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# CANADA AND ITS PROVINCES

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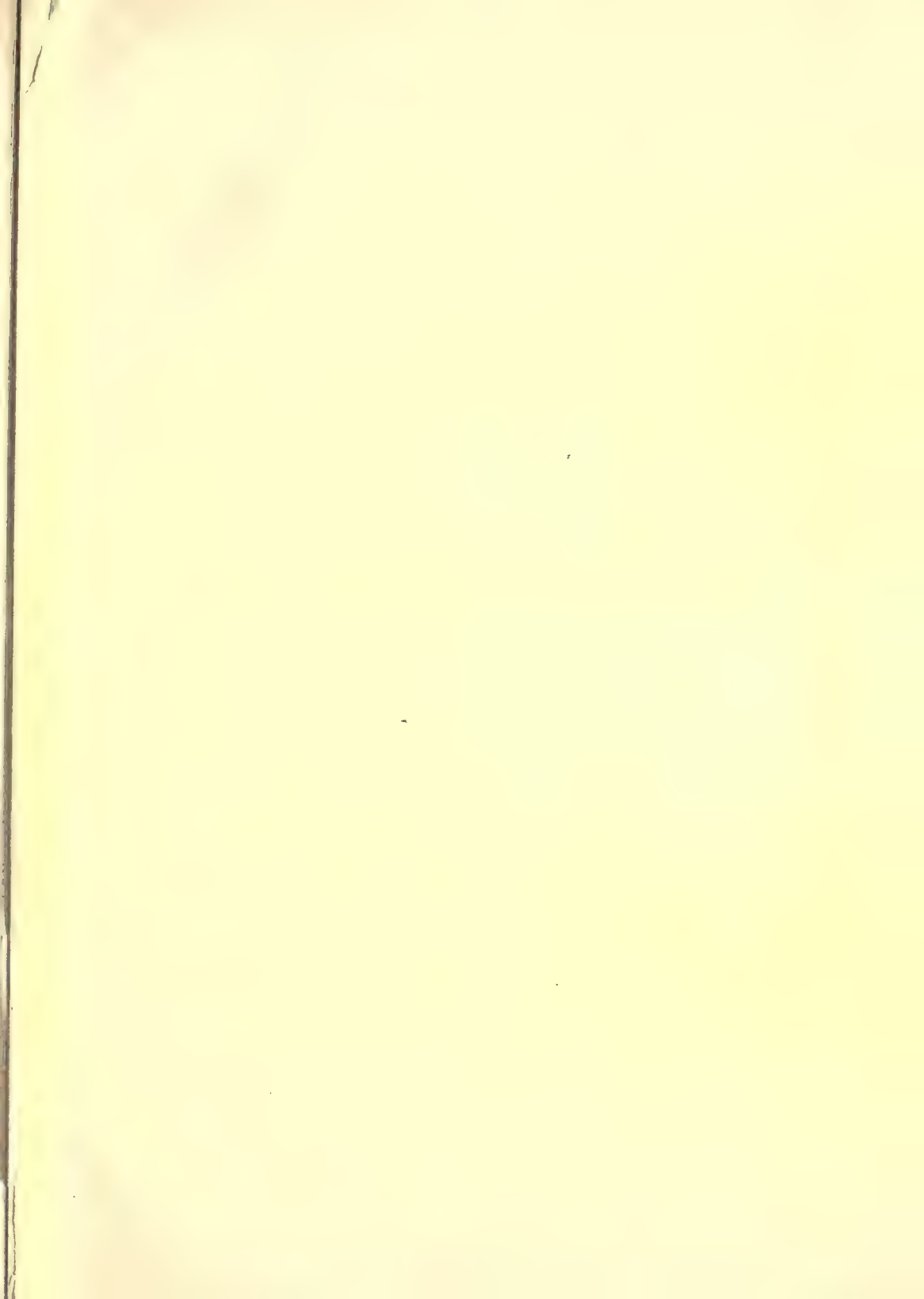
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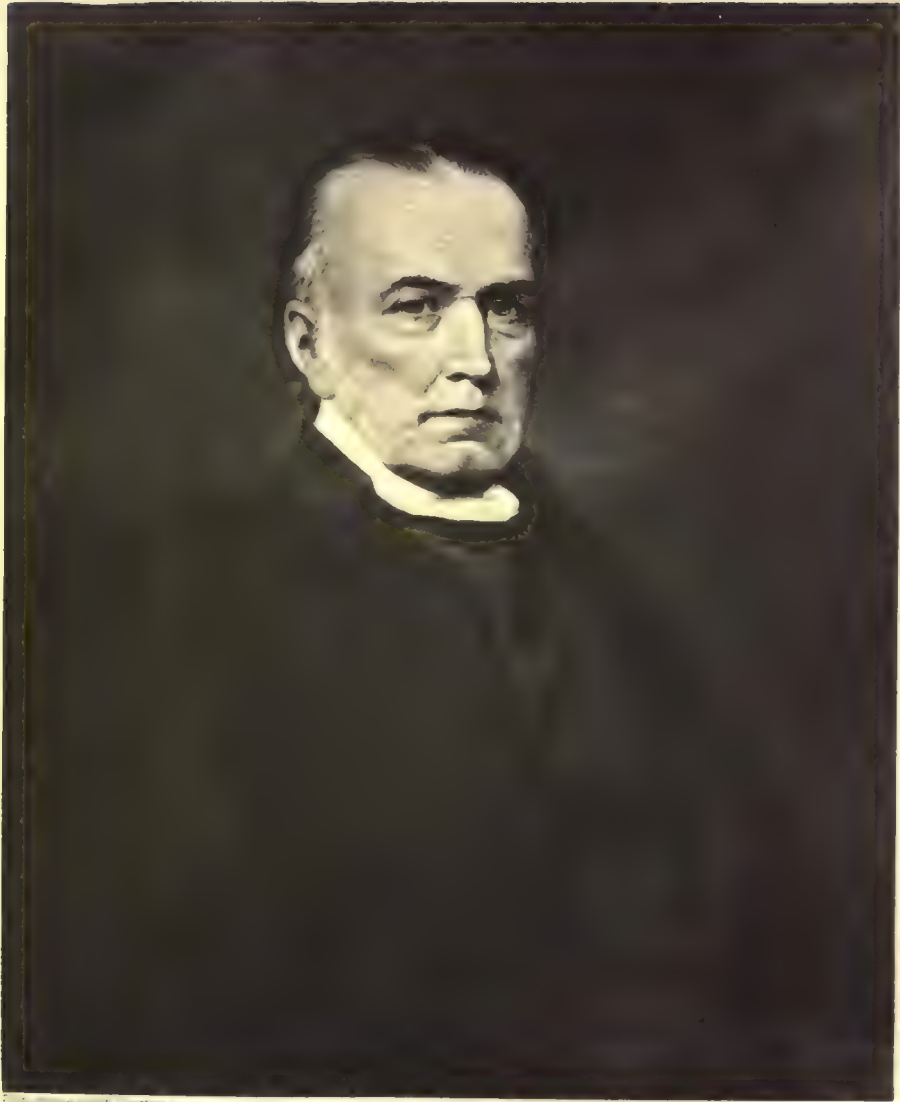




VOL. 18  
SECTION IX  
THE PROVINCE  
OF ONTARIO  
PART II







# CANADA AND ITS PROVINCES

A HISTORY OF THE ENGLISH  
PEOPLE AND THEIR INDIAN ALLIES  
BY ONE HUNDRED AND FIFTY

OF THE  
LITTLE



AT THE  
PUBLISHED BY  
1854



JOHN STRACHAN

*From the painting in the Department of Education, Toronto*

# CANADA AND ITS PROVINCES

A HISTORY OF THE CANADIAN  
PEOPLE AND THEIR INSTITUTIONS  
BY ONE HUNDRED ASSOCIATES

ADAM SHORTT  
ARTHUR G. DOUGHTY  
GENERAL EDITORS  
VOLUME XVIII



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THE PUBLIC SCHOOL SYSTEM

VOL. XVIII

A





## THE PUBLIC SCHOOL SYSTEM

### I

#### PRIOR TO THE UNION OF THE CANADAS

WHEN Simcoe came to Newark in 1792 as the first lieutenant-governor of Upper Canada, there were probably not more than 25,000 white people in the colony. Those settled about the Detroit River were loyalists of British and French extraction, too isolated in interests and too few in numbers to play a large part in the early educational history of Upper Canada. Here and there upon the St Lawrence, the Bay of Quinte, and the Niagara River were settled retired soldiers, the officers of British regiments. These officers were the men of substance in the settlements—the magistrates, school commissioners, legislative councillors, and assemblymen of years to come. They were familiar in the old land with conditions that fostered grammar schools, Etons, and Oxfords for the instruction of the professional classes, and left the instruction of the masses to the church, to chance, or charity. More numerous than these were the Highlanders of Glengarry, to many of whom the parish school of Scotland had taught the lesson of free elementary education. Most numerous of all and dominating all the settlements were the disbanded provincial soldiers and civilian refugees from the American colonies. Although these had fought the extreme forms of colonial democracy to the bitter end, they were still democratic enough to remember and appreciate the public elementary schools of their former homes.

The conditions of the young colony in 1792 were unfavourable to educational progress. The settlements were scattered,

the settlers few, and there were scarcely any urban centres. As yet there were no roads or means of land transport, no regular mail service, few books or newspapers, and little social life. The struggle with great forests and long winters, with the fear at times of actual starvation, made schools and scholars alike seem impossible luxuries.

Simcoe, the first of a long line of soldier-governors, came to his office with the clear-cut purpose of saving Canada from the republicanism which had wrested from England her American colonies. To this end he strove to create in Upper Canada a second England, with England's political and social systems, her law, her church, and her education. The Englishman's conception of public education did not include elementary schools or schools for the masses. Public security depended upon the character of the professional and administrative classes, and secondary education, therefore, was the immediate concern of the state. Simcoe urged the Home Office time and again to set apart waste lands as an endowment for grammar schools and a university, and the land grant of 1797, supplemented by the District Schools Act of 1807, was the tardy but direct response to his persistence.

The act of 1807 was the first statutory acknowledgment of the responsibility of the legislature in the matter of education, but there were elementary schools of a kind in Upper Canada before 1807. Before 1790 the garrison towns, Kingston and Newark, had each its elementary school with its chaplain as schoolmaster, and private elementary schools of an American type were maintained at Fredericksburg, Ernestown, Adolphustown, and Napanee. With the increase in population after 1790 the private elementary schools increased. The tuition fees varied from less than one dollar per month to more than three dollars. The courses of instruction were generally elementary and rarely classical, if the statements of the Duc de la Rochefoucauld, who visited the colony in 1795, may be accepted. In all schools much stress was laid upon training in morals, manners, and religion. Anxiety in this regard led Bishop Jacob Mountain to attempt in 1798 to revive the old right of the church in England to license all instructors of youth. This

attempt, taken together with a well-defined suspicion of the itinerant teacher from the United States and of his text-books, induced the crown in Upper Canada to declare in 1799 that henceforth all teachers, private or otherwise, must be licensed after examination by commissioners duly appointed by the crown to that end. The most noted of these later private elementary schools were Mr Blayney's at Newark in 1797, Mr Cooper's at York in 1798, Mr and Mrs Taylor's, a commercial school, at Newark in 1802, and other schools at High Shore in Prince Edward in 1803, Meyers' Creek in 1805, Ernestown in 1806, and elsewhere on the Bay of Quinte.

The district schools created under the act of 1807 were not popular. They became class schools, accessible only to the well-to-do, undemocratic in organization, and denominational. The assembly began soon to attack them, demanding the transfer of their revenues to schools for the masses. The legislative council, supported by the conservative executive, defended them and rejected the assembly's bill for schools for the people. With the end of the War of 1812 the legislative council, now grown more liberal, offered to compromise by extending the act of 1807 to include common schools. The assembly refused the offer. During the war free elementary schools were attached to the garrisons and training camps, and itinerant teachers of writing and singing grew numerous throughout the settlements. The close of the war brought a great increase in population, in particular from the United States, where common schools were wellnigh universal. These conditions, added to the continued failure of the district schools, made action inevitable. At last all parties agreed that while it was wise to 'stem the tide of well-to-do youths who were seeking instruction in the United States' by maintaining the district schools, it was just as wise to foster the demand of the people, particularly of the 'poor,' for knowledge, by provision for 'common' education. The Common School Act of 1816, the first of the great series of common school acts, was one result of this agreement.

In the terms of the act of 1816 the parents, wherever they could furnish at least twenty scholars, might unite, provide a schoolhouse, and elect three trustees who should have

authority to examine into the character and capacity of teachers, appoint them, and dismiss them. The teachers must be British subjects or must have taken the oath of allegiance. Subject to the endorsement of the board of education to be nominated by the lieutenant-governor in each of the ten districts of the province, the trustees should make rules for the government of their respective schools, and prescribe the courses of study and text-books. To aid the schools the legislature voted \$24,000 per annum to be apportioned roughly, on the basis of population, among the ten districts then existing. Each district in turn distributed its portion among its teachers on the basis of school registration. The parents had to meet all additional charges out of fees or subscriptions.

The act was at once effective in creating common schools. Incomplete statistics quoted by Gourlay in 1822 show that within a year or two after the passing of the act, in one or two districts, a population of 35,000 was served by 193 schools, with an average attendance of thirty-five pupils per school and at an average cost to parents or subscribers of \$10.50 per pupil per year.

Once put into effect, however, the limitations of the act became all too apparent. The words 'furnish at least 20 scholars' admitted of such latitude of interpretation as would 'multiply schools to an extent which it would require three times the provincial revenue to support.' The appropriation of \$24,000 was out of proportion to the total provincial revenue. The absence of method in apportioning the grants among the teachers left room for many abuses. Other limitations had their origin partly in the act and partly in the social conditions of the country. The trustees were often inexperienced and indifferent; 'too careless and too ignorant to discriminate right from wrong in the trust they have undertaken for the public benefit.' There were no school buildings and no local funds with which to provide them. 'One might suppose,' says a contemporary sketch of education in Upper Canada, 'from the shattered condition and ill-accommodation of many school houses, that they were erected as pounds to confine unruly boys and

punish them by way of freezing them and smoking them, so that the master can do little more than regulate the ceremonies of the hearth.' Many teachers were 'young adventurers, or travelling strangers.' 'A teacher of twelve months is a prodigy ; one of as many weeks the most common.' 'The public papers' gave 'continual accounts of the most abominable impostors finding employment and encouragement as schoolmasters.'

Opposition to the act of 1816 was not based wholly upon the defects in the act itself. It was part of the wider conflict which had its origin in the first polity of Upper Canada, began to assume definite form even before the War of 1812, and grew in intensity until settled by the Rebellion of 1837 and the union of the two Canadas. On one side of the conflict were ranged the lieutenant-governor, the professional and administrative classes, the executive and legislative councils, and, in the main, the adherents of the Anglican Church. On the other side were ranged the masses of the people, especially in the rural districts, the legislative assembly, and, in the main, the adherents of the non-Anglican churches. It was a conflict, primarily political and religious, in which educational movements can with difficulty be isolated from the more pressing issues of state and church.

The assembly constituted itself guardian of the act of 1816, and the legislative council of that of 1807, and, neither tolerating interference from its rival, progress ceased. For three years the fruitless rivalry persisted. At length, led by the Rev. John Strachan of York, who, as leader of the Anglican Church, had now become sponsor for the district schools, the council offered a compromise. One law and one system would be better than two. The district schools might be made to serve the purposes of the common schools, and might ultimately replace them. And so the District Schools Act of 1819 attempted to increase, and, through scholarships, to popularize the district schools. But the compromise was not accepted. Instead, the Common School Act of 1816 was renewed in 1820 with amendments which reduced the crown grant, but regulated and equalized its distribution among the teachers.

Foiled in the attempt to meet the demand for common schools by an extension of the district schools, Strachan turned now to create a rival or substitute system of schools. The Bell-Lancaster movement of England—the monitorial movement, as it is more familiarly known—had begun to attract the attention of the lieutenant-governor, Sir Peregrine Maitland, and of Strachan. It offered cheap elementary instruction, and cheapness was a prime consideration in the education of the masses. Bell's system, moreover, included religious instruction in accordance with the tenets of the Anglican Church. Naturally the lieutenant-governor and Strachan preferred it, and decided to adopt it in Upper Canada. As a first step the lieutenant-governor brought out from London Mr Spragge, a teacher skilled in Bell's methods. As a second step he arbitrarily took possession of the common school building in York, which was closed temporarily, and in 1820 installed Spragge. Thus created, Spragge's school, known as the Central School, was to train monitors and masters for similar schools in all urban centres of any size in Upper Canada. The training was to be moral and religious, and to be subject to the control of the Anglican Church. Strachan's plans for the upkeep of these schools included an appropriation from the revenues of the land grant of 1797 made annually on the lieutenant-governor's order. In time these schools would expand into a system to rival the common schools, or into a substitute system, much as the Anglican schools of the National Society in England were rivals of the non-denominational schools of the British and Foreign School Society.

Strachan's plans were submitted to the Home Office in 1822 and informally confirmed. In accordance with these plans the lieutenant-governor created in 1823, of his own authority, the general board of education to direct all schools in receipt of state aid, and to control all lands and funds for educational purposes. As chairman of the board, Strachan was the first superintendent of education for Upper Canada. He was expected to visit schools, to counsel, to recommend courses of study and text-books, and, in a general way, to direct the educational activities of Upper Canada.

In the meantime the Common School Act of 1820 was about to expire, and the assembly, suspicious of the new school policy, pressed for a renewal on a permanent basis. Strachan's plans for a 'national system' of schools were deemed premature, and his party consented to a compromise in the School Extension Act of 1824. This act made permanent the Common School Act of 1820. It recognized, if it did not create, the crown-nominated general board of education already referred to, and conditioned the crown grants to common schools upon the character and efficiency of the teachers as attested by examinations conducted by the district boards of education.

The creation of the general board of education without the authority of the legislature, the appropriation of revenue from school lands to the maintenance of Spragge's school, the ecclesiastical exclusiveness of that school and of the schools of which it was to be the forerunner, aroused, as has been said, the suspicion of the assembly. When Strachan's university policy became known, this suspicion expanded into violent and at times unreasoning hostility towards every part of Strachan's educational policy. The legislative council, ever loyal to Strachan, returned this hostility with interest. Caught between two opposing forces, the common schools could not advance. The story of elementary education between 1825 and 1840 is a story of petitions, reports, and doctrinaire proposals, or of captious criticisms and recriminations, and always of legislative inaction.

Party strife was not the only obstacle to the progress of the common schools. There was also the financial obstacle. The country was poor, the provincial revenues meagre, and the people still unfamiliar with the idea of local taxation for education. Pleading in 1829 for free schools, Strachan was unable to suggest a source of revenue. In 1831 a committee of the assembly urged a land grant of 100,000 acres for common schools, and in the same year Buell's Common School Bill proposed to increase threefold the provincial grant to common schools. In 1832 another committee of the assembly drew attention to the fact that the provincial grant did not amount to much more than one shilling per pupil, or ten dollars per

teacher per year, and declared that ultimately the burden of the common schools must rest upon revenue from land grants and upon local contributions. Pending an appropriation of waste lands, the legislature of 1833 trebled the provincial grant to common schools and suggested a more equitable distribution of it among the districts on the basis of population. Within each district the share of each school was to be based as before upon the registration of pupils, but no school was to receive its share until the trustees guaranteed in local subscriptions an amount twice as great as its share. Burwell's Common School Bill of the same year proposed to make assessments on ratable property a primary source of revenue, but local taxation for school purposes was still a generation away, and the bill received scant consideration. As William Lyon Mackenzie's party grew, it took sides with the common schools, demanding not only a land grant for common schools, but also the transfer of the clergy reserves to the common school fund.

Still another obstacle to progress in the common schools was the absence of expert control. Buell's bill of 1831 proposed to add to the local trustees township boards of superintendents who as experts should inspect and direct the schools of the township. These township boards were to be represented, one member each, in the district board, which had authority to supervise the common schools and report annually to the governor and legislature. Burwell's bill of 1833 went a step farther. The general board of education, whose creation in 1823 without the authority of the legislature was an important item in the assembly's long indictment against Strachan and the executive council, had just been abolished by order of Goderich, the colonial secretary, but had lived long enough to demonstrate the usefulness of a central authority. Burwell proposed to add to township and district boards a crown-nominated general or central board, which should administer the common schools and distribute the school funds under such conditions as might be prescribed. The Buell and Burwell bills were both too advanced even for the assembly, but their fine balance of authority between local and central boards, and their emphasis upon



the expert, influenced Ryerson in his school laws of 1846 and thereafter.

The agitation in educational affairs became more critical after 1834. The legislative council blindly refused to accept any educational measure that originated in the assembly. The assembly went even further. In 1834 it instituted inquiries into Strachan's personal expenditures in England in behalf of the charter of King's College, and into the crown grants to Bishop Macdonell in behalf of certain Catholic teachers. In 1835, led by Burwell, it attacked in detail and with such vehemence the educational proposals of the legislative council that, though it did violence to their sympathies, Lieutenant-Governor Colborne and Lieutenant-Governor Head urged the legislative council to consent to the reorganization of the common schools. The reply of the council in 1836, with the colony on the verge of rebellion, was a refusal to accept without question a school system which duplicated the New York system, or which departed radically from the existing system of Upper Canada, and a refusal, in view of limited revenues and the need of roads and prisons, to increase materially the provincial grant to common schools.

The claims of the common schools, however, would not down. Social and educational reforms were in the air. 'The schoolmaster was abroad.' Cousin had just published his report upon the schools of Prussia, and France had just set to work to organize her elementary education. Brougham in England and Dick in Scotland were pressing home upon the people of both countries the educational needs of the masses. England made her first crown grants to elementary schools in 1833, and soon after commissioned Kay-Shuttleworth, her minister of Education *de facto*, to organize the education of the poor. In England rising social forces created mechanics' institutes, reading-rooms, evening schools, and adult schools in many industrial centres. In Upper Canada the same forces induced the assembly to appoint between 1830 and 1840 several commissions to report upon prisons, asylums for the insane, institutes for the deaf and dumb, and, in general, the education of the masses.

One of these commissions, which reported in 1836, was an education commission of three members of the assembly with Dr Duncombe as chairman. New political and commercial conditions, the commission claimed, made it necessary to educate the masses. This education should be scientific or modern rather than classical. For this purpose laboratories, workshops, and gardens should be attached to schools. Women should be equipped for the few careers that as yet were open to them, and especially for teaching. All teachers should be trained. The commission embodied in a draft bill several suggestions that played an important part in later educational legislation. School boards, whether local or township boards, were to be elective or representative. Uniformity, a prime consideration, was to be achieved by inspectors who certificated teachers, inspected schools, and assisted in prescribing school studies and text-books. Local school revenues should be derived from rates levied upon the properties in the school districts or sections. There should be four normal schools and a superintendent of common schools.

With the thought of preparing for some measure of house-cleaning, as a result of the Durham Report, Lieutenant-Governor Arthur decided to institute a general commission of inquiry into public affairs, and appointed M<sup>c</sup>Caul, Grasett, and Harrison a special committee on education. The committee was instructed to approach its duties with the conviction that efficiency in the common schools was the first educational need, and that to begin educational reform elsewhere than at the base of the pyramid was 'to invert the legitimate order of a common inheritance.'

The report of the committee, issued in 1840, is, in so far as it refers to the common schools, an interesting presentation of the views of moderate men on the education of the masses at the time of the union of the provinces.

The weakest spot in the common school system was the teacher. His remuneration should be increased 'to be equal at least to that of a common labourer,' especially in days when day labour was paid so well. His intellectual and moral status should always be carefully tested, especially when so

many teachers were 'incompetent and improper persons.' He should be trained in a normal school, and that training should be ordered with a view to evolving uniformity everywhere in school methods, courses of study, and even text-books.

In approaching the problem of schools and school buildings the committee thought it well to disregard the existing common schools. Each township should have a model school, created and controlled preferably by a species of joint stock association for the township. Each model school should possess two acres of ground or thereabouts, two class-rooms, and living rooms for the male teacher and his wife, also a teacher. He taught the boys in one class-room, she the girls in the other. In addition to this permanent or model school, each township should possess four occasional or itinerant schools, which were to be supervised by the male teacher of the model school and taught by one or two junior instructors who moved about from locality to locality. In time, and with the growth of population, these itinerant schools might develop into model schools.

The remuneration of the model school teacher should be increased to at least \$200 per year, an amount made up from a more generous crown grant and from higher fees. The report, indeed, regards fees—and fairly high fees, of about two dollars per quarter—as advisable and necessary. The remuneration of the teacher's wife and of the itinerant teacher might reasonably be less than \$200.

It was important that the text-books should be improved. Certainly those of American origin were bad in manufacture and dangerous in contents. Better books could be imported from Great Britain or manufactured in the colony itself. Uniformity in the text-books would tend to bring about uniformity in the school subjects. English should be taught everywhere in the form of spelling, reading, and writing; and so also arithmetic with mensuration and book-keeping. The Scriptures should be studied. New subjects like history and geography should have places on the time-table. There must be a provincial board of commissioners to enforce uniformity. This board should make rules and regulations as

to teachers' certificates, text-books, courses of study, school buildings, and school sites. The chairman of the provincial board, called the provincial inspector-general of education, should be the executive head of the educational agencies of the province. Between the provincial board and the township authorities stood the district boards, whose duties were to be limited largely to inspecting and reporting. The township authorities were to be elected by the shareholders or supporters of the model and itinerant schools, but the other boards were to be nominated by the lieutenant-governor.

Much has been said thus far of the efforts of the legislature to create common schools. It might be well here to refer to the social conditions out of which the common schools grew, and to describe those schools.

There was a dearth of intellectual interests in Upper Canada in the early decades of the century. The one gospel of life was work, and work meant a bitter and benumbing struggle against great forests, long winters, and remote markets. Scattered in small and rude communities or isolated clearings, the settlers were denied the stimulus of a rich social life. Politics were still the prerogative of a certain class in the colony and had scarcely yet risen above the wretched bickerings of factions. Many settlers, especially in the rural and remote districts, were denied wholly the privilege of public worship. The professions of law, medicine, divinity, and teaching were often not served, or served by adventurers or incompetents from the United States or the British Isles. Poverty throughout the colony made a luxury of books, and an imperfect mail service limited correspondence and newspapers to the few urban centres. Indeed, so forbidding were conditions that the editor of the *Courier* could declare publicly in 1836 that 'the majority of our legislators can neither read nor write nor speak English.'

The dearth of intellectual interests may be regarded as the remote cause, but conditions peculiar to the early settlements must be regarded as the immediate cause of the slow evolution of public schools in Upper Canada. The rapid influx of an incongruous population threw into relief the incongruities in existing educational ideals and practices.

In the main the settler from the United States brought with him an abiding faith in the methods, courses of study, and text-books of the public schools of New York and Massachusetts. But the settler from the British Isles was wholly unfamiliar with the idea of public education, or indeed of any popular education apart from the instruction offered by the church or by charity. Across these divergent views cut the views of the native-born Canadian, whose faith in any form of education suffered from his long and strenuous contest with the privations of colonial life, and the views of the administrative classes, in whom current political conditions had developed an exclusive faith in secondary or higher education.

The problem of school maintenance was not a simple one. The people were poor, and had been taught to expect state maintenance of education and to resent suggestions of local responsibility and local taxation. The persistent abuse of the land grants, the sequestration of school lands to the purposes of the grammar schools and the university, and the misuse of university funds as revealed in official investigation, tended to quicken the resentment. Even the assembly, the patron of all forward steps in elementary education, rejected without discussion Burwell's bill of 1834-35, which found in local taxation one, though not the chief, source of school revenue. On the other hand the state itself was poor. The home authorities had closed the home treasury. Provincial lands were not readily salable. The revenues of the colony were quite inadequate, and were pre-empted by services that seemed to be more pressing than schools.

When the crown grant to common schools was \$10,000, it was provided that no teacher should receive more than fifty dollars per annum from the grant. When the crown grant was increased by the act of 1833, it was ordered that no teacher should receive his portion of the grant, which portion rarely exceeded seventy-five dollars, unless the school area provided at least an equivalent amount in maintenance of the school. This local provision assumed generally the form of fees for tuition. Here each school or each teacher was a law unto himself. Few schools prescribed a fee lower than

one dollar per quarter and few went beyond one dollar per month. The law permitted exemption from fees for the very poor, and persistent complaints of teachers and trustees bear witness to the fact that many neglected to pay who were not so exempt. But the salaries of teachers did not make up the whole of maintenance. School buildings had to be considered, and the state offered no aid in the provision of buildings and equipment, or in the upkeep of the plant. These things were left to the voluntary co-operation of the subscribers to the school—with very obvious results.

The 'voluntary' element was a prime factor in the administration of the schools. The only bonds that attached the local trustees to the district board of education or general board (so long as it existed) or legislature were the grant and an annual report—and the grant was offered practically without conditions. All authority rested as yet in the local area. The local trustees, who were chosen by the fellow-subscribers of the school, provided and administered the school buildings, and, to all intents and purposes, certificated, appointed, and dismissed the teachers, determined the fees, prescribed the courses of study, the discipline, and even the text-books. Without inspectors or official visitors, and with each school area a law unto itself, uniformity in school organization was impossible.

It was not an easy matter to select a site for the school-house. The loose organization of the subscribers permitted much discussion, many meetings, and great delay. In a general way it might be said that the sites were small in area, poor in soil, and shadeless, and lay near main roads, or near the homes of influential subscribers.

In the earlier days of the common school legislation the schoolhouses were often makeshifts—disused or rented dwelling-houses, or meeting-houses, or settlement-houses, or halls, or old taverns. In the course of time the school building itself was evolved, and in turn often did duty as meeting-house or village hall. This building followed a type simpler in design and ruder in handiwork even than the pioneer homes themselves. In the county of Norfolk 'a rude log school-house was constructed by the early settlers as soon as they

could do so conveniently. A fireplace extended along nearly a whole side of the building. Logs of considerable length were rolled into this in cold weather for fuel, while before it rude benches or hewed logs were placed as seats for the instructor and pupils.' In Middlesex there were 'school-houses of round logs, fourteen feet by sixteen feet, with an open fireplace, windows on three sides, desks built all around the walls, and hewn benches without backs.' Among rural schools a room fourteen feet by sixteen feet, with a ceiling seven feet high, was not uncommon. The roof was shingled, or, in earlier days, covered with bark, or split timber or plank. In later days in urban centres the sides were frame or rough-cast, but in the earlier years they were made of squared or rounded logs, chinked with plaster or clay. In a few cases the floor was the bare earth and the chimney or fireplace was built of logs lined with clay. The windows, whose panes were small and rarely complete, were long and low. The doors, crudely built of plank, were often hung with wooden furnishings and left unlocked. The benches referred to above are variously described. In bleakest form and perhaps rarest they were pine blocks on an earthen floor, but the usual pattern was a plank or slab with holes bored or burned into the bottom wherein the legs of the bench were inserted. The older pupils practised their writing at built-in desks consisting of boards nailed to sticks inserted into the chinks between the logs and running round three sides of the room, while about the centre of the room the little boys and girls in their homespun suits sat as rigidly as they might on long low benches, backless and deskless. In the centre itself classes stood and recited, 'toeing the crack.' Much wood was required to feed the huge fireplace during the long winters, and it was supplied, generally green, by a levy on the parent of a fixed amount per pupil. Apart from desks, benches, wood, water-pail, and the teacher's desk, itself a treasure-house of things expropriated, the school possessed no furnishings or apparatus, no maps, blackboards, very few globes, and, until the third decade of the century, not many slates.

None of the scanty revenue of the school could be spared

for repairing or cleaning. 'Bees' could be relied upon to take charge of the former, the bigger boys in turn opened up the school in the morning and 'fired up,' and the bigger girls swept the room. In some cases the teacher was held responsible for repairing, firing, and cleaning. A Scarborough teacher slept in the schoolroom, 'rolling up his bed in the morning and going for his meals to the homes of his pupils.' In a few cases—following, no doubt, a plan very common in England—the school included under its roof such modest accommodation as might enable the teacher to keep house, with land for a garden. But by far the most widespread custom, one prevalent, too, in the Eastern States, was that of 'boarding round.' However much the luckless pedagogue may have rebelled at the weekly shifting of quarters, by no means the most insignificant part of his influence and success sprang from the intimate associations with the families of his pupils, with whom, according to the simple hospitality of the day, he was always a welcome, even if inevitable, guest.

The teacher was badly paid. A contemporary speaks of his remuneration as 'little more than an ordinary mechanic's or labourer's hire.' A district report of 1839 says: 'In this country the wages of the working class are so high that few undertake the office of schoolmaster except those who are unable to do anything else.'

The effect of low remuneration was evident in the character of the teacher. William Lyon Mackenzie described him (there were comparatively few female teachers) as 'a most abandoned man' and 'a base demagogue.' Crooks spoke of him as 'the worthless scum not only of this but of every other country.' The assembly addressed Lieutenant-Governor Colborne in 1831 as follows: 'The insufficiency of the Common School fund to support competent, respectable, and well-educated teachers has degraded common school teaching from a regular business to a mere matter of convenience to transient persons or common idlers who often stay for one season and leave the schools vacant until they accommodate some other like person; whereby the minds of the youth of this Province are left with vulgar, low-bred, vicious, and intemperate examples before them in the persons



of their monitors.' Even as late as 1843 the first assistant superintendent of education could describe the teachers of Upper Canada in these terms: 'Boarding for a few days at a time with the several families by whom they are employed and changing from house to house, their minds have become dissipated and private study has generally been altogether neglected. . . . Otherwise they live generally in the lowest taverns and consequently associate with the lowest and most dissipated characters in the neighbourhood.'

By the act of 1816 the trustees were required to examine into the teachers' scholastic attainments 'as far as they themselves knew,' with the result that he who 'only knew how to read and write a little or he who could "figger," read the Bible without stumbling, mend a pen, and control the pupils with vigour, often found opportunity to teach.' Perhaps one of the best evidences of the scholastic inefficiency of the common school teacher is found in the persisting demands of legislative committees and commissions between 1830 and 1840 for official inspection, the public examination of pupils and teachers, the issuance of teachers' certificates by expert authority, and the creation of a training-school for teachers.

By the same act of 1816 it was prescribed that the teacher should be a British subject, or take the oath of allegiance. As a matter of fact, he was rarely a native Canadian. More frequently he was a Scotsman or an Irishman, an ex-teacher, or retired soldier, or tailor, or decayed 'gentleman' who taught, or taught and farmed at intervals. Quite frequently he was an itinerant teacher from the United States, whose text-books and political theories, especially after the War of 1812, were regarded with suspicion. Complaints against 'American adventurers' are both numerous and bitter, even as late as 1840.

But all this is only the sinister side of the picture. Teachers came from time to time from the United States offering special courses in such subjects as writing, singing, and English, and these often were the only instructors to visit remote settlements. Dr Ryerson spoke with appreciation of the instruction he himself received from such teachers, especially in

English. And while it could not be expected that all the rapidly upspringing common schools should find ready to hand a corps of teachers of uniform excellence, there were not lacking, even in remote country sections, schoolmasters, native-born or foreign, of good scholarship and good character alike. The teacher who 'was a good scholar and wrote a good hand' was invaluable to his simple neighbourhood in the extra-school duties of making out legal documents, writing business letters, or setting down in a fair hand the family records in the great Bible. Here and there the typical dominie from the old land brought the leaven of culture into the crudeness and materialism of the new country. As for the best of these, their work stands, like heroic deeds, beyond the need of ordinary praise, and even the worst, who drew down upon their heads the blame so conspicuous in the records of the time, were not without their merits.

The pioneer conditions that affected the buildings and teaching personnel affected also the pupils. Attendance was very irregular. Bad roads, remoteness from schools, inclement weather, insufficient clothing, above all, the demands of the farm, were the chief causes. Even in winter the farm made its demands, and the older boy was often detained from school to chop and clear, and to draw logs to mill or wheat to market. With the opening up of the maple bush in early spring he was withdrawn finally for the year.

Irregular attendance was an unpromising background for good discipline. Indeed, if we are to accept contemporaneous references at their face value, the discipline was not good. A school was classed as 'easy' or 'hard'; a teacher was selected often on the score of physical prowess, or of skill in 'blue beech teaching,' or of success in withstanding all efforts of the pupils to 'put him out.' The school processes were described colloquially as 'no lickin', no larnin'.' 'Education,' says James Young, 'was practical because it knew what the birch was for and applied it.' But irregular attendance was not the sole explanation of the unsatisfactory discipline. The age, the persistent interference of the parent, the fee-paying relationship of pupil to

teacher, the supremacy of the authority of the trustees, and the irresponsibility of the teacher all take their part in the unhappy results.

In the absence of expert supervision or of a strong central authority, local conditions and the accomplishments of the teacher determined the courses of study and the text-books. The result was a diversity that was almost chaotic. Religious instruction was, of course, fundamental. The Bible appeared in every common school, and as psalter, testament, or Scriptures, particularly as the New Testament, was daily read, learned by heart, and, at times, expounded. Occasionally, and in particular where the teacher was a clergyman, Bible instruction was supplemented by a study of the catechism, Anglican or Presbyterian, and of such books as Watts's *Scripture History*. Until late in the eighteenth century spelling and reading were combined in the one subject of reading, but as horn-books and primers gave way before spellers and readers, formal spelling emerged and, early in the nineteenth century, began to monopolize the activities of the elementary school. Spellers made spelling popular. It became the chief measure of efficiency in teacher and pupil. Indeed, in view of the relative abundance of spelling-books, of the supremacy of spelling in the school programmes, and of the spelling matches and spelling bees, spelling can be described only as a popular 'craze' in the first half of the nineteenth century. Reading, of course, persisted. The primer, the natural successor of the old English horn-book, was probably used freely in remoter parts as a first and only reader. Grammar, as such, was rarely taught, and then only by teachers who had brought classical traditions from the old country. Writing ranked high as a school subject and as a measure of competency for both teacher and pupil. All needed the accomplishment, and all gloried in a bold, handsome, and dignified type of handwriting. Arithmetic, like writing, was taught often by an expert, whose chief qualification as a schoolmaster was his skill with 'figgers.' Not so important a school subject as writing or spelling, arithmetic grew steadily into favour towards the middle of the century. Generally the instruction was limited to the fundamental

processes, but here and there the teacher ventured into vulgar fractions, mensuration, and even book-keeping. Geography and history played a very incidental and isolated part in the elementary schools before the middle of the century. They represented accomplishments for which the settler had slight regard or for which the paramount claims of other subjects left no room. The teachers, moreover, were incompetent in these subjects, and text-books, unless it be faulty or dangerous American books, were inaccessible. Beyond these traditional subjects, and where the demands of the parents or the equipment of the teacher made it possible, such extra subjects appeared as Latin, Greek, French, Algebra, Euclid, and, if we may believe the story of an Elgin County boy, even Gaelic. Indeed, Mackenzie's sketches and the recommendations of the McCaul committee on education leave the inference that in rare cases gardening, knitting, and sewing appeared in the school curriculum.

School-books were extremely scarce and of a varied character. In certain subjects many pupils had none, and relied wholly upon oral instruction or upon the text-books of their fellow-pupils. Wherever text-books were available, they passed like heirlooms from father to son or brother to brother, and like common property from pupil to pupil. Murray, the assistant superintendent of education, reports of some districts that he found only 'two or three old tattered fragments of books in their schools.' Gourlay tells us that 'in one class you will frequently see one child with Noah Webster's spelling-book in his hand and the next with Lindley Murray's.'

In content and in workmanship these books were crude. The elementary school was a very new institution and had just begun to make its own text-books. The scholar could not or would not co-operate, and the task fell to the elementary teacher, who was often ignorant and worked without standards or precedents, with obvious results. Moreover, the books were 'cheap and nasty,' badly printed on poor paper and badly bound with leather facings. But they were freely illustrated with crude cuts

Upper Canada was too poor and her population too

sparse to create publishing houses or school-books of her own, and she imported both English and American books. The cheapness of the American books and their greater suitability to colonial conditions drove the English books from the schools. Protests against this, especially on the part of the administrative classes in Upper Canada, were numerous. Rolph's protest was typical: 'It is really melancholy to traverse the Province and go into many of the Common Schools; you find a herd of children, instructed by some anti-British adventurer instilling into the young and tender mind sentiments hostile to the parent state; false accounts of the later war in which Great Britain was engaged with the United States; geography setting forth New York, Philadelphia, Boston, etc., as the largest and finest cities in the world; historical reading books, describing the American population as the most free and enlightened under heaven; insisting upon the superiority of their laws and institutions to those of all the world, in defiance of the agrarian outrages and mob supremacy daily witnessed and lamented; and American spelling-books, dictionaries, and grammar, teaching them an anti-British dialect, and idiom; although living in a Province and being subjects of the British Crown. . . .'

The early speller was primer as well as speller, but with a purpose less obtrusively religious and more patently scholastic. Mavor's, an old-country speller, was the earliest and most common of the spellers in use in Upper Canada. Dilworth's speller, or, to be more accurate, *New Guide to the English Tongue*, was also a very popular English speller. The content was still largely religious, with quotations from the Scriptures and with much discoursing on practical ethics, manners, etc., interwoven with scraps of information in history, geography, and science. It closed with copies for handwriting! Other and more advanced spellers were also in use—Cobb's, Carpenter's, Webster's and Lindley Murray's. Webster's *American Speller* was probably the most famous. It was based upon Dilworth's, was the exponent of a reformed spelling, and did more than any one book to create the American craze for spelling. Like the

primer, Webster's speller began with the alphabet in various forms of type, with meaningless combinations of letters in syllables, and with lists of three-letter words. These were followed by lists of longer and more difficult words, which in turn were followed by simple sentences or extracts for reading, and thereafter columns of words and passages for reading alternated. These reading passages were generally an unrelated miscellany whose content was largely moral, social, or didactic. The book closed with eight illustrated fables that were exceedingly popular, and with a species of moral catechism which was intended to replace the Lord's Prayer, commandments, creed, and catechism of the primers. Murray's speller, better known later as the *English Reader*, was primer, speller, and reader, and represents a later evolution from both primer and speller. In addition to its contents as primer and speller, it contained reading selections in prose and verse from great English authors, and formed a sort of modern reader for more advanced pupils.

The grammars in common use—and grammar, as we have seen, was not freely taught—were Lennie's, Murray's, and Kirkham's.

There was much diversity in the arithmetic texts. Many pupils were without books other than note-books with problems dictated by the teacher. Walkingame's was probably the most popular text, followed closely by Dilworth's *Tutor's Assistant*. Daboll's, Keel's, Rogers', Willett's and Grey's were other and less common texts. All the texts abounded in rules and problems, some went no farther than the four fundamental operations, a few included vulgar fractions, and all attempted here and there to inculcate moral lessons in the guise of mathematical problems.

There is evidence that some schools could boast an odd copy of Morse's *Geography* or of Olney's and of Goldsmith's *History of England* or *History of Rome*, but maps, charts, or pieces of illustrative apparatus were wholly absent.

In considering the methods of instruction in the elementary schools of this period it must be remembered that the achievements of the Bell-Lancaster movement in improving school-

room management and of the Rousseau-Pestalozzi movement in improving the method of conducting the recitation filtered slowly, very slowly, through to these remote schools of Upper Canada. Generally there were three grades of students: those who were learning the alphabet, those who had some competency in the primer or its equivalent, and those who had some competency in the Bible or reader. Within each of those grades, and especially in arithmetic, writing, and spelling, the instruction was individual. The teacher did not instruct in groups or classes; indeed, he did not instruct at all. He assigned lessons to individuals and heard recitations, with little or no explanation. In arithmetic, for instance, each pupil was expected, and by persistent and wasteful drill forced, to memorize number combinations, tables, rules, etc., and later by mechanical applications of these, especially of the rule of three, to solve problems or rather puzzles. Perhaps the wastefulness of the methods of the day is best illustrated in the teaching of writing. It bulked large on the time-table, involving at least two hours daily. There were no copy-books with engraved copy headlines, no detached engraved copy-slips, and no blackboards on which to exhibit copies. The instruction was individual, with little examination or criticism of the pupil's work. The teacher gave most of his time to preparing quill pens, or ruling the pupil's loose sheets of writing-paper. The ink was poor, a product often of home or school manufacture, and the paper dark and rough. In rare cases birch bark was used. Slates and blackboards began to appear after 1820, and steel pens and engraved copy-slips after 1840. These, with the evolution of class instruction and of the analytical, inductive methods of Pestalozzi, wrought great changes in the teaching of writing as well as of the other subjects of the curriculum.

## II

FROM THE UNION OF THE CANADAS TO THE  
RETIREMENT OF RYERSON

THE Act of Union, proclaimed in February 1841, seemed to clear the way for the solution of several problems in Upper Canada. Governor Sydenham called upon his first legislature to attack at once the problems of local government and popular education. The bill to organize municipal institutions became law in 1841, thus creating the local machinery required by a system of common schools; and a common school act followed in the same year.

This school act of 1841 was based upon the report of Duncombe's commission, modified in the effort to meet in the one act the needs of both Lower and Upper Canada. It was hastily prepared; it was not the work of practical educators; its success depended upon the efficiency of the municipal system among a people who had not yet learned the lesson of local self-government; and it contained the first statutory recognition of the separate school question. It is not surprising, then, that it was instantly and universally unpopular. Indeed, almost before it was fully in force, the Hincks Act of 1843 replaced it.

The Common School Act of 1843, known as the Hincks Act, was the first of a series of frank imitations of American school laws. It took great pains to define the School Fund. That fund consisted, in the first place, of the provincial grant to common schools, which was to be apportioned among the townships, cities, and towns on the basis of population, and, in the second place, of an equivalent amount (or double the amount, if so decided) levied by the municipal council concerned as an assessment upon property and collected by the municipal officer. Each school's share of the School Fund should be supplemented by subscriptions or 'rates' collected from the parents of pupils in attendance.

Administrative control of the common schools was vested primarily in the chief superintendent of common schools for



Upper Canada, who should be the provincial secretary. There might also be an assistant superintendent. The chief superintendent was to apportion the provincial grant among the townships, cities, and towns on the basis of population, issue report-blanks and regulations, and report annually to the governor upon model, normal, and common schools.

County and township superintendents stood next in the hierarchy of expert officials. The county superintendent, who was appointed by the court-of-wardens of the county, distributed the crown grant among the townships, cities, and towns, visited each school monthly, examined teachers, and issued and annulled teachers' certificates. These certificates were either permanent or limited to one year. The township superintendents were selected by the councils concerned and performed duties that seemed to conflict with those of the county superintendents. They distributed the provincial grant among the schools of the township, visited schools, examined teachers, issued and annulled certificates. These certificates were valid for one year in the township concerned. Supplementary to these administrative officials were the boards of trustees, who were elected annually by the freeholders and householders of each school section. These boards had charge of the school property, regulated the courses of study and text-books subject to the approval of the township superintendent, and appointed and dismissed teachers.

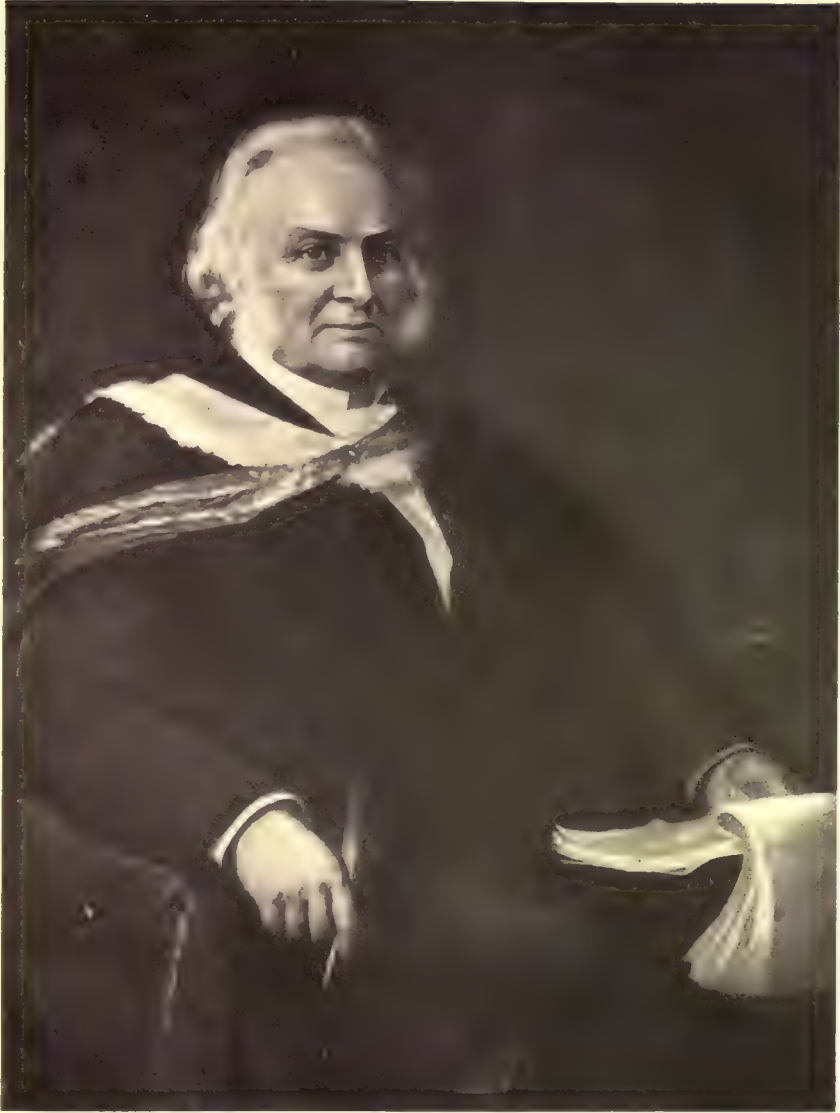
The act of 1843 marks the beginning of a new stage in the history of the common schools of Upper Canada. Here is at last a real attempt to examine and certificate teachers, to secure uniformity in text-books, courses of study, and methods, and to leave the ultimate authority where it lies best—in the hands of the local trustees. And here is the beginning of an effort to authorize local taxation in support of common schools, and to eliminate all suggestion of local patronage in the distribution of the provincial grant. The act provided also for the exemption of the very poor from local 'rates' for schools, and for the organization of one or two schools as free schools.

In May 1842 the Hon. R. S. Jameson, vice-chancellor of Upper Canada, was nominated to the post of superintendent

of education for the united provinces under the act of 1841. By prerogative of the crown the Rev. Robert Murray, a Presbyterian minister stationed at Oakville, who had taken much interest in social and educational questions, was named assistant superintendent for Upper Canada. Years later Dr Ryerson claimed that the office had been promised to himself by Governor Sydenham. It is known that he pressed home this promise upon Sydenham's successor, Bagot. Sir Charles Metcalfe probably knew of the promise, and certainly consulted Ryerson, then the head of Victoria College, with reference to a 'plan for organizing Upper Canadian education, from lowest grades to highest, into a harmonious, interlocking, complete whole, non-sectarian and non-political.' The promise of the appointment was certainly renewed, and Murray was about to be removed from office when action was stayed by the governor's break with his ministry and his appeal to the country on the question of responsible government. Ryerson, whose past led many to believe that he would stand by the principle of responsible government, went to Metcalfe's side and became his most vigorous and successful supporter. Metcalfe won, and in September 1844 Murray was transferred to King's College as a professor of mathematics and Ryerson was appointed to the assistant superintendency.

The change was a wise one. Murray's task was not light—to enforce an unworkable act—and, at his best, the gentle-spirited scholar was out of place in this period of storm and stress in Canadian education. But Ryerson's appointment, though wise, was not popular. Many friends of responsible government never forgave his support of Metcalfe, and never quite abandoned a position of hostility towards his educational policy.

Ryerson began to prepare for his duties by an extended visit to the schools of Europe and the United States. Shortly after his return he submitted to the governor, in March 1846, his report on a system of public elementary education for Upper Canada. It is not a great report like those of Cousin, Arnold, and Horace Mann. Ryerson saw many schools, read many curricula, conferred with many teachers, and



EGERTON RYERSON

*From the painting by J. W. L. Forster*



the report is a summary of his observations and conclusions. It cannot be regarded as a very interesting summary. Ryerson's style was not very felicitous, and his uncertainty as to his own knowledge forced him to take refuge in copious quotations. His schemes and ideas have been described as 'loosely-assembled' and 'heterogeneous,' and 'his information,' in George Brown's opinion, 'was about things which everybody already knew.'

If the report is not the work of a really great educator, it here and there reveals a fine practical wisdom. The author selects with the sure touch of the administrator those features of foreign school systems which are applicable to conditions in Upper Canada, and though as yet an amateur in elementary education, his judgment never fails to endorse those methods or practices in the primary schools of the day which were permanent.

Ryerson's definition of the end of education—'to remove pauperism, misery and crime'—was not new to the citizen of 1846; nor was his definition of its scope as universal, embracing all classes, complete for each class, yet independent, and forming 'a pyramid with primary instruction as the base.' He caught the new note of Germany, scarcely yet heard in England, when he insisted upon a recognition of modern industry and commerce in some form of elementary practical education. The needs of the hour in Canada suggested careful treatment of the question of religious instruction. Religious instruction was essential in all public schools, but sectarian instruction was not essential anywhere. This was Ryerson's conclusion, and although forced by political conditions to accept and even foster separate schools, he remained faithful to his conclusion throughout a long official life. Passing to a consideration of the subjects and methods of elementary instruction, Ryerson expanded the curriculum of the three R's to an extent that alarmed teachers of his day, but, singularly enough, every additional subject lay in the line of school progress since 1846. He added practical grammar (composition), geography, drawing, history, music, natural history (nature study), natural philosophy (elementary science), agriculture, physiology (hygiene), civil

government, and political economy. He suggested many new methods or devices in instruction, but he did not suggest one upon which subsequent educational history has set its seal of disapproval.

Normal school training would increase the teacher's efficiency and his rewards and would give security to his tenure of office. There should be uniformity in school-books. The national commissioners of education in Ireland were making great progress in this regard. A provincial board of education in Upper Canada could in time drive out the heterogeneous sets of school-books and transfer supreme control to the state. Experts, inspectors, or superintendents, should follow the school laws into the school sections and secure the co-operation of the people in their enforcement. Of course these experts 'ought to be sought with a lantern in the hand.' Finally, Ryerson passed to a brief consideration of a group of individual agencies such as a school journal, teachers' conferences, school libraries, and school visitors, agencies which subsequent years were to develop in Upper Canada. Indeed, in respect of these agencies, as in other respects, the story of Ryerson's administration is the story of his effort to make effective the views expressed in this report of 1846.

The chief defect in the act of 1843 lay in its neglect to provide machinery to make its provisions effective. Ryerson sought to remove some results of this neglect in his common school act of 1846. He sought also to thrust forward into clearer view the principles upon which his new school system must be based. In the first place, the great burden of elementary education must in time be shifted from the parents to the assessable property of the school section, and education thus maintained must ultimately become compulsory education. In the second place, while the administration of public education must remain for the present in the hands of the people themselves, the state might aid and advise. Certainly there should be co-operation between the people and the state. And slowly—if possible, unobtrusively—under the magic wand of state aid, the balance of power must shift from the people to the state.

Under the act of 1846 the assistant superintendency was abolished and the superintendent became the executive head of common school education. He was required to distribute the provincial grant among the municipalities on the basis of population, to advise trustees as to school buildings and equipment, encourage uniformity in text-books, develop school libraries, exercise general oversight over a normal school soon to be established, and in a general way advance the cause of education by diffusing information. Conscious, perhaps, of the personal hostility of certain political leaders and fearful of the effects of such hostility upon educational legislature, Ryerson, who was to become superintendent, sought to place the superintendency beyond the reach of political influence. The superintendent must be appointed by the governor and must be responsible to the governor and not to the party in power. The superintendent was to be aided by a crown-nominated general board of education of not more than seven members, who should devise regulations in behalf of the normal school and of uniformity in text-books, and should advise the superintendent on all questions submitted to it. The district council must divide the townships, cities, and towns into school sections and levy an assessment on the district equal at least to the provincial grant for the district. Moreover, it might assess the property in each school section for sites, buildings, and residences for teachers. In particular, it should appoint and pay a district superintendent of common schools, the most important and, despite the absence of a test of competency, the most efficient agent in the organization of the common schools.

