misunderstanding, they disavowed their earlier decision and pledged not to interfere needlessly in the internal affairs of the department.<sup>15</sup>

The disagreement between Hamilton's fire department and Common Council exemplified the situation in any number of communities. Relations between municipalities and volunteer brigades were often strained, and tensions frequently erupted into violent quarrels. If officials repeatedly ignored a company's request for aid, meddled in its



internal affairs, violated a traditional privilege, or harshly criticized the conduct of its members, firemen did not hesitate to take decisive action. Threatening to resign, they drew up petitions demanding that the authorities remove the cause of their complaint. Firemen invariably emerged as the victors in the disputes between fire departments and municipalities. Since the volunteer companies provided the only significant protection which towns and cities had from destructive fires, Boards of Police and Common Councils could not afford to allow them to be disbanded for any length of time. Circumstances compelled local leaders to reach a settlement as quickly as possible, and in order to accomplish this goal, they usually had to comply with the firemen's demands.

Relations between the various brigades within a fire department were perhaps even more acrimonious than those between firemen and civic officials. Indeed, as Bruce Laurie commented in his study of fire companies in nineteenth-century Philadelphia,

Fighting was a time-honoured tradition among firemen . . . Hose companies fought for water plugs nearest a fire, and engine companies then did battle for prime hose locations. Being first to a fire engendered a great deal of pride, but the honor of extinguishing it was often achieved by fighting off later arrivals. Getting to a fire involved battling enthusiastic rivals who cut tow ropes and jammed carriage spokes with spanners to win the race.<sup>16</sup>

Disputes between competing groups stemmed from sectarian loyalties as well as from functional differences. Fire companies frequently were organized along religious or ethnic lines, and by offering a reward to the brigade first to arrive at the scene of a fire, the authorities heightened the natural rivalry existing between them. In St.

Catharines, clashes between competing engine companies occurred on a regular basis during the 1840s and 1850s.<sup>17</sup> Similarly, at Toronto's great fire of 1849, the members of one brigade "committed wilful and mischevious damage" against those of another by cutting hoses, stealing a number of axes, and removing the linchpin from their rivals' engine so that it could not be moved without considerable difficulty.<sup>18</sup> The conflict between fire companies had serious consequences. Fire-fighting efforts were frustrated, and in certain cases, firemen sustained serious injuries. Indeed, during the autumn of 1858, "an inoffensive, peaceable and law-abiding" fireman named George Bowan actually lost his life "while attending a fire on Gore Street at the residence of the Archdeacon of Kingston."<sup>19</sup> According to Bowan's widow, who petitioned the Common Council praying for "pecuniary relief," the fireman "was unlawfully and feloniously assaulted and beaten by some evil disposed person or persons," suspected of belonging to another engine company, "and so severely injured that he . . . died of the wounds inflicted."<sup>20</sup>

The volunteer brigades were largely self-governing, but they depended upon the municipalities for financial support. Responding to petitions received from firemen, local leaders financed both the construction of station houses and the acquisition of hooks and ladders, leather hoses, and fire engines. In order to cover the cost of these initiatives, they often found that it was necessary to issue debentures and increase taxation. When Brockville purchased a "Rogers' Patent" fire engine during the winter of 1833, for example, the Board of Police was compelled to levy a special rate of assessment on all residents.<sup>21</sup> Similarly, when they resolved to construct an engine house, the members

of Brockville's Board of Police discovered that they lacked the revenue required to carry out such a project. Reluctant to increase the burden imposed on taxpayers, they passed a bylaw which allowed them to raise £1000 by way of a loan and to issue debentures equal to that amount and redeemable in ten years.<sup>22</sup> In a number of other communities, the authorities decided that the introduction of an annual assessment for the support and maintenance of fire departments represented the only viable, long-term solution.<sup>23</sup>

Public opinion recognized the need to minimize the threat of fire, but many urban dwellers did not wish to pay higher taxes in order to attain this goal. Support for the expenditure of large sums of money on fire protection tended to vary according to a person's socio-economic class. Prosperous businessmen regarded the purchase of fire fighting equipment as a worthwhile investment. Much of their capital was tied up in real estate, and they realized that without the protection afforded by well-equipped fire companies they would be ruined in the event of a major blaze. Poor ratepayers who resided in outlying areas, on the other hand, failed to derive much benefit from the municipal system of fire protection. As the inhabitants of a Toronto suburb noted during the summer of 1849 in a petition deploring the imposition of a tax for the support of the fire department, nine out of ten fires occurred in the central part of the city. Moreover, most suburban houses were "small wooden buildings," and since they were located so far from the engine houses, "it is inevitable that" they "be destroyed before any assistance could be given."<sup>24</sup> If an engine managed to arrive at the scene of a fire on time, the petitioners added, the difficulty in

obtaining a reliable supply of water would render it inoperative. The waterworks did not extend to the Liberties, and the great distance to the bay prevented carters from transporting significant quantities of water in their puncheons. The concerns expressed by Toronto's suburban residents had little impact on public policy. The city fathers failed to improve the protection provided to outlying areas, and the petitioners continued to pay more than their fair share of taxes for the support of a fire department from which they derived few benefits.<sup>25</sup>

Boards of Police and Common Councils did not limit their efforts to providing financial assistance to voluntary brigades. In towns and cities throughout the province, the authorities sought to augment the protection afforded by these organizations by implementing a multitude of regulations designed to prevent accidental fires. Stipulating that each householder "shall provide one or more good and suitable leather buckets holding not less than three gallons each," they ordered that all buildings were to be equipped with a "serviceable ladder, long enough to reach from the ground to two feet above the eaves . . . , which shall be kept constantly raised and well secured so as to give ready access to the roof."<sup>26</sup> The municipalities enacted bylaws regulating stoves and stove pipes, and they required that all ashes be stored in fire-proof containers and that chimneys be cleaned on a regular basis. Townsfolk were also prohibited from carrying uncovered coals and candles through the streets. The law forbade smoking in barns and livery stables, and anyone burning hay, straw, wood chips or any other combustible material was ordered to do so on a damp day when there was no wind and at a distance of not less than twenty-five feet from any house or building.

To prevent transgressions of the fire code, town councils appointed special wardens who were directed to inspect all buildings "in which fire is kept, or fire places, chimneys or stoves are used," and to ensure that these structures "are not in want of sweeping, and are reasonably safe from accident by fire."<sup>27</sup> In addition, officials were "empowered and required to enter into and search and examine any lot, house, workshop, cellar, yard, stable, shed, or other out building or premises" suspected of containing materials "hazardous or dangerous in causing or promoting Fires," and they were authorized to order the removal of all such nuisances and to fine anyone who transgressed the law.<sup>28</sup>

As urban communities matured, local leaders supplemented fire regulations by enacting building codes governing the operation of hazardous manufacturing establishments and the erection of wooden buildings. Providing the basis for the comprehensive zoning schemes advocated by urban reformers during the early decades of the twentieth century, the building codes implemented by Upper Canadian officials drew upon a tradition stretching back several centuries. Throughout his reign, James I had endeavoured to reduce the number of thatched cottages and timber-fronted houses standing in central London, and following the Great fire of 1666, the authorities made a concerted effort to ensure that stone and brick buildings replaced the dilapidated wooden structures which had constituted the old medieval city.<sup>29</sup> The inhabitants of New England's burgeoning towns and cities followed the example set by the Corporation of London. By the late seventeenth and early eighteenth centuries, many communities including New York, Boston,

Philadelphia and Newport had adopted minimum construction requirements, and Boston's General Court succeeded in prohibiting the erection of wooden buildings.<sup>30</sup>

During the 1830s and 1840s, building codes presented a serious dilemma to the Upper Canadian business community. Prominent residents recognized the utility of the regulations enforced in Great Britain and the United States, but citing the province's basic level of economic development, they refused before mid-century to sanction the introduction of stringent building codes. During April of 1834, for example, Toronto's Committee on Fire and Water lamented that "Buildings of Wood must necessarily be allowed to be erected in the City for many Years" thereby making it virtually impossible to obviate "the Causes from which the greatest Danger of Fire arises."<sup>31</sup> Until the wealth of the community increased and the cost of building materials declined, the Committee avowed, "any Attempt to enforce generally the erection of brick or stone Buildings in place of Wood, would be effectively to retard the Progress of Improvement."<sup>32</sup> Businessmen were eager to decrease the threat of fire, but they were reluctant to accept costly reforms which threatened to reduce profits and stifle commercial growth and expansion.

When the authorities eventually implemented building codes, they did so with the full support of local businessmen. By mid-century, many of the buildings situated in central business districts were constructed either of brick or stone. Merchants, shopkeepers and manufacturers realized that the remaining wooden structures threatened the security of their livelihood, and they therefore encouraged their elected

representatives to introduce additional regulations that would provide them with fuller protection. In fact, the Corporation of Toronto initiated that city's first building code in direct response to the wishes of the business community. On July 22, 1844, the entrepreneurs who comprised the Board of Trade submitted a petition to the Common Council "praying that action may be taken to restrict the erection of wooden buildings."<sup>33</sup> "In the event of a fire occurring in this city, under any adverse circumstances," they predicted, "the great number of wooden buildings therein, would render it a matter almost impossible, to arrest the progress of the destructive element before a very great part of the city should be reduced to ashes."<sup>34</sup> Citing the experiences of both Montreal and Quebec, the Board of Trade concluded that the additional cost of erecting brick or stone buildings "would be far more than compensated by the consequent rapid enhancement of property, the decrease of rates of Insurance, and the security of the most valuable portion of the city's fixed and commercial property."<sup>35</sup> The city fathers unanimously accepted the Board of Trade's recommendations, and without feeling the need to justify their actions, they promptly banned the construction of wooden buildings in the central business district.

Accepting the premise that fire resilient buildings represented a worthwhile investment, a number of municipalities followed the example set by Toronto and initiated building codes. In 1847, the Common Council of Kingston prohibited anyone from erecting a wooden structure in the "thickly-built parts of the City."<sup>36</sup> In addition to ordering that all adjoining buildings be separated by substantial party walls of brick or stone, the authorities required that chimneys be constructed of

non-flammable material and that they rise at least three feet above the ridge of the roof. Similarly, a year later, local leaders in St. Catharines banned the construction of wooden and frame buildings on their town's two main streets. They also set out guidelines concerning the location of bakeries, blacksmith shops, livery stables and barns, and they adopted provisions allowing for the speedy conviction of anyone who disobeyed their directives.<sup>37</sup>

The proliferation of small-scale industry necessitated the introduction of additional regulations. Cognizant of the fact that manufacturing establishments constituted a potential fire hazard, civic officials sought to ensure that they were constructed of fire resilient materials and that their location did not endanger other buildings. Beginning in 1846, the Corporation of Toronto required that all blacksmith shops and manufactories "be built of . . . Brick or Stone" and that they "be covered with either Tin, Tile or Sheet Iron."<sup>38</sup> Manufacturing establishments had to be situated a reasonable distance from both private residences and other businesses, and chimneys "emitting any disagreeable effluvia" had to "be of sufficient elevation to carry the same above the Houses in the immediate neighbourhood."<sup>39</sup> The authorities carefully scrutinized the many applications received from persons interested in erecting blacksmith shops and manufactories within the confines of the city, and they did not hesitate to veto proposals which failed to comply with these guidelines.

Despite the introduction of exhaustive regulations and the organization of volunteer fire brigades, local leaders failed to adequately protect their constituents from the threat of fire.



Precautionary measures appear to have had little impact on the number of conflagrations which transpired, and townsfolk feared that they would be completely defenseless in the event of a major blaze. As Ottawa's Fire Committee reported during the spring of 1851, "the remarkable immunity from accidents by fire" which the town recently had enjoyed "must be attributed rather to the Special intervention of a Beneficent Providence than to any precautionary measures on the part of those whose duty it was to provide Such."<sup>40</sup> Ignoring "the commonest prudence," the authorities allocated insufficient funds for fire protection purposes and, as a result, the town lacked a ready supply of water and its fire fighting equipment was both outdated and poorly maintained.<sup>41</sup> In the estimation of the Fire Committee, "everything connected with the Fire department is in a most lamentable position," and "the Engine owing to neglect and exposure to the weather is out of order and requires considerable repairs before it could be made use of."<sup>42</sup> Furthermore, since many firemen had resigned from the department in order to protest the paucity of funding, most of the voluntary companies "are completely disorganized or in fact do not exist as Such."<sup>43</sup> The members of the Fire Committee concluded their report with the dire warning that the town "may be said to be at the mercy of the destructive element of fire, whenever such a calamity Should occur without having one Single effective Means for its prevention."<sup>44</sup>

Ottawa's state of unpreparedness typified the situation in other communities. Boards of Police and Common Councils rarely provided the fire brigades with as much financial support as the firemen requested, and concerned citizens frequently complained that they were defenseless

"against the destruction and Ruin and Misery entailed by fire."<sup>45</sup> In 1848, for example, Hamilton's Fire Committee elaborated on the sorry condition of that community's fire fighting equipment. The apparatus stored in the engine house "was not, nor is it yet, in proper and fit order," and "the Hooks and Ladders were not in their proper place, but scattered and hard to get hold of."<sup>46</sup> In addition, "the Engines appear in a very dirty and slovenly state at present, and it is to be doubted if the suction hose could be made to work in a length of time, owing to its dirty condition and dried up state."<sup>47</sup> The Committee strongly recommended that the equipment be put into working order, but the city fathers failed to take immediate action. Consequently, the situation worsened, and according to a report presented five months later, the fire hoses were still decayed and dirty, the reservoir practically useless, and the engine house without windows and adequate heating facilities. The Committee added that the fire engines had "been placed in the house without cleansing," and "they more resembled two mud carts than those neat clean instruments so useful when in good repair, but worse than useless when not to be depended upon."<sup>48</sup>

Failure to keep fire fighting equipment in a good state of repair often had serious consequences. In 1849, Toronto was ravaged by a conflagration which destroyed more than ten acres in the heart of the city and caused losses in excess of \$100,000.<sup>49</sup> Although strong north winds fanned the flames, the damage need not have been as great as it turned out to be. According to the Toronto Globe, "the efforts of carters and bucket brigades availed but little when the chief engine broke down."<sup>50</sup> In addition to the problems caused by antiquated and

malfunctioning equipment, fire companies frequently had to cope with inadequate water supplies. As the members of Toronto's British American Fire Engine Company declared in a petition presented to Council on April 12, 1847, at a recent fire on John Street, "for upwards of half an hour after the Engine of this Company had been on the Ground, and in Connection with one of the Hydrants, Water Sufficient to work it even for a few Minutes could not be obtained."<sup>51</sup> The petitioners maintained that due to the faulty hydrant "a very large Amount of Property was destroyed -- or rather Sacrificed," and they concluded that the waterworks were incapable of providing firemen with an adequate supply of water.<sup>52</sup> Similarly, in Kingston, serious water shortages frequently frustrated efforts to extinguish fires. According to a report tabled by the Fire and Water Committee during the autumn of 1855, there was no water in the hydrants at the time of a recent fire, and a number of substantial buildings, including Mr. Clark's hotel and Mr. Smith's shops, could have been saved if the waterworks had functioned according to plan. Encouraging the Common Council to provide the fire department with as much assistance as possible, the Committee avowed that Kingston required a more reliable supply of water.<sup>53</sup>

The lack of success in preventing and extinguishing fires can be attributed to a variety of factors. The disputes between municipal politicians and volunteer companies, together with the bickering among firemen, served to undermine the efficiency of fire-fighting efforts. Professional fire departments did not come into existence until the 1870s, and as John Weaver and Peter Lottinville noted, "fire fighting remained an ad hoc affair of heroics and fiascos."<sup>54</sup> The authorities

recognized the need to reorganize fire departments, but both financial constraints and the resistance of the firemen prevented them from doing so. As long as they served as volunteers and did not draw a salary, firemen resisted all efforts at centralization and professionalization thereby obstructing meaningful reform.

Drawing attention to their impressive record of public service, firemen denied that they were responsible for the inadequacies of the traditional system of fire protection. Instead, they condemned politicians for their neglect and declared that townsfolk would not be safe from the threat of fire until volunteer brigades received sufficient aid to allow for the purchase of efficient fire fighting equipment. Firemen also criticized large property owners for their negligent attitude. As the members of the Toronto Fire Brigade angrily informed Mayor George Gurnett in a letter dated May 7, 1849, "the mass of our wealthy population" are guilty of "insensible apathy and selfishness" by failing to take a more active interest in the affairs of the fire department.<sup>55</sup> Large property owners "stood aloof," they contended, "either deriving their protection from the Insurance Companies at a low rate owing to the risk being lessened by the voluntary services of the Fire Brigade or, relying on them, without Insurance for their protection."<sup>56</sup> Although the claims of the Toronto Fire Brigade cannot be substantiated, there is no doubt that firemen frequently received insufficient support both from elected officials and members of the general public. In the wake of a conflagration, popular interest in fire protection reached a peak as Boards of Police and Common Councils did everything in their power to assist the volunteer

companies. Within a relatively short period, however, this enthusiasm dissipated, and unless disaster struck again, the fire brigades encountered considerable difficulty in securing additional aid from the authorities.

Technological factors further frustrated fire fighting efforts. Prior to the introduction of steam engines and the construction of waterworks, firemen lacked the capability to halt the advance of a major blaze. Bucket brigades and hand-operated pumps proved to be ineffectual, and it was not until the second half of the nineteenth century that technological change offered hope for improvement. When combined with the non-professional nature of volunteer companies and the uneven support which they received from the municipalities, the technical constraints under which firemen laboured made it virtually impossible for them to master 'the destructive element of fire.'

### Cholera and Public Health

Between 1832 and 1871, a series of cholera epidemics ravaged North America. Originating in India, cholera moved in westerly direction through Asia and Europe arriving in Great Britain during the early part of 1831. By the spring of the following year, the disease appeared in Montreal and Quebec, and within a matter of weeks, many lives had been lost in a number of Upper Canadian communities. Few maladies aroused as much dread as cholera. Indeed, as Geoffrey Bilson commented, "People were terrified by the mystery and brutality of the disease, by its suddenness, and by its apparently random choice of victims."<sup>57</sup> Patients manifested symptoms capable of shocking even experienced physicians, and

few individuals recovered once they were afflicted with the disease. It has been estimated that cholera claimed more than 20,000 victims in British North America alone.<sup>58</sup>

Both physicians and members of the general public entertained confused and conflicting ideas concerning cholera. Prior to mid-century, medical practitioners assumed that it was "a vague atmospheric malaise" rather than a specific disease.<sup>59</sup> While agreeing that outbreaks of cholera were linked to marshy land and poorly-ventilated rooms, they differed as to whether the condition was contagious. Initially, cholera appeared to be endemic to the poor. A disproportionate number of paupers and drunkards fell victim to the disease, and as a result, the prosperous inhabitants of urban communities concluded that the same lack of moral fortitude which caused poverty also gave rise to cholera. Indeed, many townsfolk regarded the epidemics of the 1830s and 1840s as God's way of punishing that segment of the population which embraced crime, poverty, drunkenness, and vice.<sup>60</sup> Despite the self-righteous attitude of the rich, cholera did not respect class distinctions. Deplorable living conditions made the poor particularly susceptible to infectious bacterial diseases, but their more affluent neighbours were not spared their share of suffering. Consequently, traditional assumptions concerning the causes of cholera were challenged, and new theories emerged to take their place. Physicians postulated that environmental factors rather than moral weakness gave rise to epidemics. Claiming that unsanitary living conditions and tainted water supplies provided a fertile breeding ground for disease, they warned that cholera

would not be eradicated until local leaders managed to improve the physical environment of rapidly-expanding urban communities.

When the first wave of cholera arrived in Upper Canada during the summer of 1832, Brockville was the only incorporated community in the province. Inexperienced and hesitant, the handful of men recently elected to the Board of Police watched the progress of the epidemic as it claimed scores of lives in Quebec and Montreal. Responding to the growing anxiety among Brockville's inhabitants, they eventually convened a special meeting to discuss precautionary measures on June 21 of that year. In view of the fact that Lower Canada was "being visited by that dreadful scourge, the Asiatic Cholera," those in attendance readily agreed "that all the means in our power, under Divine Providence, should be exerted to avoid or mitigate its horrors should this Town be afflicted in the same way, which is more than probably from the great number of emigrants daily arriving from Quebec and Montreal, the seats of the disease."<sup>61</sup> The authorities resolved to appoint a Board of Health consisting of the town's physicians, and they then directed the members of this organization to recommend "such precautionary measures . . . as they shall think advisable."<sup>62</sup>

Working in conjunction with municipal politicians, the Board of Health sought to prevent cholera from gaining a foothold in Brockville. All residents received instructions to remove water and vegetable matter from their cellars and to whitewash the walls of their houses with good strong lime. The physicians also ordered the removal of all dirt and filth from streets, yards and vacant lots, and they elaborated on the need to drain stagnant water from the streets. Brockville's newly-

established Board of Health did not restrict its efforts to the improvement of public sanitation. In addition to arranging for the construction of a temporary hospital on a nearby island, the Board enforced a strict quarantine designed to prevent ailing immigrants from infecting healthy townsfolk. The law required that a qualified physician examine all passengers disembarking at the Brockville wharf. Sick immigrants were removed to the hospital without delay; only those individuals certified to be in a good state of health were allowed to proceed into the town. To prevent circumvention of the law, the authorities imposed a substantial fine on anyone who allowed an immigrant to gain access to the town without first being examined by a medical practitioner. Furthermore, they appointed eleven special constables who were directed to vigorously enforce the regulations enacted by the Board of Health.<sup>63</sup>

The combined efforts of Brockville's physicians failed to have a significant impact. Cholera claimed its first victim before the end of June, and within several weeks, a number of additional deaths had occurred. Although ignorance concerning the causes of the disease made prevention difficult, there is no doubt that the precautions taken by the Board of Police had been inadequate. Ignoring repeated warnings, local leaders waited until it was too late before taking action. In addition, they refused to provide the Board of Health with sufficient funding. Claiming that most cholera victims were immigrants rather than permanent residents, they maintained that the provincial government was responsible for the cost of combatting the plague, and as a result, the



Board of Health laboured under considerable difficulty until it received a much-needed grant from the lieutenant-governor during the early part of July.<sup>64</sup>

The threat posed by cholera vanished as suddenly as it had appeared. With the advent of colder weather, the epidemic receded, and the community breathed a collective sigh of relief. Brockville's inhabitants expressed gratitude that their losses had not been much greater, and even though natural causes rather than the efforts of the Board of Police had been responsible for the demise of the disease, they praised their elected representatives "for their promptness, activity and decision."<sup>65</sup> Certain physicians may have wondered if the plague would return the following year, but life in the town returned to normal as people put the disturbing events of the summer behind them. The Board of Health promptly disbanded, and it was not reconstituted until "that dreadful scourge, the Asiatic Cholera" returned two years later.<sup>66</sup>

The ad hoc response of Brockville's Board of Police constituted an important pattern. In towns and cities throughout the province, municipal politicians reacted to subsequent epidemics in a similar manner. Fearing that the advent of warmer weather would engender an outbreak of cholera, the members of Toronto's recently-established Common Council approved a bylaw creating a Board of Health during June of 1834. The five men appointed to this public body were charged with the difficult task of making "diligent enquiry with respect to all nuisances which may exist in this City, which they may deem obnoxious to the Health and lives of its inhabitants," and they received "full power to order the removal of the same at their discretion."<sup>67</sup> Likewise,

Kingston's city fathers organized a Board of Health within several months of that community's first municipal election. Appointed annually by the Common Council, the Board's members were empowered in the event of an epidemic to open at public expense a place for the accommodation of the sick and to employ as many physicians as circumstances required. They also enjoyed the prerogative of inspecting "any Building of any kind, cellar, lot of ground, alley, sink, vault or privy which they may have reason to believe are foul, damp, sunken or ill constructed," and they received instructions to order "the removal of all persons and things within the said Town infected by or tainted with the pestilential matter, to such place or places as may in their opinion best conduce to the preservation of the health of the Town."<sup>68</sup>

When an outbreak of cholera appeared to be imminent, the various Boards of Health established throughout the province moved into action. Resolving to meet on a regular and, often, daily basis, the men appointed to these organizations made full use of the authority vested in them by the municipalities in a concerted effort to insulate townsfolk from the suffering and death precipitated by the disease. The preventative measures introduced by the Boards of Health focused on two main tasks. Together with the enforcement of quarantines devised to prevent sick immigrants from facilitating cholera's advance, they launched cleanliness campaigns in the hope of eradicating unsanitary conditions. Medical officers called for the construction of drains and sewers to carry off stagnant water, and they ordered the removal of the filth which they felt imperilled public health.