The duties of the district superintendent were carefully defined. He apportioned the district levy among the schools on the basis of school population, visited the schools, examined candidates for teachers' certificates, annulled teachers' certificates for cause, enforced the use of approved text-books, counselled local trustees, and settled local disputes. In examining candidates for certificates, foreigners, unless specially licensed by the governor, were to be rejected. The certificates issued might be *special*, *i.e.* limited to a certain

school for one year, or *general, i.e.* valid in the district until cancelled for cause.

While the authority of the local trustees remained supreme, Ryerson did not hesitate to prescribe minutely the conditions under which that authority might be exercised. The elections must be conducted with much formality, and one trustee must retire annually. Trustees might select text-books for use in their school, but the selection must be made from lists approved by the general board of education. It was the duty of trustees to levy rates upon parents in support of the school, and they were also authorized to exempt indigent parents from those rates.

To secure the co-operation of the people and thus develop public opinion in behalf of his policy, Ryerson created 'school visitors.' These visitors were clergymen, magistrates, councillors, members of parliament, and local notables. The act regarded them as the advisers of teachers and, to retain their interest, it authorized any two of them to examine and certificate teachers temporarily.

The newly created general board of education was soon at work, led by Ryerson. After creating the Toronto normal school, it attacked the problem of text-books. American school-books were found everywhere, and in particular along the border. Canadian printing-houses had begun to issue reprints of several English and American school-books, thus creating vested rights. Denial of the right to use these books would be resented as the imposition of an unjust financial burden as well as an interference with personal liberty. In some subjects, moreover, as in geography, no Canadian or English books were available. Under these conditions the board of education moved cautiously. It approved provisionally all Canadian-made books then in use, and a few English and American books such as Morse's *Geography* and Kirkham's *Grammar*. Having secured the right to reprint, it recommended for use in Upper Canada the famous National Series of school-books of Ireland. This series gradually won the field and kept it until 1867.

It is not easy to overestimate the influence of the National Series of school-books on school progress. The series was



complete, including not readers only, but also treatises on arithmetic, mensuration, geometry, geography, grammar, etc. Its contents were unusually effective—finely graded religious and moral instruction skilfully intermingled with a wide range of facts from history and science. The grading of the readers was so excellent as to form thereafter the basis for the grading of all classes in the common schools.

Ryerson now set vigorously to work to convince the country that elementary education was a supreme necessity. His toil was incessant. His first annual report, Upper Canada's first great educational inventory, involved an immense amount of work. To this annual report he added numerous circulars to trustees, superintendents, and councils explanatory of new features of the act and of the duties of all officials under the act. These circulars he supplemented in turn by an admirable report upon school architecture, by a well-conceived series of conferences with teachers, trustees and the public, and by a *Journal of Education*.

All was not smooth sailing for Ryerson after the passing of the act of 1846. Political opponents resented the great expansion in the superintendent's authority, and Ryerson's prodigious energy in exerting that authority provoked charges of 'Prussian despotism.' Behind this lay a general suspicion of the undemocratic usurpation of authority by the school visitors and district superintendents. Moreover, the popular temper was becoming restive under the numerous and abrupt changes in the school law, especially as these changes fostered the separate schools, increased the cost of education, and intensified the complexities of educational administration.

The Supplementary Act of 1847 served for the moment to intensify the opposition. In earlier common school acts every school was a rural school, but the growth of cities and towns, with their need of finer grading and their dislike of co-education, was creating a demand for an urban school. The Supplementary Act authorized a town or city council to nominate not more than six persons, who with the mayor should be the board of trustees of the common schools of the corporation. This board should manage each common

school through a special committee of not more than three persons, all of whom should be of the same denomination as the adherents of the school itself. The separation thus made between rural and urban schools was necessary and permanent, but two clauses of the Supplementary Act caused much irritation. One clause authorized the governor to dismiss any district superintendent for misconduct pending the next meeting of the council that appointed him—another example, it was claimed, of the 'Prussian' methods of the superintendent. The second clause permitted but did not compel urban councils to assess property for all school purposes, and, by omission, seemed to deny to urban boards of trustees the right to levy rates on parents. When the board of trustees of Toronto asked the council to assess property for the use of the schools, the council denied the request, and the board, unable to levy rates on the parents, closed the schools, to the great anger of the citizens.

Opposition to the school law became so pressing that Ryerson submitted to the ministry two drafts of reforms. Before action could be taken the Baldwin-La Fontaine ministry assumed office in 1848, and Ryerson's enemies, now in power, prepared to avenge his desertion of responsible government in 1844. An attack in the legislature failed, but his draft bills were emasculated by one unfriendly to his policy and, despite his protests, passed into law as the Cameron Act of 1849. Ryerson's enemies now looked for his resignation.

But at this, the darkest hour of Ryerson's official life, the tide had begun to turn. His policy was winning friends in both political parties. The leaders of the great religious bodies rallied to his support. The Cameron Act itself aroused much opposition. Ultimately Baldwin gave way, and authorized Ryerson to delay the enforcement of the Cameron Act and to prepare a new act.

The new act was the act of 1850, the Great Charter, as it has been called, of common school education in Upper Canada. There were objections to this act, the old objections to abrupt changes in the law, to the increase of cost, to the progressive transfer of authority from the people to the state official, to the 'free' school idea now emerging

clearly into view, and to the 'denominational school' clauses, but on the whole the act, like most of Ryerson's subsequent acts, had the support of both political parties and of all classes of people.

The act perpetuated the cleavage between rural and urban schools. It based provincial and municipal grants upon the average attendance, and not upon the school population as heretofore. It permitted the substitution of assessments on property, in part or whole, for rates upon the parents, thus ushering in the era of the 'free' school. It recognized two connecting-links between the Education Office at Toronto and the schoolhouse. One was the local superintendent. He was appointed by the county council to take charge of not more than one hundred schools in one or more townships. While the Education Office defined his duties, he was responsible to his council in the discharge of those duties. Freed from most of his former responsibilities in the distribution of grants, he became what Ryerson ever strove to make him—an educational expert. The other connecting-link was the county council of public instruction. Its membership consisted of the local superintendents of common schools together with the trustees of the grammar schools of each county. Ryerson's own duties were left as defined in the act of 1846, but the general board of education became the council of public instruction, with jurisdiction enlarged to include teachers' examinations, school libraries, teachers' institutes, and, in general, the common schools.

Ryerson regarded the act of 1850 as in one sense final. It created the framework of an educational system, and subsequent acts and regulations could do little more than provide details. To this latter task Ryerson now set himself with untiring industry, and for twenty years at least his success was remarkable. He evolved the Ontario system of training and examining teachers, willingly or unwillingly he created the separate school system, and he made free and compulsory education both possible and inevitable.

The Hincks Act of 1843 promised a provincial normal school. Ryerson, who saw in the training-school the agency that would solve the problems of chaotic curricula, poor

teaching, and bad text-books, urged in his first report the organization of a normal school after the manner of the training-schools in Dublin and Albany, and provided funds therefor in his act of 1846.

Acting with the newly created general board of education, Ryerson converted the unoccupied governor's residence and stables in Toronto into a normal and model school, chose T. J. Robertson, a chief inspector of the national schools of Ireland, as headmaster, and opened the first normal school session in November 1847. The admission requirements were nominal—a certificate of character, a promise to teach in Upper Canada after graduation, and success in a simple test in reading, writing, and the elements of arithmetic. Once admitted, the student was provided with free instruction, free books, and, in the main, free maintenance in approved houses. The course of training, which was largely academic owing to the inability or unwillingness of the grammar schools to train common school teachers, was pre-tentious. It included the English language, geography, history ancient and modern, logic, the theory and practice of arithmetic, algebra, physics and agricultural chemistry, sacred music, and drawing. On the professional side there was a brief course in the theory of education, with much practice-teaching in the normal school.

The normal school was looked upon as Ryerson's own creation and was at once attacked by his many enemies. Its maintenance out of the provincial grant for common schools provoked the opposition of both teachers and trustees. Its academic courses were open to young men and women who had no thought of becoming teachers. It was impossible to promise efficiency in a six months' course of training. There was some doubt, too, of normal school methods, subjects, and text-books; and there was much fear of co-education as authorized in the normal school after the first session.

Under the spur of this criticism Ryerson reorganized the normal school after 1850. He purchased the site on Gould Street, Toronto, in 1850, and completed the erection of buildings for the normal school, model school, and Education

Office in 1852. He authorized an admission examination, to be conducted in the counties by committees of local superintendents. He expanded the curriculum, chiefly on the scientific side, promising to add practical horticulture and arboriculture in the grounds of the new normal school, and he combined the two six-month sessions per year into one session of nine months, urging the need of a long vacation during which the normal school masters might attend teachers' conferences. To eliminate the students who sought academic rather than professional training, Ryerson withdrew all financial privileges from those who would not give an undertaking to teach after graduation; and to minimize the evils of co-education, he assumed personal responsibility for the conduct of the students and issued a series of very paternal regulations for their guidance.

Between 1850 and 1870 the normal school flourished apace. The long session had a disastrous effect upon the attendance, and the two-session plan was soon revived. Gradually all examinations became written examinations, and all, including the admission examinations, were held in Toronto. In the academic instruction that the normal school was at first forced to give there was much training in English of the formal type with analysis and parsing. There was also much science. Ryerson thought to help the agricultural interests of the country, but despite garden plots, arboretums, and the best science apparatus of the day, the instruction was non-experimental, bookish, and ineffective. As the grammar schools improved the academic courses of the normal school contracted, and the professional courses expanded until Ryerson could say in 1867 that 'the object of the normal and model schools is, therefore, to do for the teacher what an apprenticeship does for the mechanic, the artist, the physician, the lawyer, to teach him theoretically and practically how to do the work of his profession.'

Prior to 1853 all teachers' certificates, even those of normal school graduates, were issued by local authorities, superintendents, or county councils of public instruction. In 1853 the council of public instruction authorized the issuance of provincial certificates on the recommendation

of the normal school masters. From 1853 to 1871 there was a dual system of certificates: provincial certificates issued to normal school graduates and local or county certificates issued by the county educational authorities.

In the lists of normal instructors of this period appear names well remembered in Upper Canada. Henry Youle Hind, Robertson's assistant, was succeeded in 1853 by the Rev. William Ormiston of Victoria College, who was succeeded in turn by Barron, Watts, and Sangster. On Robertson's death in 1866 J. H. Sangster succeeded to the headmastership, which he held until 1871.

The religious movements of the early half of the century began to find expression after 1835 in persistent demands for religious instruction in the common schools. At the same time the Act of Union thrust into the foreground the religious problems of the minorities in the two Canadas. Moreover, the uncertainty as to the treatment of religious instruction in impending common school legislation after the Union provoked a flood of petitions and counter-petitions. The result for the moment was to transfer the 'battle of the creeds' from the grammar schools and the university to the common schools.

The first issue of the struggle was an amendment to the act of 1841, agreed to by all political parties, which authorized the creation of separate schools, Protestant or Roman Catholic, wherever the 'dissentients' could muster fifteen school children. The act of 1843, in replacing that of 1841, provided that ten dissentient resident householders or freeholders, Protestant or Roman Catholic, might by petition obtain the right to create a separate school, to be managed in the same way as the regular common school. It also provided that a conscience clause should apply in the common school, by virtue of which a child should be exempted from such religious exercises as were objected to by its parents or guardians. Ryerson saw in these separate schools a danger to the unity and efficiency of the national system. He believed also that the conscience clause made them unnecessary. But he was loyal to rights acquired before he accepted office. His act of 1846 re-enacted the separate

school clauses of earlier acts, and in his official life he scrupulously, though reluctantly, enforced those clauses. The act of 1847, which created a board of school managers for each city or town with a special committee in charge of each school, provided that the members of the special committee should be of the same denomination, Protestant or Roman Catholic, as the adherents of the school. As the board of managers determined the number of the individual schools, Ryerson did not look for a rapid growth in the number of urban separate schools. For economic reasons there were practically none in the rural districts.

As the great act of 1850 was passing through the legislature, Ryerson, fearful of a coalition of Anglicans and Roman Catholics in behalf of a system of voluntary or church schools, made concessions to the Roman Catholics. The famous clause nineteen provided that, at the written request of twelve resident heads of families, the township council or the urban school board, as the case might be, *must* establish a separate school for Protestants or Roman Catholics.

Careless wording of the act of 1850 denied the right to create more than one separate school in each city or town, and this disability brought on a crisis in Toronto. Ryerson's amending act of 1851 permitted the organization of at least one separate school in each ward or in two or more wards combined.

Discussion upon the amending act of 1851 served to make the separate school question exclusively a Roman Catholic or a Protestant question and not a denominational question. Since 1851 the legislature has resolutely opposed all efforts to gain recognition for separate denominations within the Protestant body. The discussion also served to convince the friends of the common schools of the determination of the supporters of Roman Catholic separate schools not to rest in their agitation until separate schools were coequal under the law with the common schools. The progress towards this equality was necessarily slow. Protestant feeling ran high in Upper Canada in the presence of the strong Roman Catholic influence of Lower Canada. Great leaders like William Lyon Mackenzie, Brown, and Ryerson

asserted in and out of season that separate schools, given full recognition, would shipwreck the national system. Each advance, effected only by much agitation, by the skilful manipulation of political rivalries, and often by the votes of the Roman Catholic majority from Lower Canada, made further advance more difficult.

A particularly vigorous movement led by Bishop de Charbonnel of Toronto, aided indirectly by Strachan and some of his clergy, induced Ryerson to consent to the compromise act of 1853. This act limited the separate school's share of the school fund to the provincial grant, and exempted its supporters from all property assessments for common schools, for which they had hitherto been liable, on condition that they duplicated the provincial grant in voluntary subscriptions. For the first time it gave authority to separate school trustees to levy rates upon parents and to certificate teachers.

But the agitation did not cease in 1853. Indeed, political conditions fanned it, and the Taché Act of 1855 was the result. This act left the Protestant separate schools as they were, but nullified all former separate school legislation in so far as it referred to Roman Catholic schools. Henceforth a public meeting of ten Roman Catholics, freeholders or householders, might create a separate school in any school section or any ward of a town or city. The trustee board elected by the supporters of each school became a corporation with the powers and privileges possessed by the common school board. The trustees of the various wards might unite to form a general board of managers for the town or city. Separate school boards, if they could show an attendance of fifteen pupils, were authorized to license their own teachers, levy rates upon their own supporters, and claim a due share of the provincial grant. The supporters of separate schools were to be free from all municipal assessments in support of common schools or school libraries.

The act of 1855 strove to do for the Roman Catholics of Upper Canada in a statutory way what had already been done for the Protestants of Lower Canada. Drafted with this object in view, the act overlooked some existing disabilities and created some new ones. When the leaders of



the Roman Catholic Church became conscious of these disabilities, they renewed the agitation with attacks upon the common schools, school-books, and school libraries, and upon Ryerson himself. While Ryerson and the church leaders continued the controversy in the press and on the platform with a vigour and directness of speech not fashionable to-day, R. W. Scott of Ottawa championed the cause of the separate schools in parliament. Ultimately Scott won Ryerson's co-operation and carried through the Scott Act of 1863.

The amendments effected by the act of 1863 included further provision for the creation of separate schools in rural districts, especially in union sections, with cancellation of the clause which required an annual notice from supporters of separate schools of their intention to continue as supporters and of the clause which required separate school trustees to take oath as to the correctness of their attendance records. Henceforth separate schools should share, not only in the provincial grant, but also in the equivalent municipal grant. Separate schools must be subject to the inspection of the superintendent and must conform to the regulations of the council of public instruction. Separate school teachers, except such as were already qualified by law in Upper and Lower Canada, must hold the same certificates as common school teachers and must obtain them in the same way. Ryerson claimed that the act of 1863 'would not affect seriously the national system of schools,' but would serve as a 'safety-valve which directs and paralyses opposition to our public school system.' The Roman Catholic leaders claimed that, apart from unimportant details, it gave the recognition that was due the separate schools. And although the time of its passing was one of much bitter feeling, the act was almost the last word in a long controversy. The separate schools of Ontario remain to-day practically as they were defined by the law of 1863, and since 1863 the separate school question has ceased to be a grave issue in Ontario politics.

When the educational resolution of the delegates at the Confederation conference was submitted to the legislature in 1865, it was endorsed even by such staunch opponents of the act of 1863 as Brown and Alexander Mackenzie, and

ratified unanimously. As wrought into the British North America Act, this resolution gives the provinces authority to legislate in the matter of education 'saving the rights and privileges which the Protestant and Roman Catholic minority in both Canadas may possess as to their denominational schools at the time when the union of the Provinces goes into operation.'

The movement towards free and compulsory education in Upper Canada cannot be separated from the general movement which filled out the framework of the school system created by the act of 1850. An act of 1853 enunciated again the three ways of maintaining schools, *i.e.* voluntary subscriptions, rate bills on parents (not to exceed twenty-five cents per pupil per month), or assessments on property. The same act recognized such auxiliary agencies as the museum, a collection of educational, scientific, and artistic exhibits which Ryerson was anxious to assemble at Toronto after the manner of the South Kensington museum in London; the *Journal of Education*, which was to bring to every teacher, board of trustees, and municipal council the evangel of free elementary education; and the superannuation fund, which provided, out of contributions from teachers and the state, a modest retiring allowance for worn-out teachers. An act of 1855 increased the grant to school libraries, which were to be the forerunners of the mechanics' institutes and free libraries of a later date, and authorized the creation of the book depository for the distribution at a low price of school, prize, and library books, maps and apparatus—two institutions which long retained a first place in Ryerson's anxieties and affections. An unimportant act of 1860 practically completed the list of general statutes between 1850 and 1870. But circulars with regulations, instructions, and explanations were innumerable, and embraced courses of study, text-books, teachers' certificates, religious instruction, public examinations, school prizes and merit cards, public recitations, public lectures by superintendents, vacations, and all phases of common school education. Ryerson himself travelled much in Upper Canada, conferring, and explaining his policy, and much among the

schools of Europe, inquiring and borrowing. Indeed, he himself boasted that his system was eclectic, with its law from Massachusetts, its finance from New York, its teacher-training from Germany, its text-books from Ireland, and its museum and depository from England.

Under these conditions the common schools prospered mightily. They met with much opposition, not a small part of which was due to Ryerson himself. He did little to bridge the chasm between his enemies of the Metcalfe days and himself. Indeed, his controversial temper widened it. His large manner in the use of public money, his unwillingness to compromise, his readiness in violent speech, his impatience at restraint, his paternalism, even his administrative genius, which drew all reins of authority into his own hands, raised up many opponents. But Ryerson and the common schools won. The figures given below bear witness to the victory :

	1850	1870
School population of Upper Canada.	259,258	483,966
Pupils in attendance . . . .	151,891	421,866
Number of schools . . . .	3,095	4,403
Number of free schools . . . .	252	4,244
Amount paid in salaries . . . .	\$353,716	\$1,222,681
Amount for other purposes . . . .	\$56,756	\$489,380
Total expenditure . . . .	\$410,472	\$1,712,061
Number of teachers . . . .	3,476	5,165
Number of brick schools . . . .	97	870
Number of stone schools . . . .	117	428
Number of frame schools . . . .	1,191	1,888
Number of log schools . . . .	1,568	1,406

The success of the free school principle under the permissive clause in the act of 1850 and the pressure of new social and political conditions prepared the way for Ryerson's first great post-Confederation act and his last great law—the School Improvement Act of 1871. Under this act and the regulations that supplemented it common schools became public schools or 'free' schools supported, in so far as local

revenues were concerned, wholly by assessments on property. A corollary of free schools was adequate accommodation. A minimum equipment in grounds, buildings, apparatus, books, etc., was now prescribed. A second corollary was compulsory attendance. The act required parents, under penalties, to utilize opportunities for the free instruction of children between seven and twelve years of age during at least four months of the year. The new curriculum provided for the 'thorough teaching of the three primary subjects of all good education, reading, writing, and arithmetic, and for the teaching of other subjects directly connected with the social progress and practical pursuits of the people.' Here Ryerson, who had a weakness for pretentious curricula, inserted natural history, natural sciences, mechanical, industrial, and commercial arts, history and civics, drawing and music. In the interests of both the public and the high school the sphere of each was very carefully defined, especially where they tended to overlap. Fifth and sixth grades or classes were authorized for public schools, and at the end of the fourth class a written examination was instituted for admission twice a year to the high schools. This admission examination, based upon the public school curricula of the first four classes, was destined to give tone and purpose to all public school work.

The act marked another stage in the evolution of the educational expert in Ontario. All teachers were to be trained, examined, and certificated under the authority, more or less direct, of the council of public instruction. In an effort to eliminate the partialities and jealousies that attended upon local control, the law abolished local superintendencies, substituting county inspectorships, and went as far as it dared towards converting the inspector into a servant of the Education Office. It prescribed his duties, emoluments, and qualifications.

An old man worn with the cares of office, Ryerson now fell again upon troublous times. Blake and the liberal party had fought his act of 1871 tooth and nail. The provincial treasurer now interfered with his administration of the finances of the Education Office. Local superintendents whose services

were dispensed with under the new act, teachers who were declared unqualified by the new standards, and ratepayers who were hostile to free schools and compulsory education, combined to assail his policy in and out of season. Irritated by the attacks, Ryerson offered to resign his office, but the offer was refused. Rushing to another extreme, he entered an election campaign in vigorous opposition to Blake, and the success of Blake's party trebled his difficulties. Again he offered to resign, but Blake, not yet prepared to appoint a minister of Education, postponed action. In the meantime, however, the ministry took authority to review the decisions of both the superintendent and the council of public instruction. The annulment of certain regulations under this authority was followed by an inquiry into the organization of the council itself and ultimately by the act of 1874, which made the council's membership in part representative of the teachers. Ryerson's opponents turned next to attack his text-book policy and the depository. Harassed and hopeless, Ryerson again offered his resignation, and Mowat, who was now premier, persuaded that the country was at last ready for a change in the method of administration, accepted it in 1875. The act of 1876 abolished the superintendency and the council of public instruction, and created the department of Education with a responsible minister, or member of the cabinet, as its executive head.

## III

## FROM THE WITHDRAWAL OF RYERSON

**A**DAM CROOKS became minister of Education in February 1876. Unlike Ryerson, he could not claim that his office and duties lay outside the domain of politics, and he could not expect the unhampered support of both political parties. It was due to this, perhaps, and to the charges of absolutism so often urged against Ryerson in his last years, that he was not unwilling to reverse Ryerson's policy and decentralize authority. It was due to the same cause, no doubt, that his own educational policy was marked

by extreme caution. He followed and never ventured to anticipate popular demands. Apart from trifling changes in details, he left the educational system in 1883 almost as it was in 1871.

The 'permissive' factor bulked large in Crooks's revised regulations of 1879. His Compulsory Attendance Act of 1881 made permissive the appointment of truant officers to enforce attendance of children between the ages of seven and thirteen for at least eleven weeks per year. In the same year county councils were by law permitted to supplement the crown grants to teachers' associations and county model schools. Crooks's text-book changes were never abrupt and became obligatory only after years of waiting. Crown grants were withdrawn gradually from the educational agencies by which Ryerson set such store—the depository, school libraries, the prize system, and the *Journal of Education*. They all ceased to exist, through neglect if not by law, before 1883.

During its last years the council of public instruction had conducted its examinations through a sub-committee of educational experts. Crooks retained this sub-committee under the name of the central committee of examiners and committed to it the administration of the rapidly expanding examination system of the province. In 1880 the central committee of examiners was authorized to delegate the immediate conduct of the examinations (e.g. the preparation of examination papers and the evaluating of answers) to a sub-committee of examiners, and in 1882, custom becoming crystallized into law, the central committee was given advisory duties in connection with all questions submitted to it. Its members were appointed by the lieutenant-governor in council, and, unlike those of Ryerson's council of public instruction, they were educationists, teachers, inspectors, and college professors. Its chairman and dominant force was George Paxton Young, professor of moral and mental philosophy in the University of Toronto, and sometime inspector of grammar schools.

Changes in the courses of study of the public schools followed in due time after Ryerson's withdrawal from office. Ryerson's pretentious curriculum of 1871 was found imprac-

licable. In 1882 Crooks reduced and consolidated the studies of the first four grades, separated them completely from the studies of the fifth and sixth classes, and thrust Ryerson's new subjects, such as the natural sciences, mechanical, industrial, and commercial arts, agriculture, etc., into the fifth and sixth classes as options. These subjects remained, of course, in the printed schedules, but disappeared at once from the schoolroom. George W. (afterwards Sir George) Ross, who succeeded Crooks as minister in 1883, went farther. Attacked on the score of overpressure in the schools, he withdrew the tabooed subjects in 1887 even from the optional lists, forced practical English into prominence, combined several of the remaining subjects, and claimed that Ryerson's nineteen subjects had been reduced to eight or nine. Among the eight or nine were included, moreover, new subjects such as music, temperance and hygiene, and drill and calisthenics. Even within this limited prescription of subjects liberty of revision was everywhere allowed, trustee boards acting in co-operation with their teachers.

One of the big educational problems of the last twenty years of the century was the text-book problem. Warned by Ryerson's experiences, Crooks attempted to shirk responsibility in the matter. He authorized at least two text-books in each subject and limited authorization to the subject-matter. Business competition must guarantee good workmanship. In so far as the readers were concerned, this policy grew into three authorized sets of books, with the resultant confusion and irritation. Ross, who had a genius for simplicity and uniformity in administration, gave notice early in his administration of his intention to revert in part to Ryerson's policy and to authorize one text-book in each subject, and in particular one set of readers. With regard to his schedule of authorized books of 1886, he claimed that his books were modern in method and content, Canadian in workmanship and spirit, few, cheap, and efficient—the product of the experts of the schoolroom. The department of Education controlled them in content, manufacture, and selling price.

More important than the text-book problem in its political

significance was the problem of religious instruction. Prior to 1841 each school was a law unto itself in this matter. After 1841 the demand for religious instruction led, on the one hand, to the creation of separate schools in which religious instruction was persistent and sectarian, and, on the other hand, to the institution of the conscience clause, which protected the religious scruples of dissentients everywhere. An act of 1855 made opening and closing prayers optional exercises in all common schools. In 1878, as an indirect result of an attack upon the separate schools, Crooks was forced to prescribe conditions under which local clergy might offer religious instruction to school children in schoolhouses after school hours. But the agitation in behalf of obligatory religious instruction in public schools continued, and in 1884 Ross authorized the use of a volume of Scripture readings which had been prepared or revised by all denominations, and, subject to the conscience clause, made daily prayers and Scripture readings without comment obligatory. Trustees might also order the learning of the ten commandments. A political agitation followed, and Ross revised the Scripture readings in 1887 and authorized the use of the whole Bible as an alternative.

But the most difficult problem was that of the so-called bilingual schools. French settlers in the extreme east and west of the province and German settlers in the centre created this problem. So long as each school was a law unto itself, the problem did not attract attention. With the growth of the central authority and with the appearance of racial jealousies, especially after the union of the two Canadas, an agitation began to develop against bilingualism in the schools. The Germans, who were few in number and isolated, had already practically abandoned instruction in German. But the French, compact in organization and increasing rapidly in number, met the agitation by a demand for the official recognition of the French language. The council of public instruction consented first to the substitution of French grammar for English grammar in the examination of teachers, and then in 1858 approved of a special list of books for the English-French schools. In



1874 county councils were permitted to appoint bilingual inspectors in counties where there were at least forty English-French schools. In 1879 Crooks, urged on by the French, authorized the use of Quebec school-books in the English-French schools of Ontario. But the agitation against the bilingualism of these schools continued to develop, and in 1885 Ross took the first step in restraint. He required the use of the authorized English readers side by side with the French (or German) readers. He instructed the inspectors to enforce the teaching of English in all schools, and, to aid them, published a syllabus of English lessons for English-French schools. But Ross recognized that the teachers in these schools held the key of the situation. They were in the main natives of Quebec, and those among them who were ambitious and successful soon drifted back to more attractive posts in their native province. Of competency in French studies, then, the teachers in the bilingual schools of Ontario in those years had little, and of competency in English studies they had far less. They could not teach English even if they wished to. To meet this difficulty Ross created in 1886 a bilingual model school for the training of teachers. The school failed from lack of students with a preparatory education, and the agitation was renewed. After a special commission had reported, Ross repeated his instructions to the inspectors as to the teaching of English in the bilingual schools, and proposed in 1890 to reorganize and expand his scheme for the training of teachers for those schools. He authorized sets of bilingual readers for French and German schools and forbade the use of unauthorized and, in particular, Quebec readers. Recognizing the need of instruction in colloquial English, he issued a detailed course of study therein. Reading, grammar, and composition in French might be taught, but not without reading, grammar, and composition in English. English alone was to be used by the teacher in the conduct of the classes unless its use was quite impracticable by reason of the pupils' unfamiliarity with it. Despite the requirements of the law, however, the bilingual teacher remained as he was, and the agitation spent itself for the moment.

Great spaces and sparse population delayed the appearance of the infant school in Ontario. When the kindergarten came to Toronto in 1882, it was a private institution. Ross, ever eager to fill out and unify, accepted it in 1885 as a 'permissive' branch of the system. Its growth in thirty years into threescore kindergartens in the urban centres of Ontario has been slow and quite out of proportion to its reflex influence upon the training of teachers and upon the organization of the primary curriculum.

In 1890 Dr J. G. Hodgins, who in 1844 had entered the Education Office as a clerk with Ryerson, and who had become deputy minister of Education after Ryerson's withdrawal from the superintendency, retired from office to become librarian and historiographer of the department of Education. Alexander Marling's death after a few months in the deputy minister's office made room for John Millar's appointment in 1890.

The years 1870 to 1890 witnessed momentous changes in Ontario's method of training and certificating public school teachers.

The great school law of 1871 demanded as its complement an extension of the training agencies. Ryerson began by reorganizing the teachers' associations or institutes. He made their maintenance a charge upon the department of Education, the municipal councils, and the teachers themselves. He made the attendance of teachers practically obligatory. As the new school law made attendance at a training-school compulsory upon all candidates for permanent certificates as teachers, Ryerson foresaw the overcrowding of the normal school at Toronto, and induced the government to open a second normal school at Ottawa in 1875, with J. A. M<sup>c</sup>Cabe as principal. In 1871 Sangster retired from the principalship of the Toronto normal school, to be succeeded by Dr Davies. With the appointment of T. Kirkland and Dr Carlyle as his assistants the course of instruction was enlarged, in particular on the side of the natural sciences. In 1876 the admission requirements and the courses of study of the two normal schools were again revised with the view of enlarging the prescription in English and

science, and the two-session year again became a one-session year.

Concurrently with this change in the normal schools the schedule of certificates was reorganized. The county council of public instruction had outlived its day. It was expensive, and its members, in so far as they were grammar school trustees, were not necessarily competent. It was now converted into the county board of examiners, with the county inspector of public schools as chairman, and the headmaster of the high school and certain holders of first-class certificates who were nominated to membership by the county council as members. Certificates were to be classified as first-class, second-class, and third-class. Third-class certificates were to be valid for three years, with renewal under restricted conditions, and to be limited to the county concerned unless endorsed for another county by the inspector thereof. First- and second-class certificates were permanent and provincial certificates of two or three grades, A, B, and C. All candidates were examined at the county towns under the supervision of the county boards of examiners on papers prepared by the central committee of examiners. The answer-papers of candidates for second- and third-class certificates were evaluated by the county boards of examiners, those of first-class candidates by the central committee of examiners at Toronto. Only teachers with five years' experience might be candidates for first-class certificates, and only those with three years' experience might be candidates for second-class certificates, unless specially exempted. Normal school students sat for the same examinations under the same conditions as the other candidates whose preparation was private.

Ryerson left office with his system of teacher-training unfinished. Crooks took up the task at once and finished it, or blazed the trail which Ontario followed for thirty years. Ryerson had legalized the appointment of monitors—a class of teachers fashioned after the pupil-teachers of England, but without the training and experience of their English prototypes. Under the competition of these monitors the regulations as to third-class certificates were relaxed, with the result that untrained monitors and third-class teachers

tended to drive the trained second- and first-class teachers from the schools. At the same time public opinion in Ontario, reflecting European opinion, was coming to the conclusion that some form of professional training for all elementary teachers was indispensable. Crooks met the situation by the act of 1877 and the regulations thereunder.

It was obvious to Crooks that the new training should be short and cheap as well as compulsory. The act authorized each county to set apart a graded public school in its chief urban centre as a model school for the training of teachers. Minimum requirements as to accommodations, equipment, and teachers were prescribed. The headmaster of the school was to offer a short course of instruction in the theory and practice of teaching, and the class-rooms were to provide opportunities for practice-teaching. Subsidized by the department of Education and, later, by the county councils, and fostered by the county boards of examiners, more than fifty of these county model schools were soon engaged in training third-class teachers for the public schools.

Provided now with normal and model schools, Crooks proceeded to elaborate their organization. The high schools had developed rapidly since 1870 and could now be entrusted with the major part of the training of public school teachers in scientific and literary branches. But the training of the normal and model schools must be made more practical and professional. Acting through the central committee of examiners, the minister prescribed courses of study and schemes of examinations for third- and second-class teachers. Holders of third-class non-professional or academic certificates obtained after a course in a high school were eligible for admission to a county model school for a third-class professional course of eight weeks, just as holders of second-class non-professional certificates, similarly obtained, were eligible for admission to a normal school for a second-class professional course of twelve weeks. As the high schools were still deemed inefficient in the more advanced work, both the non-professional and professional courses for first-class teachers were offered in a special nine months' session of the normal schools. All candidates for certificates as public school

teachers must begin by way of the county model school and a third-class certificate. All candidates for second-class certificates must add to the model school course at least one year's experience in teaching and a normal school course, and all candidates for first-class certificates must add another and higher normal course or examination, with or without attendance. A third-class certificate was valid for three years in the country where issued, but might be endorsed by any inspector as valid in his inspectorate. Second- and first-class certificates were valid during good behaviour in any public school in the province. Elaborated thus, the Ontario scheme for teacher-training illustrated early and well the Ontario passion for uniformity and completeness in educational administration, and in particular in the administration of public examinations.

Between 1870 and 1885 a very rapid movement of public school teachers out of the profession strained to the breaking point the machinery for training teachers. Relief was sought in various directions. High schools were encouraged to train for the non-professional or academic examinations of third- and second-class teachers, and even of first-class teachers. The courses of the training-schools became more professional. Exemption from attendance at a normal school was granted candidates for second-class certificates whose teaching experience justified such action. Provision was made for the renewal of expiring third-class certificates for a period beyond the three years and for the extension of their validity throughout the province. To meet the requirements of remote and poor districts the law of 1882 created a lower or district certificate.

Measures to relieve the scarcity of teachers were not permitted to arrest the steady progress of the training-school system, especially in Ross's administration. The law of 1882 lengthened the model school session to three months and prescribed in careful detail its equipment, staff, and accommodation. Ross, who had been an inspector of the county model schools, added music, drawing, temperance, and hygiene to their course of instruction. The normal school course was lengthened and psychology was added to the

subjects of instruction. In 1885 Ross proceeded to establish training institutes at Kingston and Hamilton for first-class public school and high school teachers. In 1886 he organized a system of teacher-training for his newly created kindergartens. Young women, duly admitted and apprenticed in any kindergarten in the province, were to be trained there for one year for assistantships and, later, for one year in a normal school for directorships. Ross also fostered teachers' institutes. Ryerson had given these their start. Crooks had provided them with a fixed revenue from provincial and county grants. Ross made it an obligation upon all public school teachers to attend them, and, to give unity and purpose to their proceedings, appointed Dr James A. M<sup>c</sup>Lellan as their director in 1885.

The untiring activity of Ross resulted in many enactments during his last nine years in the Education Office. On these enactments he left the impress of his experience as teacher and inspector, an experience that disposed him to a personal interest in all school agencies, and the impress of his genius for symmetry and completeness, even to the exclusion of variety. This activity, moreover, combined with Ross's political prominence, aroused a critical spirit whose influence gave to some school legislation after 1896 the appearance of hesitation and even reaction.

Ross reorganized a part of the administrative machinery. In 1891 the central committee of examiners was replaced by the joint board of examiners, a small body which represented both the department of Education and the University of Toronto. Its functions were limited to the conduct, more or less direct, of the joint matriculation and departmental examinations. In 1896 the joint board became the educational council, a larger body whose members, chosen by the department of Education and the University of Toronto, represented the universities and schools of Ontario. It controlled more or less directly all public examinations, and ultimately became endowed with, although rarely called upon to exercise, advisory functions in all educational matters. The same year, 1896, saw the beginnings of more recent efforts to bridge the chasm between the public and high

schools of Ontario. An enactment of that year authorized the creation of boards of education, in the main elective, who should administer both public and high schools in urban centres. In the same year, the *annus mirabilis* of Ross's educational administration, the county grant to each public school, a grant whose origin lay in the great school laws of the early forties, was replaced by a township grant of \$150 per school, itself an increase from the \$100 grant of 1891.

Ross also extended his list of school agencies. He fostered free night schools for students over the legal school age. As these night schools duplicated the instruction of the day public schools, they could succeed only where and when the public schools failed. As a matter of fact, their success was fitful during Ross's administration, and remained so until the tide of non-Saxon immigration gave a new student body and European precedents gave a new and industrial purpose. Ross also fostered more advanced public school instruction. In the act of 1899 he sought to reorganize the fifth classes, and in enactments of 1896 and 1899 he laid the foundations of the Ontario continuation schools. With a liberality limited by the inadequate revenues of the province he aided many educational agencies of an elementary character, such as poor schools in remote and sparsely settled districts, the free libraries which were now evolving slowly from the mechanics' institutes, evening classes with an industrial purpose in connection with the mechanics' institutes, art schools which had a none too happy existence in half a dozen urban centres in the province. For the public schools themselves he strove to achieve a maximum attendance through his Truancy Act of 1891. This act provided for the appointment of truant officers to enforce, first by persuasion and finally by process of law, regular attendance throughout the school year upon children between eight and fourteen years of age.

Ross was very quick to respond to the demand for amendments of the courses of study in the public schools. Needlework and other forms of household science were endorsed as optional subjects in the public school curriculum as early as 1894, and were made obligatory in 1897. Agriculture,

which in one form or another had already appeared in the normal school curriculum, was introduced tentatively into the courses of study of the fourth and fifth classes of the public schools in 1891, and was made obligatory in all but urban schools in 1899. In 1899, also, commercial subjects were given a definite status in the course for fifth classes, and manual training was admitted as an option to the courses for the fifth and lower classes. These additions to the public school curriculum are interesting as evidence of a growing desire to adjust the schools to life itself. They are not interesting as achievements. In the absence of revenue, equipment, teachers, and even method, years must pass before these subjects 'come to their own' in the public schools of Ontario. In response to the same demand to adjust the schools to life, and on the eve of his retirement from the Education Office, Ross endorsed the addition of constructive work, nature study, and supplementary reading to the public school courses of study, and consented to reorganize the instruction in the literature, history, and physiology and temperance of the high school entrance examination.

The text-book question and the bilingual school question were still thorns in the flesh of the minister of Education. Criticism of the character and cost of school-books and of the method of publication resulted in the text-book commission of 1898. This commission endorsed Ross's policy, but the criticism, accentuated by political conditions, persisted. An agitation over the neglect of English in the English-French schools resulted in an official inquiry in 1893, which called attention to the unsatisfactory character of the text-books in those schools, found the teachers to be incompetent to teach English, and emphasized remedies which had been suggested by previous inquiries. Instructions to inspectors to enforce the regulations quieted the agitation for the moment, but it was revived before Ross left the Education Office. He then attempted to force all teachers in the English-French schools to take the ordinary qualifying examinations of teachers, but substituting French grammar and composition for English grammar and composition. He also ordered the preparation of another pamphlet of sugges-



tions on the teaching of English in English-French schools, and issued careful instructions as to the use of text-books authorized for those schools.

But it was in his teacher-training system and in his examination system that Ross's characteristics as an administrator exhibited themselves at their highest. He organized those systems with singular inclusiveness, refinement of detail, and mechanical precision. Indeed the automatic efficiency of his system of public examinations, as achieved in the legislation of 1896, provoked a reactionary movement which is still in evidence, although only spasmodically effective.

Under Ross's guidance the training institutes already mentioned passed in 1890 into the school of pedagogy at Toronto, and in 1897 into the normal college at Hamilton with Dr James A. McLellan still as principal. For ten years this college was destined to train the high school and higher grade public school teachers of Ontario. In 1892 the teachers' institutes were reorganized under a new director, and third-class certificates were made renewable on examination at a county model school. In the same year more extensive professional training was required from kindergartners, and this was supplemented in 1894 by a more extensive academic training. In 1896 model schools were created in the unorganized districts. In 1898 a scheme was devised for training cadet instructors, together with voluntary reading courses for teachers who sought to improve their professional status. In 1899 the third normal school in the province was established at London.

Ross's success in merging the various matriculation standards and examinations of the universities of Ontario into the provincial examination for teachers, and in evolving an expert agency for preparing examination papers and evaluating answers, belongs to the story of secondary education. With no less success, however, Ross reorganized the high school entrance examination and in 1891 instituted the public school leaving examination. In creating in 1891 county and non-urban centres for the high school entrance examination, in enlarging the entrance boards of examiners,

by the addition of representative public and separate school teachers, and in increasing the responsibilities of the boards in passing or rejecting candidates, he went far towards committing the high school entrance examination wholly to the charge of the expert, and towards converting it into the promotion examination from the fourth class of the public schools. He created the public school leaving examination to give symmetry to his examination system and to arrest the movement which was turning pupils away from fifth classes in the public schools and into the high schools. Although it was never a successful examination, and he was forced to amend it often during the remaining years of his administration, he never ceased to defend and cherish it as an index of public school progress.

The years between 1899 and 1913 fall into two clearly defined periods, the period of adjustment and the period of reconstruction. The period of adjustment covers the five years of the administration of Richard Harcourt, who succeeded Ross as minister of Education. The hesitation that marked Ross's last years in the Education Office persisted in a modified form throughout Harcourt's administration. Until the educational system had adjusted itself to the great changes of 1896, it was imprudent to go forward. And in any case the numerical weakness of the party in power forbade vigorous legislation. Harcourt, like Crooks, was perforce content to follow at some distance, not to lead, public opinion.

Harcourt inherited most of Ross's educational problems. He sought to disarm criticism of the text-book policy by making very few changes in the list of authorized books, and by promising to select new books for authorization on the advice of experts inside and outside the educational council and from books already published and tested. Protests against what was called the examination evil he met, on the one hand, by renewed efforts to minimize the mistakes of examiners and examinations, and, on the other hand, by the abandonment of the public school leaving examination in 1899 and the withdrawal of one or two subjects from the high school entrance examination. Caught in the reaction from the overloaded curriculum of 1896, he withdrew Latin,

Greek, French, and German from the courses and examinations for second-class public school teachers, and book-keeping, art, reading, spelling, and writing from the examinations, though not from the courses; and in response to the persistent demand for the 'adjustment of the curriculum to life,' he planned to give greater emphasis to English, art, and the natural sciences. The result was the curriculum of 1904. In response to the outcry against uniformity and rigidity in courses of study and methods of instruction, he increased the number of optional subjects and courses in the public and high schools and declared his intention to enlarge the initiative of teachers, trustees, and examination boards. Without money and without teachers, his response to the agitation in behalf of manual training, household science, and industrial education was cautious. It was not until Sir William Macdonald's generous grants in maintenance of manual training instruction ceased in 1902 that he took the first step—a very hesitating step—in the evolution of a schedule of grants for manual training, household science, and technical education.

The problem that began to bulk largest after 1900 was the rural school problem. The rural school population was not increasing and the rural school attendance was very unsatisfactory. The rural school curriculum was not adjusted to the needs of the country, and the teacher, now generally a woman, was incompetent to adjust it. Low salaries, a shifting teaching staff, many uncertificated teachers, wretchedly equipped schools were other grave features of the problem.

Ross recognized the importance of the problem, but in his day and with his revenue, as we have seen, he made slow progress towards solving it. Harcourt continued Ross's policy. His regulations of 1903 promised aid to school gardens, but very few school boards responded. The act of 1899 legalized the organization of consolidated schools, but, apart from the one consolidated school created at Guelph with Sir William Macdonald's assistance, the act did not bear fruit in Harcourt's day. Indeed, in face of strong local pride and of transportation difficulties in inclement weather,

it is probable that consolidated schools will not prosper in Ontario. To train teachers for rural schools, Harcourt extended the normal school session to a school year, and enlarged the course of training by specific instruction in nature study, household science, agriculture, constructive work, and art. He accepted, for teachers of household science, the courses of training at the Lillian Massey School, Toronto, and at Macdonald College, Guelph, and, for teachers of manual training, the courses at the Agricultural College, Guelph. With the same purpose he took steps to extend the influence of public libraries among both parents and school children. He facilitated the conversion of mechanics' institutes into free public libraries, aided school libraries, and created small travelling libraries for free circulation among remote mining and lumber camps. But behind all these measures was a government whose lease of life was uncertain, a provincial revenue which was inadequate to effect far-reaching reforms, and a public opinion which was not yet convinced of the need of such reforms. It was perhaps in the formation of public opinion, therefore, that these measures achieved their greatest results.

The period of adjustment ended in 1904. The missionary forces of this period had done their work well, and the province was now ready to advance. Reform in education had been promised by both political parties. The new government was now anxious to fulfil its promises, and its great numerical superiority made the fulfilment an easy matter. Moreover, the spectre of a stationary revenue which had always hung over the educational legislation of Ross and Harcourt now began to disappear and a mounting revenue made possible both immediate and far-reaching action. The period of reconstruction began in 1905.

The progress made during the eight years of reconstruction that have now (1913) elapsed has affected every phase of public education and every educational agency from the kindergarten to the university.

It affected the personnel and functions of the administrative staff. Dr R. A. Pyne succeeded Harcourt as minister of Education, and a year later, on the death of Millar, who

had given faithful service to the department of Education for fifteen years, Dr A. H. U. Colquhoun became the deputy minister of Education. In sympathy with tendencies that had grown more marked since 1890, and subject always to his paramount responsibility to parliament and people, the minister committed the various services and offices of his department to the charge of educational experts. He revived the superintendency of Education in 1906, at least in its advisory functions, and selected as superintendent Dr John Seath, whose forceful character and varied experience had fitted him to play a dominant part in the reconstruction of the educational system. In the same year the minister replaced the educational council by the advisory council of education, whose members must be educationists elected by the university senates and the various teaching orders of the province, and whose duties were to be advisory in the main and executive only so far as examinations are concerned. In its advisory capacity, it is to be added, the council has given good service in such matters as the courses of study and the text-books ; but even here it is doubtful whether it can ever be quite so effective as the inspectors and expert officials of the Education Office. Its executive functions, on the other hand, seemed to contract ministerial responsibility and have been transferred gradually to the permanent administrative staff.

The increase in the numbers and duties of the staff inside the Education Office has been paralleled by a reorganization of the staff outside in the inspecting and supervising fields. The scheme of public school inspection devised by Ryerson in 1871 could not meet the demands of the public schools of 1906. There must be more inspectors with fewer schools for each to inspect. For these inspectors there must be more carefully defined duties, better remuneration, and greater security of tenure through the curtailment of the municipality's authority and the expansion of the minister's. To assist these local inspectors or to supplement their efforts in the newer school activities there should be special provincial inspectors, such as the continuation school inspectors and the directors of technical education and agricultural

education. Over all local inspectors should preside a chief inspector of public and separate schools. All these things were provided in the act of 1909 and its amendments.

Reconstruction in administration was accompanied by reconstruction in the schools themselves, especially in the rural schools and in the schools in remote districts. Meagre revenues and a decreasing school population had come to mean an antiquated school fabric. The minister by turns urged and ordered larger buildings, more playgrounds, school gardens, school libraries, illustrative and experimental apparatus, and schoolroom decorations, and the ratepayers responded by almost doubling their annual outlay on the schools between 1905 and 1911. The success of his efforts was due, in the main, to the magic use of provincial grants. He increased those grants and distributed them no longer on the basis of attendance, but on the basis, among other things, of accommodation and equipment.

The courses of study of the public schools were also amended, primarily with the object of co-ordinating the school subjects into the whole round of human experience. With the aid of special grants and of teachers now specially trained, the subjects born of recent socialistic and materialistic movements, such as nature study, constructive work, household science, horticulture and agriculture, art, and physical culture, began to pass quickly out of the schedule of options into the schedule of obligations. When the equipment in the new subjects has become complete and the instruction both compulsory and universal, the goal towards which the Education Office now moves will be attained and the whole boy will be at school.

More important even than the reforms in the school fabric and the courses of study were the reforms in the teaching staffs. No problem bulked larger in this period of reconstruction than the problem of 'the improved status of the teacher.' Before 1900 the fifty-six county model schools had filled three-quarters of the rural and village schools with immature, inexperienced, and wretchedly paid third-class teachers, and threatened to drive second-class teachers from the province. Moreover, after 1900, the new studies, social-

istic and materialistic, began to demand recognition in the model schools, and could not be granted it without a complete reconstruction of session, staff, and equipment. And so, with efficiency and economy in view, Dr Pyne decided in 1906 to abolish most of the model schools and replace them with additional normal schools at Hamilton, Peterborough, Stratford, and North Bay. The model schools to be retained were reorganized in 1909 and made provincial in administration. Their graduates were awarded limited third-class certificates valid for five years in the more remote or less prosperous districts. The seven normal schools were also reorganized in 1908 in staff and courses and soon turned the tide in favour of the second-class teacher. By 1911 sixty-five per cent of the public schools teachers were normal-trained.

To renew or prolong the professional training of the teachers, the minister established summer schools, particularly in the unorganized districts of the province, and reconstituted the teachers' institutes as species of extra-mural normal schools. He also issued for the use of the teacher a carefully edited series of manuals of methods in the public school subjects.

But 'improved status' involved better remuneration as well as better professional training, and early in 1906 the minister turned his attention to the low salaries of public school teachers. His first remedy for the evil, a minimum salary determined by statute, was objected to as an interference with local initiative. He replaced it with the 'bonus,' a much enlarged provincial grant, based, among other things, upon the grade of certificate held by the teacher and the salary paid him. The response to this and other measures was immediate. The average public school salary of the male teacher increased from \$514 in 1905 to \$767 in 1911, and that of the female teacher from \$348 to \$518.

The dearth of legally qualified teachers already evident in Ross's administration persisted during Harcourt's, and became acute in the early years of Dr Pyne's. The bigger salaries of the schools in Western Canada, the general prosperity of Ontario, and to some extent the more strenuous

character of the teacher-training courses shared in creating this scarcity. Dr Pyne strove to meet the crisis by improving Ontario's salaries, increasing the number of model schools, establishing summer schools for teachers with limited certificates, and requiring from each teacher in training a promise to teach in Ontario at least one year.

The text-book problem was advanced far on the way towards solution. Acting upon the report of a commission of 1907, Dr Pyne reaffirmed in practice Ross's policy of one authorized text-book in each subject, and that a Canadian-made book, unless an English book already in the market was obviously superior. Beyond this he departed radically from Ross's policy. By fixing upon seven years as the ordinary duration of authorization, he hoped to avoid frequent or abrupt changes in text-books. Selecting and employing his own editors, he was able to own outright the copyright of the more important books such as the readers. Whether the minister selected and remunerated the editors, or the publishers employed them on the basis of a royalty on the books sold, the minister exercised full control over the contents, mechanical form, and price of each book. He was able to do this through an editor-in-chief who was added to the permanent staff of the department of Education, through revising committees who were drafted from the prominent teachers of the province, and through persistent use of tender and contract. The result was an efficient and remarkably cheap set of text-books.

The reaction against the examination system devised in 1896 continued throughout Harcourt's administration. The reduction in the number of written texts in the high school entrance examination, the abolition of the public school leaving examination, and the withdrawal of such subjects as reading, writing, book-keeping, and art from the non-professional examinations for public school teachers were proofs of the sincerity of the reaction. Dr Pyne, who was committed to the policy of retrenchment and efficiency in examinations, proceeded at once to develop his policy. He withdrew grammar, arithmetic, mensuration, and geography from the public written examinations for teachers, substituting, with



certain safeguards, the recommendations of the instructors ; and he was prepared to go farther. But the public would not follow him, and when the teachers joined the public he halted, restored the abandoned subjects, even revived the public school leaving examination, and concentrated his attention upon perfecting public written examinations as a necessary agency in the educational system of Ontario. That he has succeeded in this purpose the disappearance of protests against the ' examination evil ' is conclusive evidence.

The bilingual question came again to the front in this period. The new factors in this revival were the nationalist movement of Quebec—whose influence spread throughout the French settlements in Ontario and arrested all efforts to assert the supremacy of the English language in the English-French schools—and the restiveness of the English-speaking Roman Catholics, who were forced to accept the supremacy of the French language in many separate schools where the majority of the ratepayers were French. Like most educational questions of the period, the bilingual question received vigorous and definitive treatment. Dr F. W. Merchant, the chief inspector of public and separate schools, was commissioned in 1910 to report upon the condition of the English-French schools. His report, an unusually thorough one, formed the basis of the new regulations issued by the department of Education in 1912. These regulations permitted the use of French as the language of instruction and communication without specific restriction in the first form or class, but in the other forms and after the school year 1912-13 limited its use to one hour per day and forbade its use as the language of communication. On the other hand, as soon as the pupil entered the school he must begin the study and use of the English language. Special or supervising inspectors were to be appointed to enforce these regulations. Competent and legally qualified teachers must be engaged, and to train them the bilingual model schools must be reorganized, increased in numbers, and supplemented by an elaborate series of summer schools. Special grants in aid of salaries were also offered.

In the midsummer of 1913 these regulations were amended

so as to place the supervising inspector on an equality with the ordinary inspector, and to create the right of appeal to the chief inspector of public and separate schools in cases of unusual hardship under the regulations. Despite the amendments, however, the opposition of many English-French schools to the new regulations persisted. The abrupt withdrawal of the children from the classes on the arrival of the inspector of the instruction in English left several schools uninspected and forced the department of Education to withhold the provincial grants. As political and religious factors will inevitably force their way into the agitation, it is unsafe to say that the bilingual problem is yet solved.

The story of the Roman Catholic separate schools since Confederation has not been very eventful. Acting under the law of 1863, Ryerson instructed the high school inspectors to inspect the separate schools. Despite some show of opposition on the part of the separate schools in 1865 at Kingston and in 1871 at Toronto, these inspectors continued to perform their new duties in a more or less effective way until 1882, when at the request of the separate school authorities the department of Education appointed inspectors who, as provincial officers, were to devote all their time to the inspection of separate schools. This method of supervision remains practically unchanged.

The constructive work in the evolution of Ontario's dual system of schools ceased in 1882. The separate school act of 1886 strove to approximate the duties and privileges of the supporters of the two types of schools. Under that act and its subsequent revisions the regulations as to the duties of pupils and teachers and as to courses of study remain identical in public and separate schools. The text-books vary only in the content of the readers, and the conduct of the school varies only in the matter of religious instruction. Indeed, this identity is now evident even in the training and licensing of teachers. A decision of the Privy Council in 1906 made it clear that the clause of the act of 1863 which authorized the issuance of certificates to 'such teachers as were qualified by law in Lower Canada and Upper Canada' had reference to persons and not religious orders. Since 1906 the teachers

in the separate schools in Ontario have been subject in the matter of training and certificates to the same regulations as the teachers in the public schools.

It remains to be noted that urban conditions tend to foster separate schools, and that the expansion of the urban population of Ontario during recent years has been accompanied by an expansion in the number and influence of the separate schools. In 1852 there were 46 separate schools with an enrolment of 3000 pupils. In 1882 there were 190 schools with an enrolment of 26,000 pupils. In 1911 the number of schools had increased to 495 and the registration to more than 59,000. In the meantime the number of teachers had increased from 210 in 1867 to 1193 in 1911, and the total expenditure from \$42,719 to \$897,890.

*W. Parker*



EDUCATION  
SECONDARY AND UNIVERSITY



# EDUCATION

## SECONDARY AND UNIVERSITY

### I

#### EARLY EDUCATIONAL DEVELOPMENT

**A**T the end of the eighteenth century the Upper Canadian people could scarcely be said to exist as a community. Scattered here and there throughout the province were tiny settlements of United Empire Loyalists and groups of Scottish and Irish immigrants ; roads as yet were very few and very bad, and the task of clearing the land for agriculture seemed of itself enough to absorb the energies of the inhabitants. It was no soil for the luxuries of civilization.

Yet both races of which Upper Canada was mainly composed have always been famous for their ideals in the sphere of education. The United Empire Loyalists and the Scottish emigrants carried with them democratic and religious traditions which helped them to feel the need of schools, while their loyalty to Great Britain made them unwilling to see their children educated in the United States. From the very first the settlers would seem to have realized that if a British community was to be developed with a distinctive character of its own in Canada, education must be one of the means of that development. From the first the varying conceptions of the future of Upper Canada which its early days brought forth embodied themselves more or less definitely in an educational as well as a political or constitutional form. Thus, as we shall see, there came to be a radical and a conservative programme of education, and Upper Canada early plunged into that 'education question' which is one of the

most difficult of modern problems. The Canadian phase of that problem, from the smallness of the issues involved and the primitive character of the stage, has about it a distinctness of outline and a crude simplicity which throw into high relief the principles at stake.

Thus a single personality sums up in himself the whole essence of that conservative tradition which fought so gallant a losing battle in Canada. To appreciate the character of educational history in Upper Canada, it is essential to understand the outlook and ideals of John Strachan, first bishop of Toronto.

At least five phases of the educational development of the colony will always be associated with the name of this vigorous personality. He began as the most successful of the private school teachers of the earliest days : he ruled the most famous of the district grammar schools : he was the stepfather of Upper Canada College : he became the first president of King's College and the founder of Trinity College. John Strachan arrived in Canada on December 31, 1799. On January 15, 1852, he presided at the formal opening of Trinity College. Nowhere so well as in this long career can be studied the first and perhaps the most significant epoch of Upper Canadian education—the Anglican epoch.

When Strachan as a young man not much over twenty arrived in Canada, he had already had considerable experience as a teacher. He had graduated from Aberdeen University in 1796, and while still a student there had helped to support himself by teaching in the vacations. He meant to enter the Presbyterian ministry ; but meanwhile, being much in need of money for himself and his mother and two sisters, he had applied for the mastership of the parochial school at Kettle. Here, as he delighted to recall sixty years later, he had as one of his pupils the future Sir David Wilkie, whose ability he claims to have detected and fostered. A disappointment in securing a post as demonstrator in Glasgow University, however, led him to close with the offer of a tutorship in Canada in the family of Richard Cartwright of Kingston—an offer which had previously been made to Strachan's friend and contemporary Chalmers, afterwards so



famous as a preacher and as the leader of the Disruption of 1843. Strachan probably had hopes of future employment in public education, for already there was talk of a university in Upper Canada supported out of the public funds; but there is no evidence in the correspondence of Cartwright relating to Strachan's appointment of any specific offer of a university post to him. He was engaged and came out as a tutor and nothing more. Almost at once, however, he began to combine the teaching of Cartwright's sons with the maintenance of a school of his own at Kingston. But in 1803 he was ordained into the Church of England, moved to Cornwall, and set up there what soon became the most famous of Upper Canadian private schools.<sup>1</sup>

Numerous records remain of Strachan's methods as a teacher, for it is a notable fact that in the school at Cornwall were trained a very large proportion of those who became leaders in the first half-century of provincial history. 'He that is anxious to spare labour,' said Strachan, 'ought not to be a public teacher'; he worked sixteen hours a day at his school and his parish, yet these years, as he says himself, were among the happiest in his life. It is indeed easy to see that Strachan had a firm grip of the fundamentals of education. It may be questioned whether in the whole course of Canadian educational history there is any one with quite the same instinct for teaching that Strachan possessed. In one respect Professor G. P. Young, in another Principal Grant, were his rivals, but at any rate there can be little doubt that the political and ecclesiastical preoccupations of Strachan deprived Canadian education of a teacher who might have moulded several generations of men as only a great teacher can. It should never be forgotten in judging the ideals and projects of Strachan that on the subject of teaching he spoke as one having authority; that he understood the art as did very few indeed of his contemporaries. 'We doubt,' says Dr Scadding, 'if in the most complete of our modern schools there was ever awakened a greater interest or intelligence.' Strachan's methods, like those of all real teachers, were not conventional: as has been pointed

<sup>1</sup> In 1807 this school became a district (grammar) school.

out by a recent authority, he was 'not wholly free from the defects which were characteristic of the schools of his time; he sought to develop among his pupils a spirit of emulation and competition rather than of helpful co-operation.' Moreover, he employed at times other incentives to proper and studious behaviour which are still more at variance with the best thought of the present day. 'Now and then,' says Dr Scadding, 'a boy would be seen standing at one of the posts with his jacket inside out, or he might be seen there in a kneeling posture for a number of minutes or standing with an arm extended holding a book.' Since, in fact, teaching has become rather a science than an art, Strachan's methods have fallen out of date. He read up work overnight to keep ahead of his head-boys: he wrote his own text-books, and set his problems out of everyday experience: he soundly thrashed his pupils when discipline demanded it—one, a future bishop, has left a feeling description of 'Black Monday' with its relentless lash and writhing victims: he made them ask one another questions and take one another's places in class, and justified his system in that 'besides being instructive and stimulating to the pupils, it was also highly diverting to the teacher.' All this is very old-fashioned. But tried by the best of all tests, Strachan proved himself a teacher indeed, for his old pupils loved and revered him through life. 'He was never afraid,' says one of them, 'of having his dignity lowered by liberties taken with him; he always felt every confidence in his position, and entered warmly and personally into many of the boys' amusements, and thus gained an immense influence over them; almost all of them embraced his principles.' Like all great teachers, Strachan was intensely human. As a bishop well over seventy years of age, he scoured the province on a wagon on his episcopal visitations, and when the wagon stuck in the mud, alarmed his chaplain by rolling his vestments up into a bundle and tramping to his destination with them under his arm. To the end of his life he always carried about bright sixpences in his pocket to give to small boys who were bold enough to stand their ground when he advanced upon them swinging his stick threateningly and whistling (as he often did, even

in church) a Scottish air. The blend of vigour and kindliness in Strachan's nature made him a power in whatever circle he moved. In 1813 he left Cornwall and came to York as rector, and headmaster of the district school, which with characteristic energy he preserved from destruction in the war.

Thus Strachan first appears as one among a band of private school teachers on whose efforts alone the early settlers depended for their children's education. From the first such teachers existed in various local centres: the Stuarts, father and son, at Kingston, the Rev. Robert Addison at Niagara, and Baldwin, of York, being perhaps the best known. But Strachan eclipsed them all, and boys were actually sent from York to his school at Cornwall. Some time, however, before Strachan had left Cornwall, attempts had begun to be made towards putting the teaching of the province on a more stable basis. The originator of these attempts was the first lieutenant-governor of Upper Canada, Lieutenant-Colonel Simcoe, who realized as fully as the most intelligent of the inhabitants the educational needs of the country. Characteristically enough, however, Simcoe's views on education were based on his own experiences at Eton and Oxford. He saw many reasons for believing that Eton and Oxford should be as far as possible transplanted to Canada. The United States, possessing neither a king, nor an aristocracy, nor an established church, stood for everything which Canada must shun. Yet the United States possessed a system of education, to the schools of which Canadians, in the absence of any system of their own, were always tempted to send their sons. American text-books, the only books available, were permeated with anti-British sentiments and extreme democratic notions. In the interests of the Empire, therefore, the home government must exert itself to organize Canadian education. Simcoe had no sooner arrived at Quebec on his way to Newark than he wrote suggesting to the colonial secretary, Dundas, the foundation for higher education of at least two grammar schools and a university, adding that 'lower education being less expensive may be provided by

relatives.' Thus Simcoe at once revealed his conception of educational organization as being one which should begin at the top, should rely on the home for its base, and limit itself, for the time at least, to the formation of the minds and characters of those who could afford to continue their training for a number of years. In that education, moreover, as later letters reveal, religion must play a great part—the best type of teacher would be clergymen 'of English families and propensities,' of sufficiently 'just zeal and primitive manners' to face banishment among so primitive a people. By fostering loyalty, adds Simcoe, to put things on the lowest ground, such education would fully repay its cost.

The answer of the home government did not go as far as the governor wished. A university, it replied, was out of the question as yet, but 'respectable schools' were very desirable. Obviously it felt that some evidence of local demand must appear before it could take any further steps. Before Simcoe left the country, the Upper Canadian legislature had already followed up his letters by an address signed by the speakers of both houses, asking not only for grammar schools for each district, but also for a university. The home government thereupon took the very important step of founding an educational endowment for the province. It gave its sanction to the establishment of 'free grammar schools in those districts in which they are called for,' and also to the later establishment of 'other seminaries of a larger and more comprehensive nature for the promotion of religious and moral learning and the study of arts and sciences.' For this purpose a certain portion, eventually fixed at rather more than half a million acres, of waste lands of the crown were to be reserved. Thus Canadian education was given an endowment of immense potentialities reserved for a purpose which was defined with studied vagueness. Presumably what was intended was to do for Upper Canada that which innumerable pious benefactors had done for the grammar schools and universities of England. Whether the model was to be followed exactly or not did not appear. What had actually been done was, for the time at least, to call into being not education, but the education question.

Two schools, one at Kingston and one at Newark, were soon established, and received grants from Simcoe. The endowment was sanctioned by the colonial secretary in 1797-98, but as the lands were only valued at about one shilling an acre, none of them were as yet sold. In fact, the grant once secured, interest in education seems to have lapsed—at least till 1806, when £400 was spent on a 'philosophical apparatus for the purpose of illustrating the principles of natural philosophy,' which was handed over to Strachan. In 1807, however, a step in advance was taken. To each of the eight districts of the province £100 a year was assigned to pay the salary of a school-teacher. The 'respectable grammar schools' had come into being. Not fewer than five trustees for each were appointed by the lieutenant-governor, to select school-teachers and make rules for the conduct of the schools. The inhabitants were expected to provide a schoolhouse by voluntary subscription. It was as master of the Home district (grammar) school that Strachan came to York in 1813.

These district (grammar) schools did little for education except to stimulate the demand for it. An act of parliament and the grant of a teacher's salary are not enough to make a school unless they are fortified by popular support behind the educational movement. Instead, the grammar schools called out a steadily swelling volume of protests and petitions. In the first place, they were not, as the royal grant had specified that they should be, 'free.' Boys who came from a distance had to board either with the teacher or in the town, and all pupils paid fees for tuition. Only the wealthy or those who lived in the town would reap the benefit of the school. Thus, 'instead of aiding the middling and poorer classes,' the schools 'cast money into the lap of the rich.' Probably the strongest objection was the religious one: the masters and trustees of the schools were Anglicans, and religion was a school subject. Thus early began the formation of a body of opinion which might be called radical. Contemporaneously with the efforts of Brougham and the radicals in England, the more extreme members of the Canadian legislature began to demand popular as distinct from 'class' education.

Two results, in fact, followed from the act of 1807. The first was a series of attempts, in 1810, 1811, 1812, and following years, made by the house of assembly, to repeal or amend the act, all of which were rejected by the upper house. The lower house thus made itself the spokesman of the growing number of petitioners who complained of the operation of the act in the various districts to which they belonged. A complete deadlock ensued between the two houses—the upper house answering the lower by introducing a bill, on the motion of Strachan's friend and former employer Cartwright, to extend and consolidate the grammar school system, the lower summarily rejecting this bill and bombarding the executive council with demands for the repeal of the act. The second result was even more significant. The inhabitants of Ernestown in 1812 took the practical step of protesting against the establishment of the school at Kingston by establishing an 'Academy' at Bath under Barnabas Bidwell, late of Massachusetts, and father of the famous Marshall Spring Bidwell. In 1815 was formed the Midland District Society, incorporated by act of parliament, to collect funds in England and elsewhere for the setting up of a primary school. True, nothing as yet came of the project. It was obvious, however, that, while popular interest in education grew, the unpopularity of the grammar schools did not decrease, and that the attempt to reproduce too closely the English system in Canada was driving Canadians to look for models and even teachers in the United States. These alarming symptoms may account for the fact that in 1816 was passed the Common School Act, which set aside £6000 annually for the endowment of common schools in ten districts. In 1819 followed another act, which contained several important amendments of the act of 1807, in the direction of increasing the popularity and efficiency of the schools by public examinations and of strengthening parliamentary control (by providing for an annual report on the grammar schools to be laid before the legislature). More important still, provision was made for the promotion from the common schools of ten pupils to be annually selected by lot from nominees of the trustees in each district and edu-

cated gratis at the district school. The scholarship system kept indeed well within the bounds of English precedent, and made no very great concession to democracy; for it gave education, not as a right, but to those who showed exceptional power to make use of it; still, the provision represented an attempt to make the grammar schools workable and to meet objections. The acts of 1816 and 1819 taken together seemed to hold out hopes of an eventual settlement.

Meanwhile Strachan was steadily rising into influence in the province. He worked as successfully at York as he had at Cornwall, and under him the 'Old Blue School' established its reputation. As early as 1813 he was chosen to the executive council as an honorary member; he became a full member in 1817; in 1820 he entered the legislative council. It soon appeared that the whole programme of Simcoe had been adopted and elaborated by Strachan. He laboured hard and long for a single established church. In the sphere of education he supported the scholarships, but he devoted much more energy to completing the educational ladder by adding to it a university. In 1819 he declared that 'a foundation at York open to all denominations' would 'add twenty per cent to all the lands in the province,' and was urgently needed on behalf of the learned professions. Strachan proved himself at least in earnest about education, and with 1820 his influence becomes paramount in that field.

Not that he always used that influence well. In 1820 occurred the famous case of Appleton, the common-school master who was dismissed to prepare the way for a comprehensive system of 'National Schools' based on the system of Dr Bell. The project came to nothing; but the dismissal laid up future trouble. In 1823 a board of Education was again set up by the executive act—against which the house of assembly at first protested, but which it sanctioned in 1824—to supervise the whole school system and to control the school reserves, and Strachan became chairman with a salary of £300 a year. He soon reported to the lieutenant-governor, Sir Peregrine Maitland, that the school lands were not likely to become productive soon enough to

make a university at all possible. In 1825 Maitland wrote home suggesting that 'to provide for education being received under circumstances that must produce a common attachment to our constitution and a common feeling of respect and affection for our ecclesiastical establishment,' a quarter of a million acres of school lands might well be exchanged for an equal number of a more productive character elsewhere. As no reply came to this dispatch, Strachan, for this and other reasons, determined to go to England. The result of his mission proved by no means such as Maitland anticipated. So far from 'increasing attachment to the constitution,' it helped to bring on the rebellion of 1837; so far from 'inducing respect and affection for the Anglican Church,' it raised a storm which worked itself out in the secularization of the university. The charter of King's College, the fruit of Strachan's journey, became the battle-ground of a twenty-two years' conflict.

The charter was carefully discussed both by James Stephen of the colonial office and by the Archbishop of Canterbury, who thought the proposed constitution almost dangerously 'liberal.' But its real father is Strachan himself. Already, before he went to England, he had drawn up for the governor an elaborate statement of his plans for a university, which is interesting as a full exposition of his educational ideal. Those young men who looked forward to the learned professions, he wrote, were not often able to go to Scotland or to England for their university training. They therefore went in large numbers to the United States.

Now in the United States a system prevails unknown to, or unpractised by, any other nation. In all other countries morals and religion are made the basis of future instruction, and the first books put into the hands of the children teach them the domestic, the social, and the religious virtues, but in the United States politics pervade the whole system of instruction. The school books, from the very first rudiments, are stuffed with praises of their own institutions and breathe hatred to everything English. . . . The establishment of a University at the seat of Government will complete a regular system of education in Upper Canada from the letters



of the alphabet to the most profound investigations of Science,—a system which will be intimately connected with the District Schools, as they send up a number of boys to be educated gratis. The district schools may be connected with the University by means of scholarships . . . and the University might in time become connected with Oxford and Cambridge by possessing four exhibitions at each for the benefit of its more promising sons. . . . In this manner the children of the farmer and the mechanic might be found filling the highest offices of the Colony to which they had arisen by their superior talents.

The professions of law and medicine require home-trained men to fill them. But more important still is a university conducted by the clergy, for 'nothing could be more manifest than that this colony has not yet felt the advantages of a religious establishment' since 'sectarians of every description have increased on every side, and since the religious teachers of all other religious denominations—a very few respectable ministers of the Church of Scotland alone excepted—come almost universally from the republican States of America.' The university should be 'made to assimilate as much as possible with Oxford and Cambridge, and for this purpose tutors and professors should be appointed as soon as funds will admit. No professor, tutor, teacher, or officer who is not a member of the Church of England should ever be employed in the institution.' In spite of this last proviso, it will scarcely be denied that Strachan's scheme showed vision and grasp. The learned professions, he was convinced, could make public opinion; to secure the best material for them the educational ladder must be at once high and easily climbed by the really fit. As the proviso about tutors shows, Strachan had passed beyond the system in which he had himself been trained, and realized that personal contact with individual teachers is required to supplement the professorial system, if the full value is to be obtained from the lectures. No real education could, he felt, be conducted without a religious foundation on which to rest. Lastly, almost in the spirit of the Rhodes Trust, the old universities of the mother country should be thrown open

to the youth of the colonies. Unfortunately, however, Strachan could not avoid displaying a thoroughly sectarian spirit as regards the other denominations; and, admirable as his scheme is, it is not always easy to discover whether it was advocated in the interests of education or in those of Anglicanism. 'A farther and more pressing reason,' he says elsewhere, 'for hastening the active commencement of the university is to be found in the fact that our Church in its present state may be said to be struggling for existence, attacked as she is by the Romish Church and all the sectaries who, though agreeing in nothing else, join in opposing her because she is the establishment of England.'

Still, the charter of King's College went beyond even Strachan's wishes in its bias towards the Church, though by conservative opinion anywhere within the English Church or the English universities it would probably have been thought exceedingly liberal. By a subsequent order-in-council 250,000 acres of the original grant were exchanged for more productive lands; Strachan himself, and after him his successors as archdeacon of York, were to be presidents *ex officio*; the Visitor was to be the bishop of Canada, also *ex officio*; all the members of the staff and the council were to sign the XXXIX Articles; the chancellor was to be the lieutenant-governor and the council to be appointed by him. Finally, however, 'no religious test or qualification shall be required of or appointed for any scholars or persons graduating except the Divinity students.' It was this last proviso, it may be surmised, which troubled the archbishop of Canterbury. Nevertheless, one cannot envy the position of the dissenting undergraduate with such a hierarchy of orthodoxy pitted against him; and to the other denominations this invitation to enter an Anglican fortress could scarcely be acceptable.

In the sphere of politics the charter of 1827 proved fertile in positive results; in that of education its influence was purely negative. It prevented far more education than it encouraged; it sterilized the university and created the 'University Question.' Indirectly, indeed, it led to the foundation of Upper Canada College, and, in an amended form, was the basis of King's College; its ideas were revived in

Trinity College ; and, lastly, among its enemies it encouraged endeavours to checkmate it by means of rival foundations. Henceforward, indeed, Strachan is a force in Upper Canadian education, thanks rather to the opposition which he evokes than to the projects which he advances. He was, it began to become evident, the champion of a lost cause. Henceforward the Anglican ideal fought a losing battle against the two rival ideals of the denominational arts college and the neutral school.

It is idle to speculate on what would have been the result if Strachan could have carried out his ideal of concentrating higher education in Anglican hands. Upper Canada decided, on this particular point, to follow American rather than English precedent, to dispense with an established church and to aim at state neutrality. At the same time she gained something from this attempt to force upon her an alien system, for if Strachan could not establish a university at once provincial and Anglican, he at least helped to create the Anglican College, and whatever future denominational arts colleges have before them in Ontario, they will always owe something to the sturdy Presbyterian graduate of Aberdeen University who became so vehement a champion of the methods of Oxford and the privileges of the English Church.

## II

### RYERSON AND SECONDARY EDUCATION

**I**N 1825 Strachan preached a sermon on the death of the bishop of Quebec which contained a violent attack on the Methodists. A rejoinder, widely circulated and read, was written by a young Methodist preacher, Egerton Ryerson, who was destined to be the next great force in the educational history of Upper Canada. The bulk of Ryerson's work for education is to be found in the public schools. For him education was a pyramid rather than a ladder ; and he was preoccupied more with its base than with its apex. Strachan's heart was in the university, Ryerson's in the

primary school. Still, in the history of higher education Ryerson has a most important place : his attitude is characteristic of an epoch, and the organization which he founded affected every side of the educational system. The contrast between the two men is fundamental. Ryerson was self-taught ; he had snatched hours from work on the farm and in the mission field to read Watts's *Improvement of the Mind*, and became in the end 'one of the best informed men of his day in the country.' He was more of a preacher than a teacher. As principal of Victoria University we are told 'he was earnest and efficient, eloquent and inspiring, but he expected and exacted too much work from the average student. All revered him, but the best of the class appreciated him most.' He was diligent and clear-headed, prepared to travel thousands of miles to study the systems and methods of other countries, quick to detect their details and outline, and to weave them into his own ideal. He was as courageous and dogged as Strachan and quite as voluminous a writer. Where Strachan is eloquent Ryerson is straightforward, clear, and exhaustive, a pertinacious and inexhaustible controversialist. The intense humanity of Strachan, his unscrupulousness, his vigour, his hearty laugh, his broad Scottish accent, his immense vitality made him bitter enemies and staunch friends ; he was a personality first—a school-master, a politician, or an ecclesiastic afterwards. Ryerson has had devoted admirers and trenchant critics, but it is hard to isolate him from his system ; he gave up a whole life to the elaboration and expounding of a detailed and complex organization, and the man tends to be lost in the bureaucrat. Ryerson's strength lay in his powers as an administrator, and it was fortunate indeed for the province that he found ample scope for his gifts.

Ryerson, the founder of the High School, entered the educational world as the champion of an 'academy.' We have seen that academies had already appeared as a protest against the grammar schools ; they were now to take on a new importance as protests against the college. The battle between Upper Canada College and Upper Canada Academy is the prelude of the battle between Victoria, Queen's, Regio-

polis, Trinity, and University Colleges, out of which the present system of university education has emerged.

Upper Canada College is interesting from several points of view. For one thing, it is a monument of British colonial policy. It owes its existence to the conciliatory intervention of the home government into the battle of the charter. No sooner had Strachan returned to Canada than the house of assembly began an attack on his position. In 1828 a committee reported on the charter as being 'based on principles which are calculated to defeat its usefulness and confine to a favoured few its advantages,' and a petition against it was presented to the crown. The popular house showed itself thoroughly in earnest. Meanwhile the Tories had gone out of office in England, and Sir George Murray succeeded Lord Bathurst as colonial secretary. A select committee of the imperial parliament was appointed to inquire into the state of civil government in Canada, and in the course of its report strongly urged the modification of the charter. The Anglican party in Canada found itself betrayed by the British government, and the committee, in defiance of Oxford models, actually recommended the appointment of a Presbyterian as well as an Anglican professor of divinity, and that other professors should only be required to recognize in their lectures the truth of the Christian revelation and 'should abstain altogether from inculcating particular doctrines.' Maitland was recalled, and Sir John Colborne was sent out as lieutenant-governor with instructions to allow the university question to cool. Instead of King's College he was to bring forward a much more modest plan, which eventually took shape as Upper Canada College.

Like many compromises, Upper Canada College satisfied nobody. The suggestion of establishing a 'minor college' instead of going forward with the university was approved by both houses, but when it came to details, they were less easily satisfied. The upper house objected to the use of the endowment for a mere 'preparatory seminary.' The house of assembly, on the other hand, submitted in 1830 (after the college had already been begun on another basis) an elaborate scheme for its establishment, which was practically

a popular version of a university charter, and hence has considerable interest. It put the government of the college into the hands of a council elected half by the legislative council and half by the assembly, and it explicitly stated that no religious qualification whatever should be required of any 'Chancellor, Professor, Tutor, Lecturer, Scholar or other person being a candidate for any situation in the said College.' It gave facilities for any denomination to maintain a lecturer in divinity at the college. Needless to say, the upper house rejected the bill. Meanwhile Colborne had by his own act hurried forward the establishment of the college on the model of St Elizabeth's School, Guernsey, which he had himself refounded as governor of the island. His first step was characteristic: he wrote to his friend the vice-chancellor of Oxford that 'as a generation may pass away in correspondence across the Atlantic, I and the trustees of the College give you full power to select one Principal and the two Classical Masters and the Mathematical Master.' With the approval of the board of education, Russell Square was fixed on as the site of the college, part of the education reserves handed over to it as endowment, and the old Home district (grammar) school where Strachan had taught closed as soon as the new building was complete. Canada at last had an institution founded on the best English models and served by Englishmen of approved orthodoxy and scholarship. So impatient was Colborne of criticism of his creation that when in 1831 the Methodist conference ventured to protest against the exclusive privileges of the Church of England in the management of the school, his answer was that a 'system of education which has produced the best and ablest men in the United Kingdom will not be abandoned here to suit the limited views of the leaders of societies who perhaps have neither experience nor judgment to appreciate the value or advantages of a liberal education.' The rejoinder to this unfortunate expression of opinion was written by Egerton Ryerson.

Colborne's bitterness against the Methodists came chiefly from the fact that they had already set about the establishment of Upper Canada Academy. The year 1829 was scarcely

over before a move had been made among the Presbyterians and the Methodists, who distrusted the 'Governor's College,' to set up independent colleges under the control of their denominations. In 1828 the Methodists had separated from the American Connection and set up a Canadian Church ; a Canadian system of education became therefore more than ever necessary for them. They were the first Church to get their project under way. Cobourg was chosen as the site for an arts college with a special class for divinity students, vain attempts were made to get a government grant, and a building was none the less begun. In 1835 Egerton Ryerson went to England to raise subscriptions, and returned with 'the first royal charter ever granted to a college not under the State Church.' In 1836 Upper Canada Academy began work in its own building at Cobourg. Thus at least one result of the foundation of Upper Canada College was to introduce an era of denominational colleges and academies, founded on the same lines as the Anglican college, by the other religious sects. In 1837 Regiopolis College was founded at Kingston by the Roman Catholic bishop Macdonell, and by that date the movement among the Presbyterians which produced both Knox and Queen's Colleges was well under way, and a little later an Anglican divinity school was opened at Cobourg by Archdeacon Bethune. Bishop Strachan and his opponents at least agreed on this, that higher education should be religious in its atmosphere and collegiate in its form.

Upper Canada College itself had a useful part to play in the next generation. It did for a later age very much what Strachan's school at Cornwall had done for an earlier period ; that is to say, it gave a tone to the future leaders of the country. Upper Canada boys became a type and owed a good deal to the teaching and discipline of the school. The curriculum was classical in character, and the classics of men like Harris and M<sup>c</sup>Caul were of a highly polished but not very broad character ; the boys got plenty of drill, but not perhaps very much background. It was to be long before Latin and Greek were taught in such a way as to provide a really adequate education. Thus there was doubt-

less some ground for the numberless complaints, directed both from within and without the legislature, against the absence of an up-to-date system of instruction in Upper Canada College. But the real enmity to the foundation came from the fact that it devoted itself in effect to the training of gentlemen according to Anglican standards; it was one of the last strongholds of the Anglican monopoly. This and the fact that its finances would seem to have been grossly mismanaged lay at the root of its real defects.

In 1833 the government of the school was transferred to the council of King's College, still the forlorn herald of a non-existent university. This body might indeed have fulfilled a useful function could its members have risen to their opportunities. In 1832 the board of education, long the focus of attacks by the house of assembly, was dissolved on the home government's advice, and the council succeeded to its position as supervisor of the school lands. Thus the representatives of the university held in their hands the control of the whole provincial system of education—a possession which they might have used with immense profit to the province. As it was, the activities of the council were limited to paving the way for the university. It had already set about the purchase of a site and begun to acquire what is now Queen's Park, Toronto; it was soon to spend a large sum of money in having a wooden model made for the future building. Here its services to education between 1828 and 1839 ended.

Indeed, at this period politics became altogether too absorbing to give education an opportunity. It was the day of William Lyon Mackenzie rather than of Egerton Ryerson. Colleges and universities appeared often enough in 'Reports on Grievances' and 'Articles of Impeachment,' but got little other encouragement. Lord Durham's Report describes the schools throughout the country as of a very inferior character even in thickly populated districts. Still, the political agitation on the university question had at least one result: it convinced the Anglican party of the need of concession. The home government refused to sanction the opening of the college or to amend the charter



Queen

University

1973

Crew building



MEMORIALS OF UPPER CANADA

(1) QUEEN'S UNIVERSITY, KINGSTON, IN 1840

(2) THE DISTRICT SCHOOLHOUSE AT CORNWALL



by its own act, and insisted that the legislature must settle the question. At last, on the eve of the rebellion, the legislative council passed an amendment of the charter of 1837, which, at least in appearance, fulfilled the wishes of the house of assembly. The Visitor was no longer to be the bishop of Quebec, whose place was taken by the judges of King's Bench. The president was to be appointed by the governor and need not be a clergyman. Nor need any members of the council or professors do more than declare their belief in the inspiration of the Bible and the doctrine of the Trinity. Lastly, the council was to consist of the chancellor and president, five professors, the principal of Upper Canada College, the speakers of the two houses, and the two law officers. Thus the university was to be less dependent on the legislature than it would have been under the assembly's previous scheme, by which the council was appointed by the legislature, but at the same time need not be bound to the church. It was an excellent solution on paper, but clearly a great deal depended on the personnel of the college dignitaries. If they were all Anglicans, as were all the members of the council at the time, it would be long before Anglican influence would cease to be paramount.

These concessions at any rate removed the chief political difficulties in the way of establishing the university. All that stood between the province and a university now was finance. Strachan and his fellows may have understood teaching, but they showed little capacity as administrators. They had spent, it appeared, by 1839 well over £10,000 in buying and preparing the university site, and another £1000 on plans and preparations for buildings. What remained was as yet utterly inadequate for the running expenses of the institution. However, with the Union of 1841 and the restoration of order, the situation improved, and by 1842 the income from the endowment had become £11,718. In that year the governor-general gave his consent to the opening of university work. Ceremonies, speeches, stone-laying, and building operations on a large scale followed; Strachan, now a bishop, made a presidential address of real eloquence and partisan retrospect; and, what was more important, a

staff of professors and twenty-six students began work in the parliament buildings, emptied by the moving of the capital to Kingston. The professors were Dr M<sup>c</sup>Caul of classics and belles-lettres, Dr Beaven of divinity, Richard Potter of mathematics, H. E. Croft of chemistry and anatomy, and Dr W. C. Gwynne of medicine. In 1843 W. H. Blake took the appointment of professor of law, previously declined by W. H. Draper. Three of the professors were not clergymen of the Church of England. From two of them at least, as events proved, the party of the president was to meet with trouble. When Croft was conducting an experiment in the course of his inaugural lecture, some burning chemicals which he was using fell upon the bishop's lawn sleeves and set one of them on fire, and the incident was remembered later as typical of the relations of the two men. Thus the act of 1837 had at least one immediate result; it set reformers within the camp.

The bishop's foes, however, were not only those of his own household. In one of those portentous pamphlets, of which he produced so many, occurs the complaint that no sooner did Presbyterians and Methodists

succeed in compelling such an alteration of the charter as wholly deprives King's College of any acknowledged religious character, and consequently of any security in respect of the doctrines which may be taught there, than they set themselves actively and successfully at work in obtaining from the government and from the legislature, charters for the foundation of two colleges in such strict and exclusive connection with their respective religious denominations as that, not only the government of each college, but the whole business of instruction to be carried on within it, is required to be absolutely in the hands of those who declare and subscribe themselves members of one religious society.

In fact Victoria and Queen's had already in 1843 become the rivals of King's. The first university to open in Upper Canada was the former of these, which was incorporated by act of parliament in 1841 and assisted by the sum of £500 out of the provincial revenue. The first principal was Dr

LETTER FROM THE BISHOP OF TORONTO (JOHN  
STRACHAN) TO SIR CHARLES BAGOT

TORONTO, *21st May 1842.*

MY DEAR SIR CHARLES,

The College Council has requested me to draw your Excellency's attention to the last Statute of the University, which appropriates the sum of four thousand pounds sterling, to the purchase of a library—a Philosophical, and Chemical apparatus, a Museum and Medical preparations, etc.

The Council, after discussing at some length the relative importance of these several items, arrived at the conclusion, that before they can proceed in a satisfactory manner to subdivision and speciality of appropriation, it is necessary to ascertain, how many Professors your Excellency has considered it right to invite from England—that they may transfer to them, as the best qualified, the pleasing duty of selecting the books, and other things necessary for conducting their respective Departments.

The College Council will have great pleasure in placing such funds within their reach, as may be required for the purposes alluded to, should your Excellency enable them to do so by directing the required information to be transmitted for their guidance.

I have the honor to be,

My dear Sir Charles,

Your faithful Friend and Servant,

JOHN TORONTO

The Right Honorable  
Sir Charles Bagot, G.C.B.  
etc. etc. etc.

UNIVERSITY OF TORONTO LIBRARY

IN THE COURT OF CHANCERY  
IN THE CITY OF TORONTO  
BEFORE ME, the Master of the Court,  
at a hearing held at the Court House,  
Toronto, Ontario, on the 14th day of  
February, 1914.

Present: My Master the Master.

That the said Court has heard and read the petition of the said John Charles Esq. and the answer thereto filed by the said Charles Esq. and the evidence in support thereof, and that the said Court is satisfied that the said Charles Esq. is entitled to the relief prayed for in his petition.

And that the said Court has ordered that the said Charles Esq. do execute a deed of gift in favour of the said John Charles Esq. of the premises therein mentioned, and that the said deed be filed in the Court, and that the said Charles Esq. do pay the costs of the proceedings herein.

And that the said Court has ordered that the said Charles Esq. do execute a deed of gift in favour of the said John Charles Esq. of the premises therein mentioned, and that the said deed be filed in the Court, and that the said Charles Esq. do pay the costs of the proceedings herein.

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Jr. May  
23

Toronto 21<sup>st</sup> May 1862

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My Dear Sir Charles  
Your Faithful Friend and  
Servant  
John Toronto

The Right Honble  
Sir Charles Bagot  
G.C.B.  
&c. &c. &c.





Egerton Ryerson. Queen's did not begin working till 1842, and then only in a 'clapboard building,' though its act of incorporation passed the legislature in 1839. Some difficulty occurred, however, over this act, chiefly it would appear because it contained a provision that the chair of theology at Queen's should be maintained out of the endowment of King's College—an attempt to carry out in a roundabout way the recommendation of the imperial parliament committee that two theological chairs should be set up in the university. This project came to nothing, and the act was repealed and a royal charter given instead, substantially identical except for the omission of the proviso about the divinity chair. The episode is interesting because it points the way to the later proposals of John A. Macdonald's bill of 1847.

That the sudden fertility of the Canadian soil in the universities and colleges was a healthy sign cannot be doubted: it showed a real sense of the need of education and it led on to a great variety of experiment. Still, it multiplied colleges beyond available means of support, and seemed to postpone indefinitely the attainment of a national university. Good or bad, the movement came directly from the distrust which Strachan had awakened.

By 1843, then, the educational problem of Upper Canada had been fairly stated. Private schools, common schools, grammar schools, academies, a minor college, a provincial university, a Methodist, a Roman Catholic, a Presbyterian university—all these were in existence, many of them in competition, very few of them adequately supported, and none of them properly co-ordinated. The educational history of the next ten years consists in attempts, some successful, many failures, to organize and focus all this dispersion of energy. In some cases there followed an actual economy in effort or an increase in efficiency—in others merely the multiplication of new centres and confusion worse confounded. In the main it was a triangular battle; between the spirit and traditions of Strachan on one side, the ideals of men like Ryerson on another, and on the third a principle which neither was prepared to accept—the principle of secularization.

This period of organization, actual and abortive, is nowhere better reflected than in the development of the common schools—which is outside our scope. As regards secondary education, the work of systematizing scarcely became prominent before 1854. Between 1843 and 1853 it is the university question which monopolizes attention. As already suggested, there is little essential connection between education and the university question. The lectures of M<sup>c</sup>Caul, Blake, and Croft continued more or less regularly throughout the battles of the politicians and the polemics of the newspapers. Still, it was in the real interests of education to determine how best the endowment could be used to foster efficient teaching. That this was being done when the majority of the people of the province distrusted King's College (which monopolized the endowment) and sent their sons elsewhere, could scarcely be maintained. Strachan's position, however, was that, once given a fair chance, King's would win steadily in the confidence of the people and become in time what it was in name, a genuine provincial organization. The other colleges, merely evidences of a fit of petulance on the part of the sects, would dwindle and disappear. Such men as Ryerson and Liddell, the heads of Victoria and Queen's, desired almost as keenly to support a movement towards centralization. But to them centralization came very early to mean federation, and if they could secure the latter they were prepared at a pinch to forgo the former. They wanted support out of the state endowment for the denominational colleges. They did not want those colleges to lose their individuality; they objected, not to state endowment of religious education, but to the monopoly of that endowment enjoyed by the Anglican professor of divinity. Dr Beaven should not alone of theologians have his salary paid by the state. On the other hand, there was a steadily growing body of men who felt that the only way to secure a provincial university was to secularize it—to exclude Dr Beaven altogether. If religious education was wanted, let the religious communities pay for it; in the provincial institution, let it be limited to divinity students. As a political solution this last had much to be

said for it. But it represented without doubt a retrograde step in education.

Between 1843 and 1849 occurred five attempts to solve the university problem—the first Baldwin bill, the Draper bills of 1845 and 1846, the Macdonald bill, and the Baldwin act. Something was accomplished as a result of all this effort, but on the other hand Knox College in 1844, the College of Bytown in 1849, and Trinity College in 1851 appeared to increase the number of scattered institutions.

Early in 1843 Dr Liddell of Queen's wrote to Dr Ryerson of Victoria making the following propositions: firstly, that there should be one university, 'the University of Toronto'; secondly, that 'there should be as many separate colleges within the University as the Province might require,' each with a 'separate governing power' of its own, and all subject to the provincial university council, on which each college should be represented. Ryerson, while agreeing in principle, pointed out that the buildings at Cobourg had cost too much and were too good to be lightly abandoned, but both men seem to have arrived at the conception of a group of colleges both 'literary' and 'theological' together forming a university. Both supported the Baldwin bill, which indeed embodied much of Liddell's scheme.

When Dr Beaven in the church newspaper attacking the Baldwin bill asked if it could be proved that the council of King's College had violated any trust, Ryerson pointedly answered that 'the very existence of the Reverend Dr Beaven as Theological Professor in the University of King's College' supplied the answer. 'What business has a Theological Professor of the Church of England to be in the University under the amended Charter?' What the Baldwin act proposed to do was to remove him. It was this which led Bishop Strachan to characterize it as 'the leading object of the Bill to place all forms of error on an equality with truth' and to add that 'such a fatal departure from all that is good is without parallel in the history of the world, unless indeed some semblance to it can be found in Pagan Rome, which to please the nations she had conquered condescended to associate their impure idolatries with her own.' The bill

actually proposed to constitute the University of Toronto, to consist of King's, Queen's, Victoria, Regiopolis, and Upper Canada Colleges, no one of which, but the university alone, was to grant degrees, and all of which were to be fully represented on the university council. All the endowment was to be given to the university, and the colleges were given a temporary allowance of £500 a year, after which money for them was to be raised from the clergy reserves. The preamble to the bill stated that its object was to extend the benefits of university education 'without offence to the religious opinions of any,' by leaving the teaching of divinity and the education of the clergy to collegiate institutes incorporated with the university but managed under their several charters. It is noteworthy that one result of the bill was to create a rebellion in the college council, of which, as was later pointed out, the college professors were the only members who could attend regularly, for the speakers and law officers of the united parliament were far too busy to be there except on very rare occasions. Professors Croft and Gwynne, on November 4, 1843, brought in a motion expressing their support of the Baldwin bill, 'because they conceive that the sooner existing imperfections in the charter are remedied the better for the country.' They followed this up by seceding from meetings and thus making a quorum impossible, and finally went so far as to petition the assembly. This was indeed a fitting sequel to the setting fire to the bishop's lawn sleeves, and the rebels were soundly taken to task by Sir Charles Metcalfe. Meanwhile the bill, thanks to political vicissitudes, was lost. Draper, who at the bar of the house had argued the case of King's College against the act of 1843, now had to produce, as leader of the conservatives, a solution of his own. Baldwin had his revenge in the extremely able speech with which he destroyed the bill of 1845. This measure differs from that of Baldwin in doing more for the college than for the university, for it proposed to endow the former directly from the university fund. 'It is well known,' said Baldwin, 'how distasteful to a large portion of the people of Upper Canada is the application of public property, in which all are equally interested, to the theological purposes of

any particular denomination. And yet here is a system by which funds are to be diverted from the general purposes to which they ought to be applied, and frittered away among a variety of Collegiate Institutions, which, if not nominally Theological, will, as is well known, be practically such.' That Baldwin was right in this last point may be seen from the second important point in this bill, that King's College was to be given back the charter of 1827. But despite these concessions to the bishop, his party could not be induced to regard the bill of 1845 as much less 'hideous' than that of 1843, and Dr M<sup>c</sup>Caul, in a pamphlet which he published on the question, reverted to Baldwin's original suggestion that the other colleges should be endowed from the clergy reserves rather than that the university endowment should be divided. When Draper introduced his second bill—substantially identical with the first—it was again thrown out, both Baldwin and Boulton, the champion of King's College, voting against it. As Draper said: 'This measure was represented as an attack against the University of King's College, whereas it was an attempt to strengthen its foundations and make it more permanent.' He had done his best to bring about a compromise which should at once keep religious teaching in the university and relinquish the Anglican monopoly. Draper's conception of a university comes out in his speech to the bill, and is perhaps worth quoting. He had provided, he said, by this bill that

with regard to Literature and Science, all the classes should go under the same teacher or teachers; but that each morning in King's College, when the proper hours arrived, the bell rings, and the Church of England student goes to divine worship, and in every College the same thing would take place and thus each student would be required to attend Divine Worship in his own college. . . . Within half an hour another bell rings. There is a Lecture on Classical Literature—some Greek or Roman author to be explained, and then the Church of England man from King's College, the Presbyterian man from Queen's and the Methodist from Victoria, all go forth together to attend the reading of that Greek

or Roman writer. They receive their Lecture ; the next at hand perhaps is a class for Mathematics to which all of them go ; next Chemistry—all are there ; then Experimental Philosophy and they all attend that. But by and bye comes a Lecture which involves some principle of Theology and each goes to his separate College and receives instructions on the tenets which he holds and consonant with the religious views which he entertains.

It must be allowed that, if Draper's programme of lectures for the day is even more comprehensive in its scope than the most congested curriculum of to-day, he has grasped some of the essentials of a Canadian university.

To such a conception Bishop Strachan could not rise. For a time, however, he seemed likely to fall in with the last of the attempts to save King's College from its fate. This was John A. Macdonald's bill of 1847. Macdonald carried the views of Draper one step forward. He gave up altogether the idea of a centralized university and proposed to divide up the endowment between the various colleges, leaving them scattered over the province. The university buildings and site were to be left to King's College, to which was to be restored the charter of 1827. 'Had this Bill carried,' says Dr Burwash, 'it would have postponed to the far future the possibility of a University worthy of the Province, and would have endowed the Anglican Church with a property which is to-day worth three and a half millions of dollars.' As for Victoria, Queen's, and Regiopolis, 'while saving them from a good deal of financial embarrassment, it would have consigned them to perpetual and scarcely respectable mediocrity.'

It is curious, therefore, to see that the bill was accepted by Ryerson and at first by Strachan, and condemned by M<sup>c</sup>Caul, by Baldwin, by Croft, and by Gwynne. The 'anti-partition' party claimed that far too much was given to King's College. The supporters of the bill, on the other hand, argued against this centralization of university teaching as likely to deprive many of the inhabitants of the advantages of education, and also felt that religious education had a better chance under

this bill than under any other, since Draper's bill had failed. But Strachan could never long be content with half instead of the whole : he withdrew his support of Macdonald, joined M<sup>c</sup>Caul in claiming for King's the whole endowment, and so wrecked the bill. He thus delivered over his party bound hand and foot to the radicals, with whom he had now twice co-operated to defeat an attempt at compromise. The next university bill became the famous Baldwin Act of 1849. ✓

Baldwin, as his speech on Draper's act shows, had come to the conclusion that the state should not support denominational education. He had also followed up this position by deciding, as between what he calls the collegiate and the professorial system of education, in favour of the professorial. In fact, Baldwin had gone back, in the latter respect, to the mode of Strachan's University of Aberdeen and severed himself from the traditions of Oxford and Cambridge, of which the bishop had become the champion. Again, Baldwin struck a blow at the state of things under which the management of the university had lain altogether in the hands of the professors. It had become apparent as the result of a parliamentary inquiry that the university had long been living on its capital, and the only man among the ordinary attendants at the council meetings who had any interest in economy or prudent management—Professor Gwynne—had usually been outvoted. Baldwin proposed, therefore, to put the university much more completely under the power of the legislature. Lastly, as a convinced 'non-partition' man, he was determined to reserve to the university itself all the endowment.

Baldwin's act, then, completely remodelled the university. The present professors were indeed to remain, with the exception of Dr Beaven, professor of divinity, and Upper Canada College still continued as an 'appendage of the University,' but was given a competent organization to govern itself. But all religious teaching and all religious services in connection with the university were forbidden, the chancellor was not to be an ecclesiastic, and the control of the teaching and professors was vested in the chancellor and the vice-chancellor. The president and the caput were to manage the

students. The senate, which was to constitute the university legislature, was to consist of the chancellor, vice-chancellor, president, and all the professors, and of twelve or more additional members, one-half to be nominated by the crown (and not to be ecclesiastics) and the other half by the colleges 'who are now, or hereafter shall be, incorporated,' as any could be who gave up granting degrees in arts. A board of trustees was also set up with the Hon. Francis Hincks as first chairman, and a 'paid manager of the affairs of the University' chosen by the crown, with two colleagues, one appointed by the senate, the other by convocation. Moreover, 'they were prevented from expending more than the income in any year; and as the professors would draw a considerable portion of the income for their salaries, the amount deficient (if any) would have to be deducted from the salaries.' Appointments to professorships were to be made from four names submitted by the senate.

The bill raised a storm. Boulton said in the house that 'by establishing a mere infidel college it would bring down the anger and judgment of God on the province.' The bishop, in his indignation, almost reverted to the position of Macdonald's bill, for he said that the purpose of the bill was to establish 'a most rigid and oppressive monopoly over mind, which of all things ought to be most free, and to impose on the deluded public a mutilated sort of education, far inferior in quality and character to what may be easily attained, had we in this Province, as in England and Scotland, rival institutions.' The bishop had thus at length become convinced of the evils of monopoly, and, as he said, 'of attempting to legislate for a very small fraction of the population to the virtual exclusion of a great majority.' He and Ryerson were for once in agreement, both backed by Queen's, which absolutely refused to surrender her charter. But hardest of all for the bishop was the fact that the council of King's College actually petitioned parliament in favour of the bill. In 1848 Bishop Strachan had been succeeded as president by Dr M<sup>c</sup>Caul and had ceased to attend council meetings, and thus the malcontents had an occasional majority. Hence Professors Croft, Gwynne, and Beaumont



were able to carry the petition against Drs M<sup>c</sup>Caul and Beaven, both of whom entered protests. The petitioners referred to the establishment of the theological college at Cobourg, where the bishop required applicants for ordination to spend a year after graduating from King's, as an indication that his lordship himself was not satisfied with King's. The Baldwin bill was passed in May 1849.

It is significant that among educationists the chief support of the bill came from the teachers of science and medicine. Such men were naturally inclined to see the drawbacks of the collegiate and the advantages of the professorial type of education. It was from their departments of study that the strength of the future demand for centralization was to come, for the elaborate and expensive equipment which they were in time to need could only be obtained in a centralized university with a large endowment. On the other hand, for education as Strachan and Ryerson both understood it, something more than equipment was necessary, and both men knew, though both were liable to forget it on occasion, that for such education a form of close-knit corporate life was necessary, which could be obtained even more easily in a small college with strong local traditions than in a large centralized institution, however wealthy and finely housed. Strachan at his worst was a bigot, Ryerson at his worst was a doctrinaire; both at their best had an insight into the needs of the country which contemporary politicians, in matters of education, certainly did not possess.

In spite of the act of 1849, Upper Canada did not intend to remain a 'nation of infidels,' or even to be suspected of a tendency to become such. In 1850 an explanatory act was passed pointing out that there could be no objection to religious denominations within the university providing out of their independent funds for the giving of religious instruction. Under these conditions it seemed at one time likely that Victoria would seek incorporation, leaving at Cobourg her preparatory school and divinity faculty. But the movement came to nothing.

Meanwhile Bishop Strachan was preparing the last, and perhaps not the least important, of his many contributions

to Ontario education. Confronted with a provincial university conducted on principles which he abhorred and by men whom he distrusted, he acted precisely as Ryerson and his followers had acted in 1836: he determined to create another 'out-lying college.' Old as he was, he hurried to England, where he so worked upon Anglican opinion that he secured help and contributions from great numbers, from the archbishop and Gladstone downwards, specifically to counteract the influence of the 'godless college.' While Dr Beaven, the bishop's former ally, returned as professor of mental and moral philosophy to 'an institution which he abominated' because it had expelled him as professor of divinity, Strachan actually came back in 1851 with the promise of what the *Globe* described as 'a charter incorporating John Toronto into a University,' and, even before the charter came, had opened, on January 15, 1852, the University of Trinity College.

Trinity was to be everything which Toronto was not; it was to be residential, free from state control, Anglican; instead of the professorial system upheld by Baldwin it was to be 'formed, in so far as possible, into a large household,' there was to be 'daily and hourly intercourse between the youth and their instructors,' and among the latter 'friendly intimacy on terms and with an intensity which nothing but a college life will admit.' In 1845 residences had been opened in King's College, but Strachan had apparently not then realized to the full the value of residential life, or had found it impossible to make others understand it, and under Dr Beaven as dean only fourteen students on the average resided, and the receipts amounted to little more than one-tenth of the expenditure. At Trinity, on the other hand, the system was immediately successful. If it had been nothing else, this last achievement of the bishop would always have been interesting as an experiment. In the vitality of its traditions, the strength and number of its customs, the persistence of its type of student, in a certain old-fashioned classical atmosphere, Trinity has always stood apart from the other institutions in the province and remained a monument to its founder.

The ideals of that founder were now, however, very much out of fashion. Canadian politicians and educationists were now looking neither to the old Scottish nor to the old English universities for the type of institution which was to fulfil the needs of Canada. The new University of London was coming into favour, and men like Baldwin and Hincks seem to have disposed once for all of the ideal which was that at once of Strachan and of Ryerson, the ideal of religious unity as the basis of a college education. To this cause the original endowment was permanently lost. Thus the High Church party by persistently asking too much, by striving for a monopoly when they could only hope for a share, by identifying themselves with social exclusiveness, with an aristocratic standpoint, and that type of orthodoxy which brands those who do not accept its doctrines as heretics, had alienated those who might have joined in a movement to secure aid for higher education, on a religious basis, for the common benefit.

Meanwhile Dr Ryerson had ceased to be principal of Victoria and become in 1843 superintendent of schools. In the field of primary and secondary education Ryerson's ideas ran as directly counter to those of Strachan as did, in university matters, those of Baldwin. In the first place, Strachan carried his admiration of English models wholesale into all branches of education. What he aimed at was the old-fashioned English public school, permeated by an Anglican atmosphere, providing boarding-houses for the boys, charging considerable fees, and drawing students very largely from the 'upper classes,' though providing facilities, in the form of scholarships, for boys of no means or position to be educated free. Ryerson, as a loyalist of the old type, had very little inclination to follow American examples, and yet his outlook was essentially transatlantic. For him education was not a privilege to be earned or paid for, it was a right—'the first and most obvious principles of political economy, human rights and civil obligations' dictated that every man should have the opportunity to be educated as much and as long as he was capable of profiting by it. The high schools, then, if they were antechambers to the university for the 'govern-

ing classes,' were also important as steps leading on from the common schools. Moreover, as the necessary training-grounds for citizens, they must be under the supervision of public servants and backed by the public support. Democracy, for men of Ryerson's type—for he was essentially a conservative—implied bureaucratic checks and safeguards; the career must indeed be open to the talents, but also assisted by official guidance; popular interest must be the inspiring force, but system must direct its manifestations. Still, a measure of administrative centralization must always be accompanied by a counterbalancing stress upon local decentralization—if each school must adopt the Education department's recommendations, those schools must be as far as possible distributed over the province; education must go to its constituency, not the constituency to it. Thirdly, it was implied in this last that such education must be undenominational—it was absurd and impossible that every town should have half a dozen denominational academies when the pupils could receive religious instruction in their own homes and churches. Only in centralized boarding-schools or universities was definite provision for denominational education necessary. Lastly, it followed from Ryerson's outlook that under his régime primary overshadowed secondary education; it was with the base of the pyramid that he was preoccupied. Thus for at least three-quarters of its first century secondary education in Upper Canada was restricted by the fact that, first, the ideal of Strachan sacrificed it to the university, and, later, the ideal of Ryerson sacrificed it to the common school. Between 1792 and 1876 only two attempts were made to grapple with the real problems of secondary education. Both attempts, however, it is worth noting, were made by chosen lieutenants of Ryerson's—G. R. R. Cockburn and G. P. Young.

Cockburn, it is true, soon became the antagonist of the man who brought him out from England to work in his Model School. After a year or two under Ryerson, Cockburn accepted the headmastership of Upper Canada College, and it was under him that that institution proved its right to stand out of Ryerson's system by the excellence of its work

with its pupils. Thus there survived from the old days of Sir John Colborne a type of institution which is perhaps to have a future in Ontario, an institution with some at least of the characteristics of the English public schools—residential, immune from co-education, laying considerable stress on athletics, and on *esprit de corps*. The real function of such a school is to inculcate in the sons of well-to-do parents a sensitiveness to social obligations and a genuine public spirit. This function Upper Canada College under Cockburn did perform, and it is a function which every day increases in importance.

Nevertheless the real heart of the problem lay in the high schools, and it was this problem which Young attacked with all the vigour and insight characteristic of him. The three great events in the history of secondary education between 1830 and 1880 are Young's three reports on the grammar and high schools, written between 1864 and 1867, when Young was inspector.

The situation with which Young found himself confronted on his appointment was an eminently unsatisfactory one. Three attempts had indeed been made to introduce order into the chaos of secondary education, but each had fatal defects. The first was made before the era of Ryerson in 1839. The commission on education which reported in that year definitely recommended that 'one system should be laid down to be adopted by all,' schoolhouses should be built on a uniform plan, and schools should be visited at least biennially by an 'Inspector-general of education.' The act which followed carried out some of these suggestions. It appropriated 250,000 acres of waste land for the grammar schools, out of which endowment £100 a year might on occasion be advanced to the trustees of any school. Until the university came into operation, however, half the endowment was to go to Upper Canada College. If a new school was required £200 might be given towards a schoolhouse, if the inhabitants subscribed an equal sum; and £100 a year would be paid to any school not in a chief town where a schoolhouse and at least sixty pupils were guaranteed. Lastly, King's College council was empowered to make rules

and regulations for the conduct and good government of the schools. Thus certain facilities for expansion and a certain attempt at regularization were introduced. Thirty schools existed in 1845 where in 1839 there were only twelve. But the council failed entirely to rise to its opportunities. As Victoria was fed by its preparatory department, so King's was fed by Upper Canada College, and its interest in grammar schools consequently languished. It missed a great opportunity and opened the way for the triumph of another interest.

Ryerson at first took little heed of the grammar schools. In his reports of 1845 and 1846 he does not even mention them; in 1847 he gives them a paragraph. There are, he says, 38 grammar schools and academies teaching 3521 boys; some of them are 'much to be commended'; but only five per cent of the school-going youth of Upper Canada receive instruction in secondary schools—the moral being, the 'unimpeachable importance of the common schools.' The act of 1850 was the first attempt to 'place under more popular control' those institutions which, as Ryerson remarks in 1848, absorb annually 'a considerable sum of public money, and as a general rule benefit only those who reside in their immediate neighbourhood.' Popular control with Ryerson came very early to mean assimilation with his system of public instruction. But the act of 1850 was a very tentative measure—merely giving trustees of common schools the right to classify the schools under their charge as primary, intermediate, and high schools, or to establish a single school with three departments similarly graded. Now, in his report for 1850 Ryerson attacks the grammar schools because 'forming as they do no part of a general system of public instruction, teaching has to be done in them of so elementary a character as would clearly be better left to elementary schools.' All that he had done, however, to remedy this was to give to the common schools facilities for claiming to teach what had better be left to genuine secondary schools. Not that he was blind to the evils of duplication. Each grammar school, he recommends, should be made the high school of its district, and the funds of both high and common schools applied to education on a uniform system.