The emphasis on sanitation stemmed from the widespread belief that dirt and stagnant water provided cholera with a fertile breeding ground. While the exact nature of the malady remained a mystery, experts agreed that it was linked to unsanitary conditions. The British experience indicated that cleanliness could reduce the number of victims in a particular area, and Upper Canadians hoped that they would be able to halt the advance of the disease by improving the physical environment of the province's towns and cities.<sup>69</sup> There is no doubt that squalid conditions prevailed in most communities. During the spring of 1832, for example, on the eve of the first cholera epidemic, Toronto lacked an efficient system of drainage, and filth and garbage littered the streets. According to the Canadian Freeman,

Stagnant pools of water, green as a leek and emitting deadly exhalations are to be met with in every corner of the town -- yards and cellars send forth a stench already from rotten vegetables sufficient almost of itself to produce a plague -- and the state of the bay, from which a large proportion of the inhabitants are supplied with water, is horrible.<sup>70</sup>

Similar problems plagued other urban centres. In Kingston, petitioners frequently complained that the want of adequate sanitation endangered the health of that town's inhabitants. During March of 1843, for example, a group of residents wrote to the Common Council drawing attention to the deplorable state of the Place d'Armes. "A great quantity of filth, the Most Offensive, has been deposited thereon for a length of time," they remonstrated, "and in the event of its being allowed to remain as it now is, it will be almost impossible to pass along the street when the Warm Weather sets in."<sup>71</sup> On another occasion, the freeholders and householders of the Frontenac Ward petitioned the

city fathers complaining of "the putrid mass of corrupt decomposed Horrid Nuisance" and "Contents of Priveys" which had been deposited in a vacant lot adjacent to the waterfront.<sup>72</sup> They declared that the stench coming from the lot was intolerable, and since this filth was "dangerous to life and health," they encouraged the authorities to order its removal.<sup>73</sup>

Spurred into action by the belief that feculence fostered disease, civic officials directed their efforts towards the improvement of public sanitation. They ordered the removal of all dirt, rotting vegetable matter, offal, and animal carcasses, and they prohibited anyone from throwing refuse and dirty water into the streets. The authorities also encouraged residents to cleanse their houses and, in particular, the walls of their cellars with liberal amounts of strong lime in the belief that this process would prevent cholera from spreading. All dwelling houses were required to be furnished with "a privy or privies, with sufficient vaults sunk in the ground," and anyone keeping animals was ordered to maintain their premises "in such a clean state that neighbours and passengeres may not be incommoded by the smell therefrom."<sup>74</sup> Hoping to find a lasting solution to the problem of garbage disposal, a number of communities established public dumps while others hired scavengers or instituted regular collection services.<sup>75</sup>

Inadequate drainage frustrated efforts to improve public health standards. Prior to the construction of comprehensive sewer systems, open ditches represented the only drainage medium in upper Canadian towns. Cellars frequently were flooded, and stagnant water accumulated in streets, vacant lots, and public squares. Suspecting that the want

of proper drainage accelerated the progress of infectious diseases, local leaders advocated immediate action in order to rectify the situation. They required residents to install drain pipes of sufficient diameter to carry off waste water from flooded basements, and they compelled persons who owned property where stagnant water collected in ditches and pot-holes "to have such places immediately filled up to such a height and proper material as will do away with such nuisance."<sup>76</sup> Townsfolk who expended money to drain water from public streets and squares were reimbursed, and the authorities allocated ever-increasing amounts for the construction of public drains and sewers.<sup>77</sup>

The succession of epidemics which afflicted Upper Canada gave a major impetus to sewer construction projects. As part of their anti-cholera campaign, the members of Brockville's Board of Police resolved on May 9, 1832 to use the money arising from "the commutated Statute labour of the Town to draw off the Stagnant Water collected and remaining . . . in the east Ward."<sup>78</sup> Similarly, during the spring of 1835, Toronto's Board of Health succeeded in convincing the city fathers to undertake the construction of a main sewer line through the central part of the city. In a letter dated April 7, 1835, Charles Widmer, the president of the medical board, informed Mayor R.B. Sullivan of the pressing need for public sewers to drain cellars and carry off surface water. Widmer claimed that the regulations which formerly proved sufficient to preserve public health were now inadequate. "The population of the City is greatly increased and become more dense and compact," he noted, "and unless some efficient precautions are taken the prevalence of any epidemic must be expected to be marked with particular

severity."<sup>79</sup> The Board of Health believed that efficient sewers were essential to the well-being of Toronto's inhabitants. Despairing "of any means proving effectual 'till draining shall be carried to its' full extent," Widmer and his associates concluded that they "cannot dwell upon the prospect of the ensuing Summer, without the most serious apprehensions, for the lives and health of their fellow Citizens."<sup>80</sup> The medical board's entreaty had the desired effect. Declaring that "the draining of this City is a matter of the greatest Importance to the Health and Comfort of the Inhabitants," the members of Toronto's Common Council agreed to construct without delay a main sewer down King Street into which all other drains would flow. They then proceeded to negotiate a loan of £5,000 for the purpose of carrying this project to fruition.<sup>81</sup>

All citizens did not derive equal benefit from drainage improvements. Much to annoyance of the inhabitants of outlying areas, most sewers were installed in central business districts along main thoroughfares such as Toronto's King Street and Kingston's Princess Street. Merchants and other well-established individuals who owned property in the town centres were therefore the principal beneficiaries of these costly projects while many neighbourhoods continued to be plagued by flooded cellars and pools of stagnant water. The prohibitive fees levied by the municipalities also contributed to the exclusivity of drainage improvements. Residents who made use of the sewers were compelled to pay an annual assessment calculated according to the amount of frontage they owned, and the authorities adopted a policy of withholding service to anyone who failed to meet this charge. Clearly,

affluent townfolk residing in the town centres gained much more from sewer construction projects than less fortunate citizens living outside the core.<sup>82</sup>

In addition to launching cleanliness campaigns and making provisions for improved drainage, medical officers sought to preserve public health by restricting the movement of immigrants and other strangers suspected of carrying disease. During epidemics, land and water transportation into the province came to a standstill. Many communities attempted to enforce rigorous quarantines, and they adopted a policy of inspecting all vessels arriving at their shores. Throughout the summer of 1854, for example, while North America was being gripped by an especially severe outbreak of cholera, the members of Kingston's Board of Health did everything in their power to prevent sick immigrants from infecting healthy residents. Manifesting scant regard for the plight of the sick and dying, they prevented the passengers of ships infected with cholera from disembarking, and they ordered the removal of all strangers who were not certified to be in good state of health. Indeed, when the captain of the steamer Brantford evaded the law and permitted twenty-nine sick immigrants to land at Kingston during early August, the city fathers responded swiftly and without compassion. Rather than providing the plague's unfortunate victims with medical care, they made arrangements for the fumigation of the vessel and then directed the city's chief medical officer to "get all the Baggage, Passengers, etc., on Board as soon as possible, and send her off forthwith."<sup>83</sup> Similarly in late August, the authorities reprimanded Captain Creighton of the John Counter for assisting one of his sick

passengers in her attempt to reach the local hospital. Stressing the need to prevent unhealthy strangers from finding their way into Kingston, they ordered the captain "not to bring any persons whatever, sick of the Cholera, from Cape Vincent to this City."<sup>84</sup>

Two main factors contributed to the hostile attitude toward immigrants. Despite the protestations of a significant number of physicians, townsfolk generally assumed that cholera was a highly contagious condition. They believed that impoverished immigrants were responsible for the introduction of the malaise into Upper Canada and maintained that prevention was possible as long as local leaders succeeded in enforcing strict quarantines. The inhabitants of the province's urban communities also resented the expense involved in caring for sick immigrants. Drawing attention to the "extreme injustice" of burdening taxpayers with the cost of providing medical treatment to outsiders who contributed nothing to civic coffers, Boards of Police and Common Councils petitioned the provincial government praying for financial assistance.<sup>85</sup> Since a majority of the plague's victims were immigrants and transients, they claimed, the expense incurred in caring for the sick and burying the dead should be covered by the general funds of the province rather than by municipal taxes.<sup>86</sup>

Even with the implementation of a variety of preventative measures, Boards of Health failed to prevent cholera from spreading. Between 1832 and 1854, a series of brutal epidemics assailed the province, and not a single town or city enjoyed immunity. During the summer of 1849, close to 500 men, women and children died in Toronto, while in Kingston the plague claimed more than 130 victims.<sup>87</sup> Local



newspapers reported the death tolls on a regular basis, and daily life came to a standstill until colder weather arrived and the epidemic receded.

The failure to combat cholera epidemics effectively stemmed from a variety of factors. Given the primitive state of medical science, one must recognize that there was very little that could be done to treat an individual once he or she contracted the disease. The causes of cholera remained a mystery, and as a result, medical practitioners were hampered in their efforts to discover an effective cure. Indeed, the treatment was often as unpleasant and detrimental to the health of the patient as the disease. Physicians routinely withheld food and water from dehydrated individuals in the hope of starving high fevers. They also made liberal use of bleeding and leeching, and they prescribed a variety of bizarre remedies including a potion consisting of equal parts of charcoal, hogs lard and maple syrup.<sup>88</sup> Rather than providing a cure, doctors subjected their patients to considerable unpleasantness; indeed, in certain instances, they may even have hastened death.

Financial constraints and a lack of public cooperation further frustrated anti-cholera efforts. It was not unusual for the captains of contaminated vessels to assist their passengers in evading quarantines. Furthermore, many townsfolk failed to report cases of the disease to the proper authorities. Realizing that the mortality rate in cholera hospitals was extremely high, they did everything in their power to forestall the institutionalization of their loved ones.<sup>89</sup> Boards of Health also suffered from inadequate funding. They lacked the financial resources to carry out major sanitary improvements, and in addition,

they were unable to provide adequate shelter and medical care to the many immigrants who fell victim to the disease.<sup>90</sup> The provincial government furnished many communities with emergency aid, but this assistance was rarely sufficient to meet the pressing need for food, tents, blankets and medical supplies.

Legal difficulties also hampered civic officials. The specific powers vested in Boards of Health were poorly defined, and many individuals questioned whether these organizations should function as permanent advisory bodies. This uncertainty became even more pronounced once the provincial government created a central Board of Health in 1849.<sup>91</sup> The responsibilities of the newly-established organization overlapped with those of the local medical boards, and as a result, confusion concerning the legal right of the municipalities increased. During the epidemic of 1854, for example, the members of Kingston's Board of Health endeavoured on several occasions to obtain a clearer definition of the role they were expected to play in the anti-cholera campaign. Noting that instructions had not yet been received from the provincial government, they wrote to the city solicitor during early July "requesting his legal opinion whether the Local Board of Health of Kingston be empowered to carry out such measures as they may deem necessary for the preservation or amelioration of the public Health of the City."<sup>92</sup> Similarly, a month later, legal uncertainties compelled the city fathers to contact the provincial government. Claiming that the danger which transients and immigrants posed to the health of Kingston's inhabitants necessitated the introduction of a strict quarantine, they enquired whether the municipality possessed the

authority to control the movement of strangers passing through the city. The Board of Health never doubted the utility of enforcing quarantine laws, but decisive action was delayed until the provincial government provided legal clarification.<sup>93</sup>

While they had no control over many of the factors undermining the effectiveness of the anti-cholera campaign, municipal politicians carried much of the blame for the failure to find a long-term solution to the problems affecting public health. Adopting an inconsistent and short-sighted approach, they failed to attach sufficient importance to the monumental task of improving the physical environment of the province's urban communities. They appointed Boards of Health and invested them with sweeping powers, but these organizations only became operative when an epidemic appeared to be inevitable. Once the major threat had passed, the local medical boards disbanded, and concern for matters relating to public health dissipated.<sup>94</sup> Indeed, less than six months after the creation of Toronto's first Board of Health, the carelessness and apathy of the men belonging to that organization forced the Common Council to admit that the city was without protection should another outbreak of cholera occur.<sup>95</sup> Similarly, in 1849, the St. Catharines Board of Health fell into a state of disarray once the summer's epidemic receded. As the Journal commented in late August, this body "shewed signs of life and activity" when it was young "stalking abroad with all the dignity of a Privy Councillor."<sup>96</sup> Within several months, however, it had expired from indifference, and the residents of St. Catharines were left without any form of defense against a reoccurrence of the disease.

Prior to mid-century, the authorities failed to recognize the futility of piecemeal solutions. Treating each outbreak of cholera as a separate incident, they refrained from enforcing public health regulations and discontinued efforts to improve sanitation and drainage while the disease remained dormant. General standards of cleanliness were allowed to decline, and the door was left open for a variety of bacterial infections. The lack of foresight exhibited by the civic elite had serious consequences. Until Boards of Police and Common Councils improved public sanitation and, in particular, the quality of drinking water, all other efforts to offset the threat of disease proved to be impotent. Upper Canadians were doomed to suffer the effects of a succession of epidemics.

#### The Construction of Public Waterworks

All attempts to eradicate the threat of fire and disease proved to be futile as long as towns and cities did not have access to large quantities of clean water. Anxious to provide their constituents with the protection they so desperately required, local leaders came to advocate the construction of public waterworks consisting of a complex network of reservoirs, steam-driven pumps, pipes and hydrants. Although they initially relied upon trading companies to carry out these ambitious projects, the authorities soon recognized that private interests were incapable of satisfying the needs of burgeoning urban communities. They therefore embraced the principle of public ownership

with great enthusiasm and resolved to take on the primary responsibility for financing, constructing and operating efficient systems of water supply.

The emergence of public waterworks must be examined within the context of the North Atlantic triangle. Cities in Great Britain and the United States had much longer histories than their counterparts in Upper Canada. Consequently, they were forced to grapple with the problem of water supply at an earlier date, and their experiences provided a valuable basis for colonial initiatives. In North America, Philadelphia was the first urban centre to establish a municipal waterworks system. Believing that unsanitary conditions and contaminated drinking water precluded disease prevention, the community elite responded to the yellow fever epidemic of 1793 by undertaking a project which brought water from the Schuylkill river by means of a main culvert and a series of wooden pipes and street hydrants.<sup>97</sup> This system of water supply represented a significant improvement, but it failed to fully satisfy the needs of Philadelphia's inhabitants.. Only the rich could afford to subscribe for water, and within a decade, the original pipes and hydrants had fallen into a state of disrepair. Eventually, in 1819, the authorities adopted another plan which called for the construction of a dam across the river and the pumping of water into a large reservoir strategically situated on Fairmount hill overlooking the city. The project involved the expenditure of more than \$400,000 and was hailed as an engineering triumph when completed four years later. Utilizing the technological advances pioneered in the construction of the Fairmount

works, many North American communities followed the example set by Philadelphia and launched similar projects during the early decades of the nineteenth century.<sup>98</sup>

Upper Canadian municipalities first attempted to secure purer and more certain supplies of water during the 1830s and 1840s. Recognizing the limitations of conventional sources such as wells and cisterns, the men elected to civic office resolved to investigate the suitability of various alternative arrangements. Certain individuals toyed with the notion of public ownership, but an overwhelming desire to avoid needless expenditure ensured that towns and cities would not shoulder the primary responsibility for carrying out these costly projects. Hoping to solve the problem of water supply as cheaply as possible, the authorities negotiated contracts with businessmen who promised to build and operate efficient waterworks systems in return for specific privileges. In addition to receiving an annual cash grant from the municipalities, the utility companies enjoyed the prerogative of charging a fee to all residents who made use of their services.

The inhabitants of Toronto led the province in their efforts to encourage private interests to undertake projects designed to provide townsfolk with an adequate supply of water. Within several months of its formation, the Common Council had begun to explore the possibility of bringing water into the city from the Humber River, and by 1836, a private utility company had been chartered by the provincial government for this purpose.<sup>99</sup> Although the original charter expired during the recession of 1837, enthusiasm for the project gained new momentum with the return of prosperity two years later.<sup>100</sup> Declaring that an

efficient system of waterworks would contribute to Toronto's prosperity "both in a manufacturing and commercial point of view, as well as to promote the Health and Cleanliness of its Inhabitants," the city fathers commissioned a series of reports exploring the feasibility of bringing water either from Lake Ontario or from rivers passing through the city.<sup>101</sup> In a petition dated September 2, 1839, a group of leading merchants praised this initiative and pledged their full support, and at a public meeting held during July of 1840, a large crowd of interested Torontonians heard details concerning the costs of the two main proposals.<sup>102</sup>

In the end, the authorities agreed to enter into an agreement with a Montreal-based entrepreneur named Albert Furniss. As secretary and treasurer of the Montreal Gas Light Company, Furniss had been in contact with Toronto's Gas and Water Committee for several years, and during the summer of 1841, he presented a plan calling for the installation of five miles of pipes for the purpose of conveying water from the lake.<sup>103</sup> A petition received "from fifty businessmen and other local leaders, including John Strachan and Chief Justice Robinson," expressed enthusiastic support for this scheme, and the Common Council moved quickly to accept the conditions stipulated by the Montreal businessman.<sup>104</sup> In return "for the payment of the sum of £250 per annum for twenty-one years," Furniss agreed to construct a waterworks system capable of extinguishing fires and supplying drinking water to the city's inhabitants.<sup>105</sup>

Throughout the 1840s, a number of other communities negotiated similar agreements with private interests. Citing the need to secure a

reliable "supply of Water for the more easy extinguishment of Fires," the St. Catharines Board of Police authorized R. M. Boyle, a local entrepreneur, to construct a channel leading from the Welland Canal to a central reservoir and to lay wooden pipes through the main streets of the town during the winter of 1846.<sup>106</sup> A year later, Kingston's Committee on Fire and Water supervised the installation of two pumps and fifty feet of iron pipes "for the purpose of obtaining pure water for the use of the City."<sup>107</sup> This arrangement met the needs of Kingston's inhabitants for several years, but by the spring of 1850, a group of businessmen perceived the need to organize a private utility company in order to modernize the city's system of water supply.<sup>108</sup> Within several weeks, construction of a main reservoir had begun, and by September of that year, the company's president was able to report that "the Works have been proceeded with vigorously, in every respect fulfilling the obligations of the Board of Directors to the Stockholders and the Public."<sup>109</sup> The engine house was virtually completed, and the main pipes "will be soon laid from the Lake to the Reservoir, and from thence down Princess and other principal central Streets, and the Water flowing through them by the close of the autumn."<sup>110</sup>

Municipal politicians soon discovered that private utility companies were either unable or unwilling to provide growing urban communities with an adequate supply of water. Despite Kingston's positive experience, the construction of waterworks often proceeded at a slow pace, and questions arose as to whether contractors were using building materials of an inferior quality in order to reduce their costs. In St. Catharines, work on the town's main reservoir and



connecting channel came to an abrupt halt when Mr. Boyle, the proprietor of the waterworks company, died during the summer of 1846. Boyle's death precipitated a major crisis, and it was only after several months of uncertainty that the Board of Police resolved to take possession of the project in order to ensure its completion.<sup>111</sup>

Similarly, once construction of a waterworks system was concluded, private interests often failed to ensure that it operated in an efficient manner. Many municipalities complained that they suffered from inadequate water supplies, and utility companies refused to incur additional expense in order to provide townsfolk with more reliable service. In Kingston, for example, the fire hydrants installed by the City Waterworks Company during the early 1850s rarely operated at full capacity thereby giving rise to much anxiety among the city's inhabitants. Declaring that the faulty hydrants frustrated fire fighting efforts and resulted in the destruction of much valuable property, Kingston's Committee on Fire and Water lashed out at the company's principal stockholders at a special meeting held on October 1, 1855 claiming that they "have been and still are, defrauding the Council by not fulfilling their contract."<sup>112</sup>

The Corporation of Toronto also found it difficult to compel the utility company responsible for supplying that city with water to fulfill the terms of its agreement. The waterworks constructed by Albert Furniss in 1841 proved to be defective soon after completion, and for more than two decades thereafter, the city fathers were engaged in a running battle with the City of Toronto Gas, Light and Water Company in a vain attempt to secure improved service. During the summer of 1846,

the Common Council responded to a growing number of complaints concerning water shortages by directing the Committee on Gas and Water to conduct a thorough investigation into the matter. In their report of July 4, the members of the Committee concurred with the popular view that Mr. Furniss's waterworks were incapable to satisfying the city's requirements. Citing the testimony of firemen who had used the water plugs since the time of their installation, "as well as the opinions of disinterested men of science and intelligence," they avowed that the utility company had been negligent and "that much of the valuable property which has been destroyed . . . might have been saved, had those Works been capable of furnishing that "full and sufficient supply of Water for the extinguishing of fires" which Mr. Furniss's agreement binds him to supply."<sup>113</sup>

Alarmed by the report presented by the Committee on Gas and Water, Mayor W. H. Boulton wrote to Furniss demanding that the waterworks be put into proper working order. The Montreal businessman replied with the assurance that additional facilities would be provided, but he failed to keep his word. By the summer of 1847, the situation had deteriorated still further, and the municipality was inundated with a barrage of complaints. Elaborating on "the very insufficient supply of water at fires," T. W. Birchall, the managing director of the British American Assurance Company, wrote to Mayor Boulton stating that "if some effectual remedy be not speedily applied," it would become necessary to advance insurance rates in order "to meet the increase of risk."<sup>114</sup> Similarly, the British American Fire Engine Company submitted a petition to the Common Council drawing attention to the inadequacy of Toronto's

system of water supply. The firemen claimed that "the So-called WaterWorks for which the Citizens are taxed so heavily are in general of little Service in Cases of Fire," and they threatened to resign unless some significant improvement was forthcoming.<sup>115</sup>

In a series of reports tabled over the course of the summer, the Committee on Fire and Water confirmed the widespread belief that Furniss and his partners had profitted at the expense of the city's taxpayers without providing adequate service in return. Rather than "contributing to the security of life and property," the Committee declared, the water company "considerably enhanced the danger of both, by leading the Citizens to the entertainment of a deceptive dependence on a source of supply which has in almost every instance proved defective."<sup>116</sup>

According to a report presented in mid-August, the pipes installed by Furniss were too narrow to supply fire engines with more than a fraction of the water they required to function at full capacity. Furthermore, the elevation of certain neighbourhoods exceeded that of the main reservoirs. Many residents therefore lacked a convenient water supply, and a significant number of hydrants were rendered worse than useless. The members of the Committee also concluded that there was no excuse for the exorbitant rates charged by the utility company. Pointing out that losses from fire had actually increased since the construction of the waterworks, they suggested that the inhabitants of Toronto would have been better off had they relied upon "their natural resources" rather than entering into an agreement with private interests.<sup>117</sup>

The unsatisfactory performance of private utility companies led to a growing interest in public ownership. Initially, local leaders had

been reluctant to accept this solution. As the inadequacy of privately owned and operated waterworks systems became increasingly apparent, however, they were forced to acknowledge the need for radical change. The proponents of public ownership hoped to accomplish two main goals. By making utility companies directly responsible to the municipalities, they maintained that it would be possible to reduce inefficiency and to provide urban consumers with a higher standard of service. They also expected that the elimination of the profit motive would lead to a substantial reduction in the cost of providing towns and cities with an adequate supply of water.