In 1853 he carried his point. State-aided secondary education was in that year transferred from the control of the university council to that of the chief superintendent and the council of public instruction, on which, however, representatives of the university and the college were to sit.

The principle of working upwards from the base thus won a decisive victory over Strachan's principle of working downwards from the university to the school. The main features of the famous Ryerson system were introduced—a grant from the grammar school fund for the salary of the teacher, studies prescribed by the council, the superintendent to report annually on the schools to the governor, regular inspectors to visit the schools, the local trustees to engage the teacher and to be responsible for the upkeep of the school, the fees to be as low as possible, and education to be purely voluntary. Popular management, official guidance and inspection, and partial support by the state—these were the three great principles of organization. Undenominational teaching and prayers, no compulsory attendance at school, and very low fees—these were the three leading characteristics of the schools. It will not be denied that the balance of local and central control is cleverly made and that the organization is simple and easy to work. At the same time, Ryerson himself was the first to admit that the situation, for the ten years after the passing of the act, was by no means ideal.

For one thing, under the act of 1853 the position of high school trustees proved to be an almost impossible one. They were given no power to levy a rate, whereas the trustees of common schools had such power. Here then was an irresistible temptation for them to unite with the common schools' trustees to form a 'Union School,' which could be so supported and was also, of course, cheaper than two schools; hence the precise evil of which Ryerson had complained in the grammar schools. Moreover, grants from the grammar school fund were distributed to various schools on the basis of the population of the school district, and a new school could be created if \$200 a year could, on this basis, be claimed by it; hence a plethora of weak grammar schools. Both these evils were strongly insisted upon by Young, and

the result was the act of 1865, which attempted to remedy them. This act introduced the system of payment to the schools on the basis of attendance ; secondly, it provided that the trustees of the municipality must raise a sum equal to the government grant for the support of each school ; lastly, provision was made for introducing the elective principle into the appointment of trustees. In 1874 came further changes. Obligatory assessment for contributions to high school maintenance was now introduced ; the trustees were empowered to requisition a grant from the municipality ; high schools of superior equipment were to be called ' collegiate institutes ' and to become entitled to an increased grant, and the payment of the government grant was to be fixed on the basis, not of population, but of ' results.' Provision was also made for elective members of the council of public instruction sent by the universities, the high schools, the public schools, and the inspectors. The way was thus paved for the course of recent development in which collegiate institutes and examinations for the purpose of determining results have played a leading part.

So much for the introduction of a measure of order where before had been mere chaos. But men of Young's type were not to be satisfied with the erection of a system. Young's criticism of secondary education went far deeper. It must be noted, however, that he was careful to state that Upper Canada as it then was could not hope to compete with the best models of secondary teaching. He warmly endorsed the opinion that the classics provide perhaps the finest of mental trainings. But he insisted that perfunctory teaching of the classics, like perfunctory teaching of anything, was worse than useless. He knew well enough that to put a subject into the curriculum was not to ensure its being adequately taught, and he threw the weight of his authority into the scale in favour of more attention both to English and to science. But it was to be English taught with a view to correctness of expression and accuracy of grammatical construction, and with real sympathy for the content, more especially the ethical content, of the literature. Young believed—and his view is at any rate deserving of respect—



that in secondary schools the English language and literature might be made a real means of education, both in the sense of a training in accuracy and in the sense of a stimulus to thought. Similarly, what he prized in science was the method of scientific study: he believed that a single scientific subject adequately taught could give an insight into the principles of logical reasoning which might be made of great value. Thus, if he wished to modernize the curriculum, it is to be noted that his object was to ensure not a larger range of subjects, but a more thorough training in what was taught; it was the perfunctory nature of classical teaching which disgusted him. On the subject of co-education he was emphatic. The distribution of the school grants on the basis of attendance led to a great influx of girls into the grammar schools. Young did not hesitate to condemn the teaching of girls of fifteen, sixteen, and seventeen in the same classes as boys. His reason may be given in his own words.

Girls who may have enjoyed no domestic advantages and who do not understand the beauty of a 'meek and quiet spirit' are in danger of being drawn, by the feeling that they are playing their part in the presence of boys, into an unfeminine rudeness of behaviour towards their teacher. A girl who is destitute of refinement of nature, more readily becomes insolent or sullen at having her self-love wounded in the presence of boys, than she would if surrounded by companions of her own sex. At any rate, the important practical point remains that when a girl does so far forget herself as to be disrespectful to a teacher, there is a vastly greater evil in its permanent effects on her character when the fault is committed before boys.

It was thus Young's opinion that cheapness and convenience in education can be too dearly bought at the price of those qualities of modesty, chivalry, and self-respect which it is the business of education to foster.

Young, too, insisted most strongly on the necessity of some other test than that of attendance in the grading of schools, and his recommendation led the way to the establishment of a system of examinations as the only real test of a

school's efficiency. He recommended the appointment of a number of inspectors to carry out entrance examinations to the high schools, and himself conducted a number of such examinations as inspector. The results convinced him of the inefficiency of common school education, especially in English. 'I have been told,' he wrote, 'that in a considerable number of common schools, English grammar is looked on as of no importance in comparison with such branches as arithmetic, algebra, and natural philosophy. But I am slow to believe that there can be more than a very few persons connected with education who are so stupid as to entertain such an idea.' As appears from his address as president of the Ontario Teachers' Association, Young looked forward to the setting up of four or five great secondary schools of the type, as regards the aim of their teaching, of Upper Canada College: he did not welcome the experiment of collegiate institutes with standards of equipment and a type of teaching but little superior to that of the high schools, and it would seem that for the highest type of secondary training he was a believer in greater local centralization than Ryerson was prepared to accept.

Since Ryerson's retirement in 1876, however, the most prominent tendencies in secondary education have taken the direction of improving the equipment of the schools and enlarging the scope of the curriculum rather than of strengthening the quality of the teaching. Immense progress has been made, particularly of recent years, in the type of apparatus which even the rural high schools possess for scientific teaching: the requirements made for obtaining the status of a collegiate institute have acted as a stimulating ideal throughout the province, and the influence of a rigid system of inspection has made throughout for better and more healthy schoolhouses. At the same time, under the stimulus of the Education department, the teaching of various subjects has undoubtedly been immensely developed. Classics, mathematics, science, English, and history have been stressed in succession, and each in turn has reached a comparatively high level in the best schools. The system of examinations developed first under Ryerson has given great facilities for

directing the teaching work throughout the province into any channel favoured by the central authority, and has perhaps unduly hampered the freedom of the individual teacher. At any rate, without in any way belittling the importance of equipment and system in a provincial scheme of education, it will probably be acknowledged that what has so far been lacking in secondary education is the focusing of the teaching on some one group of subjects thoroughly and adequately taught. Thus alone can the real purposes of secondary education be fulfilled—the inculcation of sound methods of thought and study, and the stimulation of intellectual curiosity.

## III

## THE GROWTH OF UNIVERSITY EDUCATION

THE Baldwin Act and the foundation of Trinity left the two ideals of university education in Upper Canada face to face. A university, it would seem, to be provincial or national, must be secular and professorial—must leave out of its composition both a religious atmosphere and an effort after corporate life. If these two essential constituents of a true system of higher education were to be included, it was apparently to be only at the price of the renunciation of both the state endowment and a non-sectarian constituency. Here was the dilemma—the next forty years were to be spent upon its horns.

These forty years are memorable in this connection chiefly for three reasons—for what might be called the ideal of Burwash, for what might be called the achievement of Grant, and for the compromise of University College. University federation, as conceived by G. W. Ross, by Goldwin Smith, by Burwash, was eventually to provide the solution of many difficulties and the promise of an assured future; Queen's, as developed and fostered by Grant, was to take rank beside the school at Cornwall among the few educational triumphs of Upper Canadian history. Like the Ontario school system, the Ontario federated university is a monu-

ment of organization and statesmanship. Like Strachan before him, Grant was one of those vigorous and intense natures which, when they find their way into teaching, do in that world what is perhaps of more value there than anything else—found a great tradition. Burwash helped to make possible a university, Grant created a college, and education in Ontario depends for its future on the use made of those two gifts.

University College, like Upper Canada College in the previous epoch, was an attempt to mediate between the two opposing camps—between the adherents of Baldwin's secularized and 'professorial' university and those of Strachan's residential and denominational university. Hincks, like Colborne, in trying to make peace, at once introduced a new complication and developed a valuable experiment. If University College seems equally incapable of correlation to the conceptions either of Burwash or of Grant, either of Baldwin or of Strachan, it is therefore not the less important; and if, like Upper Canada College, it has not even yet fully vindicated its position in the province, it is easy to see the possibilities of its future.

It was in 1843 that Hincks attacked the problem which had so perplexed his predecessors. As already hinted, the University of London provided him with a model. Baldwin's bold repudiation of the collegiate in favour of the professorial ideal had clearly been a mistake. The denominational college, whether it be King's or Queen's, Regiopolis or Victoria, had taken too firm a root in Canada to make possible a university with no college organization contained within it. Hincks therefore gave an arts college to the state university; his act created University College, to which he transferred all the university professors, except those representing the faculties of law and medicine, which were discontinued. The university itself was given no teaching functions at all, and was made simply an examining and degree-conferring body. Any other colleges or universities which would send up students for the university examination could become affiliated and get representation in the senate, and that without losing their own university powers. University

college was simply to be the first of the affiliated colleges—undenominational, central in position, and offering a full course in arts. Such of the endowment as was not used for the university or for University College was to be devoted to the affiliated colleges.

Two things were needed to make of this act a working success: the balance must be held true between the various colleges and all must adopt the university as their examining body. Neither condition was fulfilled. University College was over-represented on the senate, for all its members were always on the spot. The needs of University College were always fully pressed, and it soon became clear that there would never be any surplus for the out-lying colleges. In their turn, the colleges still possessing degree-granting powers of their own, with the exception of purely divinity colleges like Knox and St Michael's, all preferred to examine their own men and declined to send up any candidates for the university examination. It has been suggested that an 'instinctive fear' made them hesitate to fall in with a system which 'tends to reduce the teaching body to a drill school for examination.' Doubtless there is much to be said for the present system under which the teacher is himself the examiner and all the teaching staff have a share in the setting of papers. Still, few things do more to stimulate energetic and efficient teaching than the system which makes teacher and pupil allies, so to speak, against the examiner. Moreover, in a fully-developed college system it is difficult to see how all the members of all the college staffs in one subject can long be able to collaborate in the production of a single paper. It is as if every judge in every State had a right to a voice in determining the decisions of the Supreme Court of the American commonwealth. At any rate, as a scheme of affiliation the Hincks Act failed. Toronto University became, in fact, University College—in much the same sense as, under Colborne, King's College has become Upper Canada College.

Like its prototype, University College satisfied very few of the interests involved in the educational question, and nevertheless did a measure of excellent work. If we take

the years from 1853 to 1880 as pre-eminently the period of University College, it can scarcely be denied that over that period the chief services in the cause of education were performed by University College. In at least two ways it opened up a new vista in Upper Canadian education.

In the first place, it at once began to increase its staff. True it rejected both Huxley and Tyndall. Still, the appointments which it made were excellent, and the small numbers of the students made possible a degree of personal attention from the staff which had afterwards to be given up. The work of Professors Cherriman, Wilson, Chapman, and Young probably told with a good deal more effect than such work could possibly do of later years. Secondly, University College set up a standard in another side of academic life which is not the least important. In 1858 the new buildings were completed and the predecessor of the present main building was occupied for teaching and residential purposes in 1859. How much of that subtle process of influence which is called education is due to the architectural setting of teaching institutions, it would be difficult to determine. With Trinity, St Michael's, and the university buildings, at any rate Toronto was well provided with the material of such influence.

Nevertheless the failure of the Hincks Act soon became apparent. The breakdown of affiliation not only intensified rivalries, it also made for popular apathy. Already in 1853 the government expropriated a large part of the university site for parliament buildings, and even eluded the stipulated payment of six per cent interest on the value of the land taken. For the next five years the university was constantly moving from one place to another, now in the parliament buildings, now in the medical buildings, and now in a 'temporary structure'; and though it eventually secured government aid for its erection of the main building, it was only gradually—and not a little thanks to the dignified appearance of its new quarters—that it made its way into popular favour. Extravagance in building, on the other hand, was one of the chief counts against the university in the great attack of 1860.

In 1860 the whole weakness of the educational system, or lack of system, of the province was laid bare. It was in 1859 that the university moved into the main building, part of which was devoted to a residence for students. In the same year the Methodist Conference Committee deputed Dr Ryerson to draft a memorial on the university question. Ryerson's chief point was that though the desire of the conference was the same now as it had been more than ten years ago, in favour of the establishment of a provincial university unconnected with any one college or religious persuasion, still they felt that 'any College independent of all inspection control or competition in wealth, all its officers securely paid by the state, independent of exertion or success, will in a short time degenerate into inactivity, indifference, and extravagance.' Moreover, 'the same considerations of fitness, economy, and patriotism which justify the state in co-operating with each school municipality to support a day school, require it to co-operate with each religious persuasion, according to its own educational works, to support a college.' The memorial was followed up by a mass of 'proofs and illustrations,' by another petition from Queen's College, by a counter-petition from University College, and by the appointment of a parliamentary committee. The real leader in the attack on University College was Dr Ryerson, and in the contest between him and Drs Langton and Wilson representing the university, a great deal of personal bitterness developed. As the *Globe* was not slow to point out, Ryerson's attitude laid him open to the reproach that his programme for a university was too much coloured by the success of his school system. He criticized the system of 'options,' which, though probably carried to excess in University College, is an essential element in any advanced teaching; he insisted that the number of professors should be reduced, attacked the scholarship system by which students were 'bribed' to attend University College, and in an incautious moment observed that 'as to the large sum sunk in the buildings, it may gratify an old country and a fastidious taste to have costly and magnificent College buildings at Toronto, as it does to have St Peter's at Rome, but are the

people thereby instructed? is that the way to educate a country? The Normal School buildings at Toronto have been as much admired for their simple elegance as for their adaptation to the purposes of their erection; yet that whole pile of buildings with accommodation for five hundred students has cost less than £35,000.' He suggested, too, the application of his own method of government aid to colleges in proportion to the sum subscribed by the public. It may be doubted whether Dr Wilson was not right in maintaining that Dr Ryerson showed in this connection a real lack of appreciation of the needs and essentials of higher education. On the other hand, it cannot be denied that there was real cause of complaint on the score of extravagance and unfairness to the other colleges. The case of the latter is admirably stated in the speeches and pamphlets of Principal Leitch of Queen's, who puts the advantages of a 'diversity of colleges and an equality of religious rights' in the most convincing way, and specifically states that the teaching done by the professors of University College is the 'great redeeming feature of the whole matter.'

The results of this movement amounted to very little, for the report of the commission appointed by the governor—very unfavourable to the university—was never acted upon, and the relations of the colleges with the university continued to be very strained. Ryerson, it is true, remained a member of the senate, but the extent to which his attitude had exasperated the state institution was seen when in 1868 the small grants which the Canadian legislature had long made to the colleges were withdrawn after Confederation. This was a severe blow for the moment, and, with the temporary decline of the colleges, University College simultaneously began to make ground. In 1871 G. P. Young joined the staff as successor to Dr Beaven and began his remarkable influence as a teacher of philosophy. In 1873 the senate was reconstituted and given a more representative character. In 1877 the tendency which had already shown itself in the system of 'options' took on a characteristic and important phase with the making of a clear distinction between the 'fixed' and the various 'honour' courses,



a feature which has long distinguished Toronto from most American colleges. In the same year, too, term work as distinct from examination work began to be counted as important in determining the student's standing. Most significant of all was the movement beginning in 1871, which eventually led to the creation of the faculty of applied science. In 1871 John Sandfield Macdonald, always the champion of economy, proposed that the growing need for some form of technical instruction for industrial purposes should be met by the granting of \$50,000 to establish an institute of technology, combining evening classes for working men with teaching for regular students. This scheme was attacked, also on the ground of economy, by a great champion of the university, Edward Blake, afterwards chancellor, who maintained that such instruction should be given in connection with the provincial university, and that the professors of that institution might aid in the work. Macdonald, however, carried his scheme, and a building was already bought when he fell from power. Thus, though the Institute of Technology was duly opened with Loudon, Armstrong, and Ellis as instructors, the government, in which Blake had a place, at once set about a scheme for another university faculty—that of applied science. In 1878, then, the School of Practical Science was opened with professors of biology, mathematics, and natural philosophy, chemistry, mineralogy, and engineering, among whom were Professors Croft and Chapman from the university. Thus a new development was given at once to scientific work and to practical training in the university. The reactions on the arts faculty have of course been of immense importance. As in most modern universities, the academic atmosphere of Toronto has been weakened by the practical and technical character of so much of its work. Nevertheless it has been and no doubt will be more and more clearly realized that teachers in arts can learn much from the methods in the laboratory and elsewhere of medical and technical education. Moreover, the standards of equipment set up by the latter cannot but react on the rest of the university.

By 1880, then, Toronto had gone far to make good its

position as the centre of Ontarian education. In that year, too, Professor Wilson, a thoroughly capable man of affairs, became president of the university, and Professor Hutton succeeded Dr M<sup>c</sup>Caul as professor of classics, and began the work of deepening and broadening the study of Greek and Latin as the basis of a complete education. True that the financial crash of 1873 had already shattered the edifice of economic stability throughout the province which J. S. Macdonald had set up, and that the university was already beginning to feel the results. True, too, that the university as yet gave no medical training at all. Still, it was certainly now no longer true, as the *Globe* had said in April 1860, that 'a stranger coming to Toronto, if he asked for the university would be driven to Trinity or St Michael's College.' Trinity College was weakened to some extent in its hold on the Anglican community by the establishment at London in 1863 of Huron College, which in 1878 became the Western University, and also by the opening in 1879 of Wycliffe Divinity College at Toronto by the 'Church Association'—a body of Low-Churchmen. In 1869 Regiopolis College, unable to face its financial situation, closed its doors. In 1871 Queen's had sunk to twenty-five students, and when Presbyterian union came about in 1875 the church decided no longer to support arts colleges. The synod ceased to elect the governing body of the university; the latter became practically a private institution. And yet it was the outlying colleges which supplied the two great figures of the second half of the century in educational history. The loss of the annual grant—\$5000 to each—led Victoria and Queen's to throw themselves on the churches and on their alumni. Snodgrass of Queen's and Nelles of Victoria gave up their days in loyal service to their colleges, and both institutions weathered the storm. In 1872 Watson came to Queen's from Scotland as professor of philosophy, and in 1878 Grant became principal, a post which he held till his death in 1902.

Grant's was a masterful personality which impressed itself deeply on whatever he took in hand. As an independent politician he was always liable at any moment to become a power



GEORGE MONRO GRANT

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in the public affairs of the Dominion or the province. As an orator he was in the first rank of Canadians. He showed himself one of the great men in the church, indefatigable as a pastor and widely influential as a preacher and writer. But his real life-work was devoted to Queen's, whose endowment he raised, whose independence he saved, which he inspired with his own spirit, and which is a real monument to one of the greatest forces in his country's history. He kept together a body of professors whose salaries were never increased, and fired them to labour wholeheartedly for the college; he bound the students and the alumni together in a loyalty to Queen's which inspired the poorest of them with the desire to help her in her difficulties, and, as already said, he founded at Queen's a tradition of immense power and vitality. The witness of the Moseley commissioner who visited the college in 1903 is perhaps as valuable as any other as an estimate of Grant's work.

Its whole life and tone recall the old Scottish academic ideal of plain living and high thinking. Of all the educational institutions I visited on the American continent, none left on me so strong an impression of doing high-class work with scanty resources. It is the one university which has a real faculty of theology, the course being as in Scotland post-graduate and involving three years' study, after the four years of the Arts course. It has no direct government grant like Toronto, no millionaire patron like McGill, but has displayed a striking power of attaching its students and securing the loyal support of its constituents. It is essentially a people's university. It possesses in Professor John Watson the most distinguished representative of moral philosophy on the continent, and boasts of being the one American University in which Aristotle and Kant are studied in the original languages.

Queen's, in fact, represents in the history of Ontario education an aspect of all true education which has not yet been enough developed here—the aspect of loyalty. Without loyalty no society can exist, and an educational institution which is not also a society cannot do its full work. It is true that loyalty leads sometimes to the attitude that any means

are justified for the end, and Grant, like Jowett of Balliol, had some of the unscrupulousness which comes of intense preoccupation with the welfare of a great institution. But he understood that the real secret of power for an educational centre lies in its capacity to influence its members, both teachers and taught, by impressing upon them its own character. More perhaps in a young country even than in an old is it important that a university or a college should have a personality of its own, so that those who pass through it should learn there what it means to belong to a society and what are the privileges and responsibilities of corporate life.

By an almost ironical coincidence Grant's career coincides with the movement which first made university federation workable. While he was developing at Kingston a college rooted in local tradition, at Toronto a provincial university was taking shape as a result of the transplanting of Victoria. We have already referred to the tendency which was making Toronto University the scene of an attempt to touch more sides of national life than could be done by an arts college alone, and also to the beginnings of financial embarrassment in Ontario. These two tendencies met when the university in 1883 applied to the legislature for more money to meet its greatly increased expenses. The outlying colleges, moreover, protested vigorously against any increase of the income of Toronto drawn from the provincial revenue. The only way to satisfy all parties was clearly to return to the projects of the forties and to elaborate a scheme of federation. In 1874 Goldwin Smith at a Trinity College dinner had remarked of Ontarian higher education that 'the observatory could be found in one place, the observer in another, and the telescope in a third.' From the time of his arrival at Toronto he had persistently urged the following of Oxford and Cambridge precedents by forming a great university out of a group of arts colleges. In 1884 the minister of Education, G. W. Ross, summoned a meeting of the heads of Toronto University, University College, Victoria, Queen's, Trinity, St Michael's, M<sup>c</sup>Master, Wycliffe, Knox, Woodstock, and the Congregational College; and a sub-committee, in which

Dr Burwash was included, drew up a plan of federation preparatory to the meeting. This plan embodied the main questions at issue—what was to be the position of University College, what the line between university and college subjects, and what was to be done in regard to medical and legal teaching. A series of discussions followed extending over three years, and it appeared likely that nothing would be effected; but finally, in 1887 a federation act was passed, though none of the colleges had yet agreed to accept it.

By this act the senate was reconstituted so as to represent the federating colleges. The minister of Education and all the heads of colleges were made *ex-officio* members, and another representative of each college was also given a seat. For six years to come, moreover, the graduates in arts of each college were to elect one representative for every hundred graduates on the university register in 1887. Convocation similarly was to include the graduates in arts, law, and medicine of the federating colleges. The university and University College were to continue as they had been before the act, under the same conditions except that the university now became once again a teaching body with power to create faculties in arts, law, medicine, and engineering, and all its lectures were to be free to the members of the colleges. The federating colleges were required to give up, for as long as they chose to continue in federation, their university powers. University College was to teach Latin, Greek, ancient history, French, German, English, oriental languages, and moral philosophy, so that, if the federating colleges wished to hold their ground, they had large requirements to live up to.

The theological colleges of Wycliffe, Knox, and St Michael's accepted federation, from which, of course, they had everything to gain. Attempts were made to constitute a faculty of law, and the medical faculty was duly organized. Thus came to an end the 'era of proprietary schools' as it has been called, during which the medical profession depended for its recruits on medical schools affiliated to several of the colleges or under purely private management, though it was not till 1903 that the medical faculty of Trinity University was amalgamated with that of Toronto.

The third and by far the most important result of the federation act was the eventual acceptance of its terms in 1890 by the University of Victoria, which then moved to Toronto and took up its quarters in Queen's Park. The carrying out of this movement was due in a very large measure to the statesmanship of Dr Burwash, who had grasped more completely perhaps than any of his contemporaries what might be made of a federated university of competing arts colleges. The refusal of Queen's to accept the terms, though Grant had seemed likely at one time to fall in with the scheme and had actually been offered the presidency of the reconstituted university, was a great disappointment to Victoria, and it cannot be denied that the removal of the latter from Cobourg left the field clearer for Queen's as the university of Eastern Ontario. But it is easy to understand the motives of Grant, who had just completed a set of new buildings, and who, when it came to the point, must have realized intensely the drawbacks and the loss inevitable to the transplanting of a university. It is after all not easy to hold the balance true between the advantage of two competing universities on the one side and the expenses of reduplication of equipment on the other. Before his death Grant had built up a school of mining at Kingston and secured for it a government grant, and he always claimed to the end that the future expansion of the province made necessary a university in the east as well as in the west.

A federated provincial university, then, was still rather a project than a reality. And such, in spite of the events of a quarter of a century, it still is. The main interest of university history since 1887 lies in the efforts of Ontario to bring into being what the act of 1887 had foreshadowed. A federated provincial university implies, in the first place, as we have seen, a union of arts colleges, with all the difficulties and jealousies which such a union is bound to bring with it, and all the advantages which competing educational institutions in close juxtaposition and healthy rivalry are bound to generate. The first problem before those in whose hands lay the future of federation was to substitute for jealousy and suspicion mutual emulation and the free play of competition.



Until this could be done, the goal of federation would be, not efficiency, but deadlock. In the second place, a federated provincial university involves the proper adjustment of relations with the province, which is the university's constituency, out of whose revenues the university is in part supported, whose needs the university is bound to supply. That adjustment must give the representatives of the people the means of exercising a due measure of control over expenditure, and at the same time must leave the academic body free to perform its functions unhampered by political interference. The college, the faculty, the university, the legislature, each must find its proper sphere, and to that sphere consent to be rigorously confined. The supreme need was a constitution which should harmonize conflicting interests, define powers, and win the support of those responsible for its working.

For such a constitution Toronto University had to wait nearly twenty years. By 1906 drastic changes had become inevitable. While Grant was raising Queen's to be one of the best colleges on the continent, Toronto, in spite of much excellent work in various departments, slowly languished. In 1903, it is true, Trinity at last abandoned the attitude of its founder, and, on carefully guarded conditions giving the right of withdrawal, entered federation. Still, despite this notable addition to the resources of the college system, federation, it seemed, could not be worked smoothly. Dissensions among the teaching staff increased rather than diminished. The senate became a battle-ground of rival factions, with all the drawbacks of a deliberative assembly which is immune from the discipline of responsible parties. Dissatisfaction among the students seemed likely in 1895 and again in 1905 to lead to a serious rebellion. The distrust and apathy of the province showed itself in a steady refusal to supply growing needs by an increase of the government grant. The success of the faculties of medicine and practical science only seemed to emphasize the atrophy of the arts teaching, which, instead of being stimulated by the mutual rivalry of the colleges, was starved by their mutual jealousies. Twenty years of the act of 1887 had made it abundantly clear that the

promise of federation was not to be fulfilled under the existing régime.

The reasons for the situation have already been suggested. In the first place, the point of view of the denominational college as represented by Victoria was inherently different from and antagonistic to that of the university—just as much so as it had been in the days of Baldwin, Strachan, and Ryerson. Victoria had from the first to struggle against attempts to suppress her arts faculty altogether and to turn her into a purely theological college. This would, of course, have been fatal to the spirit of true federation. It would have restored to University College just that monopoly of arts teaching in the university which the denominational colleges had been founded, and still existed, to resist. It would have made impossible the stimulus of diversity and the spirit of competition in arts teaching which the college system is best fitted to develop. In fact, the very attempt argued that the partisans of University College had as yet no conception of the real meaning of federation. They regarded it, that is to say, merely as a prelude to the absorption of the constituent colleges into a unitary system, not as a frank acceptance of plurality.

Victoria, on her side, could not but see that the close connection between University College and the university endangered for her the benefits which she had a right to expect in return for the sacrifice of her complete independence. The fostering of one college by government support and the identification of its special interests with those of the university put its less-favoured rival at a grave disadvantage. University College should surely be made to meet her competitors on more equal terms. If federation for University College came very near meaning the absorption of Victoria, for Victoria it came very near meaning the disestablishment of University College.

Such difficulties are incident to the working of all federations. What made them so dangerous here was the lack of a central authority to check their developing into a deadlock. The university in fact was palsied by an exaggerated form of that division of power and responsibility which is the chief

defect of more than one federal constitution. If the attributes of sovereignty are to be divided up between local and central authorities, there is surely all the more reason why the central authority should itself be concentrated and indivisible. In the university, however, the very reverse was true. The nominal head of the institution was the president. For at least four reasons he was really powerless. In the first place, he represented, not the university, but a party within it. In the second, he was himself involved in teaching work, and his professional duties as head of a department were alone enough to occupy him. In the third place, he was dependent upon the support of the minister of Education and hampered by the intervention of the legislature. Appointments to the staff were made by the lieutenant-governor in council, and the revenue of the university was dependent on party votes. In the fourth place, the senate's representative character and its control over academic affairs gave it a great position. Prestige and tradition had gathered round the office of its chairman, the vice-chancellor. Interference from without and divided authority within conspired to reduce university government to impotence.

The attitude taken up by the commissioners of 1906 showed them to be inclined to consider that changes in the central constitution would be enough to remedy these ills without going on to remodel the basis of federation. On the question of University College they definitely declared for the *status quo*. That is to say, that in accordance with their report, University College still retains the privilege of close connection with the university. It has not like Victoria and Trinity a separate chest: its position as pre-eminently the provincial arts college is assured. It does not meet the other colleges on equal terms, and were it not for the generosity of private benefactors those colleges would always be seriously hampered in competition with the state institution. The commissioners felt, however, that while excluding the free play of competition and the principle of equal rights, they were assuring to University College the power to keep up a standard of efficiency and equipment which would be of the greatest value in stimulating the denominational colleges and

invigorating the whole institution. They therefore reserved their more drastic proposals for the constitution of the university.

Here, as before suggested, the concentration of responsibility was their aim. This they determined to secure by giving reality to the office of president. The president is now the real head of the institution. To give him this position it was necessary to remodel entirely both the academic and financial systems of control. The senate rejected the worst anomalies of the old system—it was an attempt to make an organ of the central power out of the concentration of local rivalries. Under the new system its effective functions are all delegated to the various faculty councils which are nominally its committees. Thus those details of academic administration which belong to the internal economy of each faculty are now dealt with by the authority of that faculty and no longer impede and confuse the working of the central authority. The senate as a whole is retained for traditional reasons, without much real power, and the office of vice-chancellor has been abolished. Thus the effective control over local faculties falls into the hands of the president. He is a member of each of the faculty councils and chairman of the council of the faculty of arts. It is his business to see that each faculty limits itself to its own sphere, and to reconcile or balance the interests of each as against the others. Moreover, the academic authority of the president is assured by the fact that all appointments to the staff are made on his recommendation.

On the other side—that of administration—the president is equally secure. The university now receives from the province a permanent income drawn from the succession duties. Thus it is no longer dependent for its ordinary needs on the government in power. A non-political board of governors—chiefly prominent business men—are now made responsible to the legislature for university finances. Of this board the president is a member, and his direction of university policy depends, of course, for its success on the extent to which he can secure the confidence of his fellow-members. Not the least difficult of his duties is that of reconciling the ideals of

economy and efficiency held by the governors with the demands for equipment and staffing made by academic bodies. At any rate he is fortunate in having to occupy himself neither with politics on the one hand, nor with the effective rivalry of a central representative assembly on the other. While there is perhaps room for the obvious objection that too much depends on the quality of the president, it must be allowed on the other hand that the position is now worthy enough to attract men of first-rate power and ability.

Such was the main work of the commission of 1906. The new system has not yet stood the test of time and is not yet ripe for final judgment. Much, it is clear, yet remains to be done. The position of the women students is anomalous and unsatisfactory—their numbers are now large and they are without adequate accommodation and government. There will doubtless, too, be a development in the direction of more residences for the men students—already Victoria is building college residences of its own, and the removal of Trinity College to Queen's Park will bring into full prominence both a fully residential arts college and a women's residential college with strong corporate spirit. More women teachers will probably be appointed to the staff and given position in the women's residences. Changes in the curricula in the direction of higher standards, honour work of a more genuine type, and further provision for research may also be expected. Meanwhile new buildings go forward apace, and there is about the whole institution an air of vigorous life. Every year, it would seem, makes the university more truly a Dominion institution.

It remains to refer to one or two aspects of this same provincial character of the university which could not conveniently be noticed before. The Faculty of Education, the creation of which was recommended by the commission, and which in 1911 moved into new and thoroughly adequate buildings and was given the necessary field for practical work by the starting in connection with it of a university school, is as yet too young to be fairly judged. Its position, as part of the university and at the same time as feeder of the high and public schools, would seem to give

it the opportunity of becoming a most valuable link between higher and lower education. Another faculty, that of Forestry, is also in its infancy, but has already shown full realization of the immense importance of its field of activity in the life of the province ; and a third, that of Domestic Science, is at present being equipped.

Among affiliated institutions, the Veterinary College and the College of Dentistry are perhaps with one exception the most important. The exception is the Agricultural College at Guelph. This college dates from 1873, and apart from its experimental work in agriculture and stock-raising—which does not concern us here—has already an exceedingly fine record of strictly educational work behind it. No institution in the province has realized so fully its obligation not alone to its students, but also to the people as a whole ; the success of its propaganda among the farmers has been phenomenal. It supplies a great variety of courses, designed to attract not only the thorough student, but also men from the farm with but a few months' leisure ; it gives instruction to its graduating classes in arts as well as in agriculture, and aims to develop in its residence a healthy corporate life. The neighbouring Macdonald Institute for domestic science teaching—generously endowed by its founder—is equally efficient in its way, and an excellent type of a branch of education which is perhaps the most distinctive, in the excellence of its methods, of any in Canada.

It is indeed difficult not to feel that higher education in Ontario has immense potentialities. Its past history, if it has not been rich in achievements, has long been so in its scope. It is in attempting too much rather than too little that it has hitherto fallen short : it has arrived at completeness rather through the extent of ground covered than through the thoroughness of cultivation achieved. Uncultured homes have helped to impede the public schools, inadequate primary education has reacted on the high schools, and those again on the university. Great opportunities in other careers have depleted the numbers of first-rate teachers ; the poverty of the country, both in men and in inherited wealth, and the traditions of the continent have led to a great demand for

the education of women to fit them for wage-earning careers, and this demand, partly from lack of means, partly from carelessness, has been inadequately met. The formation of that setting of academic corporate life which is essential to true education has been hampered by the absence of traditions and endowments, and by the very desire to provide education for all classes which necessitates day schools and the minimum of architectural outlay. Thus education in the non-technical sense has had to struggle against all the difficulties incident to a young country, inclined, partly from necessity and partly through lack of self-respect, to accept low and utilitarian standards, and apt, as all young countries are in a democratic age, to allow too wide a sphere to party politics.

On the other hand, the struggles and experiments of the past have so to speak developed the organs of education in Ontario to an almost bewildering extent. Outside the regular system of state schools, Upper Canada College with its English traditions has served as a model for a group of schools—St Andrew's, Ridley, Port Hope, Highfield—which is constantly increasing in number and lays considerable stress on athletics. The academies have left successors, for example, in the preparatory departments of St Michael's College and Ottawa University, in Albert College at Belleville, which helps to feed Victoria, in St Jerome's College at Berlin, the Quaker School at Newmarket, and the Baptist College at Woodstock. The education of girls is carried on in a number of private schools, in Roman Catholic institutions like Loretto Academy at Niagara Falls, St Joseph's Academy at Toronto, and the Ursuline College at Chatham; the separate higher education of women is provided for in part in two recently founded Women's Medical Colleges, in the Macdonald Institute at Guelph, in the Domestic Science Faculty of the University of Toronto. St Hilda's, Queen's Hall, and Annesley Hall provide residences for the women of Trinity, University College, and Victoria respectively; and co-education rules in the universities (except for the Catholic colleges) and in the government schools. In the Royal Military College, Ontario has a type of institution which

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gives a training in discipline of a quality very rare on this continent, and military education which has won the approval of those most competent to judge. The recent commission to inquire into the possibilities of technical education has been followed by a comprehensive report on the subject by the superintendent of education. Besides the agricultural, dental, and veterinary institutions, and the School of Science, already at work, and various small attempts at commercial and industrial education already begun, with or without government support, there will doubtless soon be provision made on a larger scale for the needs of the country in this respect. In her provincial university Ontario has obtained a peculiar element of strength from the combination of centralization with emulation given by the college system. Queen's, too, is the rival of Toronto, as both have competitors outside the province. The college system does not yet work with all the freedom and elasticity that it should. It has been pointed out that a 'frankly open' system of honour lectures throughout the university is really an essential corollary of competing colleges; honour students should be allowed, without payment of educational fees, to follow the best teaching wheresoever it may be found. Again, the colleges must inevitably aim to strengthen their own *esprit de corps* by means of residences and common dining-halls, just as the university is about to receive in the new Student's Union a long-needed centre of its larger corporate life. In the state-controlled schools, too, *esprit de corps* would seem to require fostering, and more attention should be given to the training of character. Ontario is fortunate indeed in the possession of so broad and direct an avenue from the lowest to the highest type of education which is provided in the province. It is inevitable as time goes on that that path will become steeper with the heightening of standards, but there seems no reason to fear that it will not be as open as ever to those qualified to take advantage of it.

Henry M. Bell



MUNICIPAL HISTORY

1791-1867



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## I

### BEFORE THE UNION

**T**HE history of municipal government in Ontario dates from the arrival of the American loyalists during and following the War of the Revolution. During the period of autocratic rule under a governor and council, extending from the proclamation of 1763 to the introduction of representative assemblies under the Constitutional Act of 1791, there was practically no municipal government. It is true that various ordinances were passed by the governor and council, dealing with special local services of a municipal nature in the cities of Montreal, Quebec, and Three Rivers. But these were under the direct control of the central government, and, in any case, they did not extend to the western settlements beyond Montreal, which constituted the basis of the separate Province of Upper Canada, now Ontario.

The majority of the loyalists and other settlers in Upper Canada came from the colony of New York, or from the adjoining colonies of Pennsylvania, New Jersey, and New England. In these the New England type of local government prevailed. This system the loyalists naturally desired to establish in their new settlements in Canada.

There were, however, two quite distinct types of local government, both of British origin, which had been introduced and developed in the American colonies. These may be designated as the New England and Southern types. The New England colonies were settled chiefly by a middle class

of more or less puritanic strain. The central characteristic of puritanism is a decidedly independent tendency of thought and action, whether in religious, social, economic, or political matters. In Britain, though always a moral and social power far beyond its numerical strength and also dominant during the Cromwellian period, puritanism was commonly overpowered by the aristocratic elements on the one hand and the more plastic lower orders on the other. In the New England colonies, however, both numerically and in other respects, puritanism was the dominant factor, and naturally expressed itself in a vigorous form of local self-government, the central feature in which was the town meeting.

In the southern colonies, on the other hand, of which Virginia may be taken as typical, there was a wider range of social and intellectual types. There were aristocratic elements with a large substratum of deferential lower orders needing direction and suitable for service. There was also a considerable middle class, though of a less strenuous puritanic strain than that of the New England colonies. Unfortunately for the spiritual and social features of the lower classes of whites, the introduction of negro slavery, while tending to relieve them of the more menial forms of manual labour, did not elevate their social position or spiritual resources. Under these circumstances, the superior white minority easily secured the right to rule in local as well as in more general matters. In the Virginian type of colony the old English court of quarter sessions was a fitting organ of local administration as well as of judicial proceedings.

According to their social, climatic, and geographical situation, the other American colonies exhibited various forms and modifications of these two types of local institutions.

The local unit of the New England system was the township with its town meeting and popularly elected local officials, who combined in themselves legislative, executive, and judicial powers. The town had certain duties with reference to the parish church, the relief of the poor, and the oversight of public morals. The officers who discharged these duties were the wardens, sometimes designated churchwardens, although their duties were chiefly of a civil rather than of an ecclesi-

astical nature. The town clerk was an important functionary, who kept a record of the town meetings and was a general authority on procedure and the laws and customs of the parish. The constables guarded the peace of the town, constituting a visible embodiment of the majesty of the law, while being the chief organs of its pursuing vengeance. Among the more active and important officials were the overseers of the highways, who supervised the construction and maintenance of the roads and utilized the statute labour tax to that end. Other officers were the assessor and collector of taxes, fence-viewers, and pound-keepers. For more purely legislative service there were the selectmen, corresponding to our township councillors, having a general oversight of town matters, with power to act in emergencies.

In New England, the court of quarter sessions, an ancient and honourable institution in all the colonies, and having a wider territory and jurisdiction than the town officers, confined its activities mainly to judicial matters. However, the regulations made by the selectmen required to be sanctioned by the quarter sessions before becoming legally valid. The quarter sessions also laid out the general plan of highways, covering several townships, although the individual towns constructed and maintained them. The magistrates also granted and regulated licences for keeping public-houses. Financially the court of quarter sessions levied certain rates for the support of its own officers and functions, and apportioned these rates to the several townships. The executive officer of the court for the county was the sheriff, who was appointed by the governor of the colony. For militia service the colony was divided into shires with an appointed official for each, known as the lieutenant, among whose duties was that of summoning the militia.

In Virginia the county organization of the New England colonies virtually discharged all the functions of local government, including those of the township officials, thus avoiding the democratic features of the New England system. The chief officers of the county were appointed by the governor ; among these was the lieutenant, corresponding to the lord lieutenant of a county in England. There were also the

county courts composed of the justices of the peace, but with much fuller municipal authority than in New England. Their chief executive official was the sheriff with his sergeants and bailiffs. Inasmuch as the justices of the peace were all appointed by the governor in council, the local administration of Virginia was very slightly dependent upon the direct will of the people, and in this respect differed radically from the New England type.

As the majority of the loyalists before settling in Canada had been accustomed to some form of the New England type, as already indicated, they naturally endeavoured to reproduce it in the new Canadian settlements.

After the arrival of the loyalists in the western settlements, a number of the officers who accompanied them were given commissions as magistrates, in order that they might have the power to preserve order and settle minor legal disputes without recourse to the central authorities in Montreal, which was at that time the administrative and judicial centre for the western territory. In 1785 an ordinance was passed by the governor and council of the Province of Quebec 'for granting a limited civil power and jurisdiction to His Majesty's justices of the peace in the remote parts of this province.' This referred chiefly to the western districts beyond Montreal, especially in the neighbourhood of Johnstown, on the upper St Lawrence, Kingston, and Niagara, where the loyalists were being settled after the close of the War of the Revolution. In 1786 the recently appointed magistrates at Cataraqui (Kingston) and New Oswegatchie (Prescott) sent their views as to the needs of the western district to Sir John Johnson, the superintendent of the district. In the Cataraqui memorial, after urging the need for local courts and increased powers for the magistrates, they continue :

The election, or appointment, of proper officers in the several townships, to see that the necessary roads be opened and kept in proper repair, we conceive would be of great utility, by facilitating the communication with all parts of the settlement. Humanity will not allow us to omit mentioning the necessity of appointing overseers of the poor, or the making of some kind of

provision for persons of that description, who from age or accident may be rendered helpless. And we conceive, it would be proper that the persons appointed to this charge, as well as the road masters, should be directed to make regular reports of the state of their district to the courts at their meetings, and be in all cases subject to their control.

In this it will be observed that the magistrates, while strongly urging the establishment of local government, leaned to the side of the Virginia system as safeguarding their own powers.

In response to the petitions of the magistrates and others representing the western territory, an ordinance, of April 1787, was passed making further provision for the administration of the new settlements. This ordinance provided for the creation of new administrative districts in the western country and for the appointment of special officers with a combination of powers. In accordance with the ordinance, Lord Dorchester issued a proclamation, dated July 24, 1788, creating four new districts in the western or 'Upper Country,' as it was called. Starting from the western boundary of the last French seigniory at Point Beaudet on Lake St Frances, and extending to the Detroit River, the country was divided into four districts, named in order Lunenburg, Mecklenburg, Nassau, and Hesse. On the same date the following official appointments were made for each of these districts: judges of the court of common pleas, justices of the peace, a sheriff, a clerk of the court of common pleas and of the sessions of the peace, and coroners.

The courts of quarter sessions which were thus organized began their sittings the following year. The first court for the district of Mecklenburg was convened at Kingston on April 14, 1789. The first court for the district of Lunenburg was held at Osnabruck on June 15 of the same year.

The functions of the courts of quarter sessions were more extensive than intensive. They were partly judicial, chiefly in connection with the maintenance of the peace and the settlement of minor economic claims; partly legislative, as in regulating the perambulations of domestic animals and the

conditions to be observed by those who held tavern licences ; and partly administrative, as in appointing certain minor officers and in laying out and superintending the highways. Even so much of the new system as was thus authorized proved unworkable on the basis of the French feudal laws and institutions which had been re-established in Canada by the Quebec Act. Hence little progress of a legal nature was made until the Constitutional Act of 1791 was passed, which enabled Upper Canada at least to transfer itself from French to British laws and institutions.

It had been with great reluctance and many well-founded misgivings as to the democratic tendencies of the future that Lord Dorchester had consented to the granting of representative government in Canada under the Constitutional Act. He very naturally maintained that even the loyalists would be more safely retained under the French feudalism of the Bourbons than under the British system, the laws and institutions of which had proved so disastrous in the American colonies. Finding it impossible, however, to persuade the loyalists that devotion to the British sovereign and constitution would be fittingly rewarded by the renouncing of British laws and institutions, Dorchester was fain to concede the Constitutional Act. In the details of the act, however, every precaution had been taken to guard against the evil effects which had followed in the revolted American colonies from a too free indulgence in British institutions. Thus the greater part of the act was occupied with provisions for the establishment of a hereditary political aristocracy and an episcopal state church. Undoubtedly the most dangerous of the democratic tendencies brought from England and planted in the American colonies were embodied in their municipal institutions, especially the dangerous New England town meetings. Hence the tendency towards independent thought and action in politics and religion was to be carefully guarded against. Although there proved to be but few points on which Dorchester and Simcoe could agree, they were at one at least in their determination to obstruct and discourage the tendency towards local self-government.

When the surveys of the lands in Western Canada, upon



which the loyalists were to be settled, were being made, the surveyors received express instructions that the blocks of surveyed lands were not to be designated as townships, but as royal seignories. Moreover, the seignories were to be numbered and not named, as was customary in the case of townships. In spite, however, of these and other well-devised precautions, many of the loyalists did not even wait for the passing of the Constitutional Act to authorize their efforts in self-government, but at once set up in their new settlements in Canada the very town meetings that were the special horror of the Canadian authorities. They pointedly ignored also the scheme for numbering the royal seignories in which their lands were granted, adopting instead the forbidden designation of 'township.' Moreover, they named their townships, and in doing so demonstrated that they were thorough-going loyalists, for they named the first township 'Kingston,' after King George. The other townships were named—after the king's numerous family—Ernestown, Adolphustown, Ameliasburg, Sophiasburg, etc. Although filled with prophetic fears as to the democratic future of the country, Lord Dorchester ceased to contend against destiny, and did not take any active steps to frustrate the premature efforts of the loyalists to establish local or municipal institutions.

When, however, the Constitutional Act of 1791, by dividing Upper from Lower Canada, made it possible to restore British laws and institutions and a free system of land tenure in the upper province, the question at once arose as to how far the inhabitants of that province were to be permitted to reproduce the township and town meeting system of local government which had prevailed in the New England colonies. It fell to the lot of General Simcoe, as the first lieutenant-governor of Upper Canada, to launch the new system of representative, though not responsible, government. As a soldier and an officer who had fought against the American revolutionists, he was naturally unsympathetic with anything savouring of democratic institutions. The mental attitude of the rank and file of the loyalist settlers puzzled him a good deal. He found that after standing by the British cause through the revolutionary struggle, they still

evinced democratic sentiments and an undue attachment to town meetings, the election of township officers, and other objectionable practices. After all, however, the majority of these people were of the middle and lower classes and had scarcely sufficient opportunities for realizing the dangerous character of the views and practices in which they were inclined to indulge. Allowances might therefore be made for such people, but Simcoe was quite dumbfounded when he discovered that such men as the Hon. Richard Cartwright and the Hon. Robert Hamilton not only seriously questioned, but strongly opposed, his policy of establishing in the colony an executive government of half-pay officers and minor officials of aristocratic leanings strongly antagonistic to all forms of democratic government. Cartwright, in particular, has left on record his view that this form of close corporation was certain in time to provoke a rising tide of opposition throughout the colony, and if persisted in must end in rebellion.

Simcoe soon discovered that the general spirit of the country was opposed to his policy. Writing from Navy Hall to the colonial secretary in 1792, he states that on his trip from Montreal to Kingston, while the first provincial election was in progress, he discovered that instead of favouring the election of the half-pay officers whom he had put forward as candidates, 'the prejudice ran in favour of men of the lower order who kept but one table, that is who dined in common with their own servants.' These symptoms, however, instead of warning him against attempting to force an aristocratic official government upon the province, only caused him to redouble his efforts to eradicate from the colony, so far as possible, all democratic tendencies.

The tendency to select men of the lower order as members of the legislature in preference to the half-pay officers had its natural sequence when the legislature met. The first bill introduced was one 'to authorize town meetings for the purpose of appointing divers parish officers.' Thus Simcoe found his work laid out for him at the very threshold of his career as a colonial governor. He was not, however, the man to shirk a plain duty. He set himself resolutely to his

task. He managed to get the town meeting bill effectively shelved after it had passed its second reading. Two other bills subsequently introduced during the first session, one to authorize 'the justices of the peace to appoint annually divers public officers' and another to authorize 'the election of divers public officers,' did not get through before the close of the session.

In his report to the colonial secretary after the first session of the legislature, Simcoe states that the lower house 'seemed to have a stronger attachment to the elective principle in all town affairs than might be thought advisable.' The following session the bill providing for town meetings was again introduced. Although its passage could not be prevented, it was so successfully diluted that it became quite harmless as a measure of local self-government. Writing at the close of the second session, Simcoe tells Secretary Dundas that during the previous session he had managed to put off the bill on town meetings as something that should not be encouraged, but the alternative proposal 'to give the nomination altogether to the magistrates was found to be a distasteful measure.' In further explanation, he indicates that many well-affected settlers were convinced that fence-viewers, pound-keepers, and other petty officers to regulate matters of local police would be more readily obeyed if elected by the householders; and especially that the collector of taxes should be a person chosen by themselves. 'It was therefore thought advisable not to withhold such a gratification to which they had been accustomed, it being in itself not unreasonable, and only to take place one day in the year.'

When we turn to the act embodying these special concessions, we find that it merely permits the ratepayers to elect certain executive town officers, whose duties, however, were either carefully limited by the act or left to be regulated by the justices of the peace in quarter sessions. Beyond permission to fix the height of fences, the town meetings had not legally any legislative functions, and the town officers permitted to be chosen by the people were responsible, not to those who elected them, but to the quarter sessions. By an act of the third session of the legislature in 1794, a slight

extension of the authority of the town meetings was granted, in permitting them to fix the limits of times and seasons for certain animals running at large ; but even this power was afterwards curtailed.

The concession of town meetings in such a restricted form proved to be much more effective discouragement of their powers than if they had been denied altogether. For years to come the court of quarter sessions remained the only vital centre of municipal affairs. So little interest was taken in the remnant of power allowed to the town meetings, that in some townships they appear to have been neglected altogether. At any rate, in 1806, an act was passed providing that where in any township no town meeting should be held or township officers appointed, the court of quarter sessions should appoint the necessary officers and duly fine them should they decline the honour.

With a view to permanently neutralizing the democratic tendencies of the people, Simcoe reported to the home government that, 'in order to promote an aristocracy, most necessary in this country, I have appointed lieutenants to the more populous counties, which I mean to extend from time to time, and have given them the recommendatory power for the militia and magistrates, as is usual in England.' As these magistrates were selected chiefly from the legislative council, the movement would subsequently support the hold upon the province of the governor's Family Compact. In 1795 the new colonial secretary, the Duke of Portland, commends Simcoe's efforts to suppress the democratic spirit, but doubts the wisdom of appointing lieutenants of counties, as this might ultimately result in scattering the defensive forces which should be concentrated at the seat of government to check the influence of the popular element in the assembly.

We find, then, that the municipal system permitted to be developed in Upper Canada was not that of the town meeting type, which the majority of the magistrates wished, but one which, so far as permitted at all, was centred in the courts of quarter sessions, whose members were appointed solely by the governor in council and were responsible to the executive

alone. This system having been formally established in Upper Canada, continued with but slight alterations as the essential basis of the municipal system of the province until the union of the Canadas in 1841. At the same time, during this period of half a century, a considerable effort was being made to break through the autocratic limitations of the system and to establish some form of local self-government. This agitation was considered one of the most important factors in the larger struggle for local government in Upper Canada.

Such legislative and general administrative functions of a local nature as were permitted to be exercised apart from the central government of the province having been entrusted to the magistrates in quarter sessions, the local town officers, whether elected by the people or appointed by the quarter sessions, were simply the officers of the magistrates. As they had little or no initiative and were but slightly answerable to those who elected them, the positions were not as a rule eagerly sought after. Indeed, it was necessary to provide a penalty of forty shillings for those who declined to act when elected.

Among the chief officials of the town or township was the town clerk, who was required to make out a list of the inhabitants of the township for the use of the magistrates and to make a record of all official matters pertaining to the township. Two assessors for each township were also elected, but their duties were comparatively simple and subject to the revision of the local justices. The township collector recovered the taxes specified and turned them over to the district treasurer. Other officials were the overseers of the highways, not less than two or more than six in number. Their duties also were strictly prescribed. They acted also as fence-viewers, and the inhabitants were permitted at the annual town meetings to determine what should be the proper height of the fences as adequate protection to the crops from the domestic animals allowed to run at large. Another official whose duties were connected with these important though purely domestic matters was the pound-keeper, who was authorized to impound such domestic

animals as were found at large in violation of prohibitions against their being allowed to run, or such as, being permitted to run, had trespassed on fields enclosed by adequate fences. Lastly, there were the two town wardens to whose custody was entrusted the property of the township to be defended and answered for. As soon as a Church of England was established in the township and a parson duly appointed, he had the right to nominate one of the wardens, while the people elected the other. In such cases they had the supervision of the church property, the care of the poor, etc.

The policy, adopted by Simcoe, of appointing lieutenants of counties, not being encouraged by the home government, was gradually allowed to lapse. While they continued, their duties were chiefly confined to militia matters. We find, however, that Governor Russell, who succeeded Simcoe, sent a circular to the lieutenants of counties, in 1796, inviting them to suggest to him the names of suitable persons for appointment as magistrates, this being in accordance with Simcoe's original intention.

In order to provide the necessary ways and means to enable the court of quarter sessions to carry on its multifarious duties, of which the municipal administration constituted only a section, the first provincial assessment act was passed in 1793. An outline of the expenditure to be met from the district taxes is given in the preamble to the act.

Whereas it is necessary to make provision for defraying the expenses of building a court house and gaol, and keeping the same in repair, for the payment of a gaoler's salary, for the support and maintenance of prisoners, for building and repairing houses of correction, for the construction and repair of bridges, for the fees of a coroner and other officers, for the destroying of bears and wolves, and other necessary charges within the several Districts of this Province, therefore, etc.

The act required the assessor to classify the resident householders in eight groups according to the value of the real and personal property possessed by each, ranging from £50, as the lowest amount to be taxed, to £4000 and upwards,

as representing the highest class. When the lists had been passed upon by two of the magistrates, they were transferred to the collector, who was required to obtain from the persons so listed taxes ranging from 2s. 6d. for the lowest class up to 20s. for the highest. The district treasurer, who was appointed by the sessions, received the moneys transmitted by the collectors and held them subject to the orders of the quarter sessions.

After two years' experience of the working of the act and of its capacity to furnish the funds required to meet the needs of the district, the magistrates might prescribe what proportion of a full rate as allowed by the act should be levied for the following year. Thus they might declare a full rate, a half or three-quarter rate as was deemed necessary. As the magistrates themselves belonged to the class likely to pay the heaviest rates, they were certainly not given to levying exorbitant taxes. The Canadians paid much lower rates than their more democratic neighbours in the adjoining republic. Modest, however, as were the local taxes levied, inasmuch as they were required to be paid in money, which in most districts was excessively scarce save during and shortly after the period of the War of 1812, the settlers in many of the outlying districts found it difficult enough to procure the few shillings to meet the demands of the tax-collector.