In Toronto, widespread dissatisfaction with the City Gas, Light and Water Company gave a major boost to the public ownership campaign. When the law suits launched during the late 1840s and early 1850s failed to have the "salutary effect . . . which justice demanded," it became clear that Furniss had no intention of improving the city's waterworks system.<sup>118</sup> The clamour for reform intensified, and by the mid 1850s, the city fathers concluded that public ownership represented the only viable alternative. In its report of July 21, 1856, Toronto's Fire and Water Committee issued a clarion call for radical change. Rejecting the principle of private ownership as being "unsound," the Committee proclaimed that the waterworks "should be property of and under the control and management of the City only."<sup>119</sup> In addition to preventing the authorities from exercising sufficient control over the operation of utility companies to ensure an abundant and constant supply of water, private ownership resulted in increased costs. Since businessmen invested their capital with the intention of reaping substantial

profits, it followed that residents would be forced to pay more for water if it was supplied by a waterworks system in the possession of private, rather than public, interests. The Committee's members concluded that the municipality should repudiate the contract negotiated more than ten years earlier with the City Gas, Light and Water Company and assume sole responsibility for public utilities. Estimating that an efficient system of water supply could be constructed for £160,000, they encouraged their colleagues to proceed with this project as soon as the necessary financial arrangements had been made.<sup>120</sup>

In subsequent reports, the Fire and Water Committee continued to campaign in support of public ownership. During May of 1858, for example, the Committee reiterated its denunciation of the profit motive claiming that the need to secure large dividends prevented well-run trading companies from initiating improvements or extensions which would not prove to be immediately profitable. Rather than servicing large numbers of residents at a low rate, private interests preferred to enrich themselves by charging exorbitant fees to a handful of affluent customers. As long as entrepreneurs intent on turning a profit owned and operated utility companies, the Committee concluded, it would be impossible to ensure that townsfolk belonging to all segments of society were provided with a safe and reliable supply of water at a reasonable cost.<sup>121</sup>

Despite the vehemence with which they assailed private interests, the proponents of reform were not rigid ideologists. They were, instead, practical men who viewed public ownership as a means to an end. Indeed, they justified the high cost of ambitious waterworks

projects and the need to use municipal credit to raise the requisite capital by maintaining that the resultant advantages would far outweigh the hardship occasioned by the initial expenditure. The death and destruction precipitated by fire and disease would be reduced and, perhaps, eliminated, the reformers predicted, and the future growth and prosperity of the province's urban communities would be assured. As Toronto's Fire and Water Committee noted in its report of May 17, 1868, "the construction of Waterworks is a matter of the utmost consequence to the city as providing for safety against fires, the preservation of the Public Health, the promotion of morality among the inhabitants, the convenience and comfort of the citizens, and for the promotion of our material interests and manufacturing industry."<sup>122</sup> Accepting the premise that public utility companies constituted a panacea capable of solving a host of social and economic problems, many municipalities resolved to take on the primary responsibility for carrying out these costly projects.

Public health considerations figured prominently in the public ownership campaign. Officials believed that tainted and insufficient water supplies contributed to the high incidence of disease among urban residents, and they were therefore determined to take decisive action. As Hamilton's water commissioners explained during the summer of 1857, repeated experience had proven

. . . that defective drainage, neglect of house and street cleaning, imperfect ventilation, and a defective supply of water, contribute to produce atmospheric impurities, which affect the general health and physical condition of the population, generating acute, chronic, and ultimately

organic diseases, especially scrofulous affections and consumption, in addition to the fevers and other forms of disease to which public attention has heretofore been directed.<sup>123</sup>

In addition to facilitating efforts at combatting clouds of dust, an abundant supply of water would allow for the cleansing of buildings and streets on a regular basis. The poor quality of drinking water also generated widespread concern. According to contemporary accounts, the runoff from stables, outhouses and manufactories contaminated many of the wells located in densely-populated neighbourhoods, and the increasing use of coal meant that rain water collecting in rooftop cisterns often contained soot and other atmospheric pollutants. Convinced that these impurities played a significant role in the transmission of disease, the authorities concluded that a pure and wholesome supply of water had to be secured without delay. Otherwise, a large number of townsfolk would have no other option than to consume "water which is not only repugnant to the senses, but dangerous to the public health."<sup>124</sup>

Local leaders also hoped to minimize the threat of fire. Affirming that the negligence of private interests hindered fire-fighting efforts, they confidently predicted that public ownership would save many innocent lives and much valuable property from needless destruction. By ensuring that hydrants provided firemen with sufficient water to operate their equipment at full capacity, publicly-owned utility companies would assist the voluntary brigades in preventing minor blazes from turning into major conflagrations. Improved fire protection would do much to advance the material interests of Upper Canadian townsfolk.

Property owners would enjoy increased security, and less money would have to be expended on the support of fire departments.<sup>125</sup> Furthermore, the authorities anticipated a substantial reduction in insurance premiums. During May of 1857, for example, while work on a new pump house was under way, Hamilton's water commissioners assured the Common Council that recent advances in the rates charged to insured persons would be reversed with the introduction of an efficient supply of water. They estimated that Hamilton residents would save more than £3,800 annually in insurance premiums and suggested that this additional capital would prompt a major building boom.<sup>126</sup> At least half of the water commissioners' optimistic prediction turned out to be true. Within three years, they were able to report that the efficiency of the city's hydrants had "already produced a reduction in the rates of insurance to the extent of 20 percent upon buildings, and 10 per cent upon stocks," and they added that "a further reduction may confidently be anticipated."<sup>127</sup>

Together with the reduction of insurance premiums, waterworks promised to promote material interests by stimulating economic activity. According to the advocates of public ownership, commerce and manufacturing would be attracted to a community with an efficient system of water supply. Businessmen would be relieved from paying exorbitant insurance rates, and the warehouses and factories which they erected would be relatively safe from the threat of fire. As Hamilton's water commissioners observed in their first semi-annual report, "nothing would contribute more towards the perpetuation and extension" of the pre-eminence which Hamilton enjoyed in the wholesale trade "than the



protection which will be afforded by an efficient supply of water."<sup>128</sup> The reformers also looked forward to a corresponding increase in manufacturing activity. Pointing out that modern industrial processes required large quantities of relatively inexpensive water, they maintained that the organization of publicly owned and operated utility companies "could not fail to act as a powerful stimulus to many manufacturers of an important character."<sup>129</sup> For officials keen on promoting economic growth and urban development, the prospect of increased manufacturing activity represented an important factor encouraging them to advocate the construction of costly waterworks systems. Indeed, Adam Brown, one of Hamilton's original water commissioners, first came out in support of public ownership precisely because he believed that it would provide the local economy with a much-needed boost. Even before the bylaw establishing the company was passed, Brown recalled many years later, he "predicted that the waterworks would not only be an indescribable blessing to the community in every way, health and otherwise, but would be a mighty power in attracting industries to the city."<sup>130</sup>

Spurred into action by the promise of increased safety, comfort and prosperity, many communities adopted plans to erect municipal waterworks systems. In Hamilton, enthusiasm for the idea of public ownership grew at a steady pace throughout the 1850s. According to Adam Brown, the city's "very best men" supported the movement, and the municipality succeeded in obtaining a charter from the provincial government in 1852 largely as a result of the efforts of leading businessmen such as Isaac Buchanan, Robert J. Hamilton and Calvin

McQuesten.<sup>131</sup> Financial concerns delayed immediate action, but an especially severe outbreak of cholera two years later clearly illustrated the need to ensure the rapid completion of the project.<sup>132</sup> Noting that Hamilton required an immediate supply of water for protection against fire and disease, as well as for domestic and manufacturing purposes, the city fathers concluded that "no plea of economy should prevent the adoption of an effective and permanent scheme."<sup>133</sup> After holding a public competition, they accepted the proposal of Thomas C. Keefer, the noted engineer and champion of internal improvements, who recommended that water be obtained directly from Lake Ontario. A provincial statute of June 19, 1856 authorized the creation of a Board of Water Commissioners, and the Corporation of Hamilton thereby received the prerogative to borrow up to £300,000 and to issue debentures in order to finance the construction of the project.<sup>134</sup> Work progressed on schedule, and during the autumn of 1858, water was pumped from the lake into the reservoir for the first time. Two years later, the inhabitants of Hamilton watched proudly as the Prince of Wales officially opened the new waterworks at a spectacular ceremony which received widespread coverage in the provincial press.<sup>135</sup>

Once the project was completed, optimistic predictions concerning its profitability failed to be realized. The authorities had estimated that 2,500 of the approximately 3,000 homes situated within Hamilton's boundaries would make use of the new service.<sup>136</sup> By March of 1860, however, the Board of Water Commissioners reported that "at present there are only about one hundred houses taking water."<sup>137</sup> The difficulty in obtaining subscribers stemmed from the prohibitively high

rates charged by the municipality. An annual fee ranging from \$3 to \$13, depending on the value of the property, was levied on all residences and dwelling houses. Manufactories, on the other hand, received "Special Rates" designed to encourage additional investment, and offices and stores paid a fee of \$5 to \$25 per annum.<sup>138</sup> During a period when workers earned as little as \$200 or \$300 a year, it was not surprising that many residents decided that the service provided by the utility company was a luxury they could not afford.<sup>139</sup>

In conjunction with the city fathers, the water commissioners concluded that the only solution to their dilemma was to follow the example of Boston, New York, Quebec and Montreal, and levy a water rate on all property in reach of the system's pipes. "As all parties then would pay for the water whether they used it or not -- all would use it," they forecast, "and thus prevent it from stagnating in the pipes, and from being run off to waste through the Hydrants."<sup>140</sup> Accordingly, on May 19, 1860, the provincial government amended the charter which had authorized the construction of Hamilton' waterworks system. The municipality thereby received the power to fix an annual rate on all real and personal property (with the notable exception of property belonging to railway companies), and to make provisions enforcing prompt payment and preventing the fraudulent use of water.<sup>141</sup>

Many other communities endeavoured to establish public utility companies, but they were not always as successful as Hamilton in bringing these projects to fruition. "With a view to bring the question of a Water Supply to a satisfactory issue," Toronto's city fathers resolved during December of 1856 to appoint Thomas Keefer "to prepare

such plans and surveys as may be necessary."<sup>142</sup> In a report presented several months later, Keefer estimated that the city could be supplied with abundant quantities of pure water from Lake Ontario at a cost of approximately £160,000. Supporting Keefer's plan with great enthusiasm, the members of the Committee on Fire and Water assured the Common Council that the waterworks could be completed without burdening residents with increased taxation, and they predicted that even if water rates were lowered by 30 per cent the municipality would be able to reap an annual profit in excess of £60,000.<sup>143</sup> The other Council members readily agreed that construction should commence as soon as possible, and by June of 1857, a charter empowering "the City of Toronto to erect Water Works and to levy a Water Rate" had been approved by the provincial government.<sup>144</sup> A permanent Board of Water Commissioners consisting of knowledgeable and well-respected professionals appointed by the Common Council would manage the day-to-day operation of the waterworks. The members of this body would be subject to the constant supervision of elected officials, and it would be their responsibility to provide consumers with a clean and reliable supply of water at the lowest possible cost.<sup>145</sup>

The financial crisis of 1857-8 intervened and prevented Toronto's city fathers from implementing Keefer's proposal even though they had favoured the principle of public ownership. With the city facing imminent bankruptcy, all efforts to obtain financing for the construction of a new waterworks system were doomed to failure. Consequently, when the twenty-one year contract with Albert Furniss's utility company expired in 1864, the Common Council had no other option

than to negotiate another agreement with the Montreal businessman. Furniss promised to install additional hydrants in return for permission to increase water rates, but as in the past there was no guarantee that he would uphold his part of the bargain. The second contract with the City Gas, Light and Water Company remained in operation for approximately six years, and the Corporation of Toronto did not succeed in establishing full control over the city's system of water supply until 1872.<sup>146</sup>

The course of events in a number of other urban centres closely paralleled developments in Toronto. By the late 1850s, the members of Ottawa's Common Council also had recognized the need to construct an efficient waterworks system. After requesting permission from the provincial government to construct a reservoir on a site adjacent to the new Parliament buildings, they commissioned Thomas Keefer to prepare detailed plans for conveying water from the confluence of the Rideau and Ottawa rivers.<sup>147</sup> While Keefer reported that waterworks could be constructed in Ottawa "more economically than in any other City in the Province of Canada," the grave financial problems confronting the municipality prevented the city fathers from proceeding with their plans for a number of years.<sup>148</sup>

Similarly, in St. Catharines, the economic downturn of 1857-8 frustrated efforts to secure an adequate supply of water. According to reports printed in the Journal, the waterworks constructed by the Board of Police in 1846 failed to provide a permanent solution to the needs of the community. The water obtained from the Welland Canal proved to be unfit for human consumption, and within a decade, the original wooden

pipes had rotted and could no longer supply sufficient water for fire fighting purposes.<sup>149</sup> In 1858, W. H. Merritt had attempted to convince the Common Council to purchase £7,500 worth of stock in a utility company which he and a number of other entrepreneurs had organized. After careful consideration, however, the authorities decided that they had little to gain from Merritt's proposition. The company had no specific plan or estimate, and as two prominent aldermen remarked, "if the Corporation had to pay almost the whole of the money necessary to construct this work, why transfer the construction and management to a few men, only subscribing a nominal sum."<sup>150</sup> Proclaiming that the new system of waterworks should be an entirely public venture, the city fathers began to explore the possibility of bringing pure water from springs located on the top of the escarpment. Disappointed by the lack of municipal support for their earlier initiative, Merritt and his son now became fervent proponents of this scheme. In 1857, they used their political influence to push enabling legislation through the Assembly, and they endeavoured to ensure that construction began as soon as plans had been finalized.

Even with the support of the town's most prominent residents, the campaign to establish a more efficient waterworks failed to achieve immediate success. The recession of 1857-60 thwarted efforts to sell municipal debentures, and the inhabitants of St. Catharines were forced to abandon plans to modernize their system of water supply. Indeed, more than a decade passed before a serious attempt was made to resurrect the project.

The inability of communities such as Toronto, Ottawa and St. Catharines to finance the construction of waterworks systems does not obscure the significance of the developments which occurred during the 1840s and 1850s. When agreements negotiated with private trading companies failed to provide satisfactory service, local leaders came to accept the utility of public ownership. Even though the proposals drawn up by Thomas Keefer called for enormous capital expenditures, the most influential class of urban dwellers never doubted that these projects were both necessary and worthwhile. Consumers would be freed from the caprice of private interests, and urban centres would be furnished with a pure and certain supply of water at a reasonable cost. Despite the fact that a shortage of capital forestalled the realization of these goals, an important change in attitude had taken place. The principle of public ownership had superseded a blind faith in private initiative. This new willingness for the municipalities to undertake large-scale public improvements survived the financial crisis of the late 1850s, and it laid the foundation for many of the reforms implemented in later decades.

### Conclusion

In an effort to minimize the threat of fire and disease, Boards of Police and Common Councils initiated a variety of measures ranging from the formation of fire companies and medical boards to the construction of public waterworks. These actions surely benefitted members of the general public, but they also were characterized by a strong elitist bias. Leading businessmen took a keen interest in

fire protection, and the civic elite spearheaded campaigns to ameliorate public health hazards. Furthermore, projects designed to improve drainage and water supplies often turned out to be more directly advantageous to the privileged than to ordinary citizens. They focussed on the central business districts to the detriment of outlying areas, and most importantly, prohibitive user fees made them unavailable to a significant number of residents. Fear of fire and disease had given rise to a number of significant improvements, but as Sam Warner concluded in his study of Philadelphia, "once this fear had abated, little or no public support remained to bring the benefits of the new technology to those who could not afford them."<sup>151</sup> Rather than improving the lot of the poor, the goal had been to make urban society "a moderately safe place for ordinary men and women to go about conducting their own business."<sup>152</sup> It is also important to note that a strong element of boosterism underlay ambitious undertakings such as the construction of Hamilton's waterworks system. In addition to affording fuller protection against fire and disease, these projects promised to stimulate commerce and manufacturing thereby providing a major boost to urban growth and development.



Endnotes

<sup>1</sup>Statutes of Canada, 1857, "An Act to authorize the City of Toronto to erect Water Works, and to levy a water rate," 10 June 1857.

<sup>2</sup>Statutes of the Province of Upper Canada, vol. 1, "An Act to prevent accidents by fire," 15 October 1792.

<sup>3</sup>Ibid., "An Act to make further and more effectual provisions for the prevention of accidents by fire in the several police towns of this province," 30 January 1826.

<sup>4</sup>F. H. Armstrong, "The Rebuilding of Toronto After the Great Fire of 1849," Ontario History, LIII, no. 4, 1961, p. 233.

<sup>5</sup>St. Catharines Journal, 19 May 1836.

<sup>6</sup>Ibid., 20 May 1829.

<sup>7</sup>Ibid., 1 March 1844.

<sup>8</sup>Public Archives of Ontario (P.A.O.), City of Toronto Papers (mis.), MS 385, letter from W. C. Morrison, Secretary of the Toronto Fire Brigade to George Gurnett, Mayor, 7 May 1849.

<sup>9</sup>St. Catharines Journal, 13 July 1848.

<sup>10</sup>Ibid.

<sup>11</sup>Queen's University Archives (Q.U.A.), City of Kingston Papers, Kingston By-Laws, "An Act for the extinguishing of Fires in the Town of Kingston," 3 July 1838.

<sup>12</sup>John Weaver and Peter de Lottinville, "The Conflagration and the City: Disaster and Progress in British North America during the Nineteenth Century," Histoire Sociale/Social History, XIII, no. 26, November 1980, p. 428.

<sup>13</sup>Q.U.A., City of Kingston Papers, Kingston By-Laws, "An Act for the extinguishing of Fires in the Town of Kingston," 3 July 1838.

<sup>14</sup>Mills Memorial Library, Special Collections (M.S.C.), The Marjorie Freeman Campbell Collection, Hamilton Minutes, 29 January 1844.

<sup>15</sup>Ibid., 2 October 1848.

<sup>16</sup>Bruce Laurie, "Fire Companies and Gangs in Southwak: The 1840's," in Allen F. Davis, ed., The Peoples of Philadelphia: A History of Ethnic Groups and Lower-Class Life, 1790-1940 (Philadelphia: Temple University Press, 1973), p. 77.

<sup>17</sup>St. Catharines Journal, 23 May 1850, 30 May 1850, 8 April 1851.

<sup>18</sup>P.A.O., City of Toronto Papers (mis), MS 385, report of Robert Emery, appointed to take charge of the Fire Engines and apparatus of the Fire Department, 20 August 1849.

<sup>19</sup>Q.U.A., City of Kingston Papers (mis.), petition from Mary Bower, 22 November 1858.

<sup>20</sup>Ibid.

<sup>21</sup>Victoria Hall (V.H.), Brockville Minute Book, vol. 1, 7 April 1832, 12 February 1833, 14 March 1833.

<sup>22</sup>P.A.O., Brockville Minute Book, vol. 2, 11 July 1859.

<sup>23</sup>City of Toronto Archives (C.T.A.), 1849 Journal, 4 June 1849.

<sup>24</sup>P.A.O., City of Toronto Papers (mis.), MS 385, 27 August 1849.

<sup>25</sup>Ibid.

<sup>26</sup>M.S.C., The Marjorie Freeman Campbell Collection, Hamilton Minutes, 18 March 1833.

<sup>27</sup>Ibid., 12 July 1842.

<sup>28</sup>Q.U.A., City of Kingston Papers, Kingston By-Laws, 29 June 1848.

<sup>29</sup>M. Dorothy George, London Life in the Eighteenth Century (London: Penguin Books, 1925), p. 107.

<sup>30</sup>Carl Bridenbaugh, Cities in the Wilderness (New York: Capricorn Books, 1964), p. 206.

<sup>31</sup>C.T.A., 1834 Journal, 23 April 1834.

<sup>32</sup>Ibid.

<sup>33</sup>P.A.O., City of Toronto Papers (mis.), MS 385, petition of the Board of Trade, praying that action be taken to restrict the erection of wooden buildings within certain limits of the city and of other fire hazards, 22 July 1844.

<sup>34</sup>Ibid.

<sup>35</sup>Ibid.

<sup>36</sup>Q.U.A., City of Kingston Papers, Kingston By-Laws, "An Act to prevent Wooden Buildings being erected in the thickly-built parts of the City of Kingston, and for the prevention of Fires," 8 November 1847.

<sup>37</sup>St. Catharines Journal, 8 June 1848.

<sup>38</sup>C.T.A., 1846 Journal, 22 June 1846.