The roadways were an all-important feature in a new country of extensive dimensions covered by dense forests and intersected by numerous streams and swamps. Moreover, the laying out of the province had been entrusted to certain mathematically-minded persons with an eye to official ease but without much practical foresight. For the sake of simplicity in laying out and recording the lands and roadways, there were entailed upon the province several centuries of great inconvenience and enormous expenditure in the construction of roads and bridges. One of the chief consequences was the discouragement of settlement in the more remote districts and the retarded development, economically and socially, of many parts of the province. Incidentally, a country of great artistic possibilities was doomed, apparently for all time, in the location of its highways, to be

carved up into a dreary checker-board plan of roads and farms. Thus did the early official mind, choosing the greater but more remote of two evils, defy the physical geography of the country and force generations of rural population to drag up and down steep and dangerous hills, entailing the costly bridging of rivers and streams, the crossing of well-nigh bottomless bogs and swamps and the traversing of elevated ridges, which, when cleared of trees, exposed the unfortunate traveller to biting blasts in winter and scorching sun in summer. In a few cases, where the more central highways connecting distant parts of the province were located in advance of the checker-board surveyor, a more natural location was followed. These roads give some indication of the possibilities of beauty and comfort which a more rational system of surveys would have permitted. And yet it was found in the case of these through roads that the natural physical contour of the country could not be followed very closely, inasmuch as they were required to cross at right angles many of the ravines and rivers which flowed into the great lakes, whose shores these roadways followed. The township and district roadways, however, were seldom subject to these restrictions, and might have been laid out with a view to convenience and cost of construction. These requirements being satisfied, the artistic location of the roadways would have been secured as a matter of course.

As the result of the system adopted, nine-tenths of the municipal history of the earlier districts of Ontario, and of their civic finances, is the history of a struggle with the road and bridge problem. A separate act relating to highways was passed in 1792, replacing the old ordinance of the Province of Quebec. This act provided that the justices of the peace in their respective divisions were to be commissioners of the highways. From these commissioners the overseers, elected at the town meetings, took their instructions. The act specifies with considerable detail the duties to be performed by the commissioners and the services required of the overseers. Purely local highways were supposed to be built and maintained by a labour tax, commonly known as statute labour.



The system of local administration, one can hardly call it local government, established under the three acts relating to parish officers, assessments and roads, once started on its career, though subject to numerous amendments from time to time, and expanding with the growth of the country, remained substantially the same in principle until the introduction of the general representative system of district councils after the reunion of the provinces in 1841.

Numerous changes of a more or less experimental nature were made in the Assessment Act, one of the most important being effected in 1802. Up to this time the assessors had enjoyed a certain discretionary power in the classification of the taxpayers, on the basis of the amount of their assessed property. This, of course, permitted the assessors of individual townships to temper with undue mercy the assessment of their fellow-townsmen, thus throwing the burden of taxation upon adjoining townships. In the end, however, this process was self-destructive. The new act classified at a fixed valuation various forms of property, such as cultivated and uncultivated lands, domestic animals, mills, stores, taverns, etc. Henceforth, the assessors had simply to ascertain the ownership of these various classes of property and then mechanically apply the valuation specified in the act. Having ascertained the total value of the assessable property of the district, the magistrates levied such a rate as would meet the fiscal requirements of the district. The maximum annual rate was fixed at one penny in the pound. Owing to the arbitrary classification and valuation of property under this system, frequent changes were necessary in the Assessment Act to preserve any approximately equitable system of taxation.

In 1798 the amount of statute labour to be contributed for the roads was proportioned to the assessment of property, and ranged from six to twelve days. In 1804, the statute labour tax proving entirely inadequate to the road requirements, a system of provincial contributions towards the building and maintaining of roads and bridges was entered upon, and this was not permitted to flag. The provincial revenues were derived from indirect taxes, chiefly the customs dues. Con-

sequently, in point of both area and interests, the amounts contributed by individuals and localities were quite obscured, while the grants obtained from the provincial treasury were large and visible. As already indicated, the expenses of road-making were abnormally high in proportion to the benefits received, and the system adopted did not tend to diminish them. All local contributions towards roads were still under the supervision of the magistrates, but the provincial grants were expended under the supervision of special commissioners appointed by the executive government of the province and directly responsible to it. In the course of time there emerged a third factor in the highway construction of the province in the shape of joint-stock companies for the building and maintenance of roads and bridges, for the use of which by the public the companies were authorized to levy tolls.

In 1810 the supervision of the highways within the several districts was permitted to be delegated by the justices of the peace to special surveyors of highways, acting under the general instruction of the quarter sessions. These surveyors devoted their whole attention to roads and bridges, having at their command the statute labour of the district, which was still, however, under the immediate direction of the local overseers elected by the town meetings. In addition to the statute labour, the surveyors had at their disposal special grants which were made in increasing numbers from the general funds of the districts. As the province developed and money became more plentiful, there was a tendency to commute the statute labour tax by money payments. In 1819 we find the first act providing for the commuting of statute labour at the rate of 3s. 9d. per day. This was afterwards reduced to 2s. 6d. per day.

The most important developments in municipal government naturally resulted from the establishment and growth of towns and villages throughout the new settlements. The needs of the urban centres began to differ considerably from those of the rural districts, especially in matters of sanitation, streets, local police, and facilities for dealing with education and the relief of the poor. In 1801 the first legislative provision was made for specifically extending the general powers

of the justices of the peace in order to enable them to deal with special urban problems. In this year an act was passed authorizing the court of quarter sessions of the Midland district to establish and regulate a market in Kingston. The following year the people of York (now Toronto), desiring to enjoy the privileges of a market, applied directly to the lieutenant-governor in council, who granted to the chief justice and certain other trustees a plot of ground to be set aside for the purposes of a market. In 1814 a regular market was established in York by the quarter sessions, on practically the same terms as prevailed in Kingston.

After 1801 there followed a series of acts either directly making special provisions for certain specifically named towns or authorizing the quarter sessions to do so. Thus, in 1803, a special act provided that swine should not be permitted to run at large in the towns of York, Niagara, Queenstown, Amherstburg, Sandwich, Kingston, and New Johnstown, these being at that time the chief urban centres in Upper Canada.

As Kingston, although not the seat of government, was for many years the chief commercial centre of Upper Canada, it was but natural that there the more important urban problems should first emerge and claim special treatment. While Simcoe was still lieutenant-governor, the Hon. Richard Cartwright, for many years chairman of the quarter sessions of the Midland district, submitted to him a plan for incorporating the town of Kingston. The proposed corporation was to consist of a certain number of persons, either appointed by the executive government or elected by the people, or partly one and partly the other. This corporation should have power to regulate the police of the town under the following heads: measures for preventing accidents by fire; the times and places for holding public markets; determining the price and weight of bread; regulations for improving the streets and keeping them clean; regulating the fares of carters within the limits. The corporation should also have power to administer and dispose of the public domain, and the area of their jurisdiction should be enlarged from time to time to include the suburbs of the town as it increased.

This plan was a prophecy of actual future conditions,

though the future was as yet very remote. Simcoe was impressed with the idea, but wished to give it the customary aristocratic term. He proposed to the home government to erect the towns of Kingston and Niagara into cities, each with a corporation consisting of a mayor and six aldermen, to be justices of the peace, and a suitable number of common councillors. This arrangement was of the standard British type and was afterwards realized in Kingston and other specially chartered Canadian towns and cities. Simcoe recommended the members of his corporation 'to be originally appointed by the Crown, and that the succession to vacant seats might be made in such manner as to render the election as little popular as possible, meaning such corporations to tend to the support of the aristocracy of the country.' The Duke of Portland, to whom Simcoe made report, discouraged the project, suspecting that it might foster a taste for local self-government. The people of Kingston, however, did not permit the idea of a special corporation for the town to be lost sight of. From time to time the matter came up for local discussion, but up to 1812 the only concession was the special act authorizing the establishment of a public market. Fire protection and the regulation of buildings were especially desired, and after a severe fire in Kingston, in the beginning of 1812, an agitation of special vigour arose with the object of securing from the provincial magistrates a special charter or act incorporating the town, giving authority to its municipal council to pass such by-laws, rules, and regulations as might be necessary for the general advantage of the community.

The outbreak of the war, however, prevented this and many other measures from receiving any consideration. After the peace the question was again agitated, the needs in the meantime having considerably increased, especially in the lines of fire protection, the improvement of the streets, and the suppression of drunkenness and vice, the natural legacies of war. Kingston failed to obtain a special charter of incorporation, but in 1816 a new departure was made in an act to regulate the police within the town. This was afterwards repeated for the benefit of other towns. Without affecting the general system of municipal government under the quarter

sessions, it gave to the magistrates the power 'to make, ordain, constitute, and publish such prudential rules and regulations as they may deem expedient, relative to paving, keeping in repair, and improving the streets of the said town, regulating slaughter-houses and nuisances, and also to enforce the said town laws relative to horses, swine, or cattle of any kind running at large in the said town; relative to the inspection of weights and measures, firemen and fire companies.' To meet the special expenses of these local improvements, the magistrates were authorized to levy a special tax upon the ratepayers, in addition to the district taxes, but this was not to exceed in the aggregate the very modest sum of £100 a year.

The magistrates immediately took advantage of their new, though limited, powers, and before the end of 1816 had published a set of fourteen rules and regulations which served as a nucleus for future by-laws in several Upper Canada towns. These regulations had reference to such matters as turnpiking the streets, grading and paving the side-walks, preventing the obstruction of the streets, prohibiting furious driving, providing for the extinguishing of fires and the regulation of buildings as a safeguard against fires, and the regulation of slaughter-houses and other nuisances.

During the following year, 1817, the provisions of the Kingston act were extended to the towns of York, Sandwich, and Amherstburg. From time to time other towns as they increased in size and importance were granted similar privileges with reference to markets and local police. In 1826 an act was passed carrying out the suggestions made in Kingston before the War of 1812, with reference to the establishment of voluntary fire companies, with special privileges granted to efficient members.

After some experience with this police town system under the jurisdiction of the quarter sessions, its administrative inadequacy became increasingly apparent, resulting in a renewal of the agitation for a regular system of municipal self-government for the towns at least, under an independent municipal corporation. Kingston again took the lead with a set of eight resolutions passed at a public meeting, asking

for the incorporation of the town with a council elected by the ratepayers. An interesting feature of this petition was the proposed system of indirect elections. The ratepayers were to elect twenty-four electors, who in turn should elect seven of their number to be councillors, the councillors to elect one of their number to be mayor. The latter suggestion for the election of a mayor was afterwards put in practice in several cases. A bill embodying the Kingston proposal was passed by the assembly, but, together with another of more limited range applying to the town of Belleville, was quietly strangled in the legislative council.

Notwithstanding these rebuffs, the agitation for municipal self-government continued, being taken up by other towns in the province. After several bills had been rejected by the legislative council, the town of Brockville ultimately obtained, in 1832, a limited measure of local self-government, marking a new departure in the municipal history of Upper Canada. By an act of that year the town was placed under the control of the 'President and Board of Police of the town of Brockville.' The town was divided into two wards, the householders of each ward were to elect two members of the corporation, and the four thus chosen were to elect a fifth. These five members constituted the board and were to elect one of their number president of the board. The board was authorized to deal with just those matters already referred to as covered by the police regulations for the town of Kingston. The board, however, was not allowed to deal with the market, which was provided for by a special act of the following session.

The principle of an elective board having been conceded in the case of Brockville, could not be denied to other towns. Hence the following session we find the town of Hamilton granted a similar board of police. Yet the same privilege was denied to Prescott and Cornwall by the simple expedient of a pocket veto on the part of the legislative council. In the following year, however, 1834, the towns of Belleville, Cornwall, Port Hope, and Prescott obtained acts of incorporation similar to that of Hamilton. This year also the town of York was elevated at one stroke from the humble grade of a police

town, under the control of the quarter sessions, to the dignity of a self-governing city with the name of Toronto. This unexpectedly rapid movement in municipal development was due to the temporary accession to power of the radical element in the legislature. The most radical of the radicals, William Lyon Mackenzie, became the first mayor of Toronto.

The city was divided into five wards, each ward to elect two aldermen and two common councillors. These in turn were to elect a mayor from the body of aldermen, thus realizing one feature of the Kingston scheme of indirect election. The legislative powers of the common council were specified at considerable length. They covered not only all the municipal functions of the other town charters and of the courts of quarter sessions, but a number of new powers now for the first time specified. The rate of taxation was limited to fourpence in the pound of the assessed property within the city limits, and twopence in the pound within the suburbs attached to the city. In 1837 the charter was amended to provide for a special system of assessment for the city. Various kinds of property liable for assessment were specified, but in certain cases the valuation was left to the assessor, while in others it was specifically determined. The rate of taxation was raised from fourpence, which had proved inadequate, to the apparently extravagant rate of one shilling and sixpence, the suburbs to be taxed at one-fourth the rate of the city.

In 1837 Cobourg and Picton were incorporated. Though Kingston had been the first to agitate for incorporation, it remained under the jurisdiction of the quarter sessions until 1838, when it obtained a constitution practically the same as that of Toronto, though denied the title of 'city.'

As already pointed out, the continuous pressure for an enlarged range of local self-government was intimately related to the larger struggle for provincial self-government. The division of opinion and of the contending forces was practically the same on both issues. In 1835, the legislature being for a brief period under the control of the radical element in the country, its leaders took advantage of their opportunities to impeach the whole administration of the Family

Compact, by producing the famous Report on Grievances. They passed also a number of more or less radical but short-lived measures. Among its other achievements was a fairly radical change of the municipal system throughout the rural districts. The act of 1835 repealed practically all of the numerous previous acts relating to town meetings and the powers and duties of the municipal officers. It also made provision for the transfer of a large proportion of the administrative powers of the courts of quarter sessions to an elective body known as a board of commissioners. To this board the various municipal officers, formerly amenable to the quarter sessions, were made responsible. The legislative range of the town meetings was enlarged and the whole municipal system given quite a democratic turn.

The career of this measure was very brief. The legislative council had limited its duration in any case to four years, but it was repealed within three years. The legislature was soon after dissolved, and with the strenuous assistance of the legislative council and the executive government, including the lieutenant-governor, the conservative forces once more prevailed and a reactionary assembly was elected. This so enraged the extreme section of the radical party that an abortive rebellion was precipitated. When order was once more restored, the radical wing of the legislature being discredited and paralyzed, the municipal act of 1835 was repealed in 1838. The board of commissioners was abolished and the powers of the court of quarter sessions restored. The new act definitely prescribed the duties of the respective town officers and furnished the necessary local support for the discharge of their duties. While not specifically enlarging the boundaries of responsible government, this measure specified with much greater detail than previously the duties of the several officers under the control of the magistrates of the quarter sessions. It added also a number of special duties, as to the collecting of information for the magistrates, and in several other respects rendered the rural municipal officers more completely than ever mere instruments of administration under the direction of the quarter sessions.

In most cases where there is a long and arduous contest



over some new development of public liberty, there is a very natural tendency, on the one hand, to exaggerate both the evils of the existing system and the benefits of the reforms contended for. On the other hand, regarding themselves as the sole bulwark of stable institutions, and accepting as inevitable the sweeping programme of changes advocated by enthusiastic reformers, the forces of conservatism are unduly fearful as to the destruction of the very foundations of law and order should their opponents attain to power. The reform forces, on their side, in order to emphasize the demand for progressive measures, are apt to condemn without qualification the existing order of things, promising the introduction of sweeping changes should they be placed in power. On attaining to power, however, the difficulties of breaking with the past are found to be much greater than anticipated. Thus the immediate changes introduced are seldom very alarming. In Canada the conservative forces, ignoring the democratic features of British political life, pictured the British political system as one of aristocratic liberty, while the democracy of the United States was represented as a system of wild and lawless republicanism. With the aristocratic British system were identified the conservative forces of Canada, as the party of order and loyalty; while, with the American system, the reformers were identified, and were thus regarded as *ipso facto* inclined to lawlessness and disloyalty. Such representations correspondingly irritated those so characterized.

This unfortunate political atmosphere quite beclouded the whole discussion as to the reform of both the central and municipal governments, until the arrival of Lord Durham and his staff. Coming without prejudice as to extraneous questions, and setting themselves immediately to a fair and open-minded consideration of the difficulties into which the Canadian provinces had fallen, they furnished, in Lord Durham's Report, an analysis of the situation historically and at the time, which furnished for the first time a solid basis for the discussion of Canadian problems on their own merits. Thenceforth, a Canadian might discuss constitutional reform, whether in local or central government,

without being immediately designated as either a tyrant or a traitor.

In Lord Durham's Report much attention was naturally given to the subject of municipal government. It is maintained that

the establishment of a good system of municipal institutions throughout this Province is a matter of vital importance. . . . The true principle of limiting popular power is that apportionment of it in many different depositaries, which has been adopted in all the most free and stable States of the Union. . . . The establishment of municipal institutions for the whole country should be made a part of every colonial constitution.

Here we note a general tendency at that time, among the advocates of an extension of popular power, to believe that, by a system of checks and balances furnished by different representative bodies, each within its own sphere, dealing with the same subjects, popular power would control and regulate itself without the intervention of any irresponsible autocratic authority. In Canada, as elsewhere, actual experience was to prove that, although there was a vital element of truth in this conviction, yet the system did not work out as anticipated.

## II

### AFTER THE UNION

THE general principle of Lord Durham's Report, as regards municipal institutions, was frankly adopted by his successor, Lord Sydenham, to whose lot the difficult task fell of bringing the principle into operation. It was at first intended to carry out literally the suggestions of the Durham Report, to provide for municipal institutions in the colonial constitution. The object of this was to avoid the necessity for prolonging in Canada the already embittered contest as to the wisdom of admitting, as an essential part of the government of the country, a definite system of local self-government. This feature, however, of the Union Act for the Canadas met with considerable opposition in the

British parliament, and to avoid endangering the fate of the general measure it was ultimately dropped.

Although much disappointed, Lord Sydenham set himself resolutely to the task of having the general principle of local self-government embodied in an act of the united legislature. Needless to say, this act could not hope to be very radical, much less could it hope to satisfy the conflicting desires of those, on the one hand, who advocated a large measure of local self-government free from all control or interference on the part of the central government; and of those, on the other, who maintained that the only safeguard against republicanism and anarchy was the maintenance by the central executive of complete control over the machinery of the administration of local affairs. As Lord Sydenham said of the act when safely piloted between Scylla and Charybdis to the haven of the statute book, 'The Tories opposed the measure because it gave too much power to the people; the Radicals, because it imposed checks on that power.'

The District Councils Act of 1841 was necessarily a compromise measure as regards administrative control, but it introduced for the first time a comprehensive municipal system for the rural districts of Upper Canada. A careful investigation of its practical operation, by following the minutes of typical district councils, should convince any one that the restrictions upon the freedom of the district councils which it involved were in most cases, for a time at least, quite salutary. They furnished also a very necessary means of education for both the central government and the district councils. On the one hand, it forced the central government to take a very special interest in municipal affairs, particularly in the minor public works and educational requirements of the several parts of the province. On the other hand, it afforded in the earlier and inexperienced stages of the district councils a salutary check upon incompetent and unbusinesslike procedure and wasteful extravagance on the part of certain councils. As the councils gained wisdom and stability through experience, and as the central government learned the needs and requirements of the country, it was possible to greatly relax supervision over the details of

the district work. Thus it was possible to transfer from the provincial executive to the district councils the various official appointments and practical control of expenditure, at first so closely supervised by the central government. Thus was prepared the way for the much more comprehensive measure of local self-government known as the Baldwin Act of 1849.

It is customary for many who have not studied the details of the actual working of the district councils, and who have not realized the necessity for a gradual educative approach to successful popular government, to belittle the act of 1841, in the light of the act of 1849. A close study of the facts, however, should convince an unprejudiced student that the measure of local autonomy granted in the act of 1849 would never have had the measure of success which attended it but for the educative and restraining experience furnished by the act of 1841 and the intervening amendments. In fact, as we shall find, the chief difficulties and dangers which befell the municipal system under the act of 1849 were due to the greater range of freedom which it granted to the municipal councils established under it. When the abuse of these liberties had brought several of the municipalities to the verge of bankruptcy, many of those who had clamoured for complete municipal independence were the first to denounce those who had conceded to the municipalities the liberty of abusing their own credit.

It is significant also that at the present day, when the opportunities for serious blunders in municipal affairs are more numerous and consequently more far-reaching in their effects, the tendency is to revert from the unchecked freedom and laxity of the system introduced in the act of 1849, to a system of limitations and supervision on the part of the provincial government which is much more in the spirit of the act of 1841 than that of 1849.

The chief features of the District Councils Act of 1841 were that the people of the various districts into which the rural sections of the province were divided should be represented by a district council, composed of a warden, to be appointed by the crown, and a body of councillors, elected

by the ratepayers in their town meeting, one or two such councillors being sent from each township. Where the number of ratepayers in the township exceeded three hundred, they were entitled to an extra representative. The councillors held office for three years, one-third of the total number retiring each year. The council was to hold four quarterly sessions. The district clerk was selected by the governor from three names submitted to him by the council, but the treasurer, like the warden, was chosen by the governor alone. The surveyor of the district, who had to hold a provincial certificate of efficiency, was to be appointed by the warden with the approval of the governor. The surveyor supervised all public works in the district and reported annually to the council. The various councils might make by-laws relating to ordinary municipal interests, especially the locating, building, and maintaining of highways, bridges, and other public works. They were to raise money for defraying the expenses of administering justice within each district, and for the establishment and support of schools.

The system of taxation had to conform to the assessment law then in force, and the rates levied could not exceed two-pence in the pound. No public work might be undertaken by the council before being reported upon by the district surveyor, and if the estimated cost should exceed £300, before being undertaken it had to be approved by the provincial Board of Works. All by-laws passed by a district council had to be submitted to the governor in council and might be disallowed within thirty days. The governor in council might dissolve a district council and call for a new election. The powers of the council were not to interfere with the rights of any incorporated city or town, but all municipal powers exercised by the justices of the peace before the passing of the act were transferred to the district councils.

The establishment of these district councils did not materially interfere with the township system under the Consolidated Act of 1838. The new system simply substituted the executive authority of the district council for the previous authority of the justices of the peace. At the same time, certain powers remained with the justices, as, for instance,

the calling of town meetings, which are summoned on the requisition of two justices of the peace. There was also a good deal of debatable ground between the remaining functions of the quarter sessions and the new powers of the district councils. This gave rise to numerous disputes between the magistrates and the district councils, more particularly with reference to such matters as affected the administration of justices.

The number of districts into which the province had been previously divided was enlarged on the introduction of the new system. The creation of new districts and the re-adjustment of the boundaries of the older ones took place from time to time, and the same system continued with reference to counties after the passing of the new act in 1849.

The government evidently exercised much discretion in the selection of wardens for the various districts. While there was considerable agitation for the introduction of a more democratic system in the appointment of district officers, there appears to have been very little complaint as to the personnel of those selected by the government. Thus the councillors of the district of Gore, in recording their impressions of the working of the act at the close of its first year, renewed their protest against the principle of the appointment of wardens and other officers by the government. At the same time they declared their complete confidence in the warden who had been appointed by the government. In the case of the treasurer of the district, the government had simply continued the person previously holding that position under the quarter sessions. He proved to be unworthy of the trust, and in the subsequent troubles of the council with the treasurer, the warden of the district led the movement for his exposure and dismissal, and finally resigned his office as a protest against the temporizing of the government in dealing with the matter. Experience proved that when the right to select their own officers was granted to the councils, though a number of the wardens appointed by the government were retained in office for a short time, yet the custom of changing the warden almost every year was soon established. While this certainly indicated a more

democratic attitude, it did not improve either the dignity or the executive efficiency of the councils.

The first wardens being, as a rule, men of superior education and of considerable experience in public affairs, were instrumental in continuing the best traditions in the older districts and in introducing in the newer ones dignified and orderly rules of procedure. It was customary for the warden to open the quarterly sessions of council with a formal address. In this a survey was given of the executive administration during the past quarter, including the extent to which the by-laws which had been passed had been carried out, provided they had not been vetoed by the central government. Experience proved that the central government intervened only where the by-laws, in form or substance, were plainly *ultra vires*. The warden's address also summarized any important communications which had passed with the central government, the district magistrates, or the officials of adjoining districts. Finally, it outlined the measures recommended for the consideration of council at the session then being opened. The warden's address was commonly referred to a special committee of council to be discussed, and the special information or recommendations reported upon.

As a rule, there were standing committees on roads and bridges, and on education, the two most important features of duty devolving upon the council. The position of treasurer was filled by the governor in council. Although the district clerk was to be selected by the governor from three names submitted by the council, yet in most cases the position of clerk was given to the person receiving the highest vote on the part of the councillors. The minor officers of the council were directly appointed by it.

The chief work of the district councils consisted in sifting and balancing the most urgent of the various petitions for new roads and bridges, and the improving or repairing of those already laid out or built. Many were the petitions presented on these subjects, and the needs were very real in all parts of the districts; but the funds available under the Assessment Act were very meagre, and there were many calls upon them. Hence the relative merits of the various claims

had to be carefully weighed. The next most important matter for the consideration of the councils was that of education. Petitions for laying out and creating school districts were frequently presented for consideration. The district council was constituted a board of education in order that it might deal with the educational matters within its jurisdiction. The petitions of the ratepayers for new schools commonly recited that an additional school section was needed, and their prayer was that such a section should be created, the election of trustees authorized, and a local rate levied to procure a site, build and equip a school and employ a teacher. There were frequent petitions also to have the boundaries of school districts readjusted by various divisions and combinations. Complaint was afterwards made by several superintendents of education that the educational interests of the country were suffering from too great a subdivision of school districts, resulting in inferior accommodation and the employment of ill-qualified teachers.

For the support of the schools, the provincial government contributed annually to each district a sum equivalent to that raised in the whole district for the support of schools. In the distribution of the provincial grant, the amount assigned to each school section did not necessarily correspond to the amount raised by that section. The number of children of school age was also considered.

In order to cope with the numerous requests for new roads and the alteration and improvement of the old ones, the councils might appoint road commissioners for the different townships. Certain central or trunk highways passing through several districts were provided for by the provincial government under the control of special commissioners. Memorials were frequently sent from the district councils to the provincial government praying for the improvement of these central highways, as also for the building and repairing of the bridges upon them. Certain councils of the weaker districts petitioned also for assistance from the provincial treasury for their local highways.

Although the relations between the district councils and the provincial government were quite as amicable under



the act of 1841 as under the system introduced in 1849, yet there was undoubtedly a rising tide of democratic feeling which chafed under the fact that the executive government had certain rights of appointment and a revisionary power over the proceedings of the councils. From time to time the district councils undertook to express to the central government the view of the district on matters of purely provincial concern, such as the trade policies of the country, or the relations of the colony to the home government.

Part of the trouble which arose between the district councils and the magistrates of the quarter sessions was due to the difficulty of determining with which body lay the right of expending certain district funds. All the moneys for the support of justice, including the building of gaols and court-houses, had to be raised by the district councils. In the Gore district the annual revenue, for the first year of the new system, amounted to about £4000, of which the justices of the peace spent upwards of £1600. Even then the condition of the gaol and court-house was a matter of grave scandal, frequently commented upon by the justices and the grand jury. Several district councils drew attention to the fact that, while they were required to find the money for the expenses of the quarter sessions, they had no control over that expenditure. They asked therefore that either they should be relieved of the cost of the administration of justice, or that they should have the necessary control over the funds provided. General complaints were made also that the division courts, recently established, were much more expensive to maintain, although much less satisfactory in operation, than the old courts of request, whose re-establishment was asked for.

At the close of the first year's experience with the new municipal system, it was obvious that a number of minor amendments were necessary in order to improve the working of the act. The government announced its intention to introduce certain amendments to both the District Councils Act and the School Act. Political difficulties intervened, however, and nothing of consequence was attempted until 1846. In addition to the objections already recorded as to the limitations imposed upon the councils in the election of their officers

and the control of the moneys raised by them, other objections were taken to the inadequacy of the assessment law and the limitations put upon the councils in voting money for public works. If complete freedom were not to be permitted in this latter matter, it was claimed that the councils should at least have liberty to vote sums under £100 for public works without a previous reference to the district surveyor or the governor in council. Finally, a general protest was made against clause 50 of the act, which prevented the members of council from receiving any remuneration for their services. It was proposed also by one or two councils that instead of meeting four times a year such councils as preferred might meet twice a year, in February and October.

As has been stated, much the greater part of the time and attention of the district councils was taken up with roads, bridges, and schools. The constant demand for construction and repair of highways and bridges, and the limited means at the disposal of the district councils, resulted in much cutting and carving in the annual budget to enable as many as possible of the urgent needs of the district to be met in some tolerable measure. The worst of this hand-to-mouth system was that much of the work done immediately fell into disrepair for lack of systematic maintenance. In this connection certainly the destruction of the poor was their poverty. The very lack of means to do the work thoroughly and maintain it efficiently caused a most alarming waste of such slender resources as the municipalities had at their disposal.

Many of these resources, however, were not effectively employed. The warden of the Bathurst district, in his opening address before the council in 1848, referred in strong terms to the wastefulness and inefficiency of the statute labour tax, the permanent benefit of which to the highways was almost nil. This was largely due to the inefficiency of its application under the direction of the path-masters, who held office for so brief a time that they acquired neither knowledge nor experience in the art of making roads. There were, the warden claimed, in his district about 40,000 days of statute labour provided for. At the rate of commutation of 2s. 6d. per day, this would amount to £5000, which was quite double the revenue of the

district for all purposes, and would have been amply sufficient to meet the requirements of the district as to roads and bridges.

As an indication of the actual revenue available in the various districts, we may take as a typical example the Gore district, with Hamilton as its centre. In 1843 the total revenue amounted to £4353 or \$17,412. Of this, \$10,308 was raised by a land tax of one penny per acre ; other ratable property in the district furnished \$7052. In addition to these general taxes there was a special road tax of one-quarter penny on the pound on all ratable property in the district, which furnished \$4340. In the Colborne district, of which Peterboro was the centre, the total revenue at this time did not amount to more than \$6000. These were paltry sums for the needs of large districts, and it is quite certain that the very light direct taxation on which the Canadians long prided themselves was a rather important factor in the backward condition of the country for so many years. Under the new system of greater freedom in municipal matters, we shall find a number of the new municipalities running to the other extreme in the matter of debts at least.

At this time certain of the more expensive bridges and new roadways were financed by the issue of debentures. When the roads or bridges were opened for traffic a series of tolls was prescribed, calculated to furnish a revenue for the payment of interest and the establishment of a sinking fund to pay off the debentures when they matured. The debentures once paid off, the highway or bridge was thrown open to the public free of tolls. In order to encourage the construction of roads or bridges by private enterprise, it was customary for the district councils to take stock in such companies as were chartered by the provincial government to construct roads and bridges which would be of advantage to the districts concerned. Thus in 1847 the district of Gore passed a by-law authorizing the district to take stock in the Guelph and Dundas Road, whose construction was undertaken by a private corporation.

Though the specially chartered cities and towns did not come under the jurisdiction of the district councils, so far as

their local administration was concerned, yet they were required to contribute a fair share towards the general expenses of the district, consisting chiefly of the improvement of the highways and the administration of justice. In the case of the cities where separation from the district was more complete, the contribution to the district funds was provided for in the shape of a definite annual payment, instead of the customary percentage levied upon the assessment.

In 1846, in response to the continued agitation for a more democratic structure of the district councils, important changes were made in the act. Thenceforth the wardens, clerks, treasurers, and surveyors were to be appointed by the councils instead of, as heretofore, either appointed or confirmed by the governor in council. The councils were permitted also to pay their members for their services as councillors. In view of the rapidly increasing expenses connected with criminal justice, it was provided that the greater part of these expenses should be borne by the provincial government.

The School Act was also amended. Superintendents of education, to be appointed by the district councils and invested with very considerable administrative powers, were provided for. To avoid confusion in terms, the local school districts, into which each general district was divided, were thereafter to be known as 'School Sections.'

Up to this time no provision had been made for any uniform system for towns and cities. As already indicated, individual acts had been passed from time to time incorporating this or that town or city, granting such civic constitutions, with specified powers and privileges, provisions for taxation, etc., as were petitioned for; or could be obtained from the legislature at the time. Several acts, it is true, dealt with special features for a number of towns named in them.

To dispose of the great number and variety of special acts which had accumulated, and to provide a general municipal system for both urban and rural municipalities, Robert Baldwin had brought in a comprehensive measure in 1843. This was the forerunner of his bill of 1849. The rupture of the ministry with Lord Metcalfe, and the consequent change of government, checked the movement for a time. Apart from

the act of 1846 amending the District Councils Act, and the usual special acts dealing with individual towns, nothing of importance was accomplished until the return to power of the Baldwin ministry under Lord Elgin. Baldwin revived his proposal for a general municipal act, and this eventually became law in 1849.

The chief object of the act of 1849, as its preamble shows, was not to introduce a quite new form of municipal government, but to consolidate under one measure the municipal system of the Province of Upper Canada. Thus the preamble, in setting forth the scope and purpose of the measure, declares that 'Whereas it will be of great public benefit and advantage that provision should be made, by one general law, for the erection of Municipal Corporations and the establishment of Regulations of Police in and for the several Counties, Cities, Towns, Townships, and Villages in Upper Canada, etc.'

At the same time the act undoubtedly extended to the municipalities a very considerable element of freedom and independence in dealing with their local affairs. This was particularly true as regards the townships, which for the first time were given a considerable range of legislative power, formerly in the hands of the quarter sessions, and later of the district councils. At the same time, with the general progress of the country, new powers and privileges were extended to the municipalities which were not previously required, or only to a very limited extent and in quite rudimentary form. Taking the various municipal units in their turn, the powers and duties conferred upon them may be summarized as follows :

*Townships.*—The inhabitants of each township, having upwards of one hundred resident ratepayers, were incorporated as a municipality. The township might be divided into rural wards for the purpose of electing township councillors, though as an alternative they might be elected at the annual town meeting. There were to be five councillors for each township. These were to elect from among themselves a town reeve, and, in townships containing five hundred ratepayers or over, a deputy reeve as well. The town reeve was to preside at all meetings of the councils, or, in his absence,

the deputy reeve. The council appointed three assessors and one collector. Township councils had power to make by-laws for the following purposes: the purchase of such real property as might be necessary; the building of a town hall, and the erection and support of common schools; the appointment of pound-keepers, fence-viewers, overseers of the highways, or any other officers who might be necessary to carry out the purposes of the act; regulating the duties of the township officers, and remunerating them; the opening of drains and watercourses; the construction and maintenance of highways, streets, bridges, etc.; controlling inns and taverns; restricting animals from running at large; destroying weeds; and regulating shows and exhibitions; controlling and granting privileges to road and bridge companies; enforcing and applying statute labour; borrowing money for municipal purposes, under certain restrictions; and making general local regulations not inconsistent with the laws of the province.

*Counties.*—As far as their original jurisdiction and structure was concerned, the county councils simply replaced the district councils, retaining the powers not transferred to the townships, incorporated villages, or towns. The municipal council of each county was to consist of the reeves and deputy reeves of the towns and townships included in it. The county council should elect the county warden from the body of councillors. The council should undertake to open, improve, and maintain special county roads and bridges, though it might also give grants to township roads. In addition to the usual municipal powers, the county councils might enact by-laws for such purposes as providing for grammar schools for the county, regulating ferries, opening county drains, granting licences to road and bridge companies, and taking stock in them.

*Police Villages.*—The county council might, on petition of the inhabitants of an unincorporated village, erect it into a police village, and provide for the election of police trustees, whose powers should extend to such matters as regulating buildings and their contents, with a view to preventing fires, and to adopting measures for the suppression of nuisances.

*Incorporated Villages.*—The inhabitants of certain specified villages, or others afterwards to be authorized by the provincial secretary, should be a body corporate; and, with respect to the village council, the appointment of reeves and other general powers should be on the same footing as in the townships. They should, however, have additional authority as to streets, side-walks, etc.; the regulating of markets, weights and measures; the suppression of nuisances, and the prevention of vice; the control of taverns and licences; and the framing of regulations for the prevention of fires, and for protecting the public health.

*Towns.*—Special corporate powers were given to fifteen towns whose limits and divisions into wards were set forth in Schedule B of the act, and to all future towns which might from time to time be raised to that position by proclamation of the governor. The corporate powers of a town were to be exercised by a council to be composed of three councillors from each ward. The mayor was to be elected by the councillors from among themselves. The mayor would act as town magistrate unless, on petition to the crown, a special police magistrate should be appointed. The town council should appoint one of their number town reeve, and another a deputy reeve, where the town contained more than five hundred resident freeholders. These would represent the town in the county council. The chief powers of the town councils were to make by-laws for the usual purposes of minor municipalities, and also for the lighting of the streets, for assessing property for local improvements, and, quite generally, for undertaking whatever might be necessary for the peace, welfare, safety, and good government of a town.

*Cities.*—Special corporate powers were granted to three cities—Hamilton, Kingston, and Toronto—and to any others that might be constituted from towns containing upwards of 15,000, afterwards changed to 10,000, inhabitants. The corporate powers were to be exercised through a council consisting of a mayor, aldermen, and common councillors. Each of the wards into which a city might be divided should elect one alderman and two common councillors, and these should elect one of the aldermen to be mayor.

Each city constituted a separate county with a recorder's court which took over the powers of the court of quarter sessions. The city police magistrate and the recorder might be the same person. The general functions of a city council were to be the same as those of a town council, though exercised on a larger scale and with a fuller organization involving special powers.

A large portion of the act deals with powers and regulations that are common to several forms of municipal corporation. Thus cities and towns might hold property for certain special purposes not incident to the other corporations. Every municipality was required to transmit to the governor an annual statement of its debts, and, on petition of at least one-third of any principal corporation, the governor in council might appoint a commission to investigate its financial affairs. Municipalities were prohibited from acting as bankers, or from issuing any notes, bonds, or debentures to pass as money. They were given authority to contract with parties to build roads or bridges and take tolls on them, such tolls to be regulated through a by-law of the corporation.

Although the act came into force in 1850, it required extensive amendments during the first year of its operation to adjust it to working conditions. Apart from the financial features, to be dealt with presently, the general system laid down in the act proved very satisfactory for the administration of local affairs, and was maintained in its general principles down to Confederation, and even until comparatively recent years. Apart from verbal and technical amendments, the chief alterations in the act arose from the necessity for new arrangements from time to time with reference to the following matters: the formation of additional townships; the election of their first boards of councillors and other officers; the union and separation of counties and townships as they increased in numbers, in population, and in strength; the creation of new towns and cities; making provisions for dividing and combining their financial responsibilities, including buildings and public works; and the appointment of arbitrators to settle these matters where the municipalities could not agree among themselves. Few particulars, how-



ever, of the underlying principles of the act were seriously altered—at least not before Confederation.

By far the most important and far-reaching consequences of the new system of municipal freedom were connected with the financial operations of the municipalities. As already indicated, in the special acts of incorporation for certain road and bridge companies, the municipalities in which they were operated were authorized to take stock in them, or otherwise lend them financial support. In 1849, following the general policy of incorporating all municipal activities under single measures, the government brought under one act the various powers hitherto granted in special acts for assisting road, bridge, and other companies. Such was the purpose of Act 12 Vict. cap. 84, authorizing the formation of joint companies for the construction of roads and other works in Upper Canada. The object of this act was to encourage the construction, by private companies, of plank, macadamized, or gravel roads, as also of bridges, piers, wharves, slides, and dams. General regulations were prescribed for the formation of such companies, for their legal organization and responsibilities, and for ensuring that they should carry out the objects for which their capital was subscribed. Provisions were also made for the inspection of the companies' operations, for the regulation of the tolls to be charged, and for the proper maintenance of the roads and other public works after their construction. They were required to report their financial position to the various municipalities within or between which the works were carried on. These conditions being complied with, it was lawful for any municipality interested in the public works in question to take and hold stock in the companies undertaking them. They might also lend money to such companies, and the chief officer of the municipality could act as its representative at the meetings, or on the boards of the companies. For the purpose of taking stock in such companies, or making loans to them, a municipality might employ any of its unappropriated funds, and the profits from these investments might be appropriated for any municipal expenditure. Twenty-one years after the roads, or other works constructed by such companies, were

completed, they might be taken over by any municipality at their current value, to be determined, if necessary, by arbitrators appointed for the purpose.

The following year, the provisions of this act were enlarged so as to cover companies constructing railroads and tram lines. According to the preamble to this act, this was done in order to encourage the investment of British capital in the country. The next year, however, 1851, this act was repealed, it being already the intention of the government to provide for assistance from the municipalities to the railroads in another manner.

Already, in 1848, the Hon. Francis Hincks had submitted to his colleagues a scheme for enabling municipalities to borrow money on the basis of an increased taxation, for the promotion of public works. He appears to have favoured the idea also of having the provincial government, with the assistance of the credit of the imperial government, borrow capital in England at the rate of four per cent, to be loaned to the municipalities at six per cent, and to employ the difference in promoting immigration and the settlement of the country. The inducement to the British government to lend its credit was that the Canadian government would take over the whole financial responsibility for promoting immigration.

Nothing definite came of this proposal at the time. After the extension of the self-governing powers of the various municipalities, there ensued a spirit of rivalry between the cities and towns, and even the rural municipalities, for the promotion of public works, such as railways, water and gas works, street improvements, and the erection of more costly public buildings. In 1850 the idea was firmly established in the minds of the people that, with the building of railroads, great prosperity was to be brought to every town, city, or even rural district through which they passed. Steadily improving business conditions, specially in the district from Montreal westward to Lake Huron, encouraged this idea. Many other railway projects were floated and received enthusiastic support from the towns and counties, and even the townships through which they passed. Under the direction of well-organized company promoters, backed by the cupidity

of real estate speculators, there resulted the borrowing by the municipalities of much capital in Britain. This, in turn, added materially to the opportunities for the employment of labour, and the undertaking of many industrial enterprises whose products for a time found a ready sale in the country. The prosperity which was due to the expenditure of millions in the building of the railroads was attributed to the operation of the railroads.

It was observed, however, that the rates of interest which the various municipalities had to pay for their loans were usually quite high, certainly much higher and more irregular than for the loans effected by the provincial government. To meet this situation Hincks revived, in 1852, his previous idea of enabling the urban and rural municipalities to borrow funds for the promotion of public works, at lower rates than were then available. This plan, which met with practically universal support, was matured into the Consolidated Municipal Loan Fund Act. As described by Hincks himself: 'The object of the Bill was to enable the various Municipal Councils to borrow money in the London Market, through the instrumentality of the Government, on more favourable terms than they could possibly do by their unassisted efforts.' The purposes for which the borrowed money might be used are set forth in the act as, 'to defray the expenses of building or improving any gaol or court-house for the use of such Municipality, or for acquiring, making, constructing, or completing, or assisting in the making, construction, or completion of any railroad, canal or harbour, or for the improvement of any navigable river within or without the Municipality.' The municipalities were thus distinctly encouraged to go in for the public ownership and operation of many public utilities, afterwards including waterworks, gasworks, tram cars, etc.

The method by which the money was to be furnished was by first consolidating under the management of the provincial government the credit of the various municipalities of the provinces. Upon this joint credit money might then be borrowed from the London or other markets at reasonable rates. An important factor in the plan was that the provincial

government undertook to see that the various municipalities promptly met their payments of interest and principal as they fell due. To this end the government provided in the act very strict conditions for the supervision of the amount of the loans and the character of the enterprises in which they were to be invested. Thus, the municipalities were required to submit to the general ratepayers by-laws specifying the objects to be secured or promoted by the loans, the amounts of the loans, the interest and terms of repayment, etc. All such by-laws were then submitted to the provincial government for approval. After being approved, the inspector-general, or minister of Finance, was authorized to issue, on the credit of the Consolidated Municipal Loan Fund, debentures to the extent of the loan, which could either be sold by the municipality itself, or might be disposed of by the government and the proceeds delivered to the municipality. It was provided that the municipality should pay annually, in addition to the specified interest, usually six per cent, a two per cent contribution to a sinking fund which would eventually pay off the principal. In the event of a municipality not promptly meeting its obligations, provision was made for the levying of the necessary rates under authority of the sheriff.

This act was passed in 1852, when the period of prosperity resulting from the revival of trade, building of railways, and the beginning of a period of brisk speculation in real estate, was just getting under way. It was industriously worked during the period from 1852 to 1856, introducing to the country some fifteen million dollars of British capital. Municipal loans, independent of the Consolidated Loan Fund, brought in several additional millions. The trunk lines of railroads, fostered by the government, and the expenditures of the provincial government itself on other public works, brought many additional millions. All of which, regardless of any future returns from these outlays, was quite sufficient to account for the unusual prosperity of this period, not paralleled in Canada before or since, except in our own day. All the familiar symptoms of the present were there also. Towns and cities were rapidly expanding, town lots were

selling far from the din of busy marts, while high wages, high prices, high rents and increasing assessments marked the upward trend of prosperity.

Fully three-fourths of the municipal borrowings were devoted to the promotion of railroad companies. The interest and dividends from these investments were confidently expected by the municipal authorities, not only to meet their obligations towards the Municipal Loan Fund, but to furnish considerable surplus revenue, which might be devoted to non-revenue producing civic requirements. In the meantime, the obligations which were being incurred were disguised from the ratepayers by the simple device of meeting the interest and sinking fund charges out of the new borrowings, instead of out of the municipal taxes.

The provincial authorities contributed their share of responsibility for the movement by approving, with scarcely a word of remonstrance, the various by-laws which were brought before them for consideration.

In the earlier stages of its operation all parties, political and other, approved of the Municipal Loan Fund Act, and applauded its beneficent influence. Soon, however, the Canadians, as others, were to find that the prosperity which resulted from the expenditure of millions in the construction of public works was a very different matter from the prosperity which resulted from their profitable operation. When, owing to a financial stringency in Europe, the stream of British capital ceased to flow, in 1857, the Canadian fountains of wealth also dried up suddenly. Several of the railroad projects were not completed, and those which were in operation found that much of the business which would enable them to even pay their operating expenses had yet to be created. Municipal undertakings, in the way of street improvements, waterworks, public buildings, etc., however serviceable they might prove to be in the end, were not revenue producing, and must, therefore, be financed from the municipal rates. The immediate result was a more or less general financial crisis in Canada during 1857, accompanied by a rude awakening to the actual condition in which a number of municipalities were placed. A number of these municipalities had

obviously borrowed more than they could pay, and their investments promised little aid. A few of them made no effort to meet their obligations, but simply ceased their payments to the Municipal Loan Fund and calmly awaited results. Being very leniently treated by the provincial authorities, other municipalities which had been struggling to maintain their credit followed the easy example set them and defaulted also. Still others, who had borrowed from British capitalists independently of the Municipal Loan Fund, began to default likewise. Ultimately some of them resisted the attempts of their British creditors to collect through the prescribed methods of legal remedy, on which so much stress had been laid as furnishing unquestionable security for all obligations entered into by the Canadian municipalities. Had the Canadian authorities insisted upon the first defaulters levying the necessary taxes to meet at least the interest on their borrowings, the subsequent chain of disastrous consequences for the credit of the municipalities and the country generally would in all probability have been avoided.

In 1858 the value of municipal debentures had fallen very considerably. They were being hawked about the London market, however, as Canadian provincial securities. This made it necessary for the provincial government to take action towards protecting its own credit. To this end William Cayley, the inspector-general, was authorized to sell regular provincial stock, and with the proceeds to purchase municipal debentures; it being declared, however, that this action in no way lessened the obligation of the municipalities ultimately to redeem their debts.

A few of the more conscientious municipal authorities courageously faced their civic obligations and paid off their indebtedness. Others, as stated, began well, but soon succumbed to the easy example of the initial defaulters. Later they added their quota to the political pressure put upon the government; first, to make new and more favourable terms for the municipalities in distress, and, secondly, when these terms were not respected, to shoulder the whole burden of municipal debt upon the provincial treasury.

The protracted wrangling over this municipal indebted-

ness, whether within or without the pale of the Municipal Loan Fund, the far-reaching consequences of the alarming doctrines of repudiation boldly preached by some of the more extreme representatives of the municipalities, the systematic resistance to all attempts to collect, through the legal remedies provided, the losses incurred by the original subscribers to the railroad stocks of the country, and the numerous instances of more or less fraudulent failures, where the creditors living in Britain were unprotected by any equitable bankruptcy laws; all combined to give Canadian credit such an unfavourable reputation in the British money market, that a whole generation of British moneylenders had to die out before Canadian offerings could find a friendly reception at the central money market of the world.

There can be no question that the original plan of Sir Francis Hincks was thoroughly sound, and would have been of very great benefit to the municipalities if moderately employed. Under the restrictions of the Municipal Act of 1841, as amended in 1846, it could have been safely operated. Under the greater freedom granted to the municipalities by the act of 1849, it became much more difficult to manage, although even then, in the hands of a strong administration and a strong financier such as Sir Francis Hincks, it might have been safely worked. But when Hincks left the country, the office of inspector-general or minister of Finance fell into the weak hands of Cayley, who allowed matters to drift so far that when a more capable minister succeeded, in the person of A. T. Galt, though bravely attempting to stem the tide and to enforce the obligations incurred, he found it practically impossible to enforce the legal remedies provided, without destroying the government of which he was a member. Thus was demonstrated what Sir Francis Hincks, in retrospect, admitted to have been the weakest feature of the Loan Fund Act; namely, the placing of the responsibility for enforcing payments by the municipalities upon the ministry of the day, whose political life largely depended upon the very municipalities which they were required to coerce.

Another phase of the matter was strongly urged by such critics as T. C. Keefer and the Hon. George Brown, who

claimed that the regulative control of the government, in sanctioning the by-laws of the various municipalities, was used to favour those municipalities which supported the government of the day and against those which returned members of the opposition. This is simply the obverse of the shield presented by Sir Francis Hincks.

In 1854, when the operation of the act was extended to Lower Canada, the rapidity with which loans were being negotiated led to the placing of a limit upon the total amount of the Loan Fund; the limit being three million pounds sterling, or about fifteen million dollars, divided equally between Upper and Lower Canada. In 1859 the full amount of three million pounds had been borrowed at six per cent. The municipalities were expected to pay annually six per cent interest and two per cent towards the sinking fund for the ultimate redemption of the capital. At this time only two municipalities were fully meeting their obligations to the fund.

An act was passed in 1859 making a compromise with the municipalities, by which thereafter they should pay five per cent annually on their total obligations instead of eight per cent, as was the original requirement. However, a number of the more reckless municipalities, finding that their investments had been particularly unfortunate, and knowing that their defaulting on the previous basis brought no unfortunate results, simply continued their non-paying attitude under the new arrangement. Representatives of these same municipalities organized an agitation for the formal transfer of their obligations to the provincial treasury. The injustice of this policy was, of course, quite obvious, since it meant that the responsible and frugal municipalities, which had not rushed into reckless speculations, were now to be required to pay the gambling debts of their defaulting neighbours. As before, the example of the defaulting municipalities was too strong for those which were struggling to meet their obligations under the compromise of 1859; hence, that arrangement also fell through, further advertising the weakness of the provincial government, and rendering the general situation more hopeless than ever. Between 1860 and Confederation only



\$519,000 was received from the municipalities of Upper Canada, on a debt of over six millions of principal and nearly as much of interest.

Unfortunately the full effects of the Municipal Loan Fund experience upon the general financial responsibility of the municipalities did not end with itself—*Facilis descensus Averni*; their obligations to the Loan Fund having been repudiated, the transition was easy to the repudiation of debts in other directions. Hence there was a general tendency to the repudiation of financial obligations to British and other creditors, contracted independently of the Loan Fund. More than that, by an act of 1849 a number of roads, bridges, and other public works constructed by the province were allowed to be purchased by the municipalities at a valuation to be agreed upon between the municipalities and province. A number of such purchases had taken place, but several municipalities, with the example before them of the Municipal Loan Fund transactions, completely defaulted on the payments due to the province, and many of these obligations have never been liquidated.

The final settlement of the Municipal Loan Fund muddle was not effected until 1873, when Upper Canada had become the separate Province of Ontario. The details belong to the period after Confederation, but, for the sake of continuity, an outline of the settlement may be given. It was effected by the Hon. Oliver Mowat, who adopted as a basis the arrangement of 1859. In effecting the settlement, conditions had to be taken as they stood, and compromise was indispensable. In estimating the obligations which were still to be enforced against the municipalities, regard was had to the character of the investments made, and the permanent benefits derived by the municipalities; also the extent to which subsequent measures of the central government had affected the values of the original investments of the municipalities. This applied more particularly to the railroad investments. On these and similar grounds most of the municipal debts were greatly reduced and some were wiped out altogether. Then the claims of those municipalities which had paid off their indebtedness in whole or in part, or had never incurred any

obligations in the Municipal Loan Fund, were considered. Corresponding allowances were made to such municipalities, these taking the form of credits which were to be expended on public works of permanent benefit to the municipalities in question. On this basis new debentures were issued by the municipalities having balances to pay, and these were transferred to municipalities having credits to receive, so far as they would cover them, the balance being paid by the provincial government.

Thus was brought to a close a very interesting and instructive municipal experience, illustrating several principles which had quite escaped the minds of those who framed the Municipal Act of 1849. Robert Baldwin and his colleagues, under the influence of the prevailing conceptions about responsible government, framed that measure in the confident belief that by granting complete freedom and responsibility to the various municipalities, wisdom, foresight, efficiency, and economy would be illustrated in all their actions. Experience speedily demonstrated, however, that a fleeting body of municipal representatives, though directly depending upon the votes of the general body of citizens, is subject to various influences both private and corporate, which are capable of producing quite as unfortunate results as a more permanent body with a less democratic backing. Under repeated evidence of these unfortunate consequences of complete local freedom, the tendency of modern legislation has been to impose external checks and safeguards for the protection of the property, health, and liberty of the municipal citizen. Such a movement appears to command the support of Canadian citizens, who are no less democratic in spirit than those who previously carried local autonomy to its logical extreme.

*Cedric R. Shortt*

MUNICIPAL HISTORY

1867-1913



## MUNICIPAL HISTORY

1867-1913

THE first statutes of Canada contained acts relating to the municipal government of those portions of the country having a sufficient number of inhabitants to require it. Development, however, was slow until 1841, when the Districts Councils Act was passed. Under this act the government retained the right to appoint the wardens, clerks, and treasurers and approve of by-laws. This was followed by a considerable agitation for an extension of principles of responsible government. The result was the passing of the Municipal Act of 1849 providing for the incorporation of local municipalities. This has been termed the magna charta of municipal institutions, not only of Ontario but of the newer provinces of Canada. Although amended at nearly every session of parliament, changes have been chiefly in the direction of amplification and detail.

When the Ontario legislature met in 1868, the municipal corporations of the province consisted of 36 counties, 399 townships, and 104 cities, towns, and villages, all working under the powers conferred by the act respecting municipal institutions in Upper Canada. Under provincial control the general municipal development of the province has exceeded the highest anticipation of its originators. In no quarter of the world are there institutions of a similar kind so admirably adapted to the wants, intelligence, and genius of the people. In reference to this Sir Charles Dilke, in his *Problems of Greater Britain*, says: 'The system of local government adopted in Ontario may be looked upon as nearly perfect, and certainly the best in the whole world.'

## MUNICIPAL DIVISIONS

*Counties.*—Counties were intended to be formed by proclamation of the lieutenant-governor, to consist of new townships not within the limits of any incorporated county. Under the present law new counties can be organized only under the authority of special acts of the legislature. There are in all thirty-eight county corporations, two of which were constituted since Confederation—the provisional county of Haliburton in 1874, composed of townships within the limits of the incorporated counties of Peterborough and Victoria; and the county of Dufferin, constituted, in 1875, out of townships previously within the limits of Grey, Simcoe, and Wellington. The county of Haliburton never completed its organization and is still connected with the county of Victoria for the purposes of the administration of justice. All the other counties were formed previous to 1853. There are four county corporations composed of a union of counties—Leeds and Grenville, Northumberland and Durham, Prescott and Russell, Stormont, Dundas, and Glengarry. In these unions the county in which the court-house is situated is known as the senior county. The proceedings for the separation of a junior county from a senior county is now a subject for special legislation, the provisions of the general law in reference thereto having been repealed in 1909.

*Townships.*—In the organized counties, townships or unions of townships are already constituted to the number of 428, containing from 20,000 to 80,000 acres each. Townships outside of this area may, by proclamation, be annexed to any adjacent county. Junior townships in a union may, by by-law of the county council, become separated when they have one hundred resident freeholders and tenants on the assessment roll. In districts, the inhabitants of any township having a population of one hundred persons may become a township municipality. Organization meetings for this purpose are called by the district judge or stipendiary magistrate on petition of not less than thirty inhabitants. In the districts, 760 townships have been surveyed, nearly all of

which are six miles square, but only 109 township municipalities have been organized.