<sup>39</sup>Ibid.

<sup>40</sup>P.A.O., City of Ottawa Minutes, GS 3721, 28 April 1851.

<sup>41</sup>Ibid.

<sup>42</sup>Ibid.

<sup>43</sup>Ibid.

<sup>44</sup>Ibid.

<sup>45</sup>Ibid., 9 July 1852.

<sup>46</sup>M.S.C., The Marjorie Freeman Campbell Collection, Hamilton Minutes, 27 September 1847.

<sup>47</sup>Ibid.

<sup>48</sup>Ibid., 7 February 1848.

<sup>49</sup>F. H. Armstrong, "The First Great Fire of Toronto, 1849," Ontario History, vol. LII, 1963, no. 3, p. 203.

<sup>50</sup>P.A.O., City of Toronto Papers (mis.), MS 385, 8 April 1837.

<sup>51</sup>Ibid., resolution of the British American Fire Engine Company concerning the insufficient supply of water at fires, 12 April 1847.

<sup>52</sup>Ibid.

<sup>53</sup>Q.U.A., City of Kingston Papers, Kingston Report Book, report of the Fire and Water Committee, 1 October 1855.

<sup>54</sup>Weaver and Lottinville, "The Conflagration and the City," p. 432.

<sup>55</sup>P.A.O., City of Toronto Papers (mis.), MS 385, letter from W. C. Morrison to Mayor George Gurnett, 7 May 1849.

<sup>56</sup>Ibid.

<sup>57</sup>Geoffrey Bilson, A Darkened House: Cholera in Nineteenth Century Canada (Toronto: University of Toronto Press, 1980), p. 166.

<sup>58</sup>Ibid.

<sup>59</sup>Charles E. Rosenberg, The Cholera Years (Chicago: University of Chicago Press, 1962), p. 6.

<sup>60</sup>Ibid., p. 55.

<sup>61</sup>Brockville Recorder, 21 June 1832.

<sup>62</sup>Ibid.

<sup>63</sup>Ibid.

<sup>64</sup>Ibid., 5 July 1832.

<sup>65</sup>Ibid.

<sup>66</sup>Ibid., 21 June 1832.

<sup>67</sup>P.A.O., City of Toronto Bylaws, vol. 1, "An Act to establish a Board of Health," 6 June 1834.

<sup>68</sup>Q.U.A., City of Kingston Papers, Kingston By-Laws, "An Act to establish a Board of Health in the Town of Kingston," 20 August 1838.

<sup>69</sup>Bilson, A Darkened House, p. 15.

<sup>70</sup>Ibid., p. 55.

<sup>71</sup>Q.U.A., City of Kingston Papers (mis.), petition from seven persons regarding the state of the Place d'Armes, March 1843.

<sup>72</sup>Ibid., petition from the freeholders and householders of Frontenac Ward, 7 October 1850.

<sup>73</sup>Ibid.

<sup>74</sup>St. Catharines Journal, 19 June 1845.

<sup>75</sup>Q.U.A., City of Kingston Papers, Kingston Minutes, 3 July 1838.

<sup>76</sup>Ibid., Board of Health Minute Book, vol. 235, 15 July 1854.

<sup>77</sup>P.A.O., City of Ottawa Minutes, GS 3721, 30 September 1850.

<sup>78</sup>V.H., Brockville Minute Book, vol. 1, 9 May 1834.

<sup>79</sup>P.A.O., City of Toronto Papers (mis.), MS 385, letter from C. Widmer to Mayor Sullivan, 7 April 1835.

<sup>80</sup>Ibid., letter from the Board of Health, 6 May 1835.

<sup>81</sup>C.T.A., 1835 Journal, 23 June 1835, 6 July 1835.

<sup>82</sup>Ibid., 6 May 1835; Q.U.A., City of Kingston Papers, Kingston By-Laws, "A By-Law relating to the Frontage of Drains," 1 October 1851; M.S.C., The Marjorie Freeman Campbell Collection, Hamilton Minutes, 22 March 1858.

<sup>83</sup>Q.U.A., City of Kingston Papers, Board of Health Minute Book, vol. 235, 2 August 1854, 3 August 1854.

<sup>84</sup>Ibid., 31 August 1854.

<sup>85</sup>P.A.O., P.A.O., City of Toronto Papers (mis.), MS 385, report of the Committee to which was referred the communication of the Mayor on the subject of the Board of Health, 2 July 1849.

<sup>86</sup>Ibid., final report of the Board of Health, 7 November 1849.

<sup>87</sup>Bilson, A Darkened House, pp. 127-28.

<sup>88</sup>Brockville Recorder, 28 June 1832.

<sup>89</sup>Bilson, A Darkened House, p. 29.

<sup>90</sup>Q.U.A., City of Kingston Papers, Board of Health Minute Book, vol. 235, 17 July 1954.

<sup>91</sup>Bilson, A Darkened House, p. 115.

<sup>92</sup>Q.U.A., City of Kingston Papers, Board of Health Minute Book, vol. 235, 18 July 1854.

<sup>93</sup>Ibid., 8 August 1854.

<sup>94</sup>The records of Kingston's Board of Health indicate that regular meetings were held only during an outbreak of cholera. While the city was being ravaged by the disease during the summer of 1854, the Board met on a daily basis. After September 19, however, when the epidemic vanished, the Board of Health discontinued the practice of holding regular meetings. It did not meet again until cholera reappeared a year later.

<sup>95</sup>C.T.A., 1834 Journal, 8 August 1834.

<sup>96</sup>St. Catharines Journal, 23 August 1849.

<sup>97</sup>Sam Bass Warner, The Private City: Philadelphia in Three Periods of Its Growth (Philadelphia: University of Pennsylvania Press, 1968), p. 102.

<sup>98</sup>Ibid., pp. 105-6.

<sup>99</sup>C.T.A., 1834 Journal, 21 November 1834.

<sup>100</sup>P.A.O., P.A.O., City of Toronto Papers (mis.), MS 385, letter from A. Furniss to the Mayor and Council, 17 August 1846.

<sup>101</sup>Ibid., report of the Standing Committee on bringing water into the city, 13 October 1836.

<sup>102</sup>Ibid., petition of various merchants and other inhabitants of Toronto, 2 September 1839; report of the Committee appointed for obtaining a Plan and preparing an estimate for constructing the proposed WaterWorks, 18 July 1840.

<sup>103</sup>C.T.A., 1841 Journal, 19 July 1841.

<sup>104</sup>Elwood Jones and Douglas McCalla, "Toronto Waterworks, 1840-77: Continuity and Change in Nineteenth-Century Toronto Politics," C.H.R. 60, 1979, p. 303.

<sup>105</sup>P.A.O., P.A.O., City of Toronto Papers (mis.), MS 385, report of the Committee on Gas and Water, 4 August 1841.

<sup>106</sup>St. Catharines Historical Museum (S.C.H.M.), St. Catharines Board of Police Minutes, microfilm reel #171, 312, 12 February 1846.

<sup>107</sup>Q.U.A., City of Kingston Papers, Kingston Minutes, 23 July 1947.

<sup>108</sup>Ibid., 10 June 1850.

<sup>109</sup>Ibid., City of Kingston Papers (mis.), letter from the President of the Waterworks, 16 September 1850.

<sup>110</sup>Ibid.

<sup>111</sup>S.C.H.M., St. Catharines Board of Police Minutes, microfilm reel #171, 312, 2 July 1846, 1 October 1846.

<sup>112</sup>Q.U.A., City of Kingston Papers, Kingston Report Book, report of the Fire and Water Committee, 1 October 1855.

<sup>113</sup>C.T.A., 1846 Journal, 4 July 1846.

<sup>114</sup>P.A.O., City of Toronto Papers (mis.), MS 385, letter from T. W. Birchell to the Mayor, 10 April 1847.

<sup>115</sup>Ibid., resolution of the British American Fire Engine Company, concerning the insufficient supply of water at fires, 12 April 1847.

<sup>116</sup>C.T.A., 1847 Journal, 12 April 1847.

<sup>117</sup>Ibid., 16 August 1847.

<sup>118</sup>Ibid., 1856 Journal, 21 July 1856.

<sup>119</sup>Ibid.

<sup>120</sup>Ibid.

<sup>121</sup>Ibid., 1858 Journal, 17 May 1858.

<sup>122</sup>Ibid.

<sup>123</sup>Hamilton Public Library, Special Collections (H.P.L.S.C.), Hamilton Waterworks Records 1855-9, first semi-annual report of the water commissioners, 30 June 1857.

<sup>124</sup>Ibid.

<sup>125</sup>C.T.A., 1858 Journal, 17 May 1858.

<sup>126</sup>H.P.L.S.C., Hamilton Waterworks Records 1855-9, letter from the water commissioners, May 1857.

<sup>127</sup>Ibid., sixth semi-annual report of the water commissioners, 12 March 1860.

<sup>128</sup>Ibid., first semi-annual report of the water commissioners, 30 June 1857.

<sup>129</sup>C.T.A., 1858 Journal, 17 May 1858.

<sup>130</sup>Hamilton Times, 24 April 1920.

<sup>131</sup>Ibid.

<sup>132</sup>John Weaver, Hamilton, An Illustrated History (Toronto: James Lorimer, 1982), p. 68.

<sup>133</sup>M.S.C., The Marjorie Freeman Campbell Collection, Hamilton Minutes, 21 July 1856.

<sup>134</sup>Statutes of Canada, 1856, "An Act for the construction of WaterWorks in the City of Hamilton," 19 June 1856.

<sup>135</sup>Weaver, Hamilton, p. 68.

<sup>136</sup>H.P.L.S.C., Hamilton Waterworks Records, 1855-9, first semi-annual report of the water commissioners, 30 June 1857.

<sup>137</sup>Ibid., sixth semi-annual report of the water commissioners, 12 March 1860.

<sup>138</sup>Ibid., rates and regulations adopted by the water commissioners for the use of water from Lake Ontario, 1860.

<sup>139</sup>For details concerning incomes refer to J. G. Snell, "The Cost of Living in Canada in 1870," Histoire Sociale/Social History, vol. XII, no. 23, May 1979.

<sup>140</sup>H.P.L.S.C., Hamilton Waterworks Records, 1855-9, sixth semi-annual report of the water commissioners, 30 June 1857.

<sup>141</sup>Statutes of Canada, 1860, "An Act to amend an Act entitled: "An Act for the construction of WaterWorks in the City of Hamilton"," 19 May 1860.

<sup>142</sup>C.T.A., 1856 Journal, 29 December 1856.

<sup>143</sup>Ibid., 1858 Journal, 17 May 1858.

<sup>144</sup>Statutes of Canada, 1857, "An Act to authorize the City of Toronto to erect WaterWorks, and to levy a water rate," 10 June 1857.

<sup>145</sup>C.T.A., 1858 Journal, 17 May 1858.

<sup>146</sup>Jones and McCalla, "Toronto Waterworks," pp. 312-5.

<sup>147</sup>P.A.O., City of Ottawa Minutes, GS 3721, 16 May 1859.

<sup>148</sup>Ibid., 4 July 1859.

<sup>149</sup>St. Catharines Journal, 1 February 1855, 22 February 1855, 27 March 1856.

<sup>150</sup>Ibid., 17 November 1853.

<sup>151</sup>Warner, The Private City, p. 109.

<sup>152</sup>Ibid.



## CHAPTER SIX

### "TO SACRIFICE MUCH TO ENSURE THE BUILDING OF THE ROAD"<sup>1</sup>: CIVIC FINANCE, URBAN BOOSTERISM AND THE ECONOMIC CRISIS OF 1857-1864

The men elected to civic office focused much of their attention on measures designed to boost urban growth and economic development. A desire to undertake internal improvements had propelled the pro-incorporation movement during the early decades of the century and, in a colony plagued by a relative shortage of capital, local government constituted an important source of financing for the construction of the technical infrastructure indispensable to both commercial and industrial expansion. Aided by a series of provincial enactments which augmented their borrowing privileges, local leaders endeavoured to offset the economic threat posed by neighbouring communities and provide the towns and cities they represented with a more prosperous future by implementing an ambitious developmental policy which called for a variety of improvements ranging from the erection of opulent public buildings to the subsidization of road and railway projects. Promoters predicted that urban communities would reap many benefits from these initiatives, but boosterism exacted a heavy toll from Upper Canadian townsfolk. Burdened by enormous debts generated by more than two decades of uncontrolled spending, many municipalities were driven to the

brink of bankruptcy during the economic crisis of 1857-1864. They lacked the revenue required to pay the interest owed to their creditors and avoided financial ruin only as a result of the timely emergency assistance furnished by the provincial government.

#### Civic Finance

The availability of capital for long-term investment represented the key to Upper Canadian development. In a concerted effort to stimulate commercial activity and tap the lucrative trade of the American mid-West, politicians joined with private interests in promoting the construction of canals, roads and railways linking the province to the United States and extending the control which communities such as Toronto, Port Hope and Brockville exercised over their northern hinterlands. British and American financiers poured millions of pounds into these projects, but the influx of foreign capital failed to satisfy the ever-increasing need for additional investment. Indeed, as Claire Pentland discerned in his sweeping analysis of the role of labour and capital in Canadian economic development, British North America suffered from an acute shortage of long-term credit. Canal, road and railway promoters encountered great difficulty in attracting investors, and financial crises plagued many of the developmental projects launched during the Victorian period.<sup>2</sup>

A number of factors contributed toward the scarcity of capital. Relatively backward and underdeveloped, Upper Canada lacked the financial resources to carry out large-scale public works without outside assistance. Furthermore, as Hugh Aitken indicated in his study of the

province's capital resources, British financiers and Montreal-based merchants often preferred to invest in Great Britain and the United States rather than in Upper Canada. The demands of a staple economy tended to foster a reverse flow of capital, and the law limiting the rate of interest on public debentures to six per cent discouraged investment except during boom periods.<sup>3</sup>

In a capital-starved colony, it was not surprising that local government came to be viewed as a means of financing the construction of the technical infrastructure necessary for economic development. During his sojourn in Upper Canada, Lord Durham concluded that the absence of municipal institutions contributed, in part, to the economic stagnation which marked the pre-rebellion period. Recognizing that money raised at the local level could be used to improve the province's rudimentary means of communication, he advocated the creation "of a good system of municipal institutions."<sup>4</sup> Durham also recommended that "the power of local assessment and the application of the funds arising from it should be entrusted to local management."<sup>5</sup> This arrangement would avert the misuse of public funds and encourage the construction of canals, roads and railways thereby providing a major impetus to industry and enterprise.

The Act of Union passed during the summer of 1840 did not incorporate Lord Durham's recommendations concerning local government, but the authorities opted in favour of decentralization within a year. Under the direction of Lord Sydenham, Samuel Bealey Harrison, the most prominent of the moderate Reformers, drafted a bill which provided for the creation of district councils elected by resident taxpayers and invested with the responsibility of administering justice, supervising

schools and charitable institutions, and undertaking local improvements.<sup>6</sup> While certain Reformers such as Robert Baldwin and Augustin-Norbert Morin denounced Harrison's initiative on the grounds that it gave "the government too much power and the people too little," many of their colleagues supported the bill because they believed that the implementation of the principle of local taxation and expenditure would facilitate the province's future development.<sup>7</sup>

During the lengthy debate which followed the introduction of the District Councils Act, William Hamilton Merritt proved to be one of Harrison's staunchest supporters. Declaring that incorporation had allowed Toronto to rise "from a muddy miserable locality to its present enviable rank as the first city of Upper Canada," Merritt predicted that the bill would contribute to the rapid improvement of both urban and rural areas.<sup>8</sup> Similarly, Captain Elmes Steele, a veteran of the Napoleonic wars who settled in Simcoe County during the early 1830s and soon distinguished himself as a fervent champion of public works, elaborated on the material benefits that would result from the creation of municipal institutions. He avowed "that a greater boom could not be granted to the country" and that "the Israelites never looked with greater eagerness for the promised land than the country has looked for this measure."<sup>9</sup> By allowing "the inhabitants to tax the wild lands . . . now lying idle in the hands of drones, and carry out such improvements as would lend to the prosperity and happiness of the people," Steele exclaimed, the bill would lay "the foundation of our future greatness."<sup>10</sup>

The commitment to economic development reflected in the speeches of politicians such as W. H. Merritt and Captain Steele closely

paralleled the practical concerns which led to the incorporation of urban communities. Townsfolk associated incorporation with growth and prosperity, and they ensured that the charters passed during the 1830s and 1840s provided Boards of Police and Common Councils with taxing privileges similar to those vested in rural municipalities by the District Councils Act so that local leaders would be able to undertake much-needed internal improvements. The property tax constituted the most important source of revenue for incorporated communities. The authorities received the power to levy an annual rate of assessment, not to exceed several pence in the pound, on all real and personal property in the area under their jurisdiction. Ratepayers were assessed according to the real rack rent or full yearly value of their property holdings (including chattels such as carriages kept for pleasure, and mature horses and cattle), and the municipalities collected an annual fee resulting from the commutation of statute labour.

Despite the fact that they were able to raise significant amounts of money, Boards of Police and Common Councils did not enjoy unlimited powers of taxation. The law placed a strict ceiling on their annual assessment, and they were debarred from levying additional taxes without first obtaining permission from the provincial government. Designed to protect ratepayers from excessive taxation, these restrictions came to be viewed as a major impediment to civic improvement. They prevented the municipalities from realizing their full revenue potential and, in many instances, delayed the construction of roads, public buildings, waterworks and sewers. In an attempt to circumvent their restricted taxing privileges, towns often endeavoured to be re-incorporated as

cities thereby automatically raising the ceiling on their annual rate of assessment. Local leaders also sought to enlarge their tax base by extending municipal boundaries and annexing neighbouring villages and hamlets. Such initiatives may have improved the financial well-being of a number of communities temporarily, but they failed to fundamentally restructure the local system of taxation.

Practical considerations further restricted the revenue available to incorporated communities. While expecting a wide range of services, the propertied interests controlling local government were unwilling to pay high taxes. They therefore ensured that the annual rate of assessment did not rise above a level which they deemed acceptable, and they manipulated the system so that they were subjected to minimal taxation. By consistently under-assessing property values and charging a uniform rate to all citizens regardless of where they lived, officials favoured affluent property owners residing and operating businesses in the town centres at the expense of less fortunate suburban residents. As a group of irate Torontonians declared during January of 1835 in a petition denouncing that city's assessment law, "the present scale presses heavily on the poorer Part of the Community while the large Proprietors do not contribute a fair Proportion."<sup>11</sup> More than a decade and a half later, the inhabitants of Kingston's outlying neighbourhoods similarly pressed their case "for a more fair and equal Assessment."<sup>12</sup> Proclaiming that most of the money collected from suburban residents was "expended in the discharge of the liabilities and defalcations of the more wealthy citizens proper," they maintained that the property of the town centre and the liberties should not be rated alike.<sup>13</sup> Since

outlying areas were "poor and unsettled" and received few municipal services, it was only reasonable to expect that they would be protected from excessive taxation.<sup>14</sup> Even though certain municipalities made minor adjustments to the law in response to suburban complaints, wealthy ratepayers continued to shoulder a disproportionately small share of the annual assessment.

The business community occupied an especially privileged position. Since all residents, regardless of their earnings, were assessed in relation to the annual rental value of their real and personal property, the total amount paid by merchants and manufacturers was comparable to that collected from less affluent townsfolk who did not derive an income from their property holdings. Businessmen therefore profited from the activities of local government while paying a remarkably low rate of taxation. The system's blatant unfairness, coupled with the need to expand the municipal tax base, eventually forced the provincial government to revamp the assessment laws relating to incorporated communities. Repealing all other acts governing local taxation, legislation introduced in 1850 stipulated that the "average Stock of goods on hand, of every Merchant, Trader or Dealer, Manufacturer, Tradesmen or Mechanic" would thereafter be included in the annual assessment.<sup>15</sup> This measure attempted to redress the imbalances of the past and, in doing so, posed a direct challenge to the interests of the commercial class.

Alarmed at the prospect of increased taxation, businessmen launched a campaign to secure the repeal of the Assessment Act of 1850. During January of 1852 and again a year later, the members of Kingston's

Board of Trade petitioned the Legislative Assembly stating that they found the new law "to be unjust in its operation -- oppressive to the Merchant -- an impediment to the free Course of Trade -- of an immoral Tendency and highly obnoxious from its inquisitional nature."<sup>16</sup> In a number of urban centres, municipal politicians joined with merchants and manufacturers in voicing their objections. After receiving a communication from a group of leading merchants, Toronto's Common Council drafted a petition to the provincial government requesting an amendment "relieving merchants and others from any assessment of their Stock in Trade and other personal property employed in business."<sup>17</sup> The existing law operated "injuriously and unequally to the benefit of the dishonest, and injury of the honest trader," the city fathers contended, and was "calculated if continued to drive away from Upper Canada the most respectable of the citizens who will be unable to compete on equal terms with their less scrupulous rivals."<sup>18</sup>

The combined efforts of businessmen and politicians had the desired effect. In a series of amendments, the provincial government adopted many of the recommendations contained in the petitions submitted by local leaders. By June of 1853, the provision arousing the hostility of the commercial class had been substantially revised, and merchants and manufacturers received assurance that they would be free to operate their businesses without the burden of what they considered to be excessive taxation.<sup>19</sup>

With a variety of factors limiting the revenue available to urban communities, borrowing became an increasingly important part of fiscal policy. Initially reluctant to embrace deficit spending, local leaders



soon realized that long-term credit would allow them to initiate costly internal improvements without resorting to increased taxation. The return of economic prosperity following the downturn of the late 1840s gave rise to a renewed spirit of optimism, and as the province's municipalities rushed to negotiate loans and issue debentures, few individuals questioned the prudence of a policy which mortgaged the well-being of future generations in the hope of stimulating rapid urban growth and economic development.