*Cities, Towns, and Villages.*—An unincorporated village and suburbs, having a population of 750 within an area of not more than 500 acres, may be incorporated by the county council as a village. The law in this respect has not always been the same, as the largest village territory, L'Orignal, in the county of Prescott, covers 4050 acres. When the population reaches 2000, the lieutenant-governor in council may, by proclamation, erect a village into a town, and when it has a population of 15,000 a town may be proclaimed a city. The incorporation of towns and cities is usually effected by special legislation. The area of towns varies from 6000 to 400 acres, suggesting that the special circumstances connected with each incorporation have to be considered. There are in all 272 towns and villages and 20 cities in the province, of which 3 cities, 36 towns, and 4 villages are situated in the northern districts.

#### GOVERNING BODIES

*County Councils.*—County councils as originally constituted were composed of reeves and deputy reeves for each five hundred voters in a local municipality. Under this system they gradually became so unwieldy that it was difficult to transact business expeditiously, and the expense of holding meetings was heavy. In some cases the representation in a county council of small incorporated municipalities was out of all proportion to their interests in county taxation. The question of county council reform was considered by the legislature for a number of years. In 1886 three bills relating to the subject were introduced in the legislature. In 1896 a new constitution for county councils was adopted, in which the main idea was that every member should be representative of the whole county. The act reduced the size of county councils generally by changing the basis of representation from that of local municipalities to districts, into which all the counties were divided by a commission composed of county judges; the number of districts

in each county varying from four to nine was determined by population, assessed value, and extent of territory; two members elected from each for two years formed the county board.

Under the old system a man's conduct in the local council, with which the people were best acquainted, was the main factor in his re-election. Under the new system there was a separate nomination day for the election of candidates for the county council, when the ratepayers had an opportunity to consider directly the duties and the expenditures of the county council. The change proved to be satisfactory, except in counties where it was found impossible to form all the districts out of adjoining municipalities. The more important objection was that the separation of the county council from the local municipal councils lessened the importance attached to the reeveships. The original system, moreover, permitted members of the various local councils to come together and bring their joint experiences to bear on the problems of municipal administration. In this way, no doubt, development of township government was greatly assisted. Many local municipalities were without a resident representative, and it is not surprising that considerable opposition developed from those who were unable to secure election in the districts.

Owing to continual opposition, an optional system was provided in 1903 whereby a majority of the councils of the local municipalities in a county could decide on the abolition of the districts and the formation of county councils composed of reeves and mayors with voting power on financial questions in proportion to equalized assessment of the municipality represented. Before any county had adopted this, there was a change of government and a return, in 1907, to the original system of councils composed of reeves and deputy reeves, the number of deputy reeves being reduced by providing that one should be elected for each thousand voters instead of five hundred as formerly.

*Township Councils.*—Township councils, as originally constituted, consisted of five members elected annually by general vote or by wards, the reeve and deputy reeve, if any,



being chosen by the council. This system continued until the act of 1866 was passed, providing for the election of reeves, deputy reeves, and councillors by general vote. In 1873 there was a return to the ward system; the reeve, however, continued to be elected by general vote, the deputy reeves being selected by the council for each five hundred names of qualified voters in the township. This system was continued until 1898, when it was provided that the election of reeves and councillors should be by general vote. In 1906, when the county council system was changed, the election in townships in organized counties of not more than three deputy reeves by general vote was authorized, one to be elected for each one thousand names of persons on the voters' list qualified to vote at municipal elections.

*Village Councils.*—Village councils have always been composed of five members. Previous to 1866 the reeves were chosen by the councils. Since that date the reeves and deputies have been elected as such by general vote.

*Town Councils.*—The constitution of town councils has been frequently the subject of legislative experiment. Under the act of 1849 a town council consisted of three councillors from each ward, who, at their first meeting, elected from among themselves the mayor, the reeve, and also (if there were five hundred resident freeholders and householders on the collector's roll) a deputy reeve. By the act of 1858 the election of the mayor was taken from the council and entrusted to the ratepayers. In 1866 the number of town councillors was reduced to two for each ward in towns having five wards, but was left at three for each ward in towns of less than five wards, and it was provided that but one councillor should retire annually in each ward; the representation of the town in the county council was increased by the addition of a deputy reeve for every five hundred persons appearing on the last revised assessment roll. The right to elect the reeve and deputy reeve was, by the same act, transferred from the council to the ratepayers, and the right to elect the mayor from the ratepayers to the council.

In the first session after Confederation (1867) the number of councillors for each ward was increased to three in all

cases, the proviso that only one of these should retire annually being retained ; but this proviso was struck out two years later, and in 1871 the number of councillors was reduced to two for each ward in towns having five or more wards. In 1873 the right of electing the mayor was again taken from the town council and given back to the municipal electors, in whom it has ever since been vested.

In 1898 ward elections in towns of not more than five thousand population were abolished, and for at least two years the mayor and six councillors were to be elected by general vote. At the expiration of this term the electors had the option of continuing the same or deciding that one-half of the council should be elected by wards. In the larger towns where there were more than five wards, two councillors were to be elected for each ; and where there were less than five wards, this number was increased to three, with the proviso that it might be decreased to two if the electors so decided. In 1903 the council of any town of more than five thousand population was authorized to provide that the councils be composed of a mayor and not less than six aldermen, one to be elected for each one thousand of population, with the option of returning to the ward system after two elections, if the electors so decided.

In the districts where there is now no provision for the incorporation of villages, the council of a small town consists of the mayor and six councillors, or, when the population is more than five thousand, the number of councillors is increased to nine. Towns in the organized counties that are not separated from the county for municipal purposes, in addition to the other members of the council, are required to elect a reeve and a deputy reeve for each one thousand names on the voters' list. The reeves and deputies, limited to three, are members of the council and are the town's representatives in the county councils.

Notwithstanding the varied constitutions provided for the 123 town councils of the province, 112 councils have but six members, 1 has seven, 1 has eight, 5 have nine, 2 have ten, and 2 have twelve. County council representatives are elected in eighty-four towns.

A town with at least five thousand population may, by

by-law approved by the electors, withdraw from the jurisdiction of the council of the county in which it is situated ; previous to 1900 all towns had this privilege. This relieves them from taxation for county purposes, but renders them liable for administration of justice and other services rendered by the county. Seven Ontario towns are in this position.

*City Councils.*—City councils were at first composed of one alderman and two councillors for each ward, the mayor being chosen from among the aldermen. A second alderman for each ward was soon added and the right to elect a mayor was transferred to the municipal electors. The act of 1866 abolished the office of councillor, increased the number of aldermen to three for each ward, and restored to the council the right of choosing its own mayor. This system of selecting a mayor was abolished in 1873. Except as varied by an occasional act, this was the constitution of city councils until 1903, when provision was made for reducing the number of aldermen to two for each ward, subject to the approval of the electors. The councils of cities with less than fifteen thousand population were at the same time authorized to provide by by-law for a council composed of a mayor and one alderman for each one thousand of population, and in cities with over fifteen thousand population the optional principle of having the aldermen elected by general vote was introduced.

*Boards of Control.*—The exigencies of municipal administration in the city of Toronto led to an innovation in the general law providing for a cabinet or board of control to administer the affairs of the city in connection with the council.

The board, as at first constituted in 1896, consisted of the mayor and three aldermen appointed by the council, who could be removed at any time on a two-thirds vote and others appointed. The salary of aldermen on the board was limited to seven hundred dollars, and it was their duty to prepare estimates, award contracts, inspect works, nominate and dismiss officers and fix their duties.

Three years later the law was made applicable to all cities of over forty-five thousand population, except Hamilton, with a salary limit of four hundred dollars. In 1900 the number of controllers to be appointed was increased to four, and in 1903 the salary limit in cities of one hundred thousand

was increased to one thousand dollars, and a change was made providing that candidates for the position of controller were to be elected by the city at large. A system of cumulative voting was at first adopted. This, however, was changed in favour of one vote for each controller in 1905, when the salary limit was again increased to two thousand five hundred dollars. Candidates for the position of controller were limited to those who had two years' experience as aldermen, a restriction that was removed in 1906 and the qualification for the position of controller made the same as for mayor.

The board of control system was in 1909 extended to all cities between one hundred thousand and forty-five thousand population, subject to the approval of vote of the electors.

The act of 1913 gives the council authority to vary the recommendations of the boards in certain cases on a two-thirds vote.

The city of Ottawa adopted the system in 1907, Hamilton in 1910, and London, the one other city with a sufficient population, elected a board of control for the first time in 1914. That the system works well is evidenced by the action of the ratepayers of Ottawa, who in 1911 voted for a continuance of the system.

The principal duties of the board, as distinguished from those of the council, are : to prepare estimates and certify the same to the council ; to award contracts and report to the council, which may amend the same on a two-thirds vote ; to inspect, and to report to the council, on municipal works, at least monthly ; to nominate all heads of departments and sub-departments, and recommend their salaries, and suspend or dismiss the same, and to report. By a majority vote the council may refer back matters for further consideration. All the members, including the mayor, are elected for one year only.

Under a board of control organization the work of the committees of the council is largely eliminated. In Ottawa they have already been abolished. The council, however, is the safety valve without which the board of control would, in time, come in for unfair criticism, as the details of their work would not be known to as many as at present. As an advisory board the council is a necessity.

The salaries paid are :

	Mayor	Controllers
Toronto . . .	\$7500	\$2500
Ottawa . . .	2500	1000
Hamilton . . .	2200	1200
London . . .	3000	1000

*Term of Office.*—When city and town councils were first established the members were elected for two or three years, one-half or one-third to retire each year according to the number elected for each ward. This was continued until 1869, when it was decided that members of all councils should be elected annually. In 1906 the legislature authorized an optional system of election for two years, when assented to by vote of the electors. The demand for this change was not general, as few, if any, municipalities have taken advantage of it. There are but two exceptions to the general law. The city of Kingston returned, in 1907, to the old system of election of three aldermen for each ward for three years, to retire in rotation. In 1908 the city of Peterborough was authorized to elect aldermen for two years, half to retire annually; the elections of 1909 were by general vote. In the following year a return to the ward system was approved by the electors. Two aldermen were elected for each ward in January 1911, the one receiving the larger number of votes being elected for a two-years term.

*Police Villages.*—There is an intermediate condition of populous localities in townships known as police villages, organized originally to enforce regulations for the prevention of fires, the storing of gunpowder, and the abatement of nuisances. Since Confederation they have developed rapidly in communities desiring the conveniences a village may provide without the expenses or liabilities of a separate municipality, no fewer than one hundred and seventeen being in existence in 1913. The jurisdiction of the officers of the township is not interfered with. The treasurer pays the orders of the police trustees out of their special funds, and the clerks perform the same duties as before the village was formed.

Where a locality has a population of one hundred and fifty in an area of not more than five hundred acres, a majority of the freeholders may petition the county council to erect the locality into a police village. This gives the inhabitants the right to elect three persons, known as police trustees, whose business it is to improve the highways of the village, to make contracts for the supply of light, heat, or power, to enforce regulations for prevention of fires and abatement of nuisances, and generally to exercise many of the powers conferred on village corporations. Provision is made for incorporation when a police village has a population of not less than five hundred. This continues the organization, makes the village liable to the township for actions for damages caused by the non-repair of highways, and extends the powers of village corporations for water, light, heat, and power works.

#### QUALIFICATION OF MEMBERS OF COUNCILS

The qualification for election to a municipal council is about the same as for electors. Candidates are required to be British subjects and twenty-one years of age. That men only are entitled to be elected was first expressed in the Municipal Act of 1873, although this was clearly implied in, and accepted as the meaning of, the previous act. A specified property assessment has always been necessary. Residence in the county if not in the municipality was at first required, but at present residence within two miles of the municipality is sufficient.

At Confederation the values necessary to qualify candidates were :

In townships	\$400 freehold or	\$800 leasehold		
„ villages	600	„ „	1200	„
„ towns	800	„ „	1600	„
„ cities	4000	„ „	8000	„

It was necessary that persons elected should be rated on the assessment roll for these amounts. In 1873 this was changed by providing that candidates elected were entitled to qualify if they were sufficiently rated for part freehold and part leasehold property.

There appears to have been some dissatisfaction with the high qualification required in cities, as the amounts were re-

duced to one thousand five hundred dollars freehold and three thousand dollars leasehold. Another important change was made in 1880, when it was required that the qualification values should be over and above all liens and encumbrances affecting the same, the amount entered on the assessment roll to be the value from which the deductions should be made. The question at once arose as to a tenant's qualification on property that has been mortgaged by his landlord, and it was decided by the courts to refer only to encumbrances created by the owner of the leasehold interest.

This led up to a further amendment in 1883 providing that assessment for freehold to four thousand dollars should be sufficient in any municipality whether encumbered or not. This amount was reduced in 1892 to two thousand dollars, when the qualification values in all urban communities were fixed as at present :

Villages	\$200	freehold,	\$400	leasehold
Towns	600	„	1200	„
Cities	1000	„	2000	„

Some allowance was necessary owing to the low values of property in the unorganized districts where the qualification was at this time fixed for townships at \$200 freehold and \$400 leasehold, and for cities and towns at \$400 freehold and \$800 leasehold. In 1903 the amounts required in these townships were still further reduced to \$100 freehold and \$200 leasehold.

The fact that members of councils were sometimes slow to pay their taxes was the reason for a clause in the act of 1909 providing that candidates could not qualify in respect to property on which there were any arrears of taxes, and the Municipal Act of 1913 goes still further by making liability for any arrears of taxes a disqualification.

There are certain specified officials, hotel-keepers, and those having contracts with or claims against the municipality who are disqualified from holding office, and others who are exempt ; the difference being that a person disqualified cannot hold office, but a person exempt, even though qualified, need not. The one is incapacity or disability, the other a privilege. A qualified person duly elected, who refuses to accept office, may be summarily convicted and punished.

## THE MUNICIPAL FRANCHISE

The municipal franchise in Ontario has always been enjoyed by the male owners or tenants residing in the municipality who were twenty-one years of age and British subjects, rated on the assessment roll for specified real property values, which are graded for different classes of municipalities. In 1866 the real property qualification for a vote at municipal elections was to be rated on the last revised assessment roll—in cities for \$600, towns \$400, villages \$300, townships \$100, on which all taxes had been paid before December 16 of the year in which they were levied. Voters were allowed to vote once in each ward or electoral district. The only change in these values was made in 1873, when the qualifying amount for a vote in urban municipalities was reduced to cities to \$400, in towns to \$300, and in villages to \$200, and the disqualification for non-payment of taxes removed until reimposed by a by-law of the council of any municipality. In the following year the franchise was extended to all who were entered on the assessment roll for income amounting to \$400 and who resided in the municipality continuously from the completion of the roll to the date of election.

Following the example of England, where the ballot was adopted at both parliamentary and municipal elections in 1872, the system of open voting in vogue was changed and voting by ballot was required at all elections after January 1875. In the following year the same system was applied to the voting on a by-law.

The Provincial Voters' Lists Act, passed in 1876, was adapted to municipal elections in the following year, and the municipal franchise was extended to the sons of farmers who owned twenty acres or more of land rated at an amount sufficient to give the necessary qualification to each. The sons were required to have resided on the farm for eight months during the year previous to the completion of the assessment roll.

Under the Voters' Lists Act it is necessary that a municipal voter's name should be entered in the printed list as finally revised before he is entitled to vote. In 1884 the right to vote was extended to widows or unmarried women who are



owners of real property rated on the assessment roll for the qualifying amounts. A few years later (1892) the qualification of voters in towns with less than three thousand population was reduced to \$200 and in villages to \$100.

#### ASSESSMENT AND TAXATION

The Ontario law relating to municipal taxation is the result of gradual development. In 1793, during the first session of the second legislature of Upper Canada, an act was passed 'to authorize and direct the levying and collecting of assessment rates in every district within this Province.' This provided for the appointment of assessors and the valuation of real and personal property. The taxes were levied by the justices in quarter session. When the present system of municipal institutions was established, the authority to levy taxes was transferred to the municipal councils. The original system was continued for many years with very little change. An agitation, however, gradually arose for a more equitable basis, and in 1878 the legislature appointed a special committee to consider and take evidence on the subject of municipal taxation and exemptions. Ten years later the report of a municipal commission contained an extended reference to taxation. The only important change from the basis of taxation first established was made at this time, the live stock and implements of the farmer being exempted from assessment as personal property. The effect of an active agitation for some reform in the assessment of personal property resulted in the appointment in 1900 of a commission to consider the whole question. Its report, together with a consolidation of the assessment laws of the province, was presented in 1902. This showed that ninety-five per cent of the municipal taxation of the province was levied on the assessed value of lands and buildings, and that in townships practically the whole tax was derived from this source. The commission recommended that the main basis or incidence of taxation be the same, the actual value of lands and buildings, personal property, machinery of all kinds to be exempt. New sources of municipal revenue were suggested to be levied on the actual value of lands and buildings occupied for busi-

ness or residence purposes. The legislature did not approve of the residence tax, but adopted the principle of a special business tax. This includes a tax on business of all kinds, based on the value of the property occupied for business purposes, the tax to be levied in the same manner as other taxes, and for this purpose the business properties were classified and their values increased from twenty-five per cent to one hundred and fifty per cent as follows:

A.	Distiller . . . . .	150 per cent
B.	Brewer . . . . .	75 " "
	Malting house . . . . .	60 " "
C.	Wholesale merchant . . . . .	75 " "
	Insurance company . . . . .	" " "
	Loan company . . . . .	" " "
	Trust " . . . . .	" " "
	Express " . . . . .	" " "
	Land " . . . . .	" " "
	Bank or other financial business . . . . .	" " "
D.	Manufacturers . . . . .	60 " "
GG.	Millers producing less than 50 bbls of flour per day . . . . .	35 " "
E.	Departmental store or a retail merchant dealing in more than five branches of retail trade or business in the same premises or in separate de- partment of premises under one roof, or in connected premises where the assessed value exceeds \$20,000 . . . . .	50 " "
	Coal, wood, or lumber dealer . . . . .	" " "
	Coal dealers in cities with over 100,000 population . . . . .	30 " "
	Lithographer . . . . .	50 " "
	Printer and publisher . . . . .	" " "
FF.	Publishers of newspapers in cities . . . . .	35 " "
	" " " in towns, etc. . . . .	25 " "
E.	Liquor dealer . . . . .	50 " "
F.	Barrister and solicitor . . . . .	" " "
	Notary public . . . . .	" " "
	Conveyancer . . . . .	" " "
	Physician and surgeon . . . . .	" " "
	Oculist . . . . .	" " "
	Aurist . . . . .	" " "

F. Medical electrician . . . . .	50 per cent
Dentist and veterinarian . . . . .	" " "
Engineer and surveyor . . . . .	" " "
Architect . . . . .	" " "
Financial and commercial agency . . . . .	" " "

Where a person belonging to clause F uses land partly for the purposes of his business and partly as a residence, the rate of business assessment is 50 per cent of the value of the land occupied or used by him.

G. Retail merchants in cities of 50,000 population . . . . .	25 " "
Retail merchants in cities of 10,000 population . . . . .	30 " "
Retail merchants in other places . . . . .	35 " "
H. Photographer . . . . .	25 " "
Theatre . . . . .	" " "
Concert hall . . . . .	" " "
Skating rink . . . . .	" " "
Places of amusement . . . . .	" " "
Boarding and livery stable or the letting of vehicles for hire . . . . .	" " "
Restaurant . . . . .	" " "
Eating house . . . . .	" " "
Places of public entertainment . . . . .	" " "
Licensed hotels . . . . .	" " "
Other business . . . . .	" " "
I. Telegraph company . . . . .	" " "
Telephone company . . . . .	" " "
Electric railway . . . . .	" " "
Tramway . . . . .	" " "
Street railway . . . . .	" " "
Transmission of oil . . . . .	" " "
"    "    water . . . . .	" " "
"    "    steam . . . . .	" " "
"    "    heat . . . . .	" " "
"    "    gas . . . . .	" " "
"    "    electricity . . . . .	" " "

For light, heat, or power 25 per cent of value of land (not being a highway, road, street, lane, or public place or water or private right of way), exclusive of the value of any machinery, plant, or appliances connected therewith.

- I (a). Clubs in which meals or spirituous liquors are furnished to members . . . . . 25 per cent
- Where any person carries on more than one kind of business the rate is that for the chief or predominating business.
- To relieve small businesses the act provides that where the amount of business assessment is under \$250, it is to be assessed for \$100 only.
- Where land other than that referred to in clause F is used partly for business and residence, the portion occupied for business purposes only is considered.
- There is no business tax for operating vessel property or a steam railway or a farm, garden, or nursery.

The basis for the imposition of the tax is definite and its amount is easily ascertained. It is applied to all professions, trades, and businesses with a definite location. It is not claimed that this tax is equitable in every respect. The percentages were determined largely by the proportion of personalty tax formerly paid by each class of business. This was inaccurate, and the existing tax perpetuates the inaccuracy. The business tax eliminates all opportunities for evasion and dishonesty and is simple and inexpensive in administration. It increases revenue by not allowing any one to escape taxation.

#### INCOME ASSESSMENT

Under the old acts income was included in the term 'personal property.' As now defined, all income derived either within or without the province by any person resident therein is liable to taxation. This includes the income from mines and gas or oil wells, the minimum assessment on the latter being twenty dollars per year.

#### INCOME EXEMPTIONS

In 1869 the assessment exemptions included income from farm, real estate, capital liable to assessment, and personal earnings to \$400. In 1887 the exemption of personal earnings had been increased to \$700 and \$400 income from other sources provided it did not exceed \$1000. Ten years

later this was changed and no person was allowed more than \$700 exemption. The gradual increase in cost of living brought about a further consideration of the question, and in 1903 personal earnings were exempt to \$1000 and other income to \$400. The following year the personal earnings income of assessed householders only in cities of 10,000 population was exempt to the extent of \$1000 and in other municipalities to \$700. The exemption of non-householders' income being limited to \$400 was referred to as an attempt to tax bachelors.

The principle of the business tax was introduced at this time and all income derived from business paying the tax was exempt. In 1906 the personal earnings exemption of \$1000 was extended to towns of 5000 population and over, and the exemption of non-householders in this class of municipalities was increased to \$600. In 1910 these exemptions were again increased to \$1200 and \$900 respectively in all cities and towns. The principal reason given for this discrimination was that the cost of living in the larger urban communities was more expensive.

The particular income exemptions included in the present act are : income from surplus funds of any registered friendly society ; official income of governor-general and lieutenant-governor ; income of officers of army and navy and pensions from the imperial treasury ; income of a farmer from his farm ; income from stock in any incorporated company, the income of which is liable to assessment ; income from stock or share in a toll road.

*In Cities and Towns.*—Income from personal earnings : assessed householder or head of family, \$1500 ; non-householder, \$600.

*In Townships and Villages.*—Income from personal earnings : assessed householder or head of family, \$1200 ; non-householder, \$400.

Income from other than personal earnings to \$400 are exempt when income from all sources does not exceed that amount.

Income from mines is taxed under the Supplementary Revenue Act for provincial purposes, and as a result one-half

is exempt in the town of Cobalt and two-thirds in other municipalities.

#### PROPERTY EXEMPTIONS

Most of the property exemptions at present in force were taken from the act of 1869, the additions being seminaries of learning, public parks, and machinery used for manufacturing and farming. The full list includes : crown property, places of worship, churchyards, burying-grounds ; buildings and grounds of educational institutions, but not if otherwise occupied ; seminaries of learning maintained for philanthropic, religious, or educational purposes, the whole profits from which are devoted or applied to such purposes only ; municipal buildings and public hospitals receiving government aid ; roads and public squares ; the property of any county or municipality, but not when occupied by any person as tenant or lessee ; public parks, prisons, industrial farms, poor-houses, etc. ; property used by children's immigration and aid societies ; public libraries and the property of agricultural and horticultural societies ; machinery used for manufacturing or farming, but not the fixed machinery used or required for the supply of motive power, or the machinery of a street railway or a company having permission to use the streets for the supply of water, heat, light, power, transportation, or other service.

The structures, rails, poles, ties, etc., on the right of way of a railway are exempt from assessment. The province, however, collects from sixty to twenty dollars per mile of track, a portion of which is distributed among the municipalities in proportion to population.

The Assessment Act of Ontario contains the most modern ideas in reference to municipal taxation. The most important features in addition to the business assessment are the reduction of income exemption in the case of those who are not householders, the specific assessment value per mile for telegraph and telephone companies in townships, and assessment based on gross receipts in urban municipalities and police villages—the assessment of land including buildings at actual

value. The taxable values of the province have increased very rapidly under its administration.

Land and buildings . . . . .	50 per cent
Business assessment over personal property values . . . . .	122 " "
Income . . . . .	250 " "
Total income in values of 1904 compared with 1911 . . . . .	56 " "

Notwithstanding this, the average rate of taxation remains about the same, the councils having increased their annual levies over ten million of dollars in seven years.

STATISTICS OF ASSESSMENT AND TAXATION

FROM REPORTS BUREAU OF INDUSTRIES

	Land and Buildings	Personal Property	Income	Average Rate of Taxation for all Purposes
1886	\$	\$	\$	
Rural . . . . .	424,356,317	27,289,098	452,230	9.7 mills
Towns and villages . . . . .	78,521,775	7,384,126	2,172,192	19 "
Cities . . . . .	129,231,595	16,925,710	8,047,616	19.1 "
Total . . . . .	632,109,687	51,598,934	10,672,038	13 "
1896				
Rural . . . . .	444,056,842	2,792,097	268,444	9.6 "
Towns and villages . . . . .	111,050,720	8,338,270	1,886,057	20.3 "
Cities . . . . .	221,941,541	16,963,651	7,620,011	21.4 "
Total . . . . .	777,049,103	28,094,018	9,774,512	14.9 "
1904				
Rural . . . . .	477,209,517	2,324,830	259,315	11.71 "
Towns and villages . . . . .	122,386,118	10,298,311	1,577,489	24.08 "
Cities . . . . .	260,094,014	24,748,458	7,207,607	22.95 "
Total . . . . .	859,689,649	37,371,599	9,044,411	17.17 "
1906		Business Assessment		
Rural . . . . .	581,969,656	4,877,833	1,378,261	10.86 "
Towns and villages . . . . .	145,376,781	17,414,919	4,399,275	22.81 "
Cities . . . . .	296,239,305	37,201,566	14,647,092	22.46 "
Total . . . . .	1,023,585,742	59,494,318	20,424,628	16.33 "

## ASSESSMENT EXEMPTIONS AND TAXATION FOR 1911

Assessment	Townships	Villages and Towns	Cities	Total
Real property (taxable and exempt):	\$	\$	\$	\$
(1) Exclusive of buildings . . . . .	454,383,029	65,757,956	257,557,333	777,698,318
(2) Buildings . . . . .	182,648,747	157,692,958	330,532,209	670,873,914
Assessed for municipal and school rates:				
(1) Real property . . . . .	618,763,659	191,274,303	493,009,320	1,303,047,282
(2) Business assessment . . . . .	4,894,593	19,454,830	58,287,678	82,637,101
(3) Income . . . . .	7,483,354	5,018,116	19,181,264	31,682,734
Assessed for school rates only:				
(1) Real property . . . . .	2,804,906	4,315,610	12,714,820	19,835,336
(2) Business assessment . . . . .	699,000	1,252,057	2,356,955	4,308,012
Total assessment for school rates . . . . .	631,141,606	215,747,249	570,478,262	1,417,367,117
Net amount liable for municipal rates . . . . .	627,637,700	210,179,582	555,406,487	1,393,223,769
Real property exempt from taxation or liable for local improvements only . . . . .	18,268,117	32,176,611	95,080,222	145,524,950
Total real property exempt from municipal rates { 1911	21,073,023	36,492,221	107,795,042	165,360,286
{ 1910	19,819,342	34,517,121	96,228,789	150,565,252
{ 1909	18,046,950	30,951,155	85,833,547	134,831,652
Taxes levied for all school purposes . . . . .	3,147,487	1,865,997	3,799,410	8,812,894
Taxes levied for municipal purposes, local improvement rates, dog taxes, statute labour commuted, etc. . . . .	4,824,848	3,580,928	9,144,655	17,550,431
Total taxes levied in 1911 . . . . .	7,972,335	5,446,925	12,944,065	26,363,325
Average rate of taxation for all purposes . . . . .	12'63	25'25	22 mills	18'60
Taxation per head of population:	\$ c.	\$ c.	\$ c.	\$ c.
School . . . . . { 1911	3 10	3 51	4 70	3 74
. . . . . { 1910	2 88	3 22	4 45	3 47
Municipal . . . . . { 1911	4 74	6 72	11 30	7 44
. . . . . { 1910	4 47	6 36	10 76	6 96

The reduction in personal property assessment of rural municipalities in 1896 was caused by the exemption of live stock and implements of farmers.

The large increase in the income assessment of rural and town municipalities as shown in 1911 is due to the income



from mines in the township of Coleman, \$6,061,679, and in the town of Cobalt, \$1,038,205.

### MUNICIPAL OWNERSHIP

One of the most important features in connection with the municipal institutions of Ontario is the extent to which the municipal ownership idea has been developed in urban communities. Public opinion was at first opposed to the councils having anything to do with enterprises that could be carried on by private individuals. It was thought that the main highways could not be kept up under municipal management, and an elaborate system of toll roads under company or individual management was the result. The condition in which some of the roads were kept awakened public interest, and, as population increased, the roads gradually came under the control of the councils.

When municipal institutions were introduced, provision was made for regulating the use of the streets by gas and water companies. Cities and towns were given the same powers as companies, but before exercising them they were required to consider the purchase of the plants of companies already operating therein. Few municipalities exercised their rights in this respect previous to Confederation, with the result that the purchase of the vested interests of companies has been a handicap in the development of many a progressive community.

The establishment of waterworks in a few of the larger cities and towns led to the passing of a municipal waterworks act in 1882 and a similar light and heat act in the following year, to which all of the powers necessary for municipal ownership were fully set forth with provision for management by the council or a commission, as the council might determine. A great impetus was thereby given to the establishment of these utilities in urban municipalities. The management of the companies already established came in for considerable criticism, and they were forced to secure further legislation to protect their vested interests. This provided that before municipalities could establish gas, electric, or water works,

the rights of the existing company should be purchased. The introduction of electricity for lighting purposes, owing to the low cost of installation and distribution, was rapidly taken advantage of by all classes of urban municipalities. The municipal ownership idea was greatly encouraged in 1909, when councils were deprived of the right to grant franchises to public utility companies without securing the assent of the electors. The provincial reports show that in 1911 seven towns and cities were operating gas plants and about one hundred and twenty-five were supplying electric light and water.

The recognition of the telephone as a municipal necessity was evidenced in the passing of the Ontario Telephone Act in 1912, which gives municipalities authority to construct, maintain, and operate telephone systems, and to purchase, expropriate, or lease any telephone system already established. Previous to this, three progressive western towns—Port Arthur, Fort William, and Kenora—profiting by the experience of their sister municipalities in the east, had, under the authority of special legislation, successfully solved the problem of telephone management. Some forty townships have taken advantage of the act of 1912 and are now developing telephone systems. The province generally is served by the Bell Company, while in rural districts co-operative companies or lines under individual management have been in favour, the trunk line service for long distance being supplied through connection with the exchanges of the larger company.

Transportation facilities are also included in the list of public utilities. Seven electric railway systems are owned by municipalities, one of which is operated by a company under lease. In addition to these, controlling interests in steam railways have been assumed at different times, and while two cities have retained their interests, the roads are operated under lease by one of the larger companies.

The municipalities of the province have been liberal in their grants to assist in the construction of railways, over ten million dollars having been voted since Confederation, an amount greater than has been paid in provincial subsidies.

The development of electrical energy at Niagara Falls for commercial purposes attracted considerable attention, and in 1903 the provincial government passed an act authorizing municipal corporations to co-operate to secure 'the acquisition, construction, maintenance, and operation of all necessary works, plants, machinery, and appliances for the development, generation, transmission, distribution, and supply of electrical or other power for their own corporate use as well as for public uses and purposes.' The municipalities co-operating were to appoint commissioners and an electrical engineer to report on the matter. Under this act the municipalities of Toronto, London, Brantford, Stratford, Woodstock, Ingersoll, and Guelph arranged for the appointment of a commission consisting of C. W. B. Snider of St Jacobs, P. W. Ellis of Toronto, W. F. Cockshutt of Brantford, R. A. Fessenden, electrical engineer of Washington, and the Hon. Adam Beck. Ross and Holgate of Montreal were appointed to investigate the engineering aspect of the question. This commission reported in March 1906 to the municipalities concerned. The report stated that eleven other municipalities were interested, and that to all eighteen municipalities, which included St Thomas on the west and Toronto on the east, the transmission of power from Niagara Falls could be made under the most advantageous conditions.

In the matter of the development of industrial possibilities the commission were enthusiastic :

The municipalities represented by your Commissioners are pre-eminently manufacturing and industrial communities. They are equipped by nature to excel. They enjoy a high degree of proficiency in the manufacturing arts. The overflow of their aggressive and self-reliant enterprise has pushed their products into many lands. The barriers of cheap labour and other natural conditions which might have kept them out, have been overcome. From the greatest economic leverage that Niagara power—unloaded by corporation tribute—will give, an incalculable stimulus to the productive and competitive efficiency and enterprise of their manufactures will be derived. The economic conditions will not only, in obedience to natural law, beget an increasing

activity, but they will also attract to the district the enterprise of others. As a result, therefore, of such development as is herein considered, a great stimulus to the manufacturing activity may confidently be expected. If, however, all the municipalities that are capable of being efficiently served by a Niagara Falls development were to combine and carry out an undertaking corresponding to their needs and prospects, it would exercise an influence upon their future that cannot be estimated and that the past industrial history of Ontario affords no parallel to.

The Ontario government in the meantime had appointed an official commission of inquiry of which the Hon. Adam Beck was chairman, and in 1906 an act was passed to provide for the transmission of electrical power to municipalities. This determined that the policy of the government would be to erect transmission lines and deliver power, the municipalities to assume the whole of the expense under agreements to pay a fixed sum per horse-power per year to be reduced as the consumption on the various transmission lines increased. The management of the undertaking was to be in charge of a commission of three under the name of the Hydro-Electric Power Commission of Ontario.

This commission issued three reports during 1906, and as all of these favoured the idea of securing electrical energy from power generated at Niagara Falls and at other points in the province, it is not surprising that a number of meetings were held by representatives of municipalities interested for the purpose of securing the fullest information. The result was the formation of the Western Ontario Municipal Power Union, the object of which was to secure the co-operation of all municipalities in obtaining the purchase and transmission of electrical power.

In January 1907 propositions for the supply of electrical power were submitted to the ratepayers of seventeen of the chief industrial centres, all of which gave a substantial majority in favour of cheaper power. The commission has arranged to supply municipalities as far west as Windsor, a distance of two hundred and fifty miles; and as fast as sufficient consumers can be secured to warrant the erection of

additional transmission lines, municipalities desiring power within that radius of Niagara Falls will receive attention. Arrangements are also being made to secure power at points in the eastern and northern sections of Ontario, so that the whole province may be supplied, and where this cannot be procured the commission will undertake its development.

The necessity for uniformity of installation and equipment resulted in the adoption by the commission of regulations to which all municipalities using hydro-electric power are required to conform. The commission was also authorized to make regulations pertaining to the installation and use of electrical power by all municipalities, companies, or individuals, and order such changes as in their opinion may be necessary for the safety of the public or workmen or for the protection of property against fire or otherwise.

The rates chargeable by a municipal corporation, company, or individual for the supply of electrical power or energy are now subject to the approval and control of the power commission, which also prescribes the system in which the books and accounts of municipal corporations or commissions shall be kept. Provision is also made for the appointment of inspectors to enforce the regulations.

Under an act respecting the public construction and operation of electric railways passed in 1913, municipalities may arrange with the power commission for the location, construction, equipment, and management of lines of electric railways. Another act passed in the same year authorizes the election of one or more public utility commissions with all the powers, rights, and privileges of municipal corporations, and makes the election of such a commission compulsory in all cities and towns that have entered into a contract with the Hydro-Electric Power Commission. These commissions are to consist of three or five members, of whom the head of the council is a member *ex officio*—one-half of the elective members to retire annually.

This summarizes the development that has attended the introduction of the municipal ownership idea in Ontario. The future success of these undertakings will depend on the men who direct and control them. Given public men with

high ideals of municipal management, with broad and comprehensive views, with business training, the municipal movement will continue in its prosperous career and will justify the conclusions long ago arrived at: namely, that all those undertakings which are in the nature of necessities or monopolies and require the use of public streets should be owned and operated by the municipalities in the interests of the public generally.

#### MUNICIPAL BOARDS AND COMMISSIONS

One of the special features of the development of municipal management in urban communities is the multiplication of commissions. The members of councils are not remunerated, although they devote considerable time to municipal duties. Ordinary municipal organization has not always been sufficient to attend to details of every phase of development in towns and cities, the result being that important duties have been from time to time transferred to special boards and commissions, the members of which are either appointed or elected with terms of office so arranged that only a portion of the members retire annually.

*Water and Light Commissions.*—The management of municipal waterworks, lighting and heating plants may be undertaken by a committee of the council, or these duties may be transferred by by-law, assented to by the electors of the municipality, to a commission consisting of not less than three or more than five members, of whom the head of the council shall, *ex officio*, be one, and the remainder shall be elected annually at the same time and in the same manner as the head of the council. When a vacancy occurs, the council is authorized to appoint a commissioner to hold office during the remainder of the term for which his predecessor was appointed. The duty of the commissioners is to report annually to the council and make application to that body for moneys required in respect to such work. All rents and rates collected, less disbursements, shall quarterly, or as the council may direct, be paid over by the commissioners to the municipal treasurer for the credit of the separate works account.

*Public Libraries.*—In cities, towns, and villages, councils may, on petition, submit a by-law providing for the establishment of a public library. When the by-law has been approved, the general management, regulation, and control of the library and rooms in connection therewith shall be vested in and exercised by the public library board, to be composed of the mayor of the city or town or the reeve of the village and three other persons appointed by the council, three appointed by the public school board, and two appointed by the separate school board, where one exists. The members appointed hold office for three or two years and retire in rotation. Members of the appointing committee are not eligible for appointment as members of the board. For the purpose of providing for the expenses of the board, the council is required to levy a special rate not exceeding one half-mill on the dollar for public library purposes. In cities of over one thousand the rate is limited to one-quarter of a mill. If additional money is required, the board makes application to the council, which may grant it on a two-thirds vote of the members, or the question may be submitted to a vote of the electors.

*Park Boards.*—Councils of municipalities may establish and maintain parks and, if a majority of the ratepayers so decide, the Public Parks Act may be adopted, after which the general management, regulation, and control of all existing parks and avenues, and all properties both real and personal applicable to the maintenance of parks belonging to the municipality, shall be vested in and exercised by a board to be called the Board of Park Management, the board to be composed of the mayor of the city or town, or reeve of the village or township, and six other persons who shall be residents of the municipality but not members of the council, to be appointed by the council on the nomination of the mayor or reeve, the members to hold office for three years and to retire in rotation. The park board has the power to acquire by purchase, lease, or otherwise the lands, rights, and privileges needful for park purposes. The board is required to report annually to the council and submit an estimate of their requirements. It is the duty of the council to levy annually a rate of one half-mill on the dollar for the expenses of the

board, and to raise by debentures sums required for the purpose of purchasing lands and privileges necessary for park purposes.

*Police Commissions.*—In all cities control of the police force is in the hands of the mayor, county judge, and police magistrate. In towns and villages control of the police force is the duty of the council. In every town having a police magistrate the council may constitute a board of police commissioners as in cities, but the council of the town may at any time by by-law dissolve and put an end to the board and assume their duties. In addition to the management of the police force in cities, these boards license and regulate second-hand and junk shops, livery stables, cabs, etc., and also supervise and issue licences and permits to auctioneers, bill-posters, places of amusement, ferries, hawkers and pedlars, intelligence offices, milk vendors, plumbers, electrical workers, transient traders, and meeting-houses.

#### ONTARIO RAILWAY AND MUNICIPAL BOARD

When in 1906 it was announced that the provincial government had decided to appoint a railway and municipal board to take the place of the railway committee of the executive council, it met with general approval. For some years previous the matter had been suggested in a general way in and out of the legislature by those who were in favour of an organization similar to the Local Government Board of England. While the board was not promoted to bring this about, subsequent development has shown that it may ultimately be looked to for an expert supervision of municipal activities. The board, which has the powers of a court of record, is composed of three members, appointed by the lieutenant-governor, who hold office during pleasure, one of whom is designated as chairman. It is evidently intended that the chairman shall be a lawyer, as his opinion on a question of law prevails.

The board has all the powers vested in it by the Railway Act of 1906, which includes the approval of location, completion, equipment of railways, and adjustment of disputes



with employees. The only appeal allowed from the board is as to jurisdiction or upon a question of law. The Assessment Act requires appeals from courts of revision to be made to the board when large amounts are involved. Under the Municipal Act, by-laws for the alteration of boundaries or annexation to a city or town may be submitted to the board for approval, and by-laws relating to finance, debentures, etc., and public utilities may be confirmed. Telegraph, telephone, and electric light, heat and power companies were required to adopt the board's orders as to installation and equipment for safety of life and property, a responsibility that has now been assumed by the Hydro-Electric Commission. The board may be required to report on proposed changes in the railway law and private acts relating to municipal corporations or railways. It may also superintend the book-keeping of public utilities and require annual returns and statements. In cases of disputes between the management and railway employees the board may arbitrate and endeavour to settle the same. The board was also authorized to fix the standard of construction and installation of municipal telephone systems. This was the programme set for the board when the members entered upon their duties, and it is not surprising that they have found a considerable staff of assistants necessary, including street railway and telephone experts.

The duties and responsibilities of the board have been constantly increasing, and every year new matters are referred to it. It has been authorized to report on the sufficiency of rates charged by public utilities, whether too high or too low to pay debt, interest, cost of operation, and maintenance, to approve of the equipment of the cars on street railways, and, under the Municipal Securities Act, to certify to the validity of issues of municipal debentures. It has authority to extend the time for the issue of debentures and approve of by-laws changing the rates of interest on these securities. The equipment, route, and service of street railways have been placed within its jurisdiction, as have all matters pertaining to telephone companies, their installation rates, and exchange of business. When local improvements

costing over \$50,000 are objected to, an appeal may be made to the board. Under the Survey and Plans Act, plans of subdivisions within five miles of cities of fifty thousand population are subject to its approval.

The legislature has connected the board with so many matters since it was organized that in publishing a list of the several acts under which it exercises jurisdiction the following note was appended: 'The above list is prepared to facilitate reference to legislation and does not purport to be exhaustive.'

The annual reports of the board give full particulars of their decisions and complete statistics of the public utility and other similar corporations of the province. Up to the end of the year 1912, 1556 formal applications had been made to the board. The amount of revenue collected in law stamps on orders made by the board indicates in a general way the growing importance of that body. In 1906 the amount was \$134.50; in 1907, \$703; in 1908, \$1640; in 1909, \$2484; in 1910, \$2177; in 1911, \$2279; in 1912, \$3487. Under the Municipal Securities Act, debentures aggregating over \$5,600,000 have been validated since 1908.

The chairman of the board is paid an annual salary of \$6900 and the associate members \$4000 each. The total expenses of the board and its staff is a charge on the railway mileage tax collected by the province under the provisions of the supplementary Revenue Act of 1906.

#### HIGHWAY IMPROVEMENT

The maintenance of highways is always an important question in a growing community. Toll road companies, statute labour, county and local municipal corporations were the sources formerly depended upon for the betterment of all the highways of the province. The tendencies of provincial legislation have always been in favour of equalization by gradually placing more of the responsibility on the counties for the construction and maintenance of bridges and such roads as they would assume. Many of the toll roads when made free became county roads.

There was for years a spirit of unrest in connection with the administration of the Statute Labour Law and a general agitation for larger expenditures for the improvement of highways. This resulted in the organization of the Ontario Good Roads Association in 1894, which had for its guiding spirit the late Andrew Pattullo, then editor of the *Sentinel Review* of Woodstock, and afterwards member of the legislature. A campaign of education was inaugurated, Farmers' Institute speakers were designated to introduce the question, and public meetings held in different parts of the province. So numerous were the demands on the resources of the association, that the government, at its request in 1896, appointed A. W. Campbell, C.E., as provincial highway commissioner.

Campbell, who had made a study of the question from both a technical and popular point of view, was one of the few speakers capable of creating an interest in the subject under all circumstances, and under his direction public interest became more active. The press of the province was of the greatest assistance and public meetings were held in a majority of the municipalities. The statute labour system was attacked and the use of machinery specially adapted to the construction and improvement of roads was advocated. In the eastern counties a good-roads train with the most improved machinery, in charge of James Sheppard of Queenston, assisted by giving practical demonstrations in the modern methods of road-making.

In 1900, after six years' work, many of the townships had abolished statute labour, and road-graders and other machinery were coming into use. The result, however, was far from satisfactory. Pattullo, who was then a member of the legislature, took up the question with his ever-increasing interest and enthusiasm.

*Highway Improvement Act.*—In 1901 the Highway Improvement Act was passed providing for a provincial appropriation of one million dollars to assist the organized counties in the work of road improvement to the extent of one-third of their expenditures under the provisions of the act. This sum, which looked large, was to be divided on the basis of

acreage, and on the average provided for \$26,000 for each county. It was not expected that this grant would solve the problem to a greater extent than to interest county authorities in the construction of model highways of a better class, and through them to educate the people up to the benefits to be derived from the expenditures necessary to secure better roads. In working out the act, this fact appears to have been lost sight of. The important question with the county councillors was always the designation of roads for improvement within their particular municipality. In most cases the road mileage assumed was too large. The cost of maintenance was often overlooked and is now an important question.

When the Highway Improvement Act was passed, county roads were to be found in Hastings and Wellington as a result of the abolition of tolls in previous years. These counties have since received some consideration towards placing them in the same position as others in reference to their road expenditures.

The results of nineteen years of development of the movement for better roads may be said to be evidenced: in the abolition of statute labour in many townships; the adoption of the Highway Improvement Act in twenty counties in which 3771 miles of highway were assumed for improvement; the expenditure of \$3,393,507 in the improvement of county roads, one-third of which was paid by the province; and the appropriation by the province, in 1912, of an additional million dollars for the purposes of the Highway Improvement Act.

It is not possible to say how many miles of the roads assumed have been improved. Experimental work was necessary before county authorities appreciated fully the problems they were endeavouring to solve. In many cases the initial work done was temporary, and at the present time can hardly be classified as satisfactory construction. A considerable sum has been expended on bridges, machinery, and grants to villages and towns. The county of York and the city of Toronto are jointly interested with the province in a special arrangement for the improvement of the principal roads leading to the city. The York Highway Commission

is doing the best and most expensive work yet undertaken. Its experience will be of the greatest benefit in years to come, as the question of subsequent maintenance is being largely considered in the first cost of the roads in its charge.

The highway legislation passed by the legislature in 1912 provided for an appropriation of five million dollars to be expended in the construction of roads in the northern districts of the province, and for the construction by the province in each county of sample or experimental roads of a more expensive class than the counties have undertaken, concrete being used to a considerable extent on all of them.

*Federal Aid.*—The idea of federal aid for good roads, included by R. L. Borden in his platform for the general elections in 1911, was well received. Municipal authorities generally were led to believe that the financial assistance they were looking for would be forthcoming. The bill introduced by the Hon. Francis Cochrane in the House of Commons provided: for a grant or annual subsidy for highways; for the approval of specifications; for agreements with the provinces in reference thereto; for the construction and improvement of highways by Dominion authorities.

The bill was deficient in one important respect, viz. it did not specify the total amount the federal government proposed to expend for highway improvement. The estimates for 1912 and 1913 included appropriations of one million dollars for the purposes of the bill. The Senate, however, did not approve of the bill because it did not include the basis of apportionment to the provinces. The failure of the government to put through a measure of federal aid satisfactory to all has had the effect of postponing the adoption of the Highway Improvement Act in many counties. Most of the local authorities contemplating the taking up of new schemes under the Ontario Highway Improvement Act are waiting to see what becomes of the Dominion government's highway bill, and to what extent federal aid will be available.

Following up its decision to expend a large amount in the improvement of highways in the districts, the provincial government took into consideration the needs of the organized sections of the province. The increase in the use of motor

vehicles and the effect of that traffic, together with a growing desire for better highways than were being constructed, led up to an announcement of the government's intention to expend upwards of ten million dollars for highway improvement and the appointment of a commission to prepare a plan of road construction for the province.

The plan the commission will submit to the government is expected to indicate a widening out in road improvement in two important directions, in addition to present county construction. With the assistance of a federal grant a start upon a system of provincial highways of permanent construction will be possible. The development of township and county roads during the next few years will make the construction of main highways a necessity in order to bring the farmers' products within easy reach of the cities and towns. These highways will link together the big cities of the province, which will be brought into co-operation in construction.

Fully as important is the question of maintenance, and there is not a doubt but that the commission will recommend the extension of the principle of government assistance to the upkeep of highways. At present the government encourages a county to embark upon the building of a county roads' system, but, once constructed, little further interest has been taken in them. The result has been that some counties which drew heavily upon their resources to build roads have not been able to keep them in proper repair. Previous to the government's decision to appoint a commission, action along the line of encouraging maintenance was contemplated.

#### THE LOCAL IMPROVEMENT SYSTEM

The principle upon which ordinary municipal taxes are assessed and levied is that which was laid down in 1776 by Adam Smith, viz. that 'the subjects of every state ought to contribute to the expense of the government as nearly as possible in proportion to their respective abilities.' The Assessment Act provided that all municipal taxes shall be levied equally upon the whole ratable property, real and personal, in a municipality according to the assessed value of

such property. This, however, did not include rates or taxes paid under the local improvement system, the fundamental principle of which is: 'The right of the local authority to assess and levy upon the owners of real estate specially benefited by the construction of a local work a share at least of the benefit thus conferred.'

The foundation of the local improvement procedure in Ontario was adopted in the act of 1859: from that date to 1882 benefit was the only criterion of assessability. In the latter year locality became in certain cases the test, the rates being imposed 'upon the real property fronting or abutting upon the street or place whereon or wherein the work was done'; and in 1883 this rule was made applicable in all cases. In 1885 this was changed so that property benefited might be included in assessment for the cost of bridges, culverts, embankments, or the opening up or extension of streets. In 1888 the restriction of the assessment to abutting property was removed in the case of sewers of large capacity. In 1896 the principle of benefit as in force prior to 1882 was again adopted.

Alterations have been made in the method of apportioning the amount to be assessed. By the act of 1866 a rate on assessed values exclusive of improvements was the only one authorized. In 1881 a further change was made, by which the respective frontages of the lots determined the sum to be levied. This is the general principle of the present law.

In 1866 the only method of initiating a local improvement work was by petition. In 1871 councils were authorized to initiate the work when they were prepared to pay one-half the cost. In 1880 this liability was removed provided the local improvement system had been adopted by general by-law. In 1890 the initiation of work for sanitary reasons was permitted when recommended by the local board of health. Up to 1868 the local improvement sections were applicable to cities only. In that year they were extended to towns, to villages in 1871, and to townships in 1887.

The works that could be undertaken were first limited to sewers, side-walks, and street improvement, sweeping and watering. In 1871 bridges were included, in 1880 the

deepening of streams and drainage work, in 1890 culverts and embankments, and in 1892 water and light mains. This system of making municipal improvements is a popular one ; it appeals to ratepayers desirous of bettering the condition of their surroundings. It has been adopted in nearly all the urban municipalities of the province, and in townships where urban conditions exist.

There is considerable variation in the portion of the cost, if any, assumed by the municipality. In some, the property fronting on the work pays the whole cost ; in others, the municipality assumes a percentage, and constructs all street intersections and a portion of the excessive frontage on corner lots. These particulars, which apply to the whole municipality, should be finally determined by by-law before local improvement works are undertaken.

Power to construct a work on a two-thirds vote of the council was first granted in 1890 to a city only and was confined to plank side-walks. In 1901 it was extended to towns and in 1902 to villages, and enlarged to include a side-walk of plank, gravel, cinders, or a combination with tar and sand ; in the following year side-walks of cement, concrete, or brick were added. In 1906 every kind of side-walk was included and the necessary vote changed to two-thirds of the members of a council present at a regular meeting. In 1911 the power was extended to include a curbing, pavement, side-walk, hedge, and the opening, widening, extending, grading, diverting, or otherwise improving a street.

Generally speaking, the system has found favour. Councils take advantage of it to undertake works that are desirable in the public interest. In the case of expensive work, parties objecting to the action of the council may have the matter considered by the Ontario Railway and Municipal Board.

#### PUBLIC HEALTH

In 1849 a central board of health was established by the parliaments of Upper and Lower Canada and the first regulations issued from Montreal in June of that year in connection with the suppression of a virulent epidemic of cholera.



When the epidemic subsided, the central board remained inactive until 1866, when the cholera returned, and an act was passed to continue in force in Upper Canada the regulations issued from Montreal. These were enforced by a central board at the seat of government in Ottawa.

In 1873 and 1877 the provincial legislature passed acts respecting the public health in which provision was made for a provincial board and members of councils were designated health officers. In cases of epidemics the lieutenant-governor could, by proclamation, require a council to appoint a board of health consisting of three persons. Very little interest was taken in this legislation, and seven years later a new act was passed requiring councils to appoint boards of health annually. These were to be composed of the reeve, clerk, and three ratepayers in townships, villages, and towns under four thousand population, and of the mayors and eight ratepayers in the larger towns and cities. The appointment of medical health officers and sanitary inspectors was not compulsory. In the following year, 1885, a council was required to appoint a medical health officer when so requested by the provincial board. Ten years later the members in cities and towns were reduced to six, and continuity of procedure in boards of health was ensured by requiring one-third of the appointed members to retire annually. The powers of the provincial board were extended to the supervision and approval of plans for waterworks and sewers. Although medical health officers and sanitary inspectors were included in the organization of the local boards in most of the municipalities, their appointment was not made compulsory until 1911.

In 1912, owing to the growing interest in public health matters, a new act was found to be necessary. This changed the constitution of the local boards of the larger towns and cities to the mayor, medical health officer, and three ratepayers, and in all other municipalities one ratepayer. The necessity for central control or supervision was emphasized by providing for the appointment of seven medical officers of health to devote their whole time to supervising the sanitary work of the respective districts into which the province was

divided. The headquarters of these officers are London, Palmerston, Hamilton, Peterborough, Kingston, North Bay, and Fort William. With the exception of the two for New Ontario, the salaries and expenses of these new officials will be paid by the groups of counties in each district. The medical health officer is a member and the chief executive officer of the local board. With a view to having some permanency in this office, it is provided that he shall not be dismissed except for cause and with the approval of the provincial board. Among other things the act requires that the indigent sick and injured must be cared for by the municipality, and, as the medical officer is paid a salary, he attends to this duty. The whole question of communicable disease, its notification, quarantine, and disinfection, is specially dealt with, and, for the first time in the history of the province, notification of tuberculosis is required. The question of nuisances and offensive trades and their control receives attention. Provision is made for the inspection of lodging-houses, and the air space required for occupants is raised from four hundred to six hundred cubic feet. The medical health officer is authorized to close and placard a house unfit for habitation. The supervision of water supply and sewage disposal is continued, and the care of ice supplies and inspection of meat is fully dealt with.

The Vaccination Act provides that infants shall be vaccinated within three months, and all residents when required by proclamation, unless they have been vaccinated within seven years.

From the new system of district officers of health, combined with independent local health officers, a good deal of improvement in the sanitary condition of the province is expected.

#### MUNICIPAL LEGISLATION

Municipal councils exercise authority by virtue of the powers conferred in the general provincial laws, which in Ontario are largely an expansion of the principles laid down in the Municipal (Baldwin) Act of 1849. The result of such

restriction is that municipalities often apply to the legislature for consideration or authority to exercise special powers. These applications result in what are known as 'Private Bills' relating to almost every phase of municipal progress and mismanagement, large numbers of which are passed at each session.

Special legislation in the interests of large cities may also be found in the general acts, framed so as to apply in future to other corporations, which may by the growth of population come within their application. This very often provides for nothing more than the old problems of local government so intensified in cities that they become essentially new problems.

Notwithstanding the large amount of municipal legislation and the care with which it is enacted, every session of the legislature produces some new development calculated to improve the best system of local government.