The provincial government actively encouraged civic indebtedness by introducing a number of measures which enhanced the borrowing powers of incorporated communities. An avid railway promoter who regarded responsible government as a means to achieve "effective, popular, entrepreneurial rule," Inspector General Francis Hincks recognized that the enormous debt contracted by the province during the early-Victorian period rendered "it inexpedient that it should embark at present in any further Speculations."<sup>20</sup> He therefore turned to Boards of Police and Common Councils as an alternative source of financing for the public works which he envisioned "as auxiliaries to the Canals in Securing the Western trade."<sup>21</sup> In a memorandum to Lord Elgin dated December 20, 1848, Hincks outlined the main components of his ambitious plan for economic development. In addition to encouraging immigration so as to secure an abundant supply of cheap labour, he called for the introduction of legislation that would "establish the Credit of the various Municipal Bodies" and "enable them to borrow Money on the Security of a direct tax sufficient to meet the interest of the debt, and provide a Sinking fund for its redemption."<sup>22</sup> Apparently, Hincks believed that ratepayers would

"cheerfully pay higher taxes for improvements calculated to benefit the localities."<sup>23</sup> Anticipating that municipal politicians would applaud his initiative and actively cooperate with private interests in carrying out important public works projects, the Inspector General estimated that the towns and cities of Upper Canada were capable of raising approximately half of the capital required to complete an extensive system of railways.<sup>24</sup>

With the full support of the civic elite, Hincks proceeded to draft legislation making provincial credit available to municipal corporations so that they could participate more fully in developmental policy. Introduced during the summer of 1852, the Consolidated Municipal Loan Fund Bill authorized any county, city, town, township or village to raise money on the credit of a special fund established by the provincial government for the purpose of defraying the cost of constructing or assisting in the construction of any jail, court house, railway, canal, harbour, bridge or road calculated to benefit the inhabitants of that community. Assistance could be provided to private interests undertaking one of these projects either by means of a loan or by subscribing to the stock of that particular company. Although they could borrow an unlimited amount of money, certain restrictions were placed upon municipalities making use of the fund. The bill stipulated that any bylaw authorizing a loan had to be published in a local newspaper at least one month before it came into effect. Furthermore, a special meeting to which all qualified electors were invited had to be held in order to take the bylaw into consideration. The meeting was to provide a forum for public discussion, and the bylaw could be submitted to the

Governor in Council only after it had been approved by a majority of those individuals in attendance.<sup>25</sup>

The proponents of the Loan Fund Bill maintained that their primary intention was to increase the value of municipal debentures. During the debate in the Legislative Assembly, Francis Hincks stated that many municipalities wished to secure loans "for the purpose of aiding in the construction of public works of an extensive character," and they desired "to have the means of negotiating their debentures on somewhat better terms than they now obtain."<sup>26</sup> According to Hincks, a number of factors compelled municipal corporations to sell their debentures at a heavy discount. Since the loans they contracted were exceedingly small, incorporated communities encountered considerable difficulty in attracting attention on the highly competitive London market. This problem was compounded by the fact that English investors were unfamiliar with Upper Canadian municipalities. They therefore demonstrated little interest in the colony's financial affairs and proved reluctant to invest large sums of money in debentures which failed to guarantee a high rate of return. Predicting that a municipal loan fund administered by the provincial government would bring an end to the uncertainty impeding economic development, Hincks urged all members of the Assembly, regardless of their political persuasion, to vote in favour of his bill. "The simple question is whether the securities of the municipalities shall continue to be rated as low as they are now," he concluded, "or whether they shall be raised in value by consolidation."<sup>27</sup>

During the discussion which followed, Hincks's initiative received widespread support. With the notable exception of the

cantankerous William Lyon Mackenzie who claimed that public opinion did not favour the bill, all of the speakers participating in the debate acknowledged the need to raise the value of municipal debentures.<sup>28</sup>

W. H. Merritt, for example, promised to support "any measure that would make municipal debentures more valuable than at present."<sup>29</sup> Similarly, George Brown praised the bill on the grounds that it would remedy a wide range of problems. In addition to facilitating the sale of municipal debentures, it promised to secure "the honour of the country" and put "repudiation by the municipalities out of the question, for all the localities would be responsible for the good faith of each, and any attempt at delay or refusal in paying up, would raise a clamour throughout the country."<sup>30</sup> Certain individuals expressed concern at the prospect of the people of Upper Canada running "head over heels into debt," but the inclusion of the provision requiring that all loans be authorized by a majority of qualified municipal electors effectively quashed this opposition.<sup>31</sup> Indeed, when the Legislative Assembly eventually passed the bill during the autumn of 1852, Mackenzie was the only member who declined to give it his support.

Other less important measures similarly encouraged the province's municipalities to subsidize developmental projects. Legislation introduced during the summer of 1851 empowered Boards of Police and Common Councils to contract debts in the purchase of public works without imposing special taxes.<sup>32</sup> At the same time, an omnibus bill relating to the construction and management of railways clarified the procedure to be followed if a municipality chose to issue debentures in favour of a privately-owned railway company.<sup>33</sup> In 1852, the provincial government

provided municipalities with the authority to take stock in electric telegraph companies, and a year later, legislation governing the formation of joint stock companies empowered incorporated communities to loan money to private interests undertaking the construction of piers, wharves, dry docks and harbours and guaranteed them a significant role in the formulation of company policy.<sup>34</sup> While addressing a number of different issues, each of these measures reflected the pressing need to maximize the amount of capital available to public works projects. They also exemplified the belief that towns and cities constituted an important source of long-term credit and, like the legislation introduced by Francis Hincks in 1852, were designed to open the door to municipal investment.

The Consolidated Municipal Loan Fund Act represented the logical conclusion to more than two decades of municipal development. During the 1830s, a desire to carry out local improvements had been central to the pro-incorporation movement. The inhabitants of urban communities sought to obtain town charters from the provincial government for the purpose of providing local services and improving public thoroughfares, and in his famous report, Lord Durham linked the creation of municipal institutions to the need to upgrade the province's system of transportation. A decade later, astute politicians such as Francis Hincks recognized that the over-extended financial resources of the provincial government precluded additional investment, but they refused to concede that Upper Canada was incapable of carrying its ambitious programme of canal, road and railway construction through to fruition. If sufficient long-term credit could not be obtained from British and American investors, then the capital

resources of the province's municipalities would be expanded in order to fill this gap. The main object of the municipal loan fund was to permit towns and cities to play a more prominent role in developmental policy by furnishing them with the means to finance the construction of public buildings, roads, canals, railways, harbours, piers and bridges. By creating a readily-available pool of capital and ensuring that the provincial government guaranteed the loans secured by incorporated communities, Hincks and his supporters sought to increase the value of municipal debentures and facilitate their sale on the international market.

#### Boosterism

During December of 1841, in anticipation of the eighth anniversary of Toronto's incorporation, Mayor George Monro delivered a formal address to the Grand Jury of the Mayor's Court celebrating the spirit of enterprise which had helped to make the city the most important urban centre in Upper Canada. A prominent wholesale merchant who had participated in local government since 1834, Monro proclaimed that the initiative of civic and business leaders was largely responsible for Toronto's rapid and steady advancement. As a result of "individual exertion and enterprise, . . . a pathless wood and broken and uneven country has been converted into a flourishing city, with good streets and roads, and a population of 14,000."<sup>35</sup> While conceding that it could not "boast of magnificent ruins -- ivy-covered towers -- or romantic scenery," Monro claimed that Toronto possessed attributed of much greater value: "a good harbour -- a flourishing commerce -- substantial edifices

-- nearly all the comforts, and most of the luxuries of cities whose ages are unknown."<sup>36</sup>

Characterized by an overriding commitment to material progress, Mayor Monro's remarks typified the booster mentality which shaped the development of urban communities over the course of the nineteenth and twentieth centuries. In recent years, many North American scholars have elaborated on the central importance of elites in the city-building process. It is now clear that politicians and businessmen cooperated in promoting urbanization through a variety of measures ranging from the bonusing of industry to the construction of roads, canals and railways. Moreover, as Elizabeth Bloomfield observed in her study of Berlin/Kitchener and Waterloo between 1870 and 1930, "the calibre and initiative of individual entrepreneurs and community elites" had a profound impact on "the operation of the circular and cumulative processes of growth."<sup>37</sup> Towns and cities led by highly motivated and ingenious individuals frequently prospered, while communities with less dynamic leaders stagnated and fell into decline even though they enjoyed many of the natural advantages conducive to substantial urban growth.

Bloomfield concluded that the enthusiasm of Kitchener's civic and business elite explained why that city experienced a much higher rate of growth than Waterloo. In his work, Allan Artibise maintained that boosterism affected the pattern of urban development on the Canadian prairies. Driven by "a broad, general conception that had as its central theme the need for growth: the idea that for a city to become "better" it had to become bigger," the businessmen who controlled local government used their authority to implement a developmental policy designed to

stimulate urban growth and business enterprise at the expense of all other considerations.<sup>38</sup> According to E. J. Noble, a corresponding preoccupation with the merits of rapid expansion motivated the entrepreneurs who dominated the town of Orillia during the late-Victorian period.<sup>39</sup> In Urban Capitalists, a systematic analysis of urbanization in Pennsylvania's Lehigh and Lackawanna valleys, Burton Folsom provided additional evidence of the interrelation between individual initiative and the city-building process. Tracing the development of the two regions over the course of the nineteenth century, Folsom ascertained that the entrepreneurial skills of Scranton's founding families allowed that community to overcome a number of serious obstacles and emerge as the most important urban centre in north-eastern Pennsylvania. Scranton may have lacked an adequate supply of lime and iron ore, but it possessed a cohesive and flexible elite which actively promoted urban growth through an ambitious program of industrial development.<sup>40</sup>

Historians have generally agreed that boosterism constituted an integral part of the urban ethos. Measuring progress in material terms, local leaders displayed a stubborn commitment to rapid and sustained urban growth. They never questioned the desirability of creating larger and more densely populated urban communities, and they did everything in their power to strengthen the economic foundations of urban life. Inter-urban rivalry and civic patriotism added a sense of urgency to the booster mentality. Equating their personal interests with those of the communities in which they resided, prominent residents sponsored developmental projects which contributed significantly to the city-building process. During the early decades of the century, they lobbied



for transportation improvements calculated to divert trade from neighbouring communities, while in later years, they launched advertising campaigns and offered lucrative subsidies in an attempt to attract investment from non-resident entrepreneurs and stimulate the industrialization process.<sup>41</sup>

In contrast with most studies of the city-building process which have concentrated on the late nineteenth and early twentieth centuries, the discussion which follows shifts the focus to the 1840s and 1850s in an attempt to illuminate the developmental policies which foreshadowed the boosterism characteristic of urban society during the post-Confederation period. As we shall see, Upper Canadian municipalities employed various strategies with the intention of promoting rapid urban expansion. Recognizing the significance of official status, they vied with one another to obtain prestigious institutions and to be named the county seat or provincial capital. Unincorporated communities sought to secure town charters, and towns petitioned the provincial government requesting that they be re-incorporated as cities. Beautification projects further illustrated the abiding faith in material progress. By paving streets, installing drains, establishing public parks and squares, and constructing impressive court houses and town halls, the authorities hoped to cultivate an image of prosperity and sophistication that would give rise to future development. Boosterism also contributed to a growing interest in transportation improvements. The consensus of opinion indicated that improved means of communication were capable of transforming "Sleepy Hollow" into a dynamic metropolis; the men elected to civic office therefore poured large sums of money into road, canal and

railway projects convinced that these undertakings would foment unprecedented growth and prosperity.

Official status represented an important means of civic advancement. By petitioning the provincial government for charters of incorporation, Upper Canadian townsfolk hoped to obtain the institutional framework that would allow them to pursue a vigorous, long-term developmental policy. Similarly, a preoccupation with material interests compelled communities which already had been granted town charters to campaign for city status as soon as their populations approached the level required by provincial law. Citing increased trade and population, together with the urgent need for additional measures to better protect and manage the local interests, Hamilton and Kingston succeeded in convincing the provincial government to pass legislation incorporating them as cities during the early part of 1846.<sup>42</sup> Eight years later, the Corporation of Ottawa initiated a campaign for the purpose of securing city status. After concluding that "incorporation . . . as a City would materially add to the importance of the Capital of the Ottawa," the Common Council drafted a petition to His Excellency the Governor General elaborating on the many advantages which the town enjoyed and requesting that its charter of incorporation be amended without delay.<sup>43</sup> Official city status furnished an urban centre with a number of lasting benefits. The taxing and borrowing privileges of a city were much greater than those of a town, and the law exempted cities from paying a portion of their annual assessment in support of district councils. Furthermore, by formally recognizing ascendancy in the urban hierarchy, city status

boosted a corporation's reputation thereby providing local leaders with a decisive advantage over their traditional rivals.

Inter-urban rivalry often focused on the location of the county seat. Seeking both prestige and commercial advantage, neighbouring communities endeavoured to convince the provincial government of their respective suitability for county town status. In the Niagara peninsula, the town of Newark or Niagara had been recognized as the most important urban centre since the late eighteenth century. The completion of the Welland canal, however, transformed St. Catharines into a major entrepôt, and by the 1840s, the former village of Shipman's Corners threatened to become the largest and most prosperous community in the region. Determined to forestall the advance of their main rival and prevent the impending loss of county town status, Niagara's municipal authorities agreed in 1846 to finance the construction of a magnificent court house that would surpass any building which the inhabitants of St. Catharines were capable of erecting.<sup>44</sup> The Niagara District Court House proved to be one of the largest and most expensive public buildings in Upper Canada, but its completion in 1847 failed to prevent the Corporation of St. Catharines from pursuing an aggressive developmental policy aimed at undermining Niagara's position of predominance. During December of 1856, for example, W. H. Merritt Jr. drafted a petition to the Legislature suggesting that his hometown replace Niagara as the administrative centre of Lincoln County. Merritt pointed out that St. Catharines had superseded Niagara as the Region's main metropolis, and he argued that it was inconvenient to travel to Niagara in order to attend the county court.<sup>45</sup> A month later, the Common Council wrote to the provincial

government reiterating the contents of Merritt's petition and formally offering "the County of Lincoln the use of buildings suitable for a Court House and County Offices, also a site for a Jail."<sup>46</sup>

While opposition from Niagara thwarted the ambition of Merritt and his fellow townsfolk for a number of years, the county seat was eventually removed to St. Catharines in 1863. Responding to the news of their victory with uncontrollable enthusiasm, a large delegation from St. Catharines marched triumphantly to Niagara with the intention of conveying the main courtroom furnishings to their refurbished and enlarged town hall. Despondent at their loss, but unwilling to accept defeat without some form of protest, the Niagara councillors expressed their disdain for St. Catharines by concealing the coat of arms which had hung over the judge's dais in the basement of the county jail. The delegation from St. Catharines demanded that all courtroom furnishings be handed over to them forthwith, but the councillors insisted, rather unconvincingly, that the large canvas emblazoned with the arms of George III had vanished without a trace.<sup>47</sup>

Towns and cities also vied with one another in order to obtain prestigious provincial institutions. After losing out to Kingston in the competition over the location of the provincial penitentiary, the inhabitants of Toronto were determined to prevent similar advantages from being awarded to their traditional rival. Consequently, during the summer of 1840, when the provincial government made known its intention to establish a lunatic asylum, the city fathers did everything in their power to ensure that the proposed institution was constructed in Toronto. Drawing attention to the city's central location and to the fact that it

possessed the province's only university, they submitted a memorial to the Governor General declaring that Toronto, rather than Kingston, should be chosen as the site of the provincial asylum.<sup>48</sup> The issue sparked a protracted debate in the Legislative Assembly, but the Corporation of Toronto eventually received a favourable reply. Much to the dismay of Kingston's residents, the provincial government concurred that Toronto was the most appropriate site for the asylum. In 1844, a public competition was held for the purpose of selecting a suitable design, and two years later, construction began on a massive domed building situated on a large tract of land provided by the city.<sup>49</sup>

The long delay in fixing a permanent provincial capital heightened the competition among urban communities. Although Lord Sydenham selected Kingston as his seat of government in 1841, the sectionalism which characterized politics during the Union period compelled Sir Charles Metcalfe to move the capital to Lower Canada three years later. Thereafter, the seat of government alternated between Toronto, Montreal and Quebec, and all efforts to fix a permanent capital were doomed to failure until Queen Victoria ruled in favour of Ottawa during the early part of 1858. The decision to move the seat of government to Lower Canada in 1844 aroused widespread opposition in Kingston and, within a matter of weeks, plunged that community into a profound economic crisis. During Kingston's brief heyday as the capital of the United Canadas, its inhabitants had been "induced . . . to erect at great expense extensive Public Buildings . . . and also to expend, beyond the annual income of the Corporation, a large sum in improving and extending the Streets."<sup>50</sup> Local leaders had anticipated that increased

trade and commerce would help to pay for these costly improvements, but the precipitous decline in revenue triggered by the loss of provincial capital status prevented the impoverished municipality from meeting its financial obligations. Faced with an enormous debt and a citizenry unable to bear increased taxation, the Common Council resolved that it had no other alternative than to petition the provincial government requesting assistance in obtaining "a loan of £25,000 sterling for a period of at least twenty years to enable it to carry on corporate functions."<sup>51</sup>

Throughout the 1840s and 1850s, successive administrations were inundated by petitions from rival communities expounding on why they should be chosen as the seat of government for the United Canadas. Declaring that Sir Charles Metcalfe's decision had been ill-advised and unprincipled, the residents of Kingston continued to press their case in a futile attempt to arrest the former capital's steady decline. Similarly, Hamiltonians petitioned the provincial government claiming "that the city of Hamilton, from its many natural advantages and commercial prosperity, is the most suitable place in the Canadas for the seat of Government."<sup>52</sup> Located at the head of Lake Ontario on "the best navigable inland waters in the world" and "at the point from which the through trade and traffic from and to the far west diverge by railways in every direction," Hamilton was destined to surpass Toronto, Montreal and Quebec, and to become British North America's "centre of population and wealth."<sup>53</sup> Torontonians also launched an ambitious campaign for the purpose of drawing attention to their city's claim as the most appropriate site for a permanent provincial capital. Hoping to undermine support for their

competitors, the city fathers dispatched a series of petitions to both the imperial and provincial governments praising Toronto's convenient location and noting that, unlike Kingston and Ottawa, the city possessed a rich agricultural hinterland capable of supporting a large urban population.<sup>54</sup>

Not to be outdone by more sophisticated urban centres, the inhabitants of Ottawa did what they could to publicize the peculiar advantages enjoyed by their community. As early as 1838, the Bytown Gazette published a letter by Charles Shirreff, a successful entrepreneur who also advocated the construction of a canal linking the Ottawa river to Lake Huron, proposing that the Governor General select Bytown as the Upper Canadian seat of government.<sup>55</sup> Four years later, Shirreff wrote to Lord Stanley, the Secretary of State for the Colonies, elaborating on why the capital should be moved from Kingston to Bytown. "If the seat of the government were placed on the commanding central eminence, which, with great deference, is now recommended, and the consequent improvements completed in the land and water communications," he maintained, "Canada would present as perfect a model of a country, for defence in a military point of view, and for facility in agricultural and commercial pursuits, as could well be conceived."<sup>56</sup> Shirreff stressed that the aggressive foreign policy pursued by the United States necessitated that the capital "be planted in the heart of the country far removed from the risk of republican contamination," and he suggested that Bytown's central location would mitigate against sectionalism and encourage the development of the province's interior.<sup>57</sup>

For more than a decade and a half, inter-urban rivalry frustrated all attempts to find a permanent solution to the contentious seat of government question. Regional loyalties prevented politicians from agreeing upon a compromise that would advance the interests of the province as a whole, and in the end, the authorities concluded that they had no other alternative than to refer the matter to the imperial government for further consideration.<sup>58</sup> Queen Victoria's decision of 1858 to establish the provincial capital at Ottawa represented a great victory for Charles Sherriff and his supporters. While most observers had regarded the brawling lumber town as an obvious underdog, Ottawa had managed to triumph over its more sophisticated and influential rivals. The Common Council responded to the official announcement by sponsoring an official celebration.<sup>59</sup> Manifesting more than a pinch of boosterism, the local press predicted that provincial capital status guaranteed the town and its surrounding hinterland a glorious future. As the Tribune proclaimed on January 30, 1858

. . . Ottawa is now destined to advance with rapid stride on the road to prosperity. Her natural advantages will be brought prominently before the country, and the time is not far distant when she will rank as one of the first rate cities of Canada. This city alone will not reap all the advantages to be derived from this wise selection of Her Majesty's Government, the entire Ottawa country will be a gainer. Real estate will be doubled in value, and all the unoccupied lands will speedily be settled by a sturdy and industrious people. Hamlets will spring, as if by magic, into villages, villages into towns, and towns into cities . . . The Ottawa county has long been kept in the background, -- always looked upon by both Eastern and Western men as the fag end of Canada, belonging to neither section, and therefore unworthy of notice. This can be the case no longer. The goddess of fortune has at last deigned to smile upon us benignly.<sup>60</sup>



Efforts to improve the general appearance of urban communities closely paralleled the competition over official status. Through a variety of internal improvements, local leaders sought to encourage future development by providing tangible proof of the prosperity and sophistication of the municipalities which they represented. Indeed, as a concerned Torontonian named Robert Horne indicated in a letter written during the summer of 1841 admonishing the Corporation of Toronto to remove livestock from the streets, drain pools of stagnant water and prevent the obstruction of public thoroughfares, a preoccupation with material interests often underlay the desire to ameliorate many of the unsightly problems afflicting the province's urban communities. According to Horne, greater emphasis on internal improvements would not only add "to the health and comfort of the citizens by the removal of many nuisances," but also would serve "to advance the prosperity of the City."<sup>61</sup> Impressed by Toronto's attractive appearance, as well as by the progressive spirit which motivated its inhabitants, enterprising strangers would be compelled to settle in the city and invest large sums of money in business establishments thereby contributing significantly to commercial and industrial development.

Public parks and squares constituted an integral part of many beautification projects. Initially attracting little attention from Upper Canadian urban dwellers, the parks issue increased in importance over the course of the nineteenth century. As towns and cities became larger and more densely populated, apprehension concerning the quality of the urban environment intensified, and officials were forced to acknowledge the urgent need for additional parks. Declaring that "the

health and general welfare of the City" were at stake, Toronto's city fathers resolved in 1852 to protect the garrison reserve granted to the municipality by the provincial government from future development.<sup>62</sup>

Three years later, the Common Council of Kingston transformed a large tract of land near the centre of that city into a formal park. Under the direction of a joint committee composed of politicians and concerned citizens, workers planted "upwards of 1,100 trees of various kinds," and a number of "drives and walks were cut out according to a plan furnished by a professional landscape gardener."<sup>63</sup> In addition, the committee members planned to erect an observatory which they predicted "will have a beneficial effect upon the minds of the rising generation . . . and will add much to our reputation abroad."<sup>64</sup>

A strong element of boosterism contributed to the growing interest in public parks. Recognizing that future expansion was impossible without a tolerable level of public health, the civic elite perceived parks as a means of offsetting the threat of both physical and moral decay. According to an article which appeared in the Spectator during July of 1847 urging the Corporation of Hamilton to improve that city's "most miserable appearance," any community which hoped to become a major urban centre had to be fully prepared to establish an adequate number of parks.<sup>65</sup> "If Hamilton is intended to be the large Commercial emporium which its friends predict, and its enemies scarcely deny," the Spectator exclaimed, then it is "absolutely necessary that the inhabitants should have some places to breathe the pure air, in their hours of recreation, without being blinded in the dusty streets or cooped up night and day in their houses."<sup>66</sup> Together with the claim

that they had "a most beneficial effect upon the body," public parks and squares were touted as a means of elevating the mind and preventing young townsfolk from embracing crime and licentiousness.<sup>67</sup> As Kingston's Committee on Parks reported in 1853, "our youth is the season of enjoyment and were we blessed with pleasure grounds our youth would there resort for enjoyment, adding energy and activity to both body and mind, instead of possibly being tempted to places which to say the least are of doubtful propriety."<sup>68</sup> The Committee also maintained that improved recreational facilities would allow Kingston to improve its reputation at the expense of neighbouring municipalities. Merchants and manufacturers would be more inclined to invest in a community reputed to be a pleasant place in which to live and operate a business, and "instead of taking, as many now frequently do, a passing glance," visitors "would be induced to tarry for a time" and patronize local businesses.<sup>69</sup>

Civic architecture further illustrated the predominance of the booster mentality. Boards of Police and Common Councils often held their first meetings in cramped and makeshift quarters, but they soon authorized the construction of more substantial buildings to house their offices as soon as sufficient funds became available. Drawing upon the tradition of Palladian classicism which had enjoyed its heyday in England a century earlier, the town halls erected during the 1840s and 1850s were designed to be the most prominent secular buildings in the province's urban communities. No expense was spared in their construction, and most of them were embellished by magnificent domes and clock towers, as well as by a profusion of quoins, keystones, cornices,

pillars and pediments. Indeed, when the Corporation of Kingston undertook the construction of a new city hall during the early part of 1843, the city fathers proudly proclaimed that it would be "the largest and finest building of its kind in Canada."<sup>70</sup> Despite the fact that the architect who submitted the winning design forecasted a total expenditure of £10,000, the actual cost of the project more than doubled before it was brought to completion several years later.<sup>71</sup> Similarly, when a competition was held in Toronto during 1844 for the purpose of selecting a plan for a new city hall, first place was awarded to architect Henry Browne who designed a graceful building in the late-Georgian style which the selection committee predicted would impress strangers and instil a sense of pride in the city's inhabitants. A three-storey structure dominated by a soaring clock tower which supported a domed cupola with a weather-vane on top, Toronto's new city hall "rose proudly above the surrounding buildings" and, when completed in 1845, became "the most important and conspicuous landmark in the city."<sup>72</sup>

The symbolic importance of civic architecture cannot be overestimated. Accepting the premise that "architecture is politics in three dimensions," recent studies have indicated that the public buildings erected during this period functioned as "visual metaphors."<sup>73</sup> Indeed, as Alan Gowans observed in a recent inventory of Canada's historically significant buildings, "the art of architecture" has been concerned traditionally "with creating shapes or combinations of forms which had associations with the kinds of ideas on which the institutions of society -- all societies, everywhere -- are necessarily founded."<sup>74</sup>

Through the construction of opulent public buildings, local leaders expressed the unbounded ambition, optimism and pride of Upper Canada's towns and cities. They sought to demonstrate the durability of governmental institutions and to create a lasting monument to civic grandeur. The preference for the elaborate and, often, ostentatious Palladian or Baroque style attested to the magniloquent expectations of the civic elite. Although the simple lines of the Regency style prevailed in Britain and the United States by the early-Victorian period, Upper Canadians manifested a predilection for the flamboyance of Palladian classicism. Ignoring dominant trends in architectural design, they proceeded to erect public buildings such as Toronto's St. Lawrence Hall and Cobourg's Victoria Hall which closely resembled the edifices designed by Sir William Chambers for late-Georgian London. As Marion MacRae and Anthony Adamson noted in Cornerstones of Order, their appropriately titled study of Ontario's court houses and town halls, the vitality of full-blown Palladianism was not as incongruous a phenomenon as one might expect. With its emphasis on neo-classical symmetry and rich ornamentation, this particular style provided the perfect medium for the expression of "pride, dignity of occupation, affluence and urbanity."<sup>75</sup>

#### Transportation Improvements

In spite of the emphasis placed upon opulent public buildings, beautification projects and official status, the civic elite perceived improved means of communication as the key to successful urban development. As a number of historians have observed, a "mania for

local improvements" characterized the Victorian period.<sup>76</sup> The promoters of developmental projects solicited aid from various levels of government with what Gustavus Myers termed "the most inordinate and presumptuous insistence," and municipalities subsidized the construction of roads, harbour facilities and railways in the hope of enlarging their hinterlands and emerging as major entrepôts through which the trade of the American mid-West would flow.<sup>77</sup> The obsession with transportation improvements can be traced back to the early decades of the century, but the 1850s represented the period of greatest activity. Legislation introduced in 1849 guaranteed the interest on bonds issued by railway companies with partially completed lines, and the Consolidated Municipal Loan Fund Act of 1852 made provincial credit available to incorporated communities in order to encourage the construction of branch lines by raising the value of municipal debentures.

Emboldened by the support of the provincial government, local leaders financed the construction of roads and railways with reckless abandon. Without considering the long-term consequences of their actions, they furnished private interests with extravagant concessions and took stock in virtually any company which promised to undertake significant transportation improvements. The amount of money invested in road and railway construction projects by Upper Canadian municipalities is staggering. As table 6.1 summarizes, the six communities included in this study provided joint stock companies with more than £500,000 worth of municipal aid in less than a decade. With a population of approximately 40,000, Toronto managed to loan four separate railway companies more than £300,000. Similarly, the Common

TABLE 6.1ROAD AND RAILWAY COMPANIES  
RECEIVING MUNICIPAL AID, 1850-1860

Brockville -	Brockville and Ottawa Railway
Hamilton -	Great Western Railway (£100,000) Preston and Berlin Railway (£25,000) Hamilton and Port Dover Railway (£50,000) Galt and Guelph Railway
Kingston -	Wolfe Island Railway (£3,750) Perth Road Company (£17,500) Kingston, Pittsburgh and Gananoque Road Company (£5,000) Phillippsville Road Company (£2,500)
Ottawa -	Prescott and Ottawa Railway (£50,000) Bytown and Carleton Road Company (£1,000)
St. Catharines -	Welland Railway (£25,000) St. Catharines and Merrittsville Road Company (£4,000) St. Catharines and Pelham Road Company (£3,000) Queenston and Grimsby Road Company (£3,800)
Toronto -	Grand Trunk Railway (£100,000) Toronto and Guelph Railway (£100,000) Northern Railway (£100,000) Welland Railway (£12,500)

Council of Hamilton subsidized three railway projects to the tune of £175,000. Between 1850 and 1853, the city fathers expended more than £10 on the purchase of railway stock for every man, woman and child residing within Hamilton's boundaries.

The eagerness with which towns and cities subsidized the construction of roads and railways can only be understood if one considers the grandiose expectations which accompanied technological change. By mid-century, many colonists regarded improved means of communication as a panacea capable, not only of generating wealth, but also of effecting a fundamental transformation of society. Anxious to break down the geographic barriers which impeded economic development, they assumed that the construction of roads and railways would transform languishing communities into prosperous metropolitan centres. Indeed, as Thomas Keefer, the noted civil engineer and propagandist for Montreal's commercial interests, proclaimed during January of 1853 in a lecture delivered for the purpose of whipping up support for internal improvements, railways invariably infused "new life and vigour" into "depressed and secluded" districts by stimulating commercial activity, encouraging all types of manufacturing and raising the value of real estate.<sup>78</sup> Railway promoters also predicted that the new technology would improve the moral character of mankind and eliminate poverty, prejudice, irreligion, factionalism, class conflict and political demagoguism. In Keefer's estimation:

Ignorance and prejudice will flee before advancing prosperity . . ., the cold and hungry are now clothed and nourished; and thus are made susceptible converts to a system the value of which they are not slow to appreciate. The pulpit will have then its grateful listeners, the school



its well filled benches -- the stubborn opponents of wordy philosophy will then surrender to a practical one the truth of which they have experienced.<sup>79</sup>

So great was his faith in "the civilizing tendency of the locomotive" that Thomas Keefer went so far as to associate technological change with the second coming of Christ.<sup>80</sup> Extolling the wonders of modern science, he declared that "the vast, the almost incredible extension of the Railway system" foreshadowed the "second great moral revolution, the Millenium -- 'When the sword shall be beaten into a ploughshare and the spear into a pruning hook; -- when nation shall not rise up against nation, neither shall there be war any more.'"<sup>81</sup>

The province's largest and most prosperous urban centre, Toronto led in the subsidization of internal improvements. From the very outset, the men elected to the Common Council believed that they had an obligation to stimulate trade and commerce by upgrading transportation facilities. During the early part of 1835, they commissioned several reports to investigate "the best method of making . . . a secure and effectual harbour for the large steam vessels as well as for the small but deeply built schooners."<sup>82</sup> Similarly, they agreed to improve the entrances from the harbour and to finance the construction of new wharves in an attempt to encourage commercial activity and boost the growth of the city.<sup>83</sup> The 1830s also witnessed the genesis of an ambitious railway project. On October 24, 1834, the city fathers joined with a number of other prominent residents in deciding to establish a joint stock company for the purpose of building a railway from Toronto to Lake Huron. Both Tories and Reformers supported the project, and the city's two main banks, the Bank of Upper Canada and the Farmers Bank,

promised to provide the company with generous financial assistance. Although the Toronto and Lake Huron Railway received a charter of incorporation from the provincial government during April of 1836, the depression of 1837-8 prevented the Board of Directors from raising the capital required to initiate construction of the line. The company's charter, eventually expired from disuse, and more than a decade passed before Toronto once again attempted to build a railway through its northern hinterland.<sup>84</sup>

When a group of promoters revived the idea of building a northern railway linking Toronto to Lake Huron during the 1850s, civic officials did not hesitate to plunge their constituents into debt in order to hasten the completion of the project. Following the advice of Mayor John Bowes, a dry goods merchant who insisted that the railway would make Toronto the most prosperous port on the Great Lakes, the Common Council voted unanimously to grant the company financial aid and, with the full support of the city's electorate, passed a bylaw during the autumn of 1851 authorizing "the issue of £100,000 in Debentures for the proposed Toronto, Simcoe and Huron Railroad."<sup>85</sup> The lack of dissension which marked the early stages of Toronto's relations with the Northern Railway vanished abruptly in 1853 when it became public knowledge that Mayor Bowes had conspired with Francis Hincks to defraud the Corporation of Toronto of an estimated £10,000. According to a report presented to the city fathers on February 21 of that year, £50,000 worth of railway had been disposed of secretly for £40,000, and shortly thereafter, an additional £50,000 worth of debentures had been issued in favour of the company. While the report conceded that "great

difficulty seems to exist in ascertaining the parties who reaped the benefit of the £10,000 discount," the evidence indicated that Bowes and Hincks had master-minded the transaction.<sup>86</sup> After several months of delay caused by his failure to cooperate with the investigation, the mayor eventually admitted, under oath, that he had reaped a profit of approximately £4,000 from the sale of the debentures. A handful of angry aldermen condemned Bowes and demanded his resignation claiming that he had "forfeited the confidence of the Citizens of Toronto and their representatives," but a majority on Council refused to support a motion of censure.<sup>87</sup> Hoping to bring an end to the scandal and restore the municipality's tarnished reputation, the city fathers resolved that "the services to the City rendered by His Worship the Mayor" more than compensated for any possible "want of candour."<sup>88</sup> They also praised "the ability and untiring energy of the Honourable Francis Hincks, Inspector General of the Province," and drafted a resolution formally thanking him for campaigning in support of public works.<sup>89</sup>

The Northern Railway scandal did not prevent Toronto from subsidizing a number of other developmental projects. The Corporation extended aid to both the Grand Trunk Railway and the Toronto and Guelph Railway. In 1856, "believing that the road will essentially benefit Toronto," the Common Council responded to a letter from W. H. Merritt extolling the virtues of the Welland Railway by purchasing £12,500 worth of stock in that company.<sup>90</sup> Similarly, a year later, when Sandford Fleming, a surveyor and engineer who worked for the Northern Railway for more than a decade, proposed the construction of a railway into the Northwest, the city fathers gave the project their full support.

Concluding "that the proposed Railway would not fail to bring into Toronto the business of a large and Fertile tract of Country which without such a line of Communication would ultimately find an outlet in another direction," they intimated a willingness to provide the company with a £100,000 loan.<sup>91</sup> The Toronto elite viewed transportation improvements as the key to future development and therefore supported the construction of a variety of railway lines in order to enhance the position of their city as Upper Canada's chief metropolitan centre.

The inhabitants of Kingston expended less money than their counterparts in Toronto, but they still managed to subsidize several road and railway projects. During the winter of 1850-1, when the Grand Trunk Railway conducted a survey of a possible route between Toronto and Montreal, the Common Council promptly agreed to contribute £180 in order to defray the expense incurred by the company. The Committee on Roads and Improvements reported "that the opening of the Grand Trunk Railway from the sea board to the upper Lakes" would bring about "a New Era in the affairs of Canada" by facilitating the development of local "resources, capabilities and advantages," and the city fathers promised additional assistance on the condition that the railway passed through Kingston and provided access to the city's harbour.<sup>92</sup> When the company announced several years later that the railway would bypass Kingston, local leaders responded with surprise and consternation. Declaring that the route chosen by the company would have an adverse effect upon trade and commerce, they resolved to adopt "without further delay the measures expedient and necessary to secure the immediate construction of a Junction Railway between the City and the nearest Station of the Grand

Trunk Railway."<sup>93</sup> While not ruling out the possibility of building the branch line on their own, the authorities preferred to negotiate a deal with the directors of the railway. After several months of intensive bargaining, the Corporation of Kingston and the Grand Trunk Railway managed to reach a compromise by which the company agreed to construct a railway to the harbour in return for several valuable concessions. The Grand Trunk Railway received a large tract of land adjacent to the waterfront, and the Council passed a bylaw granting the company permission to install tracks down the centre of the city's main streets.<sup>94</sup> Even though a disgruntled petitioner complained that much had been given "to them that never did you any good," Kingston's residents were generally satisfied with this arrangement.<sup>95</sup> By connecting the harbour directly to the main railway, the branch line promised to strengthen the city's position in the forwarding trade and bring an end to the economic stagnation which had accompanied the loss of provincial capital status more than a decade earlier.

Together with ensuring that the provincial railway passed through Kingston, the civic elite sponsored the construction of roads and railways extending into the southern part of the Canadian shield. Aiming to enlarge the city's northern hinterland and divert the flow of staple products from rival communities, the Common Council pledged on October 1, 1852 "to subscribe £25,000 - £50,000 in the stock of any Chartered Company which may construct a Railway from the Town of Peterborough to the City of Kingston through the rear Townships of the Counties of Northumberland and Hastings, and Hence through the Counties of Lennox, Addington and Frontenac, to some point within the limits of

the City."<sup>96</sup> Two weeks later, a special deputation led by the mayor and two prominent aldermen proceeded to Quebec to obtain a charter of incorporation for the Kingston and Peterborough Railway Company and, at the same time, to procure a £75,000 loan "to be applied only to the promoting of Railroad enterprises approved of by the Government, and Macadamized roads."<sup>97</sup>

Several private companies benefited as a result of the loan which Kingston secured from the provincial government during October of 1852. Responding to a petition signed by the wealthy brewer, James Morton, and a number of successful merchants who maintained that the project would prove to be a profitable investment, the city fathers purchased £17,500 worth of stock in the Kingston and Perth Road Company during the early part of 1854 avowing that "the advantages and increased business brought to Kingston by the road would" more than pay "for its construction."<sup>98</sup> "Our markets will be largely increased," they observed, and the road "will divert a good deal of business from Perth and Brockville to Kingston."<sup>99</sup> At the same time, "with a view of opening a connection between Kingston and the rear of Leeds, South Crosby and Bastard and the adjoining section of country -- which is separated from that opened by the Perth Road by a series of Lakes constituting the Rideau Canal," the Common Council issued debentures equal to £7,500 in favour of the Kingston and Philippsville Road Company.<sup>100</sup> Noting that "the country through which the road passes is pretty well settled and of a fair quality," the Committee on Roads predicted that the project would enhance Kingston's ascendancy in the

eastern part of the province by attracting "produce and trade . . . of a superior character."<sup>101</sup>

The developmental policy pursued by Ottawa closely resembled that of Toronto and Kingston. After receiving a memorial signed by sixty-two merchants complaining of "the inadequacy, unsafe state and limited size of the present wharf," the Common Council voted unanimously during July of 1848 to improve the docking facilities situated at the junction of the Rideau canal and Ottawa river.<sup>102</sup> Two years later, the municipality extended £1,00 worth of aid to a joint stock company building a macadamized road between Ottawa and Pembroke.<sup>103</sup> Noting that Canada "will look in vain for national prosperity . . . until roads are extended throughout the length and breadth of the land," the local press applauded this initiative predicting that the road would enhance Ottawa's commercial importance and benefit the towns and cities through which it passed.<sup>104</sup>

The city fathers also subsidized the construction of a railway connecting Ottawa to the main provincial line at Prescott. During the winter of 1850, a group of businessmen led by Edward McGillvary, a successful drygoods merchant, founder of the Board of Trade, school trustee and militia officer who later served as mayor, established the Bytown and Prescott Railway Company in a concerted effort to make Ottawa more accessible to the rest of the province and end the long months of isolation precipitated by the advent of winter.<sup>105</sup> The prospect of increased trade and commerce sparked the imagination of the town's inhabitants, and the local press urged private citizens and various levels of government, alike, to purchase stock in the company in order

to ensure that the branch line was completed without delay. In its columns, the Ottawa Citizen reflected the spirit of boosterism which led to the formation of the Bytown and Prescott Railway:

The Railroad! The Railroad! The time has come when Bytown must either use some exertion on its own behalf or sink. If the people of Bytown pay no attention to this matter, but leave it to its own fate, they may rest assured that Bytown has seen its best days . . . Tenants will then have no trouble in finding quiet, convenient lodgings, at very low rents, and Town lots will be cheap as you like. On the other hand, if an effort is now made, we may safely say that housebuilding is only begun.<sup>106</sup>

Convinced that "the construction of a Railroad from Bytown to Prescott would be greatly conducive to the interests of the Inhabitants of the Town," the Common Council never questioned the propriety of using public money to subsidize a company controlled by private interests.<sup>107</sup> Even though the Board of Directors denied them a significant managerial role, the authorities passed a bylaw on October 15, 1850 authorizing a £15,000 bonus, and several years later when a shortage of capital brought work on the project to a halt, they sent a delegation to Toronto pleading that the provincial government furnish the company with a desperately-needed loan guarantee.<sup>108</sup>

A corresponding desire to stimulate commercial activity compelled the Corporation of St. Catharines to sponsor a number of transportation improvements. While refraining from granting direct financial assistance, the city fathers agreed during May of 1850 to forward a petition to the provincial government praying that the charter of the Great Western Railway be amended so that municipalities could take stock in the company without levying a special rate of assessment.<sup>10</sup> Three years later, they adopted a resolution authorizing



the subscription of £25,000 worth of stock in the Welland Railway Company on the credit of the recently-established municipal loan fund. Organized and largely owned by the Merritt family, the company proposed to build a railway along the route of the Welland Canal for the expressed purpose of preventing the flow of goods between Lake Erie and Lake Ontario from coming to a standstill during the winter months. The enlargement of the canal during the 1840s had provided St. Catharines with a decisive advantage over its traditional rival, the town of Niagara, and the Common Council anticipated that the completion of the Welland Railway would give rise to similar benefits. By diverting traffic from the Niagara river route and concentrating trade and commerce in the St. Catharines area, the railway promised to strengthen the position of the town as the Niagara peninsula's most important urban centre.<sup>110</sup>

St. Catharines also financed the construction of several macadamized roads. Acknowledging "that immediate efforts should be made to secure . . . the growing trade of the surrounding County, now in danger of being diverted from us to other places," the authorities concluded that this goal could "only be accomplished by the construction and improvement of good roads leading into the Town, rendering it easy of access for heavily loaded teams at all seasons of the year."<sup>111</sup> In addition to providing a major impetus to commercial development, improved means of communication would "cheapen provisions and fuel (articles required by all), thus rendering the taxes imposed for such improvements easily borne."<sup>112</sup> Announcing on January 19, 1853 that it intended to assist private trading companies undertaking the

construction of macadamized roads, the Council directed five well-known champions of internal improvements, including W. H. Merritt Junior and his business partner, Oliver Phelps, to identify the most worthwhile projects and, after conferring with the stockholders, "to ascertain from them what amount of credit or subscription, on the part of the Corporation, would secure the extension or continuation of their roads, so as to open up the largest amount of the trade of the surrounding County to this Town."<sup>113</sup> Within several months, three road companies had received a total of £10,000 worth of municipal aid. Two of these projects, the St. Catharines and Merrittsville Road and the St. Catharines and Pelham Road, extended into the town's southern hinterland, while the Queenston and Grimsby Road ran in an east-west direction through the rich agricultural land at the foot of the Niagara escarpment.

In contrast with their counterparts in St. Catharines, Hamilton's city fathers initiated an ambitious program of transportation improvements which focused almost exclusively on the construction of railways. With the passage of the Guarantee Act of 1849, the capital-starved Great Western Railway was rescued from imminent bankruptcy, and a group of zealous railway promoters led by Allan MacNab and Jasper Gilkison launched a campaign to convince the Corporation of Hamilton to provide the company with still more financial assistance. The bylaw approving the purchase of £100,000 worth of stock in the Great Western Railway came within one vote of being defeated by the Common Council, but it eventually received the support of a majority of qualified electors at a public meeting held during the summer of 1849.<sup>114</sup>

Following the advice of boosters who admonished them "to sacrifice much to ensure the building of the road," Hamiltonians plunged themselves into debt in a frantic attempt to capture the trade emanating from the western part of the province.<sup>115</sup>

Hamilton subsidized a number of other railway construction projects. In 1855, the Common Council commissioned Allan MacNab to obtain as much information as possible concerning several joint stock companies which recently had been established for the purpose of building ancillary railways feeding into the main line of the Great Western Railway. The authorities believed that these projects "would greatly benefit and promote the welfare of an extensive country, this Corporation and the trade of Lake Ontario," and they manifested a willingness to enlarge the municipal debt in order to hasten their completion.<sup>116</sup> Following the presentation of MacNab's blatantly pro-railway report, the Finance Committee called for the subscription of £50,000 worth of stock in the Hamilton and Port Dover Railway and £25,000 in the Preston and Berlin Railway.<sup>117</sup> Despite the fact that the financial resources of the municipality were already over-extended, the Council readily agreed to secure a loan in order to facilitate these purchases. It also resolved to bolster the financially-troubled Galt and Guelph Railway by purchasing stock in that company. Hamilton's most prominent residents recognized that the prosperity of their community depended upon trade and commerce, and they were therefore anxious to support the construction of branch lines which promised to augment the flow of goods on the Great Western Railway.