#### ENTERTAINMENT AND PUBLICITY

The traditions of the past were somewhat disturbed in 1891 when expenditures by cities for the entertainment of distinguished guests were authorized, and again in 1897, when the commercial tendencies of municipalities were recognized by providing for the expense of diffusing information respecting the advantages of a municipality as a manufacturing, business, educational, or residential centre, or holiday resort. This led to considerable competition between the cities and towns with a view to industrial expansion, and publicity departments established in the larger cities are now presided over by a commission of industries.

The active campaign for settlers in the North-West provinces, fostered by land companies and the Canadian Immigration department, had an ever-decreasing effect on population and land values in the rural districts. Lambton was the first county to recognize the necessity for the adoption of modern methods by the formation in 1910 of a county publicity association for the purpose of diffusing information respecting its advantages as an agricultural centre.

The legislature approved of this and authorized special grants to the extent of one-third of county expenditures for this purpose. A large number of counties are already organized, and their efforts are having the desired effect on land values and the system of selecting and distributing immigrants.

The system of placing trained experts, representatives of the Agricultural department, in each county to assist in the introduction of improved methods of farming, fruit-raising, etc., has been well received. County councils are required to contribute a portion of the expense. This co-operation, combined with the awakening that is sure to result from publicity campaigns already inaugurated, should bring about conditions most beneficial to rural communities.

#### THE BONUS SYSTEM

In 1884 councils were authorized to bonus manufacturing industries to the extent of exemption from taxation for ten years. Three years later they received permission to grant a bonus when a by-law was approved by ratepayers on a two-fifths vote. This introduced a system of what has been called 'ruinous competition' between the cities and towns of the province for industries, which were peddled around in order to get the competing communities to bid against one another. Five years' experience was sufficient, and in 1892 the act was repealed. After this the only inducement a council could offer a manufacturer was exemption from taxation. This did not deter the more ambitious municipalities, who soon ascertained that by means of special acts they could continue to grant as large sums by way of bonus as formerly. This was a practical evasion of the general law. The old system, which had been abolished by reason of the many evils attached to it, was found to have been better than that of placing the responsibility on the legislature.

In 1900 the bonus sections were re-enacted and by-laws thereunder were required to be assented to by two-thirds of the ratepayers entitled to vote, or where only one-fifth voted

against a by-law, a three-fifths majority was sufficient. These sections are at present (1914) in force, but the by-laws require the approval of three-fourths of the members of the council and two-thirds of the votes cast. No bonus can be granted when a similar industry is located in a municipality or to a business that is located elsewhere in the province. The business of securing industries is now well organized in most cities and towns. The bonus idea is giving way in favour of loans to manufacturers for a term of years. This is better from an economic point of view.

### CARE OF THE POOR

The care of the poor in Ontario has always devolved upon citizens who are charitably disposed and upon the municipal authorities. In some of the larger urban communities voluntary organizations devote their energies to outside relief and care of the unfortunate in institutions of various kinds, some of which are supported by municipal grants and grants from the provincial treasurer apportioned on a per diem basis. The number of institutions of this class has increased from 38 in 1877 to 161 in 1912, classified as follows: 76 hospitals, 37 refuges, 31 orphanages, 3 homes for incurables, 3 convalescent homes, 2 Magdalen asylums, and 9 sanatoria for consumptives. The cost of maintenance of patients in hospitals when they are unable to pay is charged to the municipality to which they belong.

In rural districts the care of the poor was originally the duty of the councils of the local municipalities and considerable sums were expended on outdoor relief. This has been largely assumed by the county councils through the establishment of houses of industry and refuge.

*Houses of Industry.*—Previous to Confederation the legislative authorities decided that the helpless and friendless poor should be provided for by indoor relief in industrial homes.

The act of 1866 was mandatory in tone, a limit of two years being allowed within which county councils were to secure land, build houses of industry, make regulations,

appoint officers, and provide for the maintenance of the institutions. One of the first acts of the legislature of Ontario after Confederation was to make the establishment of these institutions optional. In 1888 a general act for their establishment was authorized, and in 1890 they were encouraged by provincial grants to the extent of four thousand dollars each, but not to exceed one-quarter of the amount actually expended by the counties in the purchase of land and erection of houses of industry thereon. Provision was also made for inspection of houses of industry by the provincial inspector of asylums and public charities.

In 1903 the legislature made it compulsory for counties to erect houses of industry either separately or in conjunction with adjoining counties. There are at present thirty-one houses of industry in the province with farms of from forty-five to one hundred acres attached. The largest number of inmates, over one hundred, is to be found in Waterloo, the average being fifty-five.

The expenditures by the municipalities of the province for the support of the poor and public charities have been growing rapidly.

	1886	1910
Cities . . . . .	\$81,566	\$599,233
Counties . . . . .	46,326	242,404
Villages and towns . . . . .	34,510	55,771
Townships . . . . .	64,916	57,043
	\$227,318	\$954,451

The increases that would naturally show in the expenditures of villages, towns, and townships are included in the amounts paid by counties under the house of industry system.

The passing of the act respecting neglected children and children's aid societies made counties and cities in which the children last resided for one year responsible for their maintenance when committed to their care pending investigation or until they are provided with foster homes. These

societies have been formed in every city and county and are doing splendid work for the protection of children, and as a result no child between the ages of two and sixteen years has been legally an inmate of a house of industry since 1895. One of the main objects of these societies is to avoid institutionalizing of children.

The indigent insane are cared for in the provincial asylums when it is dangerous for them to be at large or when it is thought that they may be amenable to treatment. Many harmless insane are cared for in houses of industry and other institutions, and arrangements are being made to transfer the accumulation of this class of inmates from the asylums to institutions maintained by the municipalities.

#### MUNICIPAL ACCOUNTS AND AUDITS

Up to 1897 the accounts of municipalities generally were audited by two auditors, one of whom was nominated by the head of the council. These were annual appointments. Toronto alone had the right to appoint auditors who held office during pleasure ; other cities and towns had authority to submit their accounts to one auditor whose duties were regulated by by-law of the council. There were many irregularities in treasurers' accounts and a great lack of uniformity in the system of books in which they were kept. The auditing of accounts was a farce in many municipalities. In many cases, where a special investigation was held and errors or defalcations discovered, the accounts had been found correct and certified by the annual auditors. In 1897, under the authority of an act to make better provision for keeping and auditing municipal and school accounts, a provincial municipal auditor was appointed with authority to frame rules respecting the following matters : the number and forms of books of account to be kept by the treasurers of county, city, township, town, and village municipalities and of police villages respectively ; the system of book-keeping to be adopted by all municipal treasurers or by the treasurers of any class of municipalities, and by the treasurers of all or of any class of school boards ; the manner in which books of

account, vouchers, receipts, moneys, and securities of municipalities and school boards shall be kept; the audit and examination of accounts and moneys of municipal corporations and of school moneys by municipal and school auditors respectively, or by the provincial municipal auditor, or by any person appointed by him for that purpose.

Books of account were accordingly prepared and approved by the lieutenant-governor in council, after which it was the duty of the municipal treasurers to use them, if the system of books and accounts in use was not satisfactory to the provincial auditor. The analytical cash-books then issued went into general use in all municipalities except cities with over fifteen thousand population, to which the regulation did not apply. This brought about considerable improvement and uniformity.

The procedure necessary to procure a special examination, inspection, and audit of a treasurer's accounts was simplified. These may now be held by the provincial auditor on his own motion, or whenever requested by two members of a council, or on the written requisition of thirty ratepayers resident in the municipality.

In previous investigations the defalcations reported were largely in connection with the payment of taxes to the treasurer and his failure to keep municipal moneys in a separate bank account. The new act provided that a council could direct that moneys payable to the municipality for taxes be paid into a chartered bank, and a treasurer of a municipality or of a school board was required to keep the moneys held by him in a separate bank account kept in his name as treasurer of the municipality or board.

In 1898 heads of municipalities were deprived of the right to nominate one of the auditors, and all councils were authorized, if they so desired, to appoint one auditor only and to define his duties. This favoured continuity and experience.

A large number of special audits have been held under the supervision of the provincial auditor. One of the principal difficulties has been to secure competent auditors; in addition to this, the appointees are usually limited to friends or sup-



porters of the political party in power. Another difficulty is that while the municipal auditor may make rules and regulations, he has no means of ascertaining whether or not those rules are observed. He should have authority to compel local officials to furnish him with such information or returns as he may require.

The accounts of municipalities should not only show the disposition of moneys received and to whom paid, but they should be kept according to a uniform system of classification. This would be most valuable for the purpose of comparison within the municipality and throughout the province.

### MUNICIPAL STATISTICS

As a result of a report in 1881 of a royal commission on agriculture, a provincial bureau of industries was established in 1882 for the purpose of collecting, tabulating, and publishing industrial information for public purposes. In 1887 the activities of the bureau were extended to statistics relating to the assessment, taxation, and finances of municipalities.

1. The clerk of every municipality is required to furnish to the secretary of the Ontario Bureau of Industries, at Toronto, who is attached to the department of Agriculture, any information asked for from the assessment and the collection rolls.

2. The auditors are required to send to the same official a copy of their certified audit at the time of its completion.

3. The treasurer is required to make a return once a year of the financial transactions of the year, such as the receipts and expenditures, the assets and liabilities, on such forms as the secretary of the bureau provides for that purpose.

These returns are received and examined as far as possible, and, if incomplete, or if they require further explanation, are amended and corrected by correspondence. When satisfactory, these statements are published in tabulated form as one of the reports of the bureau. These reports now cover the years 1886 to 1910. As a result of these returns there has been a partial supervision of municipal accounts by the

officers of the bureau with a view to making the returns as complete and reliable as possible.

The municipal records have been gradually improved so that the required statistics may be easily obtained. The classification of accounts in the approved municipal cash-books was arranged to facilitate the preparation of financial returns to the bureau. The results for twenty-five years are now available.

The statistics relating to assessment and taxation, which appear elsewhere, directed attention to a very large increase in property values.

The financial features of the reports show the very great development that has been going on in the municipal business of the province. This is best emphasized by a comparison of the expenditures of 1886 with those of 1910, the increase being in

		§		
Townships	. . .	4,946,902	or	95 per cent
Towns and villages	. . .	10,671,553	„	306 „ „
Cities	. . .	29,522,281	„	383 „ „
Counties	. . .	2,176,786	„	87 „ „
All municipalities	. . .	47,317,522	„	247 „ „

A reference to the following comparative survey shows that the largest increases are in connection with roads, streets, public utilities, and education, and that, while these are enormous, the financial management has been conservative, the percentage of increase in the accumulation of assets and liabilities or *vice versa* being in

Townships	. . .	assets	. . .	33 per cent
Towns and villages	. . .	liabilities	. . .	10 „ „
Cities	. . .	liabilities	. . .	33 „ „
Counties	. . .	assets	. . .	41 „ „
All municipalities	. . .	assets	. . .	14 „ „

SURVEY OF TOWNSHIP RECEIPTS AND DISBURSEMENTS,  
ASSETS AND LIABILITIES, 1886 AND 1910

Schedule	1886	1910
<b>RECEIPTS</b>		
Balance from previous year . . . . .	\$ 385,132	\$ 858,240
Ordinary municipal revenue :		
Municipal and school taxes . . . . .	4,383,179	7,507,613
Licences, fees, rents, fines, etc. . . . .	47,675	58,173
Refund of moneys loaned or invested, including special deposits and interest . . . . .	204,321	248,721
Loans :		
Money borrowed for current expenses . . . . .	335,806	1,420,505
Money borrowed on debentures		
For school purposes . . . . .	278,193	1,000,226
„ all other purposes . . . . .	235,256	380,513
Miscellaneous . . . . .		
Totals . . . . .	5,869,562	11,473,991
<b>DISBURSEMENTS</b>		
Expenses of municipal government :	\$	\$
Allowances, salaries, and commissions . . . . .	264,119	392,151
Other expenses of municipal government . . . . .	101,286	202,314
Construction works :		
Roads and bridges . . . . .	719,215	1,813,465
Buildings and other works . . . . .	251,215	697,509
Drainage works . . . . .	64,916	57,043
Support of poor and other charities . . . . .	1,088,648	1,595,723
County treasurer for levy . . . . .	1,872,844	3,116,507
Payments on account of schools and education . . . . .	180,960	192,099
Sinking funds and other investments . . . . .		
Loans repaid :		
Debentures redeemed (principal) . . . . .	252,329	500,859
Interest on loans, advances and debentures . . . . .	152,506	231,373
Refund of moneys borrowed for current expenses . . . . .	333,006	1,337,809
Miscellaneous . . . . .	154,692	245,786
Totals . . . . .	5,435,736	10,382,638
<b>ASSETS</b>		
Cash in treasury . . . . .	\$ 433,826	\$ 1,091,353
Taxes in arrears . . . . .	1,171,743	1,741,160
Sinking funds and other investments in stocks, mortgages, debentures, etc., including special deposits . . . . .	1,598,943	1,229,688
Land, buildings, and other property . . . . .	330,887	770,661
Miscellaneous . . . . .	145,536	1,978,559
Totals . . . . .	3,680,935	6,811,421

SURVEY OF TOWNSHIP RECEIPTS AND DISBURSEMENTS,  
ASSETS AND LIABILITIES, 1886 AND 1910—*continued*

Schedule	1886	1910
<b>LIABILITIES</b>		
	\$	\$
County levies . . . . .	374,176	341,782
Local school rates . . . . .	193,800	458,970
Debentures outstanding (principal)		
For aid to railways . . . . .		
" school purposes . . . . .		
" all other purposes . . . . .	3,153,646	4,505,496
Loans for current expenses and interest on same	127,974	726,549
Miscellaneous . . . . .	355,076	366,310
Totals . . . . .	4,204,672	6,399,107

SURVEY OF TOWN AND VILLAGE RECEIPTS AND DISBURSEMENTS,  
ASSETS AND LIABILITIES, 1886 AND 1910

Schedule	1886	1910
<b>RECEIPTS</b>		
	\$	\$
Balance from previous year . . . . .	176,005	415,125
Ordinary municipal revenue :		
Municipal and school taxes . . . . .	1,701,742	4,931,170
Licences, fees, rents, fines, etc. . . . .		
Water rates, etc. . . . .	144,890	1,719,562
Refund of moneys loaned or invested, including special deposits (principal and interest) . . . . .	137,071	746,743
Loans :		
Money borrowed for current expenses . . . . .	923,161	3,888,517
Money borrowed on debentures		
For school purposes . . . . .		
" all other purposes . . . . .	534,511	2,414,293
Miscellaneous . . . . .	88,172	429,233
Totals . . . . .	3,705,552	14,544,643
<b>DISBURSEMENTS</b>		
Expenses of municipal government :		
Allowances, salaries, and commissions . . . . .	\$ 126,715	\$ 268,367
Lighting of streets, water supply, and fire protection . . . . .	161,978	832,928

SURVEY OF TOWN AND VILLAGE RECEIPTS AND DISBURSEMENTS, ASSETS AND LIABILITIES, 1886 AND 1910—*continued*

Schedule	1886	1910
<b>DISBURSEMENTS—<i>continued</i></b>		
	\$	\$
Other expenses of municipal government . . . . .	88,058	817,699
Construction works :		
Streets, bridges, and parks . . . . .	438,389	1,245,507
Buildings and other works . . . . .	133,978	1,491,099
Support of the poor and other charities . . . . .	34,510	55,771
Administration of justice, including police service . . . . .	42,595	164,680
County treasurer for levy . . . . .	121,142	258,247
Payments on account of schools and education . . . . .	638,813	1,979,405
Sinking fund and other investments . . . . .	146,799	898,935
Loans repaid :		
Debentures redeemed (principal) . . . . .	250,546	960,189
Interest on loans, advances, and debentures	278,555	1,144,938
Refund of moneys borrowed for current expenses . . . . .	805,841	3,659,021
Miscellaneous . . . . .	214,586	377,272
Totals . . . . .	3,482,505	14,154,058
<b>ASSETS</b>		
	\$	\$
Cash in treasury . . . . .	223,047	390,585
Taxes in arrears . . . . .	529,251	1,130,938
Sinking funds and other investments in stocks, mortgages, debentures, etc., including special deposits . . . . .	955,843	3,959,132
Land, buildings, and other property . . . . .	3,528,945	16,454,781
Miscellaneous . . . . .	304,213	3,600,618
Totals . . . . .	5,541,299	25,536,054
<b>LIABILITIES</b>		
	\$	\$
County levy . . . . .	44,336	52,601
Local school rates . . . . .	113,585	322,541
Debentures outstanding (principal)		
For aid to railways . . . . .		
„ school purposes . . . . .		
„ all other purposes . . . . .	4,795,540	23,782,393
Loans for current expenses and interest due on same . . . . .	387,933	1,855,177
Miscellaneous . . . . .	245,640	2,222,844
Totals . . . . .	5,587,034	28,235,556

SURVEY OF CITY RECEIPTS AND DISBURSEMENTS, ASSETS  
AND LIABILITIES, 1886 AND 1910

Schedule	1886	1910
<b>RECEIPTS</b>		
	\$	\$
Balance from previous year . . . . .	234,368	1,305,758
Ordinary municipal revenue :		
Municipal and school taxes . . . . .	2,775,762	11,604,678
Liquor licences . . . . .		
Other licences . . . . .	132,214	370,496
Fees, rents, tolls, fines, etc. . . . .		
Water rates, electric light, or gas rates, etc.	817,629	4,054,848
Interest on bank deposits, sinking fund, and other investments and dividends on stocks . . . . .	103,402	627,052
Subsidies and refunds :		
From government (except for loans and schools) . . . . .	20,696	58,809
Refund of moneys loaned or invested (in- cluding sinking funds and special deposits)	385,728	5,940,064
Loans :		
Money borrowed for current expenses . . . . .	2,135,808	5,833,810
Money borrowed on debentures For school purposes . . . . .		
" all other purposes . . . . .	899,010	7,253,334
Miscellaneous . . . . .	393,957	712,500
Totals . . . . .	7,897,674	37,761,349
<b>DISBURSEMENTS</b>		
Expenses of municipal government :		
Allowances, salaries, and commissions . . . . .	124,344	476,137
Printing, advertising, postage, stationery . . . . .	29,750	96,136
Insurance, heating, light, and care of buildings	21,354	271,424
Law costs (including salaries) . . . . .	19,471	85,617
Lighting of streets . . . . .		
Water supply and fire protection . . . . .	561,681	2,087,440
Election of members of council . . . . .		
Other expenses of municipal government } . . . . .	34,388	1,316,016
Construction works :		
Streets, bridges, and parks . . . . .	1,099,602	4,800,057
Waterworks, sewers, and electric light plant } . . . . .		
Buildings and other property . . . . .	337,578	5,190,116
Board of Health (including salaries) . . . . .	94,556	245,874
Support of poor and other charities . . . . .	81,566	599,233
Administration of justice, police service, etc. . . . .	385,468	1,129,543
Payments on account of schools and education . . . . .	613,369	3,820,662
Investments and deposits :		
Sinking fund, investments, and deposits } . . . . .		
Other investment and special deposits } . . . . .	523,728	7,253,334

SURVEY OF CITY RECEIPTS AND DISBURSEMENTS, ASSETS AND LIABILITIES, 1886 AND 1910—*continued*

Schedule	1886	1910
<b>DISBURSEMENTS—<i>continued</i></b>		
<b>Loans and interest :</b>	\$	\$
Debentures redeemed (principal) . . . . .	152,836	2,420,953
Interest or discount on loans, etc. . . . .	1,061,908	3,034,180
Refund of moneys borrowed for current expenses . . . . .	2,073,869	4,145,439
Discount on debentures sold . . . . .	484,342	1,045,992
Miscellaneous . . . . .		
<b>Totals . . . . .</b>	<b>7,699,810</b>	<b>38,018,153</b>
<b>ASSETS</b>		
Cash in treasury . . . . .	\$	\$
Taxes in arrears . . . . .	197,864	539,258
Sinking funds and other investments in mortgages, debentures, stocks, etc. (including special deposits) . . . . .	1,164,319	2,114,359
Land, buildings, etc. . . . .	2,780,681	18,214,030
Waterworks . . . . .	15,421,936	47,278,338
Other property (cemetery, fire halls, etc.) . . . . .	2,448,412	15,884,915
Miscellaneous . . . . .		
<b>Totals . . . . .</b>	<b>22,013,212</b>	<b>84,030,900</b>
<b>LIABILITIES</b>		
Local school rates unpaid . . . . .	\$	\$
Debentures outstanding (principal)	77,064	19,001
Aid to railways . . . . .		
Schools . . . . .		
Local improvements . . . . .	18,469,933	76,501,342
Municipal works . . . . .		
All other objects . . . . .		
Loans for current expenses and interest due on same . . . . .	1,027,816	3,980,515
Miscellaneous . . . . .	1,345,781	6,422,674
<b>Totals . . . . .</b>	<b>20,920,594</b>	<b>86,923,532</b>

SURVEY OF COUNTY RECEIPTS AND DISBURSEMENTS,  
ASSETS AND LIABILITIES, 1886 AND 1910

Schedule	1886	1910
<b>RECEIPTS</b>		
Balance from previous year . . . . .	\$ 286,903	\$ 280,664
Ordinary municipal revenue :		
Rates from local municipalities . . . . .	1,245,154	1,926,075
Licences . . . . .		
Fees, rents, tolls, fines, etc. . . . .	57,220	50,845
Surplus fees from registrar . . . . .		
Interest on deposits and dividends on investments . . . . .	31,912	17,238
Loans :		
Money borrowed for current expenses . . . . .	400,645	1,314,890
Money borrowed on debentures . . . . .	128,192	383,000
Non-resident taxes collected . . . . .	112,117	35,652
Towns or cities separated from county, for various services . . . . .	114,990	112,288
Subsidies and refunds :		
Refund of moneys loaned or invested . . . . .	109,081	52,092
Received from government :		
For school purposes . . . . .	148,555	457,187
„ administration of justice and other purposes . . . . .	127,070	130,584
Miscellaneous . . . . .	42,680	227,521
Totals . . . . .	2,804,519	4,988,036
<b>DISBURSEMENTS</b>		
Expenses of municipal government :		
Attendance at meetings of council and committees . . . . .	\$ 54,569	\$ 77,491
Allowances, salaries, and commissions . . . . .	96,969	88,525
Printing, postage, and stationery . . . . .	22,722	32,770
Insurance, heating, lighting, and care of buildings . . . . .	30,226	58,256
Law costs (including salaries) . . . . .		
Other expenses . . . . .	23,731	33,559
Construction works :		
Roads and bridges . . . . .	225,104	893,320
Buildings and other works . . . . .	78,098	141,853
Support of the poor and other charities . . . . .	46,326	242,404
Administration of justice, gaol maintenance, etc. . . . .	386,588	429,120
Grants to schools and other payments for education . . . . .	363,645	913,379
Sinking funds and other investments, including special deposits . . . . .	175,878	96,933
Loans and interest :		
Debentures redeemed (principal) . . . . .	210,364	141,152



SURVEY OF COUNTY RECEIPTS AND DISBURSEMENTS,  
ASSETS AND LIABILITIES, 1886 AND 1910—*continued*

Schedule	1886	1910
DISBURSEMENTS— <i>continued</i>		
	\$	\$
Interest or discounts on loans, etc. . . . .	222,651	131,296
Refund of moneys borrowed for current expenses . . . . .	385,526	1,310,371
Non-resident taxes paid local municipalities . . . . .	109,428	32,405
Miscellaneous . . . . .	76,123	61,900
Totals . . . . .	2,507,948	4,684,734
ASSETS		
	\$	\$
Cash in treasury . . . . .	296,571	303,302
Rates due from local municipalities . . . . .	649,771	479,838
Sinking funds and other investments, special deposits, etc. . . . .	878,937	462,391
Land, buildings, furniture, etc. . . . .	2,770,367	4,323,858
Miscellaneous . . . . .	146,084	391,361
Totals . . . . .	4,741,730	5,960,750
LIABILITIES		
	\$	\$
School grants unpaid . . . . .	43,488	22,932
Debentures outstanding (principal)		
Aid to railways . . . . .		
Schools and other objects . . . . .	3,505,744	2,781,115
Loans for current expenses and interest due on same . . . . .	324,798	676,026
Local municipalities for non-resident taxes collected . . . . .	30,344	11,705
Miscellaneous . . . . .	149,906	132,457
Totals . . . . .	4,054,280	3,624,235

## AIDS TO MUNICIPAL DEVELOPMENT

The investigation of municipal problems with a view to the betterment of conditions has at all times been of the greatest importance. The Province of Ontario has not been behind in this respect, and, following the custom of other governments, has usually placed this responsibility on com-

missions appointed by the lieutenant-governor in council. The reports of these special bodies have been valuable, and while their recommendations may not always have been accepted, they contained a great deal of information of the greatest interest to members of the legislature and others.

The Royal Commission on Agriculture recommended in 1881, among other things, the formation of the bureau of Industries, which was afterwards entrusted with the collection of municipal statistics. The Municipal Commission of 1888 placed an outline of the municipal systems of various countries in convenient form and compared the more important features with those of Ontario. The Drainage Commission of 1893 was followed by a revision of the drainage laws and the enactment of the Ditches and Watercourses Act, a most valuable aid in the settlement of local drainage disputes. The Toll Road Commission of 1895 dealt with those relics of municipal mismanagement, and its report included suggestions for the purchase of the roads then in existence. The Tax Commission of 1898 included in its report the systems of assessment and taxation in other countries, and the report of a similar commission appointed in 1901 was followed by the adoption of the present law. A select committee on municipal ownership in 1904 set forth particulars of municipal ownership laws in other countries and showed the extent to which the idea had developed in Ontario. The Hydro-Electric Commission reports resulted in the conservation of electric power development for the municipalities of the province. The Railway Tax Commission of 1905 reported a large amount of well-considered information and recommended radical changes in the system of railway taxation for provincial and municipal purposes. The recently appointed Highway Commission will no doubt suggest plans, ways, and means for the permanent improvement of the highways of the province.

The Ontario Municipal Association, organized at Hamilton in 1899, has since been most active in considering the needs of municipalities generally, and has been the means of bringing about much progressive legislation. The University of

Toronto studies in political science, published from time to time, have been most valuable in directing attention to municipal affairs. All these, combined with the critical but progressive attitude of the provincial press, have done much to improve municipal conditions.

The newer provinces, recognizing the lack of co-operation on the part of the various provincial authorities in Ontario having to do with municipal affairs, included in their organization a sub-department of Municipal Affairs in charge of an efficient deputy minister. The result has been most beneficial in directing municipal development along right lines. There would appear to be the greatest necessity for the establishment of a similar department in Ontario if local government problems are to receive the attention necessary to keep the municipalities abreast of the rapid progress that is being made elsewhere.

One of the tendencies of present-day legislation is to surround both the legislative and administrative powers of municipal councils with a wise measure of central control.

The supervising authorities have been shown to be: the bureau of Industries, the provincial inspection of county houses of industry, etc., the provincial Board of Health, the provincial highway commissioner, the Hydro-Electric Power Commission, the Railway and Municipal Board, the provincial auditor, and the Education department, which reserves the right to approve of the dismissal of public school inspectors after they have been appointed by the councils.

In the matter of returns relating to statistics, the same information may be demanded by several authorities, and the control of systems of book-keeping would appear to require consideration. The Railway and Municipal Board under their act and the Public Utilities Act have authority over books and accounts of public utilities. The Power Commission have a similar authority to which the Municipal Board cannot object. The provincial municipal auditor, however, has a general authority to determine the system of book-keeping to be adopted in all municipalities.

The continual investigation of municipal progress else-

where, the adaptation of the best ideas to Ontario conditions and the necessity for co-ordination throughout, all combine in favour of the idea that a department of Municipal Affairs will greatly encourage future development and progressive legislation.

*R. W. McKay*

# THE JUDICIAL SYSTEM



# THE JUDICIAL SYSTEM

## I

### JUDICIAL DEVELOPMENT, 1774-1913

ONTARIO is now in its fourth stage of constitutional development and is just entering upon its fourth stage of judicial development. The first periods of the two developments coincide, and extend from the Quebec Act of 1774 to the Constitutional Act of 1791. The second constitutional period extends from 1791 to the Act of Union in 1841; the third from 1841 to Confederation in 1867; and the fourth from that date to the present time. The second judicial period extends from 1791 to the passing of the Judicature Act in 1880; the third from the time of the Judicature Act to January 1, 1913, when the Law Reform Act of 1909 came into force. The Constitutional Act of 1791 is sometimes regarded as the starting-point of the history of judicial institutions in Ontario; but while it is true that a new beginning was made at that time, it is necessary, to render the present outline complete, to trace the development of justice from the first years of British rule.

### FIRST JUDICIAL PERIOD, 1774-91

The proclamation of George III and the ordinances passed prior to the Quebec Act refer only to a small portion of the present province, only, in fact, to that portion which lies east of a line drawn from the most south-easterly point of Lake Nipissing to a point where the 45th parallel of north latitude crosses the St Lawrence River. For practical purposes this is negligible, not only because of the small extent

of the province involved, but also because down to the year 1774 Ontario was almost uninhabited, and the judicial institutions established immediately after the Conquest were not extended to any part of the present province.

The Quebec Act (14 Geo. III, cap. 83) included the whole of Ontario as it at present exists. It provided that by the proclamation of November 6, 1763, the commission under which the government of the Province of Quebec was administered, all the ordinances made by the governor and council, and all commissions to judges and other officers should be revoked May 1, 1775. This statute also provided that in all matters of controversy in the courts respecting property and civil rights resort was to be had to the laws of Canada for the rule for the decision of the same, and that all causes should be determined agreeably to the said laws and customs until varied or altered by ordinances passed in the province by the governor by and with the advice and consent of the legislative council. It was also provided that nothing in the said act should prevent His Majesty from erecting, constituting, and appointing, by letters patent, courts of criminal, civil, and ecclesiastical jurisdiction in the province and appointing judges and officers thereof.

The provisions respecting the establishment of courts and the administration of the law set out in the instructions to Governor Carleton in 1775 are as follows :

12. The Establishment of Courts, and a proper Mode of administering Civil and Criminal Justice throughout the whole Extent of Our Province, according to the Principles declared in the said Act for making more effectual Provision for the Government thereof, demand the greatest Care and Circumspection ; for, as on the one hand it is Our Gracious purpose, conformable to the Spirit and Intention of the said Act of Parliament, that our Canadian Subjects should have the benefit and use of their own Laws, Usages, and Customs in all Controversies respecting Titles of Land, and the Tenure, descent, Alienation, Incumbrances, and Settlement of Real Estates, and the distribution of the personal property of Persons dying intestate ; so on the other hand, it will be the duty of the Legislative Council to consider well



in framing such Ordinances, as may be necessary for the Establishment of Courts of Justice, and for the better Administration of Justice, whether the Laws of England may not be, if not altogether, at least in part, the Rule for the decision in all Cases of personal Actions grounded upon Debts, Promises, Contracts, and Agreements, whether of a Mercantile or other Nature; and also of Wrongs proper to be compensated in damages; and more especially where Our natural-born Subjects of Great Britain, Ireland or Our other Plantations residing at Quebec, or who may resort thither, or have Credits, or Property within the same, may happen to be either Plaintiff or defendant in any civil Suit of such a nature.

13. Security to personal Liberty is a fundamental Principle of Justice in all free Governments, and the making due provision for that purpose is an object the Legislature of Quebec ought never to lose sight of; nor can they follow a better Example than that, which the Common Law of this Kingdom hath set in the Provision made for a Writ of Habeas Corpus, which is the Right of every British Subject in this Kingdom.

14. With regard to the Nature and number of the Courts of Justice, which it may be proper to establish, either for the whole Province at large, or separately for its dependencies, and the times and places for holding the said Courts, no certain Rule can be laid down in a Case, in which the Judgement must in many Respects at least be altogether guided by Circumstances of local Convenience and Consideration.

15. In General it may be proper, that there should be a Superior or Supreme Court of criminal Justice and Jurisdiction for the Cognizance of all Pleas of the Crown, and for the Trial of all manner of Offences whatsoever, to be held before the Chief Justice for the time being at such times and places, as shall be most convenient for the due and speedy Administration of Justice, and the preventing long Imprisonments; the said Court to be called and known by the name of the Court of King's Bench; That, for the more orderly establishment and Regulation of Courts of Civil Jurisdiction, the Province of Quebec, as limited and bounded by the aforesaid Act of Parliament 'for making more effectual Provision for the Government of the Province of Quebec in North

America,' be divided into two Districts by the names of Quebec and Montreal, each district to be limited and bounded in such manner, as shall be thought best adapted to the Object of the Jurisdiction to be established therein ; That there be established in each of the said Districts a Court of Common Pleas, to be held at such times and places, as shall be judged most convenient, and to have full Power, Jurisdiction and Authority to hear and determine all Civil Suits and Actions cognizable by the Court of Common Pleas in Westminster Hall, according to the Rules prescribed by the said Act of Parliament 'for making more effectual Provision for the Government of the Province of Quebec in North America' ; and according to such Laws and Ordinances, as shall from time to time be enacted by the Legislature of the said Province in manner therein directed ; That there be three Judges in each of the said Courts of Common Pleas, that is to say, two of Our natural-born Subjects of Great Britain, Ireland, or Our other Plantations, and one Canadian, and also one Sheriff appointed for each district ; That besides the foregoing Courts of Criminal and Civil Jurisdiction for the Province at large, there be also an Inferior Court of Criminal and Civil Jurisdiction in each of the Districts of the Illinois, St Vincenne, Detroit, Missilimakinac, and Gaspée, by the Names of the Court of King's Bench for such district, to be held at such times, as shall be thought most convenient, with Authority to hear and determine in all Matters of Criminal Nature according to the Laws of England, and the Laws of the Province hereafter to be made and passed ; and in all Civil matters according to the Rules prescribed by the aforesaid Act of Parliament 'for making more effectual Provision for the Government of Quebec in North America' ; That each of the said Courts shall consist of one Judge, being a natural-born Subject of Great Britain, Ireland, or Our other Plantations, and of one other Person, being a Canadian, by the name of Assistant or Assessor, to give advice to the Judge in any Matter, when it may be necessary ; but to have no authority or Power to attest or issue any Process, or to give any Vote in any order, Judgement or decree ; That the said Judges, so to be appointed, as aforesaid, for each District, shall have the same Power and Authority in Criminal Cases, as is

vested in the Chief Justice of Our said Province ; and also the same Power and Authority in Civil Cases, as any other Judge of Common Pleas within our said Province, excepting only that, in cases of Treason, Murder, or other Capital Felonies, the said Judges shall have no other Authority, than that of Arrest and Commitment to the Gaols of Quebec, or of Montreal, where alone Offenders in such Cases shall be tried before Our Chief Justice ; That a Sheriff be appointed in each of the said Districts for the Execution of Civil and Criminal Process ; That the Governor and Council (of which, in the absence of the Governor and Lieutenant Governor, the Chief Justice is to be President) shall be a Court of Civil Jurisdiction for the hearing and determining all Appeals from the Judgement of the other Courts, where the matter in dispute is above the value of Ten Pounds ; That any Five of the said Council, with the Governor, Lieut. Governor, or Chief Justice, shall constitute a Court for that purpose ; and that their Judgement shall be final in all Cases not exceeding the Value of £500 sterling, in which Cases an Appeal from their Judgement is to be admitted to Us in Our Privy Council. It is however Our Will and Pleasure, that no Appeal be allowed, unless security be first duly given by the Appellant, that he will effectually prosecute the same, and answer the Condemnation, as also pay such Costs and Damages, as shall be awarded by Us, in case the Sentence be affirmed ; Provided nevertheless, where the matter in question relates to the taking or demanding any Duty payable to Us, or to any Fee of Office, or annual Rents, or other such like matter or thing, where the Rights in future may be bound, in all such Cases appeal to Us in Our Privy Council is to be admitted, tho' the immediate sum or value appealed for be of less value.—And it is Our further Will and Pleasure, that in all Cases where Appeals are admitted unto Us in Our Privy Council, execution be suspended until the final determination of such Appeal, unless good and sufficient security be given by the Appellee to make ample restitution of all that the Appellant shall have lost by means of such decree or judgement, in case, upon the determination of such Appeal, such decree or judgement should be reversed, and restitution awarded to the Appellant. Appeals unto Us in Our Privy Council

are also to be admitted in all cases of Fines imposed for misdemeanors ; Provided the fines, so imposed, amount to, or exceed the sum of £100 sterling, the Appellant first giving good Security, that he will effectually prosecute the same and answer the Condemnation, if the sentence, by which such Fine was imposed in Quebec, be affirmed.

16. It is Our Will and Pleasure, that all Commissions to be granted by you to any person or persons to be judges or justices of the peace, or other necessary Officers, be granted during pleasure only.<sup>1</sup>

a The first ordinance of the Province of Quebec relating to the establishment of civil courts was that passed on February 25, 1777, whereby the province was divided into the two districts of Montreal and Quebec, and a Court of Common Pleas was established for each district. Procedure with respect to financial litigation differed considerably according to the sum of money involved in the dispute. In cases where less than £10 sterling was involved, one judge constituted a competent court from which there was no appeal. In matters wherein more than £10 sterling was in question, two judges were necessary and there was an appeal to the governor in council, five members thereof, with the governor, lieutenant-governor or chief justice, constituting a quorum ; and in cases in which the value in dispute exceeded £500 there was an appeal to His Majesty in His Privy Council. Another ordinance of the same date established the procedure in the Court of Common Pleas, and enacted that in the proof of all facts concerning commercial matters recourse should be had in all the courts of civil jurisdiction in the province to the rules and evidence laid down by English law. This ordinance also contained provisions respecting the procedure down to judgment and execution.

c By an ordinance of March 4, 1777, the Court of King's Bench was established for the cognizance of all pleas of the crown and for the trial of all manner of offences whatsoever. It also provided that this court should be held before the chief justice of the province or commissioners appointed for executing the office of chief justice, and that the court should

<sup>1</sup> *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 422 et seq.

hear and determine the pleas of the crown and all manner of offences whatsoever according to the laws of England and the ordinances of the governor and legislative council of the province. Terms of the court were also provided. This ordinance provided further for the issue of commissions of *oyer* and *terminer* and gaol delivery, and for the establishment of a Court of General Quarter Sessions of the Peace, to be presided over by commissioners of the peace, sitting at Quebec and Montreal.

Whereas it is expedient and agreeable to Our Royal Will and Pleasure that Our Subjects Inhabitants of Our Province of Quebec, under your Government, should have and enjoy every Benefit and Security resulting to them from a speedy and effectual Distribution of Law and Justice, according to the principles of the British Constitution, as far as the same can be adapted to their peculiar Circumstances and Situation. And Whereas according to the practice of the Courts of Civil and Criminal Judicature, as constituted by the Ordinances now in force, the Official Duty of the Chief Justice of Our said Province is confined to Causes of a Criminal Nature only except in Cases of Appeal, where he sits in common with the rest of our Council. In consideration hereof, and to prevent (as far as in Us lies) the Frequency of Appeals, It is Our Will and Pleasure and you are hereby strictly enjoined and required, by and with the Advice and Consent of Our Council in their Legislative Capacity assembled, to frame an Ordinance to be passed for the purposes of explaining and amending the Ordinances before mentioned by directing and enacting that the Chief Justice shall preside and be made a Member of the Court of Common Pleas, and as such shall sit in the said Court four times in the year at Quebec, and twice in the year at Montreal, at the latter place immediately after, or before the present Circuit Business, as shall be deemed most convenient, that notwithstanding his having given his Opinion in the Court below he shall sit and give his Opinion in the Court of Appeal, that such Court of Appeal shall consist of four persons besides the Chief Justice to be nominated by the Governor or Commander in Chief for the time being from among the Members of our Council,

and approved and confirmed by Us, together with the Judges of the Court of that District from whence the Appeal does not come, the Lieutenant-Governor of Our Province not to be one ; That of these persons five to be a Quorum for the Dispatch of Business, the Chief Justice or the Person or one of the Persons officiating in that Capacity always to be one ; and that the said Court of Appeal be confined to examine Errors of Law only taking the Facts, as stated in the Transcript transmitted by the Court where such Cause shall have been determined, and without going into New Evidence, or re-examining the Evidence before taken.<sup>1</sup>

These ordinances, amended in unimportant respects, continued in force down to the passing of the act of 1791.

By an ordinance dated April 21, 1785, trial by jury was introduced. This ordinance provided that in suits at law and actions in the Court of Common Pleas grounded on debts, promises, contracts, and agreements of a mercantile nature only, between merchant and merchant and trader and trader, so reputed and understood according to law, and also of personal wrongs proper to be compensated in damages, a jury might be demanded. The ordinance provided for the method of summoning jurors, amended some of the provisions of the ordinance of February 25, 1777, respecting procedure, and devised certain exemptions from execution.

The instructions issued to Lord Dorchester, in 1786, except in so far as they have regard to the circumstances varied by the enactment of the ordinances above referred to, cover largely the same ground as those issued to him as Governor Carleton on January 3, 1775.

The growing differences that arose from the enforcement of the old French law are evidenced by an ordinance of April 30, 1787, for the amendment of the ordinances respecting the procedure before the courts, it being provided that if the judgment in the action was upon the law, custom, or usage of the province, the same was to be stated upon the record. The same rule was made applicable to the Court of Appeals—that is, to the governor and council—as well as to the Court of Common Pleas.

<sup>1</sup> *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, pp. 477-8.

By letters patent, dated July 24, 1788, the number of districts in the province was increased, those in the present Province of Ontario being as follows :

1. District of Lunenburg, bounded on the east by the eastern limit of a tract known by the name of Lancaster drawn northerly and southerly, and on the west by a north and south line intersecting the mouth of the River Gananoque, then called the Thames, above the rifts of the St Lawrence.

2. District of Mecklenburg, extending from the western limit of the District of Lunenburg as far westerly as to a north and south line intersecting the mouth of a river now called the Trent, discharging itself from the west into the head of the Bay of Quinté.

3. District of Nassau, extending from the western limit of the District of Mecklenburg westerly to a north and south line intersecting the extreme projection of Long Point into Lake Erie.

4. The District of Hesse, comprising all the residue of the province and the western or inland parts thereof of the entire breadth thereof from the southerly to the northerly boundaries.

The judges of the courts of these districts were forthwith appointed as follows: Lunenburg, John M<sup>c</sup>Donell, January 7, 1790; Mecklenburg, Richard Cartwright, jun., October 16, 1788; Nassau, Peter Pawling and Nathaniel Petit, October 24, 1788; Hesse, William Dummer Powell, February 2, 1789.

By an ordinance that appeared in the *Quebec Gazette* on May 7, 1789, the procedure of the courts was further amended, and special provisions were enacted with respect to the new districts above mentioned. So the judicial system of the province stood at the time of the enactment of the Constitutional Act of 1791.<sup>1</sup>

## SECOND JUDICIAL PERIOD, 1791-1880 *Judicature Act*

By the Constitutional Act of 1791 the Province of Quebec was divided into two provinces, the Province of Upper

<sup>1</sup> 31 Geo. III, cap. 31.

Canada and the Province of Lower Canada, with a legislative council and an assembly, and power to make laws for the peace, welfare, and good government of the provinces respectively, such laws not being repugnant to the act, and assented to by the king, or in the king's name by the governor or lieutenant-governor of the province from time to time appointed to administer the government thereof.

It was provided by section 33 of the act that all laws, statutes, and ordinances in force at the time of the enactment should so remain until expressly repealed, or except as varied by the act itself or by the statutes of the provinces.

Section 34 constitutes the judicial machinery of the two Canadas :

And whereas by an Ordinance passed in the Province of Quebec, the Governor and Council of the said Province were constituted a Court of Civil Jurisdiction, for hearing and determining Appeals in certain Cases therein specified, be it further enacted by the authority aforesaid, That the Governor, or Lieutenant-Governor, or Person administering the Government of each of the said Provinces respectively, together with such executive Council as shall be appointed by His Majesty for the Affairs of such Province shall be a Court of Civil Jurisdiction within each of the said Provinces respectively, for hearing and determining Appeals within the same, in the like Cases, and in the like Manner and Form, and subject to such Appeal therefrom, as such Appeals might before the passing of this Act have been heard and determined by the Governor and Council of the Province of Quebec ; but subject nevertheless to such further or other Provisions as may be made in this Behalf, by any Act of the Legislative Council and Assembly of either of the said Provinces respectively, assented to by His Majesty, His Heirs or Successors. *l*

The Constitutional Act of 1791 was brought into force on December 26, 1791, by royal proclamation dated November 18, 1791. John Graves Simcoe was appointed lieutenant-governor of Upper Canada by commission under the royal sign manual, dated September 12, 1791. Simcoe arrived at Kingston on July 8, 1792. The commission directed that



the lieutenant-governor should 'exercise and perform all and singular the powers and directions contained in Our Commission to Our said Captain General and Governor in Chief<sup>1</sup> according to such instructions as he hath already received from Us and such further orders and instructions as he or you shall hereafter receive.'

a By the first act passed by the legislature of Upper Canada that assembled at Niagara on September 17, 1792, it was decreed that from and after the passing of that act resort should be had in all matters of controversy relative to property and civil rights to the laws of England as the rule for the decision of the same, and by the second act it was provided that from and after December 1, 1792, all and every issue or issues of fact which should be joined in any action, real, personal, or mixed, and brought in any of His Majesty's Courts of Justice, should be tried and determined by the unanimous verdict of twelve jurors, duly sworn for the trial of such issue or issues, which jurors should be summoned and taken conformably to the law and custom of England.

b By cap. 4 the summary proceedings of the Courts of Common Plea in actions involving less than the value of £10 sterling were abolished, and an act was passed for the more easy and speedy recovery of small debts, and this act remained in force until repealed by 3 Will. IV, cap. 1.

By cap. 8 of the statutes of the second session of the first parliament, passed on July 9, 1793, a Court of Probate for the province was established, and authority was conferred upon the governor to institute by commission, under the Great Seal of the province, a Surrogate Court in each district. These districts were therein named the eastern, midland, home, and western districts. There was an appeal from the judgments of the Surrogate Court to the judge of the Court of Probate.

c By cap. 2 of the statutes of the third session, passed on July 9, 1794, a Court of King's Bench was established, and it was constituted a Court of Record of original jurisdiction, with all such powers and authorities as by the law of England

<sup>1</sup> The reference is to the instructions given to Carleton.

are incident to a Superior Court of civil and criminal jurisdiction. It was enacted that this court

may and shall hold plea in all and all manner of actions, causes or suits, as well criminal as civil, real, personal and mixed, arising, happening or being within the said Province; and may and shall proceed in such actions, causes or suits, by such process and course as shall tend, with justice and dispatch, to determine the same; and may and shall hear and determine all issues of law; and shall also hear, and by and with an inquest of good and lawful men, determine all issues of fact that may be joined in any such action, cause or suit, as aforesaid, and judgment thereon give, and execution thereof award, in as full and ample a manner as can or may be done in His Majesty's Courts of King's Bench, Common Bench, or in matters which regard the King's revenue, by the Court of Exchequer in England and that His Majesty's Chief Justice of this Province, together with two Puisne Justices, shall preside in the said Court, which Court shall be holden in a place, certain, that is, in the city, town or place where the Governor or Lieutenant-Governor shall usually reside; and until such place be fixed, the said Court shall be holden at the last place of meeting of the Legislative Council and Assembly.

It was provided by section 3 that the governor, lieutenant-governor, or person administering the government of the province, or the chief justice of the province, together with any two or more members of the executive council should compose a Court of Appeal for hearing and determining all such appeals from judgment or sentences as might lawfully be brought before them. Appeals were limited to matters in which the amount in controversy exceeded £100, or that related to the taking of annual rent or other customary fee or like demand, or to matters in which future rights were affected. Further appeal was provided to His Majesty in His Privy Council in cases in which the amount in dispute exceeded £500.

The Hon. William Osgoode was appointed the first chief justice of Upper Canada by commission under the royal sign manual, dated December 1, 1791.

a The first provision with respect to the criminal law appears in one of the statutes of 1800 (40 Geo. III). Under the Quebec Act provision was made for the introduction of the criminal law of England as it stood in 1774, and after the passing of the Constitutional Act that act prevailed until the passing of the act just mentioned, which declared that the criminal law of England as it stood on September 17, 1792, should be the criminal law of the province.

c The third section of this act of 1800 provides that where under the law of England punishment of burning in the hand is inflicted upon any person convicted of felony with the Benefit of Clergy, a moderate fine may be inflicted, or that the offender may be publicly or privately whipped, and that female offenders should be so whipped only in the presence of females. Where the penalty under the English law was transportation, banishment from the province was substituted. By 41 Geo. III, cap. 9 (1801), the Court of King's Bench was extended in order better to suit the requirements of the province. By 54 Geo. III, cap. 13 (1814), provision was made for County Courts. This statute, however, was repealed by 55 Geo. III, cap. 2. These provisions related more particularly to writs of *capias* and *exigent*. By 2 Geo. IV, cap. 2 (1822), the former statutes respecting district courts, courts of request, and the statutes relating to the collection of small claims were repealed, and there were established in each of the districts within the province, courts of record known as District Courts. The jurisdiction of these courts in matters of contract was limited to those having in dispute from forty shillings to fifteen pounds and—when the amount was liquidated or ascertained—to forty pounds; and in matters of tort respecting personal chattels it was limited to those in which the damages to be recovered did not exceed fifteen pounds. It was also provided that titles to lands should not be brought into question in proceedings before these courts. Periods of sitting and terms of courts were established, and procedure, tables of fees, and all matters of that nature were provided for. This statute was the basis of the subsequent legislation that has developed the Division Court system of the province. The details of the act, method

of procedure, and the distribution of the districts throughout the province were frequently changed.

A very important statute in the history of the courts of the province is 4 Will. IV, cap. 2, an act to render the judges in the Court of King's Bench in this province independent of the crown. The operative particular of the first section is as follows :

That the Judges of His Majesty's Court of King's Bench for this Province shall hold their offices during their good behaviour, notwithstanding the Commissions which have been heretofore granted to them, or either of them, may specify that the office is to be held during the pleasure of His Majesty; and that from and after the passing of this Act, the Commissions to the Judges of the said Court shall be made to them respectively to hold during their good behaviour; and that the Commissions of Judges of the said Court, for the time being, shall be, continue and remain, in full force during their good behaviour, notwithstanding the demise of His Majesty, or any of His Heirs and Successors, any law, usage or practice, to the contrary thereof in any wise notwithstanding : *Provided always*, that it may be lawful for the Governor, Lieutenant-Governor or Person administering the Government of this Province, to remove any Judge or Judges of the said Court, upon the address of the Legislative Council and Assembly; and in case any Judge so removed shall think himself aggrieved thereby, it shall and may be lawful for him, within six months, to appeal to His Majesty in His Privy Council, and such a motion shall not be final until determined by His Majesty in His Privy Council.

It was also provided that upon the death or resignation of a judge, the governor or administrator might by commission, under the Great Seal of the province, appoint a person to hold the office of judge until His Majesty's pleasure should be known, this appointment to be superseded by the issue of a commission under the Great Seal of the province upon the appointment to the office by His Majesty.

By 7 Will. IV, cap. 1, the judges of the Court of King's Bench were increased so that this court should consist of the

chief justice and four puisne judges. Other provisions were made by this statute for the salaries of the judges, respecting the terms and sittings of the court, and for the issuing of Commissions of Assize and Nisi Prius twice in each year to each district of the province.

The establishment of a Court of Chancery had been under discussion for many years. We find the first reference to the subject in the Journals of the House for the year 1802, when a draft bill to establish a Court of Chancery was introduced. It was concluded that there was no pressing necessity for such a court at that time. Other difficulties were afterwards encountered and no legislative action was taken until the year 1837, when a Court of Chancery for the province was finally established.<sup>1</sup> The court was styled the Court of Chancery of the Province of Upper Canada; the governor, lieutenant-governor, or person administering the government of the province, was chancellor; and, for the better administering of justice in the said court, the judicial powers thereof, both legal and equitable, had to be exercised by a judge to be called and known as the vice-chancellor of Upper Canada. By section 2 of the statute jurisdiction was conferred upon the court as follows:

And be it further enacted by the authority aforesaid, That the said Court shall have jurisdiction, and possess the like power and authority as by the laws of England are possessed by the Court of Chancery in England, in respect of the matters hereinafter enumerated, that is to say; in all cases of fraud; in all matters relating to trusts; in all matters relating to executors and administrators; in all matters relating to mortgages; in dower; in all matters relating to infants, idiots and lunatics, and their estates, except where special provision hath been or may hereafter be made with respect to them or either of them by any law of this Province; in all matters relating to awards; to compel the specific performance of agreements; to compel the discovery of concealed papers or evidence, or such as may be wrongfully withheld from the party claiming the benefit of the same; to prevent multiplicity of suits and to stay proceed-

<sup>1</sup> 7 Will. IV, cap. 2.

ings in a Court of Law, prosecuted against equity and good conscience; to decree the issue of Letters Patent from the Crown to rightful claimants; to institute proceedings for the repeal of Letters Patent erroneously or improvidently issued; to stay waste; in all cases of accident; all cases of account; and all cases relating to copartnership: *Provided always nevertheless*, that nothing in this Act contained shall extend to supersede or interfere with the authority of the Commissioners appointed under the laws of this Province for ascertaining the titles of any person claiming lands as the heir, devisee or assignee, of the original nominee of the Crown, in cases where no patent has issued for such lands, or claiming title under such heir, devisee or assignee.

Jurisdiction was further given in cases of alimony. Authority to settle and declare the form of process, and to define the practice to be observed, to regulate the amount of fees and disbursements to be taxed to parties, their counsel and solicitors, and officers, and to make rules and regulations respecting the practice of the court, was conferred upon the chancellor. Further provisions were made respecting evidence, the rules of decision and investment of moneys. A registrar, two masters, an accountant and a serjeant-at-arms were to be appointed by the governor.

By 7 Will. iv, cap. 3 (1837), authority was conferred upon the judges of the Court of King's Bench to make rules at any time within five years after the passing of the act with respect to practice and pleadings before the court. By section 10 of the act the wager of law was abolished. The statute is lengthy and contains many provisions for the practical advancement of justice.

By 12 Vict. cap. 64 (1849), the office of chancellor of Upper Canada was created and a vice-chancellor was added to the court, the bench then consisting of the chancellor and two vice-chancellors. Jurisdiction was given to the court to try the validity of wills, whether affecting real or personal estate, or to pronounce wills to be void for fraud or undue influence.

By 9 Vict. cap. 10 (1846), it was recited that under the laws of England the custody and care of idiots and persons of



unsound mind and their property does not by right belong to or form part of the jurisdiction of the Court of Chancery, but is conferred upon the lord chancellor by a commission from the crown. Doubts had arisen as to whether this jurisdiction was conferred upon the Court of Chancery in Upper Canada, and it was enacted that it was intended that the Court of Chancery should have a like jurisdiction as given to the lord chancellor in England with respect to these subjects.

By 12 Vict. cap. 63 (1849), the Court of Error and Appeal was established. This court was composed of the judges of the Queen's Bench, the Court of Chancery and the Common Pleas, sitting together at the city of Toronto, and the chief justice of the Court of Queen's Bench was made president thereof. The court was given an appellate, civil, and criminal jurisdiction, and appeal was declared to lie from all judgments of the Court of Queen's Bench, the Court of Chancery and Common Pleas. The appellate was required to give security to the extent of £100, and upon effecting the security, obtained stay of execution in the original cause except under certain conditions. Provision was made for the enactment of rules. The registrar for the Court of Chancery was made clerk of the court. By this statute, also, the Court of Common Pleas was established, consisting of a chief justice and two puisne judges. The chief justice was given rank next to the chancellor. A change was also made in the establishment of the Court of Queen's Bench, which thereafter consisted of a chief justice and two puisne judges, and it was provided that two of the puisne judges of the Queen's Bench were to be transferred to the Court of Common Pleas, the jurisdiction of which was made the same as that of the Queen's Bench.

One of the greatest steps in the development of justice in the Province of Ontario was the introduction of the Common Law Procedure Act, 1856.<sup>1</sup> This statute follows very closely the English Common Law Procedure Acts of 1852 and 1854. This was a most comprehensive statute. It unified the practice of the Courts of Common Law, regulated the procedure before the courts, and accomplished much in wiping out the old forms of procedure and practice that had grown

<sup>1</sup> 19 Vict. cap. 3.

through centuries in England and had been adopted in Upper Canada without modification. *bx*

*a* In 1857, by 20 Vict. cap. 56, the jurisdiction of the Court of Chancery was extended and the procedure of the court simplified. The extension of jurisdiction conferred upon that court the authority, as already possessed by the Court of Chancery in England, to administer justice in all cases in which there was no adequate remedy at law. Jurisdiction was also given in cases of alimony, injunctions against waste, and for the making of declarations in clear cases of lunacy without commission. *b*

It should be noted in passing that these statutes extending the jurisdiction of the Court of Chancery were construed as introducing the statute law of England relating to these subjects, and resort must be had to these latter statutes for a complete study of the jurisdiction of the court in Upper Canada.

By two statutes of the year 1860 the jurisdiction of the county courts was extended to actions of ejectment where the yearly value did not exceed \$200, where the tenancy had expired, or had been determined by a notice to quit, or where the rent was in arrear for sixty days. *c* Provision was also made for the removal of cases from the County Court to the Superior Courts. *d*

*e* The jurisdiction of the Court of Chancery was further extended in 1865 by 28 Vict. cap. 17, so that it should have the same jurisdiction as the Court of Chancery in England in regard to leases and sales of settled estates and in enabling minors to make binding settlements on marriage. Equitable jurisdiction in matters of revenue, such as the Court of Exchequer in England possessed, was also given. *f*

*g* By the Law Reform Act of 1868<sup>1</sup> extensive changes were made in the jurisdiction and practice of the county courts, and the recorders' courts, established by 29-30 Vict. cap. 57 for the principal cities of the province, were abolished. *h*

*my* A step towards the fusion of the superior courts and the establishment of a uniform system of jurisprudence was brought about by 36 Vict. cap. 8—'An Act for the better

<sup>1</sup> 32 Vict. cap. 6.



administration of Justice in the Courts of Ontario.' The Courts of Law and Equity were as far as possible made auxiliary to one another. A purely money demand could be sued for at law, although the plaintiff's right to recover was an equitable one only, and a demurrer on the ground that the proper remedy was in the Court of Chancery only was disallowed. It was also enacted that for the purpose of causing complete and final justice in all actions at law, the court could make such order or decree as the equitable right of the parties required. Provision was also made for the transfer to the Court of Chancery of actions at law that raised equitable questions which could not be dealt with by a court of law, so as to do complete justice to the parties.

By 37 Vict. cap. 7 (Administration of Justice Act, 1874), the Court of Error and Appeal was in effect established as a court independent of the judges of the superior courts by the creation of three justices of the Court of Error and Appeal, who, together with the chief justice of Ontario, constituted the new court. Provision, however, was made that in cases of the absence of any of the justices a judge of the superior courts could sit in this court, provided that he did not sit in appeal in a case in which he had taken part in the hearing in the court below.

It was by this statute that the sittings of judges in weekly court were first established, and all matters except motions for a new trial or appeals from a judgment of a single judge were directed to be heard and disposed of in the first instance by a single judge, subject to the right of a second hearing by the full court.

An interchange of judges between the courts was provided for when necessary, and a judge of the Court of Chancery was enabled to hold assize, and a judge of the Common Law Courts to hold a sitting of the Court of Chancery.

By 39 Vict. cap. 7 (1876), an act to carry into effect certain suggestions made by the commissions for consolidating the statutes and for other amendments of the law, substantial changes were made. The office of the registrar of the Court of Chancery was authorized, and the Court of Error and Appeal, in which the registrar of the Court of Chancery had

hitherto acted *ex officio* as registrar, received its own officer, appointed by the lieutenant-governor. Appeals from the County Courts were directed to the Court of Error and Appeal, now styled the Court of Appeal, and not to the Superior Courts of Law.

In 1877 it was enacted that when a vacancy occurred in the office of chief justice of the Court of Queen's Bench, the chief justice of the Court of Appeal should be called chief justice of Ontario.

In 1878 a further advance towards the merging of the courts was made by a statute directing that on the first day of term, and thereafter from time to time, the chief justices of the Courts of Queen's Bench and of the Common Pleas should meet, examine the lists of pending motions, appeals, and other proceedings, and transfer such as should be necessary to equalize the business of other courts.

The fusion of the courts and the steady advance of equitable doctrine and rules which had been brought about by legislation in the preceding years was consummated by the Judicature Act in the year 1881.<sup>1</sup> By this statute the Court of Appeal and the superior courts of Queen's Bench, Chancery, and Common Pleas were merged in the Supreme Court of Judicature for Ontario. This single court was divided into two permanent divisions, the Court of Appeal for Ontario and the High Court of Justice for Ontario. The former courts of Queen's Bench, Chancery, and Common Pleas were thereafter known and styled as the Queen's Bench Division, the Chancery Division, and the Common Pleas Division of the High Court of Justice. The Court of Appeal consisted of the chief justice of Ontario and three judges of appeal. The divisions of the High Court of Justice were each presided over by a chief justice, except in the case of the Chancery division, which was presided over by the chancellor, with two additional judges in each division. The jurisdiction of the divisions of the High Court was not changed. These were deemed to have the jurisdiction that they possessed immediately prior to this enactment; in fact, the statute expressly provided that these divisions were to

<sup>1</sup> 44 Vict. cap. 5.

be a continuation of the courts respectively, under the name of the High Court of Justice. The jurisdiction of the Court of Appeal was also continued the same as before the enactment. The statute followed, even in detail, the Imperial Judicature Acts of 36-37 Vict. cap. 66 (1873), 38-39 Vict. cap. 77 (1875), 39-40 Vict. cap. 59 (1876), 40-41 Vict. cap. 9 (1877), 42-43 Vict. cap. 78 (1879).

The changes introduced by this act in the laws administered by the courts and their practice were sweeping and revolutionary. The scope of this article scarcely admits of a detailed enumeration of the changes, which may be summed up in the last clause relating thereto, which provided that 'generally in all matters not hereinbefore particularly mentioned, in which there is any conflict or variance between the rules of equity and the rules of common law with reference to the same matter, the rules of equity shall prevail.'

In the practice before the courts the change was quite as great, although in many respects the old forms of pleading and special demurrers were modified and modernized by the Common Law Procedure Acts. The practice and pleading were still further simplified. With the exception of some extraordinary remedies, such as by writ of *mandamus*, injunction and *quo warranto*, all proceedings were commenced by a writ of summons issued in the office of the clerk of the process at Osgoode Hall, Toronto, or in the office of the deputy registrar or clerk of the crown and pleas, to suit the convenience of litigants. At the outset it was optional with the plaintiff to choose in which division he should carry on his litigation; subsequently, for the purpose of equalizing the business of the courts, writs were directed to be issued alternately in the common law divisions, and later on they were issued alternately in the three divisions. After appearance was entered by the defendant, following the service of the writ, the action proceeded with the filing of a statement of claim setting out in simple language the facts of the case upon which the plaintiff relied and the relief that he sought. This was answered by a statement of defence, setting out in simple language the defendant's version of the facts, and the defence upon which he relied. The issue was then joined

by a reply, if necessary, and the action was ready to be tried.

In the sketch of judicial development in Ontario down to this date no reference has been made to the terms of court or to the times of sittings of the judges for trials of actions. The subject is interesting, and forms a connecting link between the new and the older systems. It is sufficient, however, to state that the former terms of court were Hilary, Easter, Trinity, and Michaelmas.

### THIRD JUDICIAL PERIOD, 1880-1913 *Saw Before Act.*

After the passing of the Judicature Act the judges assembled from time to time with the president of the High Court of Justice, the senior of the chief justices and the chancellor, and fixed the times for holding the assizes and sittings of the court, the trials of action with and without a jury, and all actions assigned to the Chancery division for each county and district of the province. In the county of York assizes were held four times a year, as were also sittings for trial of actions without a jury and for cases assigned to the Chancery division. In other counties sittings were fixed to suit the circumstances, according to the amount of business, and sittings for trial of actions were held in each county at least twice a year. Under this system of distributing business, assizes and courts of *oyer* and *terminer* were held by the judges of the common law divisions. This system, however, was superseded, and the judges of all the divisions, without distinction, held trials of criminal cases as well as civil. In the county of York, sittings for trial of actions without a jury were practically continuous, except during vacation, and jury actions were held to suit the necessities of each of the counties.

In civil cases an appeal lay to a divisional court for a new trial, or to set aside the judgment. After the act of 1880 the divisional courts of each of the divisions sat four times a year for the purpose of hearing all cases that were entered. Cases were argued before the divisional court of the division in which the action was entered. This was

later changed so that, although the divisional courts were nominally maintained, all practical division between them was abolished. A divisional court sat every two weeks for the purpose of hearing all cases that were set down, and such cases were heard by the divisional court then sitting, irrespective of the division in which the case was entered. There was a further appeal from a divisional court to the Court of Appeal in all cases in which the amount involved amounted to more than \$200, or where an annual or periodic payment was involved.

The Court of Appeal sat three times a year for the hearing of appeals. Down to the year 1899, in all cases set down before this court it was required to have the pleadings and all the evidence and exhibits in the court of original jurisdiction printed. Subsequently, typewritten copies were permitted. There is an appeal to the Supreme Court in cases where the title to real estate or interest therein is involved, where the validity of a patent is affected, where the matter in controversy exceeds in value \$1000 exclusive of costs, where the matter relates to an annual rent, customary fee or duty, or a demand of a general or public nature affecting future rights, and where leave to appeal is granted by the Court of Appeal or the Supreme Court of Canada. There is also an appeal direct to the Judicial Committee of the Privy Council of the United Kingdom where the matter in controversy exceeds in value \$4000, or where it relates to an annual rent or other subjects similar to those wherein the appeal to the Supreme Court of Canada is limited.

If during the course of an action, such, for instance, as between partners, or for administration, it was determined that the question in dispute involved the taking of accounts or an assessment of damages, or if, after trial, it was found that a lengthy inquiry was necessary for taking accounts or assessing damages, the court could refer the whole matter to a master or referee. For this purpose the master in ordinary and special referees at the city of Toronto had jurisdiction at the city of Toronto, and local masters and referees in the various counties had jurisdiction in the respective counties. They were empowered to examine, if necessary, the parties



and witnesses, and to require all parties to produce books and writings necessary for the proper determination of the action. On the conclusion of his inquiry the master or referee reported to the court, and the matter then came up for a confirmatory report and judgment before a judge in court. Proceedings by way of appeal could then be taken as in the case of the trial of an action.

For the purpose of determining matters of practice, regularity of proceedings, and other necessary steps in actions, the master in chambers had jurisdiction to entertain motions by parties to actions in such matters. An appeal lay from this officer to a judge in chambers, from him to a divisional court, and then to the Court of Appeal. The master in chambers also had jurisdiction to enter judgment in cases where it was apparent that defences were entered merely for the purpose of delay; and, in fact, all steps in the action, from the point of view of practice and procedure, were subject to his review, with an appeal from his decision as above indicated.

In counties other than York, a local judge of the High Court, usually the senior county court judge, had a limited jurisdiction, extending to the granting of temporary injunctions and mandatory orders, which were subsequently returnable before a judge of the High Court at Toronto. He also had a limited jurisdiction in practice cases, with an appeal to a judge in chambers at Toronto. After final judgment, which was recorded in the office of the officer entering the same, writs of execution were issued to the sheriff of such county of the province as the plaintiff or other party issuing might desire, for the purpose of levying upon the goods or lands of the debtor, and the sheriff was thereupon authorized to enter into possession of such personal property as he might find, and, after the expiration of one year, of offering for sale the real estate of the debtor.

In addition to periodical sittings of the Court of Appeal and Divisional Court, and the holding of assizes and trial of actions in the various counties, a judge sits at Osgoode Hall in chambers and in court for the purpose of hearing such matters as may be up on appeal to the master in chambers by

a judge of the local court for the administration of the estates of infants and lunatics, the winding up of joint-stock companies, and many other matters. Similarly, in court on applications for injunctions, mandatory orders, motions for judgments, to hear special cases, to confirm reports of masters and referees, and many other similar proceedings, there is an appeal from a judge so sitting to a divisional court. Although changes have been made in the statutes of the court with respect to appeals, the practice laid down by the Judicature Act prevails at the present time. By statute of the year 1885 an additional judge was added to the Chancery division. In 1898 an additional judge was added to the Court of Appeal, so that the court then consisted of the chief justice of Ontario and four justices of appeal.

By statute of the year 1903 a new division named the Exchequer Division of the High Court of Justice was created, consisting of a chief justice of the exchequer division and two justices. Subsequently two additional judges were attached to the High Court and not assigned to any particular division, so that at the present time the Supreme Court of Judicature for Ontario consists of the chief justice of Ontario, four justices of appeal, the chief justice of the Queen's Bench and two puisne judges, the chancellor of Ontario and two puisne judges, the chief justice of the Common Pleas and two puisne judges, the chief justice of the exchequer division and two puisne judges, and the two unassigned judges above mentioned.

Soon after the passing of the Judicature Act the number of interlocutory applications were found to have largely increased. These applications were followed by appeals, in many cases two and three in number. The right to appeal from a trial judge to a divisional court, the Court of Appeal and the Supreme Court of Canada, gave many opportunities for adding to the cost of litigation and the delay of the suitor. In the last decade of the last century the subject almost became a political issue and was a matter of constant reference in the newspapers. In 1904 the controversy resulted in an amendment to the Judicature Act for the purpose of limiting the number of appeals. It was laid down by

4 Edw. VII, cap. 11, that <sup>a</sup> a judgment or decision of a divisional court should be final, and that with certain exceptions there should be no further appeal, save only at the instance of the crown. The exceptions were mainly as follows :

(1) Where the judgment or decision of the divisional court was not unanimous ;

(2) Where the matter in controversy exceeded \$1000, exclusive of costs ;

(3) Where the matter involved the validity of a copyright, trade mark, or patent ;

(4) Where the validity of an act of parliament or legislation of the Province of Ontario was questioned ;

(5) Where the judgment of the divisional court involved a question of law or practice in which there had been conflicting decisions in divisional courts, and leave to appeal was obtained ;

(6) Where the judgment or decision was in fact a matter of practice or procedure, but affected ultimate rights of the parties to the extent of \$1000 ;

(7) Where there were special reasons for trying the case as exceptional ; and finally,

(8) In all cases in which an appeal would lie from the Court of Appeal to the Supreme Court of Canada.

As intimated above, the constitution of the courts and the system of practice existed until December 31, 1912<sup>a</sup>. By the Law Reform Act of 1909<sup>1</sup> the constitution of the court was completely altered. This act was reserved to come into force on proclamation, and the proclamation was issued on July 4, 1912, bringing the act into force on January 1, 1913.

By this statute the Supreme Court of Ontario is established. It is divided into two branches or divisions, designated respectively the Appellate Division of the Supreme Court of Ontario and the High Court Division of the Supreme Court of Ontario. The old Court of Appeal is now known as the Appellate Division, and it is provided that it is not to be deemed a new court but a continuance of the Court of Appeal. The former High Court of Justice for Ontario is designated the High Court Division of the Supreme Court of Ontario, and is not deemed a new court but a continuation of the

<sup>1</sup> 9 Edw. VII, cap. 28.



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former court. The former divisional courts are abolished by the act. *d* The chief justice of Ontario, the chancellor and the chief justices of divisions retain their rank and titles, except the justice of the exchequer division, who is hereafter to be designated chief justice of the Exchequer. It is also provided that when vacancies occur in the office of chancellor or of chief justice, except that of chief justice of Ontario, the office shall be abolished, and thereafter in addition to the chief justice of Ontario there shall be but one chief justice, who is to bear the title and be designated chief justice of the High Court. The rank of the existing chief justices and chancellor is maintained until these offices are abolished, when the justices of the court shall rank as follows: the chief justice of Ontario, the chief justice of the High Court, and the others according to seniority of appointment.

It is provided that there are to be as many divisional courts as are necessary for the dispatch of business, but there shall be at all times at least two, consisting of five judges each. The first divisional court is to consist of the chief justice of Ontario and the other judges of the existing Court of Appeal. The second is to be composed of judges selected for that purpose for the current year by the judges of the Supreme Court, and thereafter in the month of December in each year the judges of the Supreme Court are to meet and select judges of the second divisional court for the ensuing year.

Additional divisional appellate courts are similarly provided for, and in case of absence, or when otherwise occasion may require, judges may be interchanged. Provision is made for monthly sittings. *A* One of the most important results of this legislation is the limitation of the number of appeals. The divisional courts of the High Court of Justice being abolished, there can be only one appeal from the decision of a judge—to the appellate division. *f*

## II

## COUNTY COURTS

THE county system originated in 38 Geo. III, cap. 5 (1798), whereby the province was divided into counties, the limits established being those that at present prevail, with the exception that from time to time, as the province became surveyed and settled, new counties were added. Later, districts were established in the unorganized portions of Northern Ontario. At the present time there are thirty-three counties, three unions of two counties and one union of three counties, and nine districts in the province. As in the case of the Superior Courts, a complete history of the county courts would necessitate a study of the ordinances prior to the passing of the Constitutional Act and the various statutes since that time, and this is beyond the scope of the present article. The county courts as such, however, were established by 12 Vict. cap. 78 (1849), and the jurisdiction of the courts since that time has been repeatedly extended. The development of practice in the courts follows closely the changes wrought by the Common Law Procedure Act and the Judicature Act. The jurisdiction of the court as it at present exists is defined by the County Court Act of 1910. Section 22 of the act, limiting the jurisdiction of county courts, is as follows :

22. (1) The County and District Courts shall have jurisdiction in :

(a) Actions arising out of contract, expressed or implied, where the sum claimed does not exceed \$800 ;

(b) Personal actions, except actions for criminal conversation and actions for libel, where the sum claimed does not exceed \$500 ;

(c) Actions for trespass or injury to land where the sum claimed does not exceed \$500, unless the title to the land is in question, and in that case also where the value of the land does not exceed \$500, and the sum claimed does not exceed that amount ;

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(d) Actions for the obstruction of or interference with a right of way or other easement where the sum claimed does not exceed \$500, unless the title to the right or easement is in question, and in that case also where the value of the land over which the right or easement is claimed does not exceed that amount.

(e) Actions for the recovery of property, real or personal, including actions of replevin and actions of detinue, where the value of the property does not exceed \$500 ;

(f) Actions for the enforcement by foreclosure or sale or for the redemption of mortgages, charges or liens, with or without a claim for delivery of possession or payment or both, where the sum claimed to be due does not exceed \$500 ; 1 Geo. v, cap. 17, 48.

(g) Partnership actions where the joint stock or capital of the partnership does not exceed in amount or value \$2000 ;

(h) Actions by legatees under a will for the recovery or delivery of money or property bequeathed to them where the legacy does not exceed in value or amount \$500, and the estate of the testator does not exceed in value \$2000 ;

(i) All other actions for equitable relief where the subject matter involved does not exceed in value or amount \$500 ; and

(j) Actions and contestations for the determination of the right of creditors to rank upon insolvent estates where the claim of the creditor does not exceed \$500.

(2) Where a defendant intends to dispute the jurisdiction of the Court on the ground that the action, though otherwise within the proper competence of the Court, is not within it because of the amount claimed or of the value of the property in question or of the amount or value of the subject matter involved, or, in the cases mentioned in clauses (g) and (h) of subsection (1), because the joint stock or capital of the partnership exceeds in amount or value \$2000, or the estate of the testator exceeds in value \$2000, he shall in his appearance state that he disputes the jurisdiction of the Court and the ground upon which he relies for disputing it ; and, in default of his so doing, unless otherwise ordered by the Court or a Judge, the question of

jurisdiction shall not afterwards be raised or the jurisdiction be brought in question.

(3) Where the notice mentioned in the next preceding subsection is given, the plaintiff may on praecipe require all papers and proceedings in the action to be transmitted to the proper office of the High Court in the county or district in which the action was brought, and it shall be the duty of the Clerk of the County or District Court forthwith to transmit the same to such office. Appeals to the County Court are to a divisional court of the Appellate Division.

✓  
 SEND "FROM" ?  
 III

### THE DIVISION COURTS

**S**INCE the earliest times a special court has existed for the enforcement and collection of small claims.

Before the Constitutional Act of 1791 the Court of Common Pleas exercised this jurisdiction. After the abolition of this court in 1792, this jurisdiction was exercised by courts under various names. The Division Courts as such were first established by 4-5 Vict. cap. 3. Under this act the justices of the peace of each district of Upper Canada were empowered at the first general quarter session held after the passing of the act to divide each district into six divisions for the purposes of the act. The judges of the district courts were directed to preside over the courts, and in each division there was directed to be a clerk and bailiff appointed by the district judge. This legislation passed through many changes and amendments, and the jurisdiction and practice of these courts are now embodied in 10 Edw. VII, cap. 32. The jurisdiction of these courts is limited as follows :

61. The court shall not have jurisdiction in any of the following cases :

(a) An action for the recovery of land or an action in which the right or title to any corporeal or incorporeal hereditaments, or any toll, custom or franchise comes in question ;

(b) An action in which the validity of any devise,

bequest or limitation under any will or settlement is disputed ;

(c) An action for malicious prosecution, libel, slander, criminal conversation, seduction or breach of promise of marriage ;

(d) An action against a justice of the peace for anything done by him in the execution of his office, if he objects thereto. R.S.O. 1897, c. 60, s. 71.

(e) An action upon a judgment or order of the High Court or a County Court where execution may issue upon or in respect thereof. 61 Vict. c. 15, s. 9.

62. (1) Save as otherwise provided by this act, the court shall have jurisdiction in :

(a) A personal action where the amount claimed does not exceed \$60 ;

(b) A personal action if all the parties consent thereto in writing, and the amount claimed does not exceed \$100 ;

(c) An action on a claim or demand of debt, account or breach of contract, or covenant, or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed \$100 ; provided that in the case of an unsettled account the whole account does not exceed \$600 ;

(d) An action for the recovery of a debt or money demand where the amount claimed, exclusive of interest, whether the interest is payable by contract or as damages, does not exceed \$200 and the amount claimed is

(i) Ascertained by the signature of the defendant or of the person whom as executor or administrator he represents, or—

(ii) The balance of an amount not exceeding \$200, which amount is so ascertained, or—

(iii) The balance of an amount so ascertained which did not exceed \$400 and the plaintiff abandons the excess over \$200.

An amount shall not be deemed to be so ascertained where it is necessary for the plaintiff to give other and extrinsic evidence beyond the production of a document and proof of the signature to it. The jurisdiction conferred by this clause shall apply to claims and proceedings against an absconding debtor.

(e) An action or contestation for the determination of the right of a creditor to rank upon an insolvent estate where the claim of the creditor does not exceed \$60.

(2) Claims combining

(a) Causes of action in respect of which the jurisdiction is by the foregoing subsection of this section limited to \$60, hereinafter referred to as class (a);

(b) Causes of action in respect of which the jurisdiction is by the said subsection limited to \$100, hereinafter referred to as class (b);

(c) Causes of action in respect of which the jurisdiction is by the said subsection limited to \$200, hereinafter referred to as class (c),

may be joined in one action; provided that the whole amount claimed in respect of class (a) does not exceed \$60; and that the whole amount claimed in respect of classes (a) and (b) combined, or in respect of class (b), where no claim is made in respect of class (a), does not exceed \$100, and that the whole amount claimed in respect of classes (a) and (c) or (b) and (c) combined, does not exceed \$200, and that in respect of classes (b) and (c) combined, the whole amount claimed in respect of class (b) does not exceed \$100.

It is also provided that an action may be entered and tried (a) in the court for the division in which the cause of action arose, or in which the defendant, or any one of several defendants, resides or carries on business at the time the action is brought; or (b) in the court the place of sitting whereof is the nearest to the residence of the defendant.

The act makes provision for the collection of small debts in the simplest and most economical manner. On the account to be collected being lodged with the clerk of the court, a summons is issued and served by the bailiff. The case then comes on for trial at the sitting of the court held after the time limited for the defendant filing his dispute. Sittings of the court are held as often as is necessary to dispose of the cases usually up for trial. A sitting must, however, be held at least every two months, and in some divisions they are held every week. There is a provision in the act that when the defendant has no goods that may be levied upon by the bailiff,

the plaintiff may have the defendant summoned before the judge for examination with respect to his property or other means of paying the judgment, and the judge may make an order for payment by instalments, and in default of payment the defendant may be committed to gaol for a period not exceeding thirty days.

\ For the purposes of the act each county and district is divided. In all there are three hundred and thirty-nine divisions of the province.

The clerks and bailiffs are appointed by the lieutenant-governor in council, and the performance of their duties is under the supervision of the inspector of division courts, an official of the department of the attorney-general of the province.

## IV

## SURROGATE COURTS

<sup>a</sup> BY 33 Geo. III, cap. 8 (1793), a Court of Probate was established. The provision of the statute is as follows:

That there be constituted and established and there is hereby constituted and established a Court, with full power and authority to issue process and hold cognizance of all matters relative to the granting of probates, and committing letters of administration, and to grant probates of wills and commit letters of administration of the goods of persons dying intestate having personal estate, rights and credits within this Province, to be called and known by the name of the Court of Probate of the Province of Upper Canada.

It was also provided that the lieutenant-governor or person administering the government should preside in the court, and authority was given to appoint a surrogate judge for each district of the province for the issue of probates and letters of administration.

<sup>c</sup> Since that time, by various amendments and changes, surrogate courts have been established in each county and

district. *W* It is usual for the senior judge of the county court to act as the surrogate judge. The appointment of judges of these courts is, however, within the authority of the lieutenant-governor in council of the province.

The jurisdiction of the courts is limited by section 20 of the act as follows :

(a) To issue process and hold cognizance of all matters relating to the granting probate of wills and letters of administration, and to grant probate of wills and letters of administration of the property of persons dying intestate and to revoke the same ; and

(b) To hear and determine all questions, causes and suits in relation to such matters, and to all matters and causes testamentary.

*a* Where there is a contention as to the grant of probate or administration, the contention may be referred to and determined by the High Court, if both parties are agreeable ; and where the property of the deceased exceeds \$2000 in value, the contention may be transferred to the High Court by order of a judge of that court. *b*

## V

### THE LAW SOCIETY

**A** DESCRIPTION of the legal system of the Province of Ontario would not be complete without reference to the Law Society of Upper Canada. This body was established in the year 1797 by 37 Geo. III, cap. 13. The first two sections of this statute are as follows :

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, 'An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec,



in North America," and to make further provision for the Government of the said Province,' and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the persons now admitted to practise in the Law, and practising at the Bar of any of His Majesty's Courts of this Province, to form themselves into a Society, to be called the Law Society of Upper Canada, as well for the establishing of order amongst themselves, as for the purpose of securing to the Province and the profession a learned and honourable body, to assist their fellow subjects as occasion may require, and to support and maintain the Constitution of the said Province.

AND BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID, that the said Society shall, and is hereby authorized, to form a body of rules and regulations for its own government, under the inspection of the Judges of the Province for the time being, as Visitors of the said Society, and to appoint the six senior members, or more, of the present practitioners, and the six senior members, or more, for the time being, in all times to come (whereof His Majesty's Attorney General and Solicitor General, for the time being, shall be, and be considered to be, two), as Governors or Benchers of the said Society, and also to appoint a Librarian and a Treasurer.

In the fifth section of the statute it was provided that no person other than 'the present practitioners and those afterwards mentioned shall be permitted to practise at the Bar of any of His Majesty's Courts in the Province unless such person shall have been entered into the said Society as a student of the Laws.' Prior to the year 1857 the Courts of Law and Equity exercised the power of admitting attorneys and solicitors to practise, and of supervising their service as articulated clerks. In that year the duties of examining and certifying to the courts as to the fitness and capacity of those seeking admission to the profession were transferred to the Law Society. In the year 1889 the Law School was established, and all persons admitted to the bar were required to attend lectures thereat and pass prescribed examinations. At no time were the divisions of barrister and attorney com-

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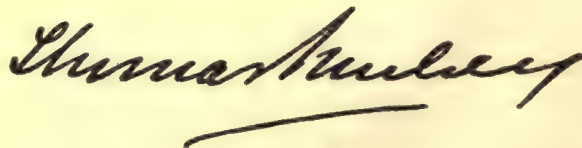
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pletely separated. Prior to the year 1889 separate examinations were provided for those qualifying to pass as barristers and solicitors, but it was the usual practice for all members of the bar to be qualified in both capacities. Since that time all distinction has been abolished, and candidates having passed the qualifying examination of the Law School are admitted by the court on presentation of certificate, and to practise upon taking the oath of allegiance and the oath of a solicitor and on signing the roll.

The controlling body of the society, the benchers, consists of honorary and elected members, the honorary members being present and former ministers of justice and the present and former attorneys-general of the Province of Ontario, retired judges and benchers who have been elected by the members of the society at four quinquennial elections, and thirty members elected by the members of the society. The bench is presided over by its chief officer, styled the treasurer.

The society maintains a law library at Osgoode Hall which contains about 100,000 volumes and is one of the most complete in existence. The society also promotes and subsidizes libraries in all the county towns, and these are under the direct control of county law associations.

Provision for the publication of reports of the decisions of the courts was first made in the year 1823 by 4 Geo. IV, cap. 3. This statute was repealed in the year 1840, and the publication of the reports was committed to the Law Society of Upper Canada. The immediate control of the reporting is in the hands of a committee of the Law Society, and the reports are compiled subject to the control of an editor and a staff of reporters.



Thomas A. Mulvey

HISTORY OF FARMING



## HISTORY OF FARMING

### THE LAND AND THE PEOPLE

**F**ROM the most southern point of Ontario on Lake Erie, near the 42nd parallel of latitude, to Moose Factory on James Bay, the distance is about 750 miles. From the eastern boundary on the Ottawa and St Lawrence Rivers to Kenora at the Manitoba boundary, the distance is about 1000 miles. The area lying within these extremes is about 220,000 square miles. In 1912 a northern addition of over 100,000 square miles was made to the surface area of the province, but it is doubtful whether the agricultural lands will thereby be increased. Of this large area about 25,000,000 acres are occupied and assessed, including farm lands and town and city sites. It will be seen, therefore, that only a small fraction of the province has, as yet, been occupied. Practically all the occupied area lies south of a line drawn through Montreal, Ottawa, and Sault Ste Marie, and it forms part of the great productive zone of the continent.

The next point to be noted is the irregularity of the boundary-line, the greater portion of which is water—Lakes Superior, Huron, Erie, Ontario, the St Lawrence River, the Ottawa River, James Bay, and Hudson Bay. The modifying effect of great bodies of water must be considered in studying the agricultural possibilities of Ontario.

Across this great area of irregular outline there passes a branch of the Archæan rocks running in a north-western direction and forming a watershed, which turns some of the streams to Hudson Bay and the others to the St Lawrence system. An undulating surface has resulted, more or less filled with lakes, and almost lavishly supplied with streams, which are of prime importance for agricultural life and of

incalculable value for commercial purposes. To these old rocks which form the backbone of the province may be traced the origin of the large stretches of rich soil with which the province abounds.

An examination of the map, and even a limited knowledge of the geological history of the province, will lead to the conclusion that in Ontario there must be a wide range in the nature and composition of the soils and a great variety in the climatic conditions. These conditions exist, and they result in a varied natural production. In the extreme south-western section plants of a semi-tropical nature were to be found in the early days in luxurious growth; while in the extreme north, spruce, somewhat stunted in size and toughened in fibre, are still to be found in vast forests.

It is with the southern section, that lying south of the Laurentian rocks, that our story is mainly concerned, for the occupation and exploitation of the northland is a matter only of recent date. Nature provided conditions for a diversified agriculture. It is to such a land that for over a hundred years people of different nationalities, with their varied trainings and inclinations, have been coming to make their homes. We may expect, therefore, to find a great diversity in the agricultural growth of various sections, due partly to the variety of natural conditions and partly to the varied agricultural training of the settlers in their homelands.

#### EARLY SETTLEMENT, 1783-1816

Originally this province was covered with forest, varied and extensive, and was valued only for its game. The hunter and trapper was the pioneer. To protect and assist him, fortified posts were constructed at commanding points along the great waterways. In the immediate vicinity of these posts agriculture, crude in its nature and restricted in its area, had its beginning.

It was into this wooded wilderness that the United Empire Loyalists, numbering in all approximately ten thousand people, came in the latter part of the eighteenth century.<sup>1</sup>

<sup>1</sup> See 'Pioneer Settlements' in this section.

They were a people of varied origins—Highland Scottish, German, Dutch, Irish Palatine, French Huguenot, English. Most of them had lived on farms in New York State, and therefore brought with them some knowledge and experience that stood them in good stead in their arduous work of making new homes in a land that was heavily wooded. In the year 1783 prospectors were sent into Western Quebec, the region lying west of the Ottawa River, and selections were made for them in four districts—along the St Lawrence, opposite Fort Oswegatchie ; around the Bay of Quinte, above Fort Cataraqui ; in the Niagara peninsula, opposite Fort Niagara ; and in the south-western section, within reach of Fort Detroit. Two reasons determined these locations ; first, the necessity of being located on the water-front, as lake and river were the only highways available ; and, secondly, the advisability of being within the protection of a fortified post. The dependence of the settlers upon the military will be realized when we remember that they had neither implements nor seed grain. In fact, they were dependent at first upon the government stores for their food. It is difficult at the present time to realize the hardships and appreciate the conditions under which these United Empire Loyalist settlers began life in the forest of 1784.

Having been assigned their lots and supplied with a few implements, they began their work of making small clearings and the erection of rude log-houses and barns. Among the stumps they sowed the small quantities of wheat, oats, and potatoes that were furnished from the government stores. Cattle were for many years few in number, and the settler, to supply his family with food and clothing, was compelled to add hunting and trapping to his occupation of felling the trees.

Gradually the clearings became larger and the area sown increased in size. The trails were improved and took on the semblance of roads, but the waterways continued to be the principal avenues of communication. In each of the four districts the government erected mills to grind the grain for the settlers. These were known as the King's Mills. Water-power mills were located near Kingston, at Gananoque, at

Napanee, and on the Niagara River. The mill on the Detroit was run by wind power. An important event in the early years was when the head of the family set out for the mill with his bag of wheat on his back or in his canoe, and returned in two or three days, perhaps in a week, with a small supply of flour. In the early days there was no wheat for export. The question then may be asked, was there anything to market? Yes; as the development went on, the settlers found a market for two surplus products, timber and potash. The larger pine trees were hewn into timber and floated down the streams to some convenient point where they were collected into rafts, which were taken down the St Lawrence to Montreal and Quebec. Black salt or crude potash was obtained by concentrating the ashes that resulted from burning the brush and trees that were not suitable for timber.

For the first thirty years of the new settlements the chief concern of the people was the clearing of their land, the increasing of their field crops, and the improving of their homes and furnishings. It was slow going, and had it not been for government assistance, progress, and even maintenance of life, would have been impossible. That was the heroic age of Upper Canada, the period of foundation-laying in the province. Farming was the main occupation, and men, women, and children shared the burdens in the forest, in the field, and in the home. Roads were few and poorly built, except the three great military roads planned by Lieutenant-Governor Simcoe running east, west, and north from the town of York. Social intercourse was of a limited nature. Here and there a school was formed when a competent teacher could be secured. Church services were held once a month, on which occasions the missionary preacher rode into the district on horseback. Perhaps once or twice in the summer the weary postman, with his pack on his back, arrived at the isolated farmhouse to leave a letter, on which heavy toll had to be collected.

Progress was slow in those days, but after thirty years fair hope of an agricultural country was beginning to dawn upon the people when the War of 1812 broke out. By this time the population of the province had increased to about eighty thousand. During this first thirty years very little



had been done in the way of stimulating public interest in agricultural work. Conditions were not favourable to organization. The 'town meeting' was concerned mainly with the question of the height of fences and regulations as to stock running at large. One attempt, however, was made which should be noted. Lieutenant-Governor Simcoe took charge of affairs early in 1792, and, immediately after the close of the first session of the legislature at Newark (Niagara) in the autumn of that year, organized an agricultural society at the headquarters which met occasionally to discuss agricultural questions. There are no records to show whether social intercourse or practical agricultural matters formed the main business. The struggle for existence was too exacting and the conditions were not yet favourable for organization to advance general agricultural matters.

When the War of 1812 broke out the clearings of the original settlers had been extended, and some of the loyalists still lived, grown grey with time and hardened by the rough life of the backwoods. Their sons, many of whom had faint recollection of their early homes across the line, had grown up in an atmosphere of strictest loyalty to the British crown, and had put in long years in clearing the farms on which they lived and adding such comforts to their houses, that to them, perhaps as to no other generation, their homes meant everything in life. The summons came to help to defend those homes and their province. For three years the agricultural growth received a severe check. Fathers and sons took their turn in going to the front. The cultivation of the fields, the sowing and the harvesting of the crops, fell largely to the lot of the mothers and the daughters left at home. But they were equal to it. In those days the women were trained to help in the work of the fields. They did men's work willingly and well. In many cases they had to continue their heroic work after the close of the war, until their surviving boys were grown to years of manhood, for many husbands and sons went to the front never to return.

## A PERIOD OF EXPANSION, 1816-46

The close of the war saw a province that had been checked at a time of vigorous growth now more or less impoverished, and, in some sections, devastated. This was, however, but the gloomy outlook before a period of rapid expansion. In 1816, on the close of the Napoleonic wars in Europe, large numbers of troops were disbanded, and for these new homes and new occupations had to be found. Then began the first emigration from Britain overseas to Upper Canada. All over the British Isles little groups were forming of old soldiers reunited to their families. A few household furnishings were packed, a supply of provisions laid in, a sailing vessel chartered, and the trek began across the Atlantic. The emigrants sailed from many ports of England, Scotland, and Ireland. Sometimes the trip was made in three or four weeks; but often, through contrary winds or rough weather, three or four months passed before the vessel sailed up the St Lawrence and landed the newcomers at Montreal. Hardly half of their difficulties were then overcome or half of their dangers passed. If they were to find their new locations by land, they must walk or travel by slow ox-cart; if they journeyed by water, they must make their way up the St Lawrence by open boat, surmounting the many rapids in succession, poling the boats, pulling against the stream, at times helping to carry heavy loads over the portages. Their new homes in the backwoods were in townships in the rear of those settled by the loyalists, or in unoccupied areas lying on the lake-fronts between the four districts referred to as having been taken up by the loyalists. Then began the settlements along the north shore of Lake Ontario and of Lake Erie, and the population moved forward steadily. In 1816 the total population of the province was approximately 100,000; by 1826, according to returns made to the government, it had increased to 166,000; in 1836 it was 374,000, and in 1841 it was 456,000. The great majority of these people, of course, lived upon the land, the towns being comparatively small, and the villages were composed largely of people engaged in agricultural work.

This peaceful British invasion contributed a new element to the province and added still further to the variety of the people. In one township could be found a group of English settlers, most of whom came from a southern county of England, near by a township peopled by Scottish Lowlanders, and not far away a colony of north of Ireland farmers, or perhaps a settlement composed entirely of people from the vicinity of Cork or Limerick.

These British settlers brought new lines of life, new plans for houses and barns, new methods of cultivation, new varieties of seed, and, what was perhaps of most influence upon the agricultural life of the province, new kinds of live stock. Even to this day can be seen traces of the differences in construction of buildings introduced by the different nationalities that came as pioneers into the various sections of the province—the French Canadian constructed his buildings with long, steep roofs; the Englishman followed his home plan of many small, low outbuildings with doors somewhat rounded at the top; the German and Dutch settler built big barns with their capacious mows. These latter have become the type now generally followed, the main improvement in later years being the raising of the frames upon stone foundations so as to provide accommodation for live stock in the basement. It would be interesting and profitable to study carefully the different localities to determine what elements have contributed to the peculiar agricultural characteristics of the present day. In this connection the language also might be investigated. For instance, to the early Dutch farmers of Upper Canada we owe such common words as 'stoop,' 'bush,' 'boss,' 'span.' To the early British settler these were foreign words. When the oversea settlers came up the St Lawrence they were transported from Montreal either by 'bateau' or by 'Durham boat.'<sup>1</sup>

Special reference must be made to the live stock introduced by the British settlers. This was one of the most important elements in the expansion and permanent development of the agriculture of the province. The British Isles

<sup>1</sup> See 'Shipping and Canals' in section v. pp. 489-90.

have long been noted for their pure-bred stock. In no other part of the world have so many varieties been originated and improved. In horses, there are the Clydesdale, the Shire, the Thoroughbred, and the Hackney; in cattle, Shorthorns, Herefords, Ayrshires, Devon, and the dairy breeds of Jersey and Guernsey; in sheep, Southdowns, Shropshires, Leicesters; in swine, Berkshires and Yorkshires. Many other breeds might be added to these. Poultry and dogs also might be referred to. The Britisher has been noted for his love of live stock. He has been trained to their care, his agricultural methods have been ordered to provide food suitable for their wants, and he has been careful to observe the lines of breeding so as to improve their quality. In the earliest period of the settlement of the province live stock was not numerous and the quality was not of the best. Whatever was to be found on the farms came mainly from the United States and was of inferior type. The means of bringing in horses, cattle, and sheep were limited. The result was that field work at that time was largely done by hand labour. Hunting and fishing helped to supply the table with the food that to-day we obtain from the butcher. When the Britisher came across the Atlantic he brought to Upper Canada his love for live stock and his knowledge how to breed and care for the same. The result was seen in the rapid increase in the number of horses, cattle, sheep, and swine, and the placing of the agriculture of the province on a firm basis for future growth.

By 1830 the population had grown to about 213,000, practically all located on the land. In that year there were only five towns of 1000 or over: namely, Kingston, 3587; York (Toronto), 2860; London, (including the township), 2415; Hamilton (including the township), 2013; and Brockville, 1130. The returns to the government show that of the 4,018,385 acres occupied 773,727 were under cultivation. On the farms were to be found 30,776 horses, 33,517 oxen, 80,892 milch cows, and 32,537 young cattle. It is interesting to note that oxen, so useful in clearing land and in doing heavy work, were more numerous than horses. Oxen were hardier than horses; they could forage for them-

selves and live on rough food, and when disabled could be converted into food. They thus played a very important part in the pioneer life. There were no improved farm implements in those days: the plough, the spade, the hoe, the fork, the sickle, the hook, the cradle, and the rake—implements that had been the husbandman's equipment for centuries—completed the list. With these the farmer cultivated his lands and gathered his crops. With two stout hickory poles, joined together at the end with tough leather thongs, a flail was made with which he threshed out his grain on the floor of his barn.

The earliest pioneers raised some flax, and from the fibre made coarse linen fabrics, supplementing these by skins of wild animals and the hides of cattle. With the introduction of sheep by the British settlers wool became an important product, and homespun garments provided additional clothing for all the members of the family. Seeds of various fruit trees were planted, and by 1830 the products of these seedlings supplemented the wild plums and cherries of the woods and the wild raspberries that sprang up in abundance in the clearings and slashes. By this time every farm had one or more milch cows and the farmer's table was supplied with fresh milk, butter, and home-made cheese. As the first half-century of the province was drawing to its close, some of the comforts of home life began to be realized by the farming community. The isolation of the former period disappeared as roads of communication were opened up and extended.

(Here and there societies were formed for the exhibition of the products of the farm and for friendly competitions. So important were these societies becoming in the life of the whole community that in 1830 the government gave them recognition and provided an annual grant to assist them in their work. This is an important event in agricultural history, for it marks the beginning of government assistance to the agricultural industry. Between 1820 and 1830 probably not more than half a dozen agricultural societies were organized. Some records of such were preserved at York, Kingston, and in the Newcastle district. From the record of the County of Northumberland Agricultural Society it is

learned that its first show was held in the public square of the village of Colborne on October 19, 1828, when premiums were awarded amounting in all to seventy-seven dollars. There were fourteen prizes for live stock, two prizes for cheese, two for field rollers, and two for essays on the culture of wheat. The first prize essay, for which the winner received five dollars, was printed for distribution. The prize list was limited in range, but it shows how this new settlement, formed largely by British settlers since 1816, was giving particular attention to the encouragement of live stock. A short quotation from the prize essay as to the best method of clearing the land for wheat should be found of interest.

As a great part of our County is yet in a wilderness state and quite a share of the wheat brought to our markets is reared on new land, I deem it important that our enterprising young men who are clearing away the forest should know how to profit by their hard labor. Let the underwood be cut in the autumn before the leaves fall, and the large timber in the winter or early in the spring. This will insure a good burn, which is the first thing requisite for a good crop. Do your logging in the month of June, and if you wish to make money, do it before you burn your brush and save the ashes; these will more than half pay you for clearing the land: and by burning at this season you will attract a drove of cattle about you that will destroy all sprouts which may be growing; do not leave more than four trees on an acre and girdle these in the full moon of March and they will never leaf again; thus you may have your land prepared for the seed before harvest.

The act of 1830 provided a grant of £100 for a society in each district, upon condition that the members subscribed and paid in at least £50, and in the case of a society being organized in each county the amount was to be equally divided among the societies. The condition of making the grant was set forth in the act as follows: 'When any Agricultural Society, for the purpose of importing valuable live stock, grain, grass seeds, useful implements or whatever else might conduce to the improvement of agriculture in this Province,' etc.

As a result of this substantial assistance by the government, agricultural societies increased in number, and their influence, in assisting in the improvement of the live stock and the bringing of new implements to the attention of farmers, was most marked.

Horses, sheep, and milch cows increased rapidly. Pure-bred cattle now began to receive some attention. The first record of importation is the bringing of a Shorthorn bull and a cow from New York State in 1831 by Robert Arnold of St Catharines. In 1833 Rowland Wingfield, an Englishman farming near Guelph, brought a small herd of choice animals across the ocean, landed them at Montreal, took them to Hamilton by way of the Ottawa River, the Rideau Canal, and Lake Ontario, and then drove them on foot to Wellington County. The Hon. Adam Fergusson of Woodhill followed two or three years later with a similar importation.

The first Ayrshire cattle can be traced back to the Scottish settlers who arrived during this period. These emigrants had provided their own food for the voyage to Canada, and in some cases brought a good milch cow to provide fresh milk on the voyage. She would be disposed of on landing, at Montreal or in the eastern part of Upper Canada. This accounts for the early predominance of Ayrshires in Eastern Ontario. Thus to the period 1830-45 belongs the first foundation of the pure-bred stock industry.

It was in this period also that the first signs appear of improved farm implements and labour-saving machinery. Ploughs of improved pattern, lighter and more effective, were being made. Land rollers and harrows made in the factory began to take the place of the home-made articles. Crude threshing machines, clover-seed cleaners, root-cutters, and a simple but heavy form of hay-rake came into use. The mowing machine and the reaper were making their appearance in Great Britain and the United States, but they had not yet reached Upper Canada.

The organization of agricultural societies in the various districts, and the great impetus given to the keeping of good stock, led in 1843 to the suggestion that a provincial organization would be of benefit to the farming industry. In the

neighbouring State of New York a similar organization had been in existence since 1832 and successful State fairs had been held, which some of the more prominent farmers of Upper Canada had visited. An agricultural paper called the *British American Cultivator* had been established in York, and through this paper, in letters and editorials, the idea of a provincial association was advocated. For three years the discussion proceeded, until finally, in 1846, there was organized the Provincial Agricultural Association and Board of Agriculture for Canada West, composed of delegates from the various district societies. The result was that the first provincial exhibition was held in Toronto on October 21 and 22 of that year. The old Government House at the south-western corner of King Street and Simcoe Street, then empty, was used for the exhibits, and the stock and implements were displayed in the adjoining grounds. The Canada Company gave a contribution of \$200, eight local societies made donations, about \$280 was secured as gate money, and 297 members paid subscriptions. Premiums were paid to the amount of \$880, the bulk of which went to live stock; books, which cost about \$270, were given as prizes; and there was left a cash balance on hand of \$400. A ploughing match was held, and on the evening of the first day a grand banquet was given, attended by the officers and directors and by some of the leading citizens of Toronto. Among the speakers at this banquet were Chief Justice Robinson and Egerton Ryerson, superintendent of education.

#### ORGANIZED AGRICULTURE, 1846-67

The organization of this provincial association fittingly introduces another era in agricultural growth. It is to be noted that this provincial organization was a self-created body; it drew at first no government funds direct. It commended itself to the people, for on July 28, 1847, the provincial parliament in session at Montreal passed an act incorporating it under the name of the Agricultural Association of Upper Canada, and in the charter named as members a number of the leading citizens of the province.



It was governed by a board of directors, two of whom were chosen annually by each district agricultural society. The objects set forth were the improvement of farm stock and produce, the improvement of agricultural implements, and the encouragement of domestic manufactures, of useful inventions applicable to agricultural or domestic purposes, and of every branch of rural and domestic economy. Out of this provincial association came all the further agricultural organizations of a provincial nature, and ultimately, some forty years later, the Ontario department of Agriculture.

The second provincial exhibition was held at Hamilton in 1847, and Lord Elgin, the governor-general, was in attendance. He was also a generous patron, for his name appears as a donor of \$100. The address which he delivered at the banquet has been preserved in the published records and is copiously marked with cheers and loud applause.

The third exhibition was held at Cobourg in 1848. The official report of the exhibits indicates that pure-bred stock was rapidly increasing and improving in quality; but the most significant paragraph is that dealing with implements, and this is well worth quoting in full.

Of implements of Canada make, the Show was deficient; and we were much indebted to our American neighbours for their valuable aid on this occasion. A large number of ploughs, straw-cutters, drills, cornshellers, churns, etc., etc., were brought over by Messrs Briggs & Co. of Rochester, Mr Emery of Albany, and a large manufacturing firm near Boston. Mr Bell of Toronto exhibited his excellent plough, straw-cutter, and reaping machine. The first prize for the latter article was awarded to Mr Helm of Cobourg for the recent improvements which he has effected. Mr Clark of Paris exhibited his one-horse thrashing-mill, which attracted much attention.

At the fourth exhibition, held at Kingston in 1849, the show of implements was much more extensive, and comment was made on the improvement of articles of home manufacture. At this meeting Professor J. F. W. Johnson, of Edinburgh, who was making a tour of North America, was present.

The address of the president, Henry Ruttan of Cobourg, is a most valuable reference article descriptive of the agricultural progress of the province from the first settlements in 1783. to the time of the exhibition. Ruttan was a loyalist's son; and, from his own personal knowledge, he described the old plough that was given by the government to each of the first settlers.

It consisted of a small iron socket, whose point entered by means of a dove-tailed aperture into the heel of the coulter, which formed the principal part of the plough, and was in shape similar to the letter L, the shank of which went through the wooden beam, and the foot formed the point which was sharpened for operation. One handle and a plank split from the side of a winding block of timber, which did duty for the mould-board, completed the implement. Besides provisions for a year, I think each family had issued to them a plough-share and coulter, a set of dragg-teeth, a log chain, an axe, a saw, a hammer, a bill hook and a grubbing hoe, a pair of hand-irons and a cross-cut saw amongst several families, and a few other articles.

He then refers to the large number of implements then being pressed upon the farmers, until 'they have almost become a nuisance to the farmer who desires to purchase a really useful article.' All of which indicates that a distinctive feature of the period beginning with 1846 was the introduction and rapid extension of improved farm machinery.

A few words as to the reaping machine, which contributed more than any other modern implement to the development of agriculture in the past century, may not be out of place. Various attempts had been made at producing a machine to supersede the sickle, the scythe, and the cradle before the Rev. Patrick Bell, in 1826, presented his machine to the Highland Agricultural Society of Scotland for its examination. Bell's machine was fairly successful, and one was then in operation on the farm of his brother, Inch-Michael, in the Carse of Gowrie. One set of knives was fixed, another set worked above and across these like the blades of a pair of scissors. The grain fell on an endless cloth which carried and deposited

the heads at the side of the machine. A horse pushed it forward and kept all parts in motion. It was simple, and, we are told, harvested twelve acres in a day. This was in 1826. In the *New York Farmer and American Gardener's Magazine* for 1834 may be found the descriptions and illustrations of Obed Hussey's grain-cutter and Cyrus H. M<sup>c</sup>Cormick's 'improved reaping-machine.' The question has been raised as to whether either of these United States inventions owed anything to the earlier production of Patrick Bell. It was, of course, the improved United States reaping machines that found their way into Upper Canada shortly after the organization of the Provincial Agricultural Association. Our interest in this matter is quickened by the fact that the Rev. Patrick Bell, when a young man, was for some time a tutor in the family of a well-to-do farmer in the county of Wellington, and there is a tradition that while there he carried on some experiments in the origination of his machine. The suggestion of a 'mysterious visitor' from the United States to the place where he was experimenting is probably mere conjecture.

This period, 1846 to 1867, was one of rapid growth in population. The free-grant land policy of the government was a great attraction for tens of thousands of people in the British Isles, who were impelled by social unrest, failure of crops, and general stagnation in the manufacturing industries to seek new homes across the sea. In the twenty years referred to the population more than doubled, and the improved lands of the province increased fourfold. The numbers of cattle and sheep about doubled, and the wheat production increased about threefold.

Towards the latter part of the period a new agricultural industry came into existence—the manufacture of cheese in factories. It was in New York State that the idea of co-operation in the manufacture of cheese was first attempted. There, as in Canada West, it had been the practice to make at home from time to time a quantity of soft cheese, which, of course, would be of variable quality. To save labour, a proposition was made to collect the milk from several farms and have the cheese made at one central farm. The success

of this method soon became known and small factories were established. In 1863 Harvey Farrington came from New York State to Canada West and established a factory in the county of Oxford, about the same time that a similar factory was established in the county of Missisquoi, Quebec. Shortly afterwards factories were built in Hastings County, and near Brockville, in Leeds County. Thus began an industry that had a slow advance for some fifteen years, but from 1880 spread rapidly, until the manufacture of cheese in factories became one of the leading provincial industries. The system followed is a slight modification of the Cheddar system, which takes its name from one of the most beautiful vales in the west of England. Its rapid progress has been due to the following circumstances: Ontario, with her rich grasses, clear skies, and clean springs and streams, is well adapted to dairying; large numbers of her farmers came from dairy districts in the mother country; the co-operative method of manufacture tends to produce a marketable article that can be shipped and that improves with proper storage; Great Britain has proved a fine market for such an article; and the industry has for over thirty years received the special help and careful supervision and direction of the provincial and Dominion governments.

During this period we note the voluntary organization of the Ontario Fruit-Growers' Association, a fact which alone would suggest that the production of fruit must have been making progress. The early French settlers along the Detroit River had planted pear trees or grown them from seed, and a few of these sturdy, stalwart trees, over a century old, still stand and bear some fruit. Mrs Simcoe, in her *Journal*, July 2, 1793, states: 'We have thirty large May Duke cherry trees behind the house and three standard peach trees which supplied us last Autumn for tarts and desserts during six weeks, besides the numbers the young men eat.' This was at Niagara. The records of the agricultural exhibitions indicate that there was a gradual extension of fruit-growing. Importations of new varieties were made, Rochester, in New York State, apparently being the chief place from which nursery stock was obtained. Here and there through the

province gentlemen having some leisure and the skill to experiment were beginning to take an interest in their gardens and to produce new varieties. On January 19, 1859, a few persons met in the board-room of the Mechanics' Hall at Hamilton and organized a fruit-growers' association for Upper Canada. Judge Campbell was elected president; Dr Hurlbert, first vice-president; George Leslie, second vice-president; Arthur Harvey, secretary. The members of this association introduced new varieties and reported on their success. They were particularly active in producing such new varieties as were peculiarly suitable to the climate. For nine years they maintained their organization and carried on their work unaided and unrecognized officially.

To this period belongs also the first attempts at special instruction in agriculture and the beginning of an agricultural press. Both are intimately connected with the association, already referred to, that had been organized in 1846 by some of the most progressive citizens.

For four years the Provincial Association carried on its work and established itself as a part of the agricultural life of Canada West. In 1850 the government stepped in and established a board of agriculture as the executive of the association. Its objects were set out by statute and funds were to be provided for its maintenance. The new lines of work allotted to it were to collect agricultural statistics, prepare crop reports, gather information of general value and to present the same to the legislature for publication, and to co-operate with the provincial university in the teaching of agriculture and the carrying on of an experimental or illustrative farm. Professor George Buckland was appointed to the chair of agriculture in the university in January 1851 and an experimental farm on a small scale was laid out on the university grounds. Professor Buckland acted also as secretary to the board until 1858, when he resigned and was succeeded by Hugh C. Thomson. He continued his work for some years at the university, and was an active participant in all agricultural matters up to the time of his death in 1885.

Provision having been made for agricultural instruction at the university, the board in 1859 decided to establish a

course in veterinary science, and at once got into communication with Professor Dick of the Veterinary College at Edinburgh, Scotland. In 1862 a school was opened in Toronto under the direction of Professor Andrew Smith, recently arrived from Edinburgh.

The *British American Cultivator* was established in 1841 by Eastwood and Co. and W. G. Edmundson, with the latter as editor. It gave place in 1849 to the *Canadian Agriculturist*, a monthly journal edited and owned