Incredibly, with a population of less than 4,000, Brockville managed to launch a railway construction project almost as ambitious as those undertaken by Toronto and Hamilton. When their traditional competitors in Prescott organized a joint stock company for the purpose of building a railway to Ottawa, a group of local businessmen decided that they had no other alternative than to construct a similar line if they wished to retain a significant share of the rich staples trade emanating from the Ottawa valley. The provincial government chartered a company to build a railway from Brockville to Ottawa during August of 1850, and on September 16, 1854, Adiel Sherwood, a prominent Tory and Sheriff of Leeds and Grenville for more than three decades, laid the cornerstone for Canada's first railway tunnel which upon completion connected the line directly to Brockville's waterfront. Designed to facilitate the transfer of timber to ships waiting at the wharf, the tunnel was hailed as a marvellous engineering achievement which attested to the spirit of enterprise which motivated the town's inhabitants.<sup>118</sup>

The euphoria of the cornerstone-laying ceremony notwithstanding, a host of financial and technical difficulties plagued the Brockville and Ottawa Railway. By 1859, the line extended only as far as Carleton Place, and a serious shortage of funds brought construction to a standstill. The Corporation of Brockville already laboured under the burden of a heavy deficit, but local leaders were determined to use public credit in order to assist the private investors who had initiated the project. After obtaining the consent of their constituents, they borrowed \$400,000 from the municipal loan fund which they used to purchase stock in the down-and-out company. Representing a per capita

expenditure of more than \$100, the financial assistance provided by the municipality succeeded in saving the Brockville and Ottawa Railway from bankruptcy.<sup>119</sup> Unfortunately, however, it failed to ensure the completion of the project. The railway stopped at Almonte, more than thirty miles from the capital, and the residents of Brockville were left with an enormous debt which necessitated a high rate of taxation for many years to come.

The obsession with improved means of communication stemmed from an urban ethos which stressed the importance of civic patriotism, inter-urban rivalry and, most importantly, an unquestioning commitment to substantive urban growth. Although towns and cities subsidized a wide range of transportation improvements, they shared a common desire to stimulate the city-building process. Implementing a developmental policy which focused largely on the construction of roads and railways, local leaders employed every means at their disposal to assist private interests undertaking significant improvements. Others may have balked at the dangerous upsurge in civic indebtedness, but they avowed that these initiatives represented a worthwhile investment.

#### The Economic Crisis of 1857-64

The proponents of internal improvements predicted that urban communities would reap many benefits from the subsidization of road and railway projects. By stimulating commerce and manufacturing, improved means of communication promised to create a favourable environment for urban growth and development. The buoyant mood of optimism which fueled the railway boom of the 1850s engendered unrealistic expectations

concerning the transforming power of technological change, and few individuals doubted that the locomotive was capable of rescuing a town or village from obscurity and propelling it to metropolitan status. While local leaders generally agreed that the prospect of unprecedented prosperity more than compensated for any short-term sacrifices involved in financing the construction of roads and railways, promoters provided them with additional incentive by contending that these projects would prove to be profitable investments. Indeed, as Thomas Keefer maintained in Philosophy of Railroads, his tract of 1849 advocating the construction of an inter-provincial line passing through Montreal, transportation improvements represented "the most desirable object for investment in the midst of an enterprising and increasing population."<sup>120</sup> Noting the existence "of a greater amount of unemployed capital amongst our agricultural and trading population than is generally supposed," he avowed that the province possessed sufficient financial resources both to warrant and permit the construction of an extensive network of roads and railways.<sup>121</sup> Keefer also claimed that these improvements would not result in excessive taxation. He insisted that they would pay for themselves within a relatively short period thereby providing an important source of revenue to municipalities with the foresight to finance their construction.<sup>122</sup>

There is no doubt that improved means of communication had a profound impact on the urbanization process. The hub from which three main railways emanated, Toronto managed to assert effective control over an enormous hinterland stretching from the end of Lake Ontario in the east to Kent and Essex counties in the west. The city expanded at an

extraordinary rate and, by mid-century, emerged as the province's unchallenged metropolitan centre.<sup>123</sup> Hamilton also prospered due to its strategic location astride an important railway route. By boosting the local economy and giving rise to a significant population increase, the construction of the Great Western Railway during the 1850s assured the city a position of prominence in the urban hierarchy.<sup>124</sup> Communities which were not well serviced by roads and railways seldom fared as well as Toronto and Hamilton. Failing to recover from the loss of provincial capital status and bypassed by the main line of the Grand Trunk Railway, Kingston lacked the revenue required to finance the construction of railways extending into its northern hinterland. Economic decline accelerated as the city lost trade to competing routes, and between 1851 and 1881, Kingston experienced one of the lowest rates of population growth among the province's incorporated towns and cities.<sup>125</sup> Other communities suffered fates similar to that of Kingston. Overshadowed by Hamilton and unable to expand its commercial and industrial base, Dundas grew only marginally during the second half of the nineteenth century. Similarly, the wheat exporting towns situated between Hamilton and Toronto fell into decline. Communities such as Oakville and Port Credit failed to initiate an aggressive developmental policy, and after mid-century, "they found their hinterlands traversed and tapped by feeder lines of large neighbouring ports."<sup>126</sup>

While providing a major impetus to the development of cities such as Toronto and Hamilton, transportation improvements rarely proved to be a judicious investment. Uncertainty about the profitability of road and railway companies had necessitated massive government

assistance in the first place, and Upper Canadian municipalities poured millions of pounds into these projects without receiving assurance that they would be rewarded by a fair rate of return on their initial investment. As long as the economy was booming, the situation remained relatively stable. Increased revenue allowed various levels of government to guarantee the interest on bonds issued by private trading companies, and road and railway promoters encountered little difficulty in raising the long-term credit required to undertake a host of ambitious projects. The advent of a general economic downturn in 1857, however, precipitated a financial crisis which brought an abrupt end to the relative prosperity which had characterized the post-1849 period. Capital became increasingly scarce, and as revenues plummeted, municipal corporations and joint stock companies, alike, discovered that they lacked the financial resources required to meet their outstanding commitments. Faced with crippling debts and unable to obtain additional financing, many road and railway companies suspended interest payments to their creditors as they teetered on the edge of bankruptcy.

During July of 1857, for example, the directors of the Ottawa and Prescott Railway wrote to the Common Council of Ottawa stating that a combination of unpropitious circumstances prevented them from paying the interest due on an £50,000 loan which the municipality had granted the company several years earlier. The city fathers reacted angrily and threatened to initiate legal proceedings, but there was very little that they could do to collect the money owed to them by the heavily-indebted company. In their response to an ultimatum demanding prompt payment of the overdue interest, the principal stockholders of the Ottawa and



Prescott Railway requested more time to allow them to secure a loan on the London money market. Expressing regret at the inability of the company to defray its debt, they assured the authorities that "their utmost efforts will be used to obtain the means to meet your demand and as soon as it is in their power to pay you they will do so."<sup>127</sup> Two years passed, and the railway still owed the Corporation of Ottawa interest on its £500,000 loan. By this time, however, a group of disgruntled bond holders had taken the matter to court, and the prospect of the company declaring bankruptcy threatened to undermine the ability of the municipality to satisfy its creditors. Declaring "that steps should be taken for the protection of this City, in view of the critical juncture now imminent in the affairs of the Ottawa and Prescott Railway," Mayor Edward McGillvary convened an emergency meeting of the Common Council on January 21, 1859 at which he appointed a special committee "to confer with the Company, in order to obtain true and reliable information relative to the present position of their affairs."<sup>128</sup> All attempts to obtain a supplementary loan had met with failure, and McGillvary hoped to negotiate a last-minute agreement that would save both the railway and the municipality from financial ruin.

Other towns and cities found themselves holding worthless or greatly depreciated railway stock. After investing more than a million dollars in the Cobourg and Peterborough Railway Company, the citizens of Cobourg were shocked to discover that the ill-fated railway was inoperative due to a defective bridge across Rice Lake. The company failed to pay a single dividend to its investors, and Cobourg fell into decline as Port Hope tapped the trade of its northern hinterland.<sup>129</sup>

The Corporation of Hamilton faced a similar crisis. Exaggerating the possibility of turning a quick profit, the Common Council invested heavily in four separate railway companies during the heady days following the introduction of the Municipal Loan Fund Act. As the economy came to a standstill during the late 1850s, however, each of these projects faltered, and the authorities found themselves confronted with a sky-rocketing deficit and railway bonds worth only a fraction of their face value. Virtually bankrupt and with only fifteen miles of track, the Galt and Guelph Railway was mortgaged to the Great Western Railway Company. Despite substantial public subsidies, the Hamilton and Port Dover Railway also remained unfinished, and a faulty bridge forced the closure of the Preston and Berlin Railway.<sup>130</sup>

The financial crisis of 1857 affected all aspects of the colonial economy, but it had an especially profound impact upon urban communities. As less wheat and timber passed through the province's ports, commerce and manufacturing suffered a debilitating setback. Empty warehouses reflected the decline in the retail and wholesale trades, the value of real estate dropped appreciably, and a high vacancy rate characterized the urban housing market. Many towns and cities experienced substantive population losses. According to John Weaver, the population of Hamilton fell by approximately 20 per cent during this period.<sup>131</sup> In various communities throughout the province, a shrinking taxbase forced local leaders to slash expenditure. They allocated less money for police and fire protection and ordered an end to street repairs and gas lighting. Decreased revenue compelled a number of Boards of Police and Common Councils to suspend interest payments on

their debentures while others petitioned the provincial government praying for emergency assistance.

An extraordinary rate of indebtedness compounded the financial woes of Upper Canadian municipalities. Prompted by the steady expansion of municipal services and an attendant desire to avoid burdensome taxation, the growing popularity of credit as a means of financing the activities of local government contributed to a dramatic upsurge in civic indebtedness. In the estimation of Charles Glaab and Theodore Brown, the aggregate debt of the fifteen largest American cities rose by 271 per cent during the 1860s, while their combined population grew by approximately 70 per cent.<sup>132</sup> Similarly, in Upper Canada, the indebtedness of leading urban centres increased much more rapidly than population figures. Indeed, as table 6.2 documents, Toronto's debt skyrocketed between 1840 and 1860 outdistancing both revenue increases and a steady growth in population. While the number of persons residing in the city less than quadrupled, the municipality's indebtedness rose by more than twenty-four times. The per capita debt jumped from an index of 1.737 to 13.386, and by the end of this period, the Corporation of Toronto owed its creditors more than £600,000.

The subsidization of transportation improvements was largely responsible for the steady increase in civic indebtedness. Taking advantage of the municipal loan fund established by the provincial government in 1852, incorporated communities negotiated loans and issued debentures in favour of joint stock companies undertaking the construction of roads and railways calculated to stimulate urban development. By March of 1860, the province's municipalities had

TABLE 6.2

CIVIC REVENUE, EXPENDITURE AND  
INDEBTEDNESS ON A PER CAPITA  
BASIS: TORONTO, 1835-1860

<u>YEAR</u>	<u>REVENUE</u>	<u>EXPENDITURE</u>	<u>DEBT</u>
1835	.352	.414	.177
1840	.592	1.018	1.737
1844	1.018	1.044	*
1845	.663	1.008	*
1849	.723	.722	*
1856	6.263	4.353	11.470
1859	4.122	4.781	13.804
1860	5.231	5.001	13.386

\*information not available.

borrowed a total of \$7,300,000 under the provisions of the Consolidated Municipal Loan Fund Act. Although the law required that regular payments be made in order to amortize this debt, few corporations managed to pay the full rate of interest owed to their creditors. Of the \$3,038,229 in interest accrued by the end of 1859, only \$1,409,701 had been paid on time, and by March 1, 1860, more than \$1,687,000 was still outstanding.<sup>133</sup> The figures contained in table 6.3 illustrate the exact amounts borrowed by various villages, towns and cities. With the exception of Guelph, every community making use of the fund failed to pay more than a small fraction of the interest accrued by the spring of 1860. The Corporation of Ottawa provides an interesting case in point. Having borrowed a total of \$200,000, the municipality owed its creditors more than \$99,000 in interest by the end of 1859. Decreased revenue, however, allowed a partial payment of only \$36,075, and as an additional \$2,667 came due on March 1, 1860, Ottawa found itself confronted with close to \$66,000 in overdue interest payments.<sup>134</sup>

Civic officials employed various strategies in an attempt to deal with escalating deficits. Crippled by the loss of revenue brought about by the removal of the seat of government, Kingston encountered serious financial difficulty much earlier than other incorporated communities. As early as February of 1844, the city fathers were compelled to secure a £13,000 loan from the Commercial Bank of Kingston and, shortly thereafter, commissioned John S. Cartwright, an influential Tory and President of the Commercial Bank, to proceed to London and negotiate an additional loan equal to £20,000 on behalf of the virtually bankrupt municipality.<sup>135</sup> While averting a major crisis, emergency loans proved

TABLE 6.3

MONEY BORROWED BY URBAN COMMUNITIES UNDER THE CONSOLIDATED  
MUNICIPAL LOAN FUND ACT OF UPPER CANADA\*

City, Town or village	Amount of loan (\$)	Interest Accrued by Dec. 31/59	Interest Paid by Dec. 31/59	Balance Due as of Dec. 31/59	Interest Paid From Dec. 31/59 to March 1/60	Balance Due as of March 1/60	Additional Interest Accrued From Dec. 31/59 to March 1/60	Total Balance due March 1/60
Port Hope	860,000	367,065	82,496	284,569	900	283,669	11,467	295,136
Niagara	280,000	125,465	42,305	83,160	--	83,160	3,733	86,893
Cobourg	500,000	241,567	48,226	193,341	6,761	186,780	6,667	193,246
Brantford	500,000	225,589	126,890	98,899	--	98,899	6,667	105,566
Paris	40,000	21,067	15,917	5,150	75	5,074	533	5,607
Ottawa	200,000	99,332	36,076	63,255	--	63,255	2,667	65,922
Prescott	100,000	49,359	13,487	35,871	--	35,871	1,333	37,205
St. Catharines	190,000	83,071	34,535	48,535	--	48,535	2,533	51,069
Woodstock	100,000	47,441	22,242	25,199	--	25,199	1,333	26,533
Belleville	20,000	9,188	7,588	1,600	1,600	--	267	267
London	375,400	144,822	67,712	77,109	--	77,109	5,005	82,215
Simcoe	100,000	42,608	13,871	28,738	--	28,738	1,333	30,071
Brockville	400,000	129,547	26,091	103,446	484	102,972	5,333	108,305
Stratford	100,000	42,981	8,833	34,148	--	34,148	1,333	35,481
Goderich	100,000	42,981	24,559	18,422	--	18,422	1,333	19,755
Barrie	12,000	4,463	3,180	1,282	--	1,282	167	1,449
Chatham	100,000	36,329	17,953	18,375	--	18,375	1,333	19,709
Dundas	52,000	18,971	8,062	10,908	--	10,908	693	11,601
Guelph	80,000	27,564	27,564	--	--	--	1,069	1,067
Peterborough	100,000	16,789	1,356	15,433	3,139	12,294	1,333	13,627

\* Journal of the Legislative Assembly of the Province of Canada 1860, Sixth Provincial Parliament of Canada, Third Session, Volume 18: Sessional Papers No. 16. Statement showing the Amount borrowed by each Municipality under the CMLF Acts of UC . . .; the whole in accordance with Address of the Legislative Assembly, dated 12th March, 1868.

incapable of putting Kingston's financial affairs on a solid foundation. Revenue continued to lag behind expenditure, and on November 28, 1846, the Commercial Bank informed the mayor of its intention to initiate legal action in order to recover several thousand pounds worth of overdue interest.<sup>136</sup> All attempts to reach a settlement with the municipality's main creditors met with failure. Both the Commercial Bank and the London Joint Stock Bank were reluctant to accept new debentures in exchange for those already overdue, and the Common Council eventually agreed to petition the provincial government praying for assistance in liquidating the municipal debt.<sup>137</sup> Legislation introduced during the autumn of 1855 sanctioned a £45,000 loan thereby saving Kingston from bankruptcy, but the authorities were forced to pursue a policy of austerity well into the second half of the nineteenth century.<sup>138</sup>

Provincial aid was also instrumental in assuring the solvency of the Corporation of Ottawa. By May of 1857, the municipality owed more than £23,000 in overdue interest payments, and the members of the Finance Committee recommended "that a Special Bill be procured from the Parliament to consolidate the City Debt, and to call in and redeem all Debentures already issued."<sup>139</sup> The city fathers agreed to adopt the Finance Committee's main recommendations and promptly dispatched a petition to the Governor in Council elaborating on the need to consolidate Ottawa's heavy debt. Even though legislation passed during the summer of 1857 authorized a £30,000 loan and provided for the redemption of outstanding debentures issued in favour of the Ottawa and Prescott Railway Company, financial problems continued to plague the inhabitants of the provincial capital.<sup>140</sup> Warning that increased

indebtedness would necessitate a much higher rate of assessment, the Finance Committee presented a special report on June 1, 1859 calling for strict economy and urging that less money be expended on the improvement of streets and sidewalks. "In the present state of the financial affairs of the City," the Committee concluded, "it is utterly out of their power . . . to name any definite sum that could be placed at the disposal of the Streets Committee; for it is doubtless in the recollection of this Council that a large outstanding debt since 1858 has to be provided for partly out of the resources of the present year."<sup>141</sup> Three weeks later, the members of the Finance Committee repeated their warning stating that they "would earnestly wish to impress the Council with the due necessity which exists for the greatest economy in all branches of the City Service . . . to avert the pending necessity of exacting a very burthensome rate on the Citizens," and on July 18, they once again emphasized the need for "extreme caution in expenditure" so as to protect the municipality from financial ruin.<sup>142</sup>

St. Catharines experienced difficulties similar to those of Ottawa. As the per capita debt skyrocketed, the Common Council failed to make regular interest payments to its creditors. In 1851, a £1,000 deficit compelled the city fathers to secure a loan from the Bank of Upper Canada pledging their personal property as collateral.<sup>143</sup> Four years later, the municipality owed approximately £10,000 in overdue interest, and as the St. Catharines Journal informed its readers in an editorial dated March 1, 1855, no more than £3,000 could be raised by means of increased taxation. Lamenting that "our financial affairs are anything but encouraging," the Journal exhorted officials to "incur no



unnecessary expenditure, while at the same time neglecting no necessary improvement."<sup>144</sup> A greater concern for economy proved incapable of improving civic finances. On February 4, 1856, Mayor Adams received a "communication from the Attorney General stating that he had been instructed to take proceedings against the Municipality for the recovery of £1,859 due to the Crown for interest on monies borrowed from the Consolidated Municipal Loan Fund."<sup>145</sup> By the spring of the following year, St. Catharines owed the provincial government more than £8,000 in overdue interest, and the Receiver General declined to pay the Corporation its share of the money arising from the sale of clergy reserves until this debt was discharged in full.<sup>146</sup> The Common Council searched desperately for additional financing, but an expeditious solution to its dilemma was not forthcoming. Even after the province authorized a £45,248 loan for the consolidation of the municipal debt, interest payments outdistanced revenue.<sup>147</sup> According to a report presented by the Finance Committee during the summer of 1858, St. Catharines owed its principal creditors more than \$410,000, and interest payments on that amount exceeded \$100,000 in a single year.<sup>148</sup>

Hamilton and Toronto were among the most heavily indebted municipalities in the province. As early as 1848, Hamilton owed its creditors more than £10,000. The authorities resolved to establish a sinking fund to liquidate this debt, but doubts arose as to whether they would be able to pay the interest on the debentures they proposed to issue. The Spectator echoed the concerns of many townsfolk when it accused the Common Council of pursuing a policy of extravagance which threatened to undermine the community's financial stability:

What would be thought of a merchant, or man of business, who recklessly contracted debts, without the slightest prospect or intention of paying them, and who did not even consider it necessary to practice sufficient economy to enable him to meet the interest on his purchases? Would he not be considered, in plain language, either a fool or a knave? Unquestionably. - What, then can be thought of men who, elevated to a high position by their credulous neighbours, launch into a course of extravagance which threatens to entail bankruptcy and ruin on the city, if not immediately stopped, and which will leave their successors an empty treasury and enormous liabilities, with which to carry on the government of the City.<sup>149</sup>

Rather than "procuring additional funds for the City Fathers," the Spectator exclaimed, "we should bless our stars, that, like the tethered mule, they have gone the length of their rope."<sup>150</sup>

Despite the warnings of the local press, the Corporation of Hamilton became increasingly dependent upon long-term credit as it negotiated a series of loans used to finance a wide range of public improvements. In addition to authorizing a £50,000 loan for the purpose of paying off the debt arising from the construction of a public market and common school, legislation receiving royal assent on April 22, 1853 empowered the Common Council to issue an additional £50,000 worth of debentures in order to purchase 2,000 shares in the Great Western Railway.<sup>151</sup> Two years later, the installation of sewers necessitated another large issue of debentures, and during the spring of 1857, the provincial government assisted the municipality in obtaining a £50,000 loan so that the waterworks system designed by Thomas Keefer could be completed on schedule.<sup>152</sup>

Local leaders maintained that the prospect of increased revenue justified these rather immoderate loans, but the depression of 1857-1864 dashed their overly-optimistic expectations. With insufficient funds to

pay the interest on its debentures, Hamilton faced the embarrassment of having its creditors initiating legal action. To save the city from bankruptcy and safeguard Upper Canada's reputation, the provincial government agreed to cover the interest payments due during the early part of 1861.<sup>153</sup> It also enacted legislation authorizing the city fathers to issue \$2,327,000 in debentures in order to consolidate the municipal debt.<sup>154</sup> While allowing a temporary reprieve, these actions failed to provide a permanent solution to Hamilton's financial problems. The authorities continued to default on interest payments, and by the spring of 1864, the provincial government was compelled, once again, to intervene on behalf of the beleaguered municipality. Designed to protect investors and furnish Hamilton with more time "to restore and increase its prosperity," the City of Hamilton Debenture Act permitted the Common Council to circulate £600,000 in new debentures so that it could redeem its outstanding debt, most of which resulted from the bonusing of railway projects "which for various reasons . . . proved to be unrenumerative."<sup>155</sup> The province required that all creditors exchange outstanding debentures for new debentures issued under the provisions of the act, and it prohibited them from taking legal action in order to recover the arrears of interest owing on the original debentures.

Analogous legislation enabled the Corporation of Toronto to weather the economic crisis of 1857-1864. Even though the Finance Committee suggested as early as 1846 that "no further expenditure involving an increase of the public debt should be sanctioned," the Common Council refused to adopt a more cautious approach to fiscal policy.<sup>156</sup> Relying heavily on long-term credit as a means of financing

transportation improvements, the city fathers soon discovered that they lacked the funds required to meet the annual interest payments arising from outstanding debentures. A £100,000 loan secured during the autumn of 1852 allowed for the repayment of creditors and the purchase of 10,000 shares in the Northern Railway, but indebtedness continued to increase much more rapidly than the municipality's annual income.<sup>157</sup> Indeed, as Eric Jarvis observed in his study of mid-Victorian Toronto, officials manipulated "a system of raising and using revenue that was chaotic, unsystematic and increasingly out of date in a society that was growing in both population and complexity."<sup>158</sup> By the end of the decade, fiscal irresponsibility had brought the municipality to the brink of bankruptcy, and the Common Council required the assistance of the provincial government in order to redeem more than \$400,000 worth of debentures issued several years earlier in favour of the Grand Trunk Railway.<sup>159</sup> As the depression deepened, it became increasingly apparent that half measures were incapable of providing the financial security essential to future development. The Finance Committee therefore wrote to the Governor in Council requesting a mammoth loan guarantee, and on May 18, 1861, the Legislative Assembly enacted an emergency measure authorizing an additional debenture issue of \$2,600,000 for the purpose of consolidating the public debt and bringing an end to Toronto's chronic financial problems.<sup>160</sup>

Together with authorizing emergency loans, the provincial government responded to the crisis affecting Upper Canada's urban communities by amending many of the provisions of the Consolidated Municipal Loan Fund Act. Devised to prevent a wave of bankruptcies,

Legislation introduced during the spring of 1857 provided local leaders with more time to discharge overdue interest payments. While the original act stipulated that all of the money owed by a municipality to the Receiver General should be recovered at once, this amendment empowered the Governor in Council to fix a more moderate rate of assessment that would permit the outstanding debt to be paid over a longer period without subjecting ratepayers to excessive taxation.<sup>161</sup> A year later, provincial officials decided to place additional restrictions on towns and cities contracting public debts. Any incorporated community securing a loan was compelled to levy on the whole rateable property within its jurisdiction a sufficient sum to pay all valid debts, whether of principal or interest, falling due within a year. To further discourage Boards of Police and Common Councils from negotiating imprudent loans, the law required that this special tax "be ascertained irrespective of any future increase of the rateable property of the Municipality, and of any income in the nature of tolls, interest or dividends, from the work, . . . and also irrespective of any income from the temporary investment of the sinking fund."<sup>162</sup> Moreover, the authorities were directed to submit a detailed financial report to the province on an annual basis, and the Receiver General received the authority to establish a special commission to enquire into the financial affairs of any heavily-indebted corporation suspected of being incapable of discharging its outstanding commitments.<sup>163</sup> Finally, as the situation continued to deteriorate, the provincial government concluded that it had no other alternative than to curtail municipal borrowing privileges. Amending the Consolidated Municipal Loan Fund Act, a statute approved on May 4, 1859 prohibited

further loans under the provisions of the act unless they were required to redeem outstanding debentures for which the Receiver General had insufficient funds.<sup>164</sup>

While saving many urban communities from bankruptcy, provincial aid failed to insulate Upper Canadian townsfolk from the negative consequences of more than two decades of fiscal mismanagement. Adopting a policy of strict economy, civic officials expended less money on public health and sanitation, improved systems of drainage and water supply, social assistance, fire protection, policing and street improvements. They also resorted to increased taxation in order to reduce the public debt and frequently introduced special rates to cover the cost of municipal services. The economic crisis of 1857-1864 may have engendered, as Eric Jarvis concluded, a more responsible and systematic approach to fiscal policy, but in the process, it impoverished the province's municipalities and seriously disrupted the business of local government.

### Conclusion

The economic crisis of 1857-1864 represented an appropriate conclusion to the Upper Canadian experiment with urban boosterism. Spurred into action by civic patriotism, inter-urban rivalry and an abiding faith in material progress, incorporated communities mobilized their resources in an attempt to stimulate the urbanization process. They campaigned for official status, vied with one another to obtain prestigious provincial institutions, and sought to improve the urban environment by draining pools of stagnant water, paving streets and

establishing public parks and squares. They also expended large sums of money on the erection of impressive town halls and the bonusing of private companies undertaking the construction of roads, canals, and railways. The provincial government provided additional incentive through the creation of a municipal loan fund, and over the course of the early-Victorian period, the authorities became increasingly dependent upon long-term credit as a means of financing the activities of local government without resorting to increased taxation. Despite substantial advances, the developmental policy pursued during the 1840s and 1850s suffered from a fundamental flaw. Failing to adopt a realistic approach to fiscal policy, the province's urban communities over-extended their financial resources in the mistaken belief that future prosperity would provide the revenue required to discharge all outstanding commitments. Faced with enormous debts and unable to obtain additional financing, they narrowly escaped financial ruin during the economic crisis of 1857-1864.

## ENDNOTES

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<sup>5</sup>Ibid., p. 149.

<sup>6</sup>Statutes of Canada, 1841, "An Act to provide for the better internal Government of that part of this Province which formerly constituted the Province of Upper Canada by the establishment of Local or Municipal Authorities therein," 25 August 1841.

<sup>7</sup>Lillian Gates, Land Policies of Upper Canada (Toronto: University of Toronto Press, 1968), p. 237.

<sup>8</sup>Elizabeth Nish, ed., Debates of the Legislative Assembly of Upper Canada, vol. 1, p. 500.

<sup>9</sup>Ibid., p. 498.

<sup>10</sup>Ibid.

<sup>11</sup>City of Toronto Archives (C.T.A.), 1835 Journal, 9 January 1835.

<sup>12</sup>Ibid.

<sup>13</sup>Queen's University Archives (Q.U.A.), City of Kingston papers (mis.), memorial from Rideau and Victoria Ward taxpayers, August 1851.

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<sup>15</sup>Statutes of Canada, 1850, "An Act to establish a more equal and just system of Assessment in the several Townships, Villages, Towns and Cities of Upper Canada," 10 August 1850.

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<sup>18</sup>Ibid.

<sup>19</sup>Statutes of Canada, 1851, "An Act to explain and amend the Assessment Law of Upper Canada," 30 August 1851; 1853, "An Act to amend and consolidate the Assessment Law of Upper Canada," 14 June 1853.

<sup>20</sup>J. M. S. Careless, The Union of the Canadas: The Growth of Canadian Institutions, 1841-1857 (Toronto: Macmillan and Stewart, 1967), p. 53; A. G. Doughty, ed., The Elgin-Gray Papers (Ontario: King's Press, 1937), vol. V, p. 1430.

<sup>21</sup>Ibid., p. 1429.

<sup>22</sup>Ibid., p. 1432.

<sup>23</sup>Ibid.

<sup>24</sup>Ibid., vol. 1, p. 870.

<sup>25</sup>Statutes of Canada, 1852, "An Act to establish a Consolidated Municipal Loan Fund for Upper Canada," 10 November 1852.

<sup>26</sup>Nish, Debates of the Legislative Assembly, Vol. XI, part 11, p. 727.

<sup>27</sup>Ibid., p. 728.

<sup>28</sup>Ibid., p. 731.

<sup>29</sup>Ibid., p. 728.

<sup>30</sup>Ibid., p. 729.

<sup>31</sup>Ibid., p. 731.

<sup>32</sup>Statutes of Canada, 1850-51, "An Act to enable Municipal Corporations in Upper Canada to contract Debts to the Crown, in the purchase of Public Works, without imposing a special Rate or Tax for the payment of the same," 30 August 1851.

<sup>33</sup>Ibid., "An Act to consolidate and regulate the General Clauses Relating to Rail-ways," 30 August 1851.

<sup>34</sup>Ibid., 1852-3, "An Act relating to the Incorporation of Electric Telegraph Companies," and "An Act to provide for the formation of Joint Stock Companies for the construction of Piers, Wharves, Dry Docks and Harbours," 23 May 1853.

<sup>35</sup>The British Colonist, 15 December 1851.

<sup>36</sup>Ibid.

<sup>37</sup>Elizabeth Bloomfield, "City-Building Processes in Berlin/Kitchener and Waterloo, 1870-1930," Ph.D. thesis, University of Guelph, 1980, p. 6.

<sup>38</sup>Allan Artibise, "Boosterism and the Development of Prairie Cities, 1871-1913," in Town and City: Aspects of Western Canadian Urban Development (Regina: Canadian Plains Research Centre, 1981), p. 211.

<sup>39</sup>E. J. Noble, "Entrepreneurship and Nineteenth Century Urban Growth: a case study of Orillia, Ontario, 1867-1890," Urban History Review, IV, 1, 1980, pp. 69-71.

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<sup>41</sup>For a more detailed discussion of boosterism and the urban ethos see: Bloomfield, "City-Building Processes," Chapter 3, and Blaine Brownell, The Urban Ethos in the South, 1820-1930 (Baton Rouge, 1975).

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<sup>50</sup>Q.U.A., City of Kingston Papers, Kingston Report Book, memorial to the mayor on the subject of the seat of government, 27 May 1844.

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<sup>55</sup>P.A.O., Sherriff Family Papers, mu 3289, letter from Charles Sherriff to the editor of the Bytown Gazette, April 1838.

<sup>56</sup>Ibid., letter from Charles Sherriff to the Right Honourable Lord Stanley, Secretary of State for the Colonies, 30 November, 1842.

<sup>57</sup>Ibid., letter from Charles Sherriff to the editor of the Bytown Gazette, April 1838.

<sup>58</sup>For a more detailed discussion of this subject refer to David Knight's Choosing Canada's Capital.

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<sup>60</sup>Knight, Choosing Canada's Capital, pp. 183-4.

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<sup>73</sup>Alan Gowans, "Canada's Urban History in Architecture, Part One," Urban History Review, Vol. IX, no. 2, 1982, p. 41.

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<sup>76</sup>Peter Ennals, "Cobourg and Port Hope: The Struggle for the Control of 'the Back Country'," in David Wood, ed., Perspectives on Landscape and Settlement in Nineteenth Century Ontario (Toronto: McClelland and Stewart, 1975), p. 183.

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<sup>86</sup>Ibid., 1853 Journal, 21 February 1853.

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<sup>89</sup>Ibid., 4 July 1853.

<sup>90</sup>Ibid., 1856 Journal, 14 July 1856.

<sup>91</sup>Ibid., 1857 Journal, 9 March 1857.

<sup>92</sup>Q.U.A., City of Kingston Papers, Kingston Minutes, 15 March 1851, 25 February 1856.

<sup>93</sup>Ibid., 25 February 1856.

<sup>94</sup>Ibid., 2 December 1856; Kingston By-Laws, "A By-Law granting permission to the Grand Trunk Railway Company of Canada to lay down a Railway Track in certain Streets of the City of Kingston," 30 June 1857.

<sup>95</sup>Ibid., City of Kingston Papers (mis.), letter from John Scott, 13 December 1858.

<sup>96</sup>Ibid., Kingston Minutes, 1 October 1852.

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- <sup>159</sup>Statutes of Canada, 1859, "An Act to authorize the City of Toronto to issue Debentures for redeeming some of their outstanding Debentures, and for which no Sinking Fund has been provided, and for other purposes," 4 May 1859.
- <sup>160</sup>Ibid., 1861, "An Act to enable the City of Toronto to issue Debentures for Two Hundred Thousand Dollars, and to Consolidate the Public Debt of the City," 10 May 1861.
- <sup>161</sup>Ibid., 1857, "An Act to amend the Consolidated Municipal Loan Fund Act," 10 June 1857.
- <sup>162</sup>Ibid., 1858, "An Act respecting the Municipal Institutions of Upper Canada," 16 August 1858.
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## CONCLUSION

In The State in Capitalist Society, Ralph Miliband, the British political sociologist and leading intellectual of the New Left, presented a compelling characterization of the purpose and role of government in modern Western democracies. Challenging the pluralist-democratic assumption that a wide cross-section of society determined the course of public policy, Miliband argued that an exclusive state elite "drawn from the world of business and property, or from the professional middle classes" monopolized the most important positions in both the public and private sectors.<sup>1</sup> He also indicated that the day-to-day business of all levels of government clearly reflected the social composition of this state elite, as well as its "general outlook, ideological dispositions and political bias."<sup>2</sup> Legislative initiatives invariably advanced the interests of the few to the detriment of the many, Miliband avowed, and "hardly a day goes by in which political leaders in charge of the affairs of their country do not press upon the public their ideas and beliefs."<sup>3</sup>

Despite its polemical tone and preoccupation with the role of the state in advanced capitalist societies, Ralph Miliband's theorizing provides a useful vantage point from which to consider the dynamics of local government in Upper Canadian towns and cities during the era of /commercial capitalism./ Many issues and influences shaped the development of municipal institutions and determined the legislative behaviour of the men elected to municipal office, but the central importance of elitism

cannot be denied. Indeed, urban communities were governed largely by and for an exclusive commercial elite which employed local government as a means of implementing a wide range of measures which both reflected its hopes and aspirations and advanced its vital interests. Ordinary citizens had a minimal impact on the formation and implementation of public policy, and the predominance of the affluent and influential remained unchallenged despite ample evidence of corruption, mismanagement and lack of concern for the public good.

Elitist considerations determined the development of local government from the very outset. The most prominent inhabitants of urban communities campaigned for the creation of elective Boards of Police and Common Councils, and contrary to the assumption underlying traditional studies, a desire to implant participatory democracy at the local level had little relevance to the pro-incorporation movement. The restructuring of municipal institutions was essentially a non-partisan measure carried out by the civic elite in concerted attempt to alleviate a wide range of practical problems ranging from the improvement of public thoroughfares to the maintenance of public order and social stability. Frustrated by the impotence of the traditional system of municipal government which prevailed prior to the creation of representative institutions, Upper Canadian townsmen concluded that structural change would provide local leaders with the authority required to stimulate economic development and grapple with the many vicissitudes of urban life. In contrast to the Courts of Quarter Sessions, Boards of Police and Common Councils enjoyed a secure tax base and sweeping legislative

prerogatives which the proponents of incorporation predicted would usher in a new age of efficiency and effectiveness in the conduct of municipal affairs.

The elitist orientation of local government did not diminish once urban communities secured charters of incorporation from the provincial government replacing the appointed magistracy with elective town councils. Artisans and labourers were rarely elected to municipal office, and men belonging to high ranking occupational groupings effectively monopolized a majority of positions on Boards of Police and Common Councils even though they represented only a small proportion of the total population. Lawyers, doctors and other professionals were over-represented in the sample, but merchants, retailers, builders, contractors and manufacturers demonstrated the greatest propensity for becoming directly involved in local government. Businessmen comprised more than three-quarters of the individuals for whom information was available, and rather than decreasing, their primacy in municipal affairs became even more pronounced over the course of the early-Victorian period.

The socio-economic backgrounds of the men elected to municipal office represented only one facet of the elitism which characterized the governmental system. Despite the fact that the authorities maintained that they were motivated by a commitment to the welfare of the community-at-large, there is no doubt that well-established ratepayers were in a much better position to benefit from public policy than their poor and powerless neighbours. The day-to-day business of Boards of Police and Common Councils clearly reflected the concerns and aspirations of the

Urban elite, and local leaders routinely implemented measures designed primarily to safeguard the vital interests of the influential business community.

Municipal initiatives fell into two general categories. Firstly, the authorities sought to stimulate the urbanization process by facilitating economic development. They enthusiastically embraced the booster mentality which accepted the desirability of rapid and sustained urban growth, and they did everything in their power to draw trade and commerce, as well as manufacturing activity, into the towns and cities over which they presided. The regulation of the public market represented an important developmental strategy. In addition to concentrating the exchange of country produce in the town centres, municipal market codes strengthened the economic foundations of urban life by furnishing businessmen with a more stable environment in which to conduct their private transactions. An over-riding desire to promote economic development underlay a number of other initiatives. Through the formation of public utility companies, competition over official status, beautification projects, and the construction of impressive public buildings, local leaders endeavoured to overcome the threat posed by rival communities and open the door to substantive urban growth. Even more importantly, they perceived improved means of communication as the key to a successful developmental policy. Assisted by provincial legislation which enhanced their borrowing privileges, Upper Canadian towns and cities subsidized the construction of canals, railways and roads in the hope of securing the transportation links that would allow them to emerge as major commercial and manufacturing centres. The

generous financial support provided to private trading companies contributed to a dramatic upsurge in civic indebtedness, but the authorities defended these subsidies on the grounds that transportation improvements promised to precipitate unprecedented growth and prosperity.

Together with measures reflecting their unquestioning commitment to urban boosterism, Boards of Police and Common Councils devoted considerable attention to the introduction and enforcement of additional regulations which were intended to offset the many problems which appeared, by mid-century, to be endemic to urban society. Fire and disease ravaged towns and cities with frightening regularity, and the men elected to municipal office therefore initiated a series of precautionary measures ranging from the formation of volunteer fire brigades and boards of health to the installation of drains and sewers and the construction of publicly owned and operated waterworks systems. Although they were presented as a means of enhancing the security of the entire community, these measures often proved to be more beneficial to the ruling elite than to a plurality of townsmen. Moreover, as was certainly the case with more efficient means of water supply, they were intended, not only to safeguard life and property, but also to provide a major impetus to the developmental process.

Similarly, the authorities endeavoured to protect their constituents from an apparent upsurge in anti-social behaviour. Spurred into action by a combination of factors, including fear of the famine Irish, the growing popularity of moral reform ideas, escalating labour unrest, and the tensions arising from rapid urban growth, town councils bolstered the forces of law and order by adopting a veritable barrage of

public order and morality bylaws. In addition, they revamped law enforcement procedures by abandoning the traditional constable-watch system in favour of professional constabularies modelled on those already established in British and American cities. The early-Victorian period also witnessed the emergence of institutionalism as an increasingly popular means of incarcerating and, possibly, rehabilitating troublesome individuals. Fearing that crime, immorality, pauperism and vagrancy were on the rise, local leaders established work houses, houses of refuge and industrial farms both with the intention of offsetting a potent threat to social stability and reducing the skyrocketing cost of outdoor relief.

The varied activities of local government following the incorporation of urban communities during the 1830s and 1840s provide a remarkable insight into what might be termed the Victorian world view. Recent studies have discerned that a paradoxical view of socio-economic change dominated mid-nineteenth-century society. While the period was marked by an optimistic commitment to material expansion, the Victorians, at the same time, manifested a growing concern for the negative consequences of the very economic changes which they so eagerly sought to promote. In an innovative analysis of the cultural milieu of Protestant Ontario, W. E. de Villiers-Westfall portrayed this paradoxical attitude as representing a fundamental conflict between secular and sacred values. Even though it embraced a materialistic view of man which championed the self-interest of the individual as the ideal means of stimulating growth and prosperity, Protestant Ontario was also motivated by a fear of the social chaos which seemed to accompany the steady advance of materialism. In the estimation of Villiers-Westfall, the Gothic revival of the mid-

nineteenth century, particularly in the area of church architecture, represented a last, desperate attempt to affirm the spiritual dimension of man in an increasingly secularized society. The Victorians hoped that religion would "temper the disruptive potential of capitalist development" by providing "an alternative system of social norms and values" that "would exercise a beneficial restraint upon the anti-social excesses of unleashed avarice."<sup>4</sup>

A similar ambivalence concerning human nature and the merits of material expansion underlay educational reform. The proponents of a public system of compulsory education perceived school reform as a positive means of furthering cultural progress, economic development and social mobility. Nonetheless, as Michael Katz observed in The Irony of Early School Reform, they also entertained grave doubts concerning the desirability of the urban-industrial society which they helped to create. Rapid economic change brought with it a host of undesirable consequences, and many reformers were left wondering if the established order would be able to survive the rising tide of crime, vice, poverty and class conflict.<sup>5</sup> In a study of the attitudes of school promoters in mid-nineteenth-century Ontario, Alison Prentice concurred that a fundamental ambivalence characterized the reform movement. Egerton Ryerson and his supporters were committed to material expansion, despite the fact that they feared its negative consequences, and in addition, they embraced a contradictory view of human nature. According to Prentice

They liked little of what they saw in the world around them; men seemed infinitely corruptible and society infinitely depraved. At the same time, no generation ever



had greater faith in man's potential for improvement, or in the possibility of a perfect society at some unspecified date in the future. It was despair in the face of existing human weakness, coupled with a growing belief in the ultimate perfectibility of human nature, that provided one of the essential dynamics of mid-nineteenth century educational reform.<sup>6</sup>

The paradoxical nature of the Victorian world view is further reflected in the workings of local government over the course of the nineteenth century. Boards of Police and Common Councils endeavoured both to stimulate the urbanization process and cope with the tensions generated by unprecedented development. Motivated by a booster mentality dedicated to the achievement of rapid and sustained urban growth, municipal politicians eagerly issued debentures in order to bonus railway projects, invest in joint stock companies, and finance the construction of roads, canals and harbour facilities. Concurrently, however, they began to focus increased attention on initiatives designed to redress the outstanding problems associated with the urbanization process. Natural disasters, together with crime, immorality and class conflict, threatened the security of urban society, and the authorities therefore made full use of their legislative powers with the intention of maintaining public order and stability in the face of dramatic social and economic change.

The first three decades following the incorporation of Brockville during January of 1832 left the towns and cities of the future province of Ontario with a lasting legacy. In order to further the cause of efficiency and effectiveness, the basic structure of local government had been revamped so that representative institutions replaced the appointed magistracy which had held sway since the late-eighteenth century.

Despite significant advances, the elitist bias which pervaded municipal

affairs prevented the newly-created town councils from grappling effectively with many of the problems of urban life. The men elected to municipal office were motivated by a vision of progress and material expansion which reflected the interests and aspirations of the commercial elite, and they frequently enacted measures which failed to enhance the well-being of ordinary citizens. An obsession with urban boosterism, coupled with a desire to promote public order and morality, blinded the authorities to the need to create safe, cohesive and, most importantly, just communities in which all residents shared the fruits of economic development. The first generation of municipal politicians left behind tangible proof of their achievements, as well as of their failures, but unfortunately for later generations of Canadians, their successors appeared to learn little from the early-Victorian experience. The politicians who governed the industrial cities of post-Confederation British North America followed closely in the footsteps of their predecessors, and even in the heyday of the urban reform movement between 1880 and 1920, local government remained little more than a vehicle by which the affluent and influential shaped urban society in their own image.

## ENDNOTES

<sup>1</sup>Ralph Miliband, The State in Capitalist Society (London: Quartet Books, 1973), p. 61.

<sup>2</sup>Ibid., p. 63.

<sup>3</sup>Ibid.

<sup>4</sup>W. E. de Villiers-Westfall, "The Dominion of the Lord: An Introduction to the Cultural History of Protestant Ontario in the Victorian Period," Queen's Quarterly, spring, 1976, p. 65.

<sup>5</sup>Michael Katz, The Irony of Early School Reform (Boston: Beacon Press, 1968), p. 213.

<sup>6</sup>Alison Prentice, The School Promoters (Toronto: McClelland and Stewart, 1975), p. 25.

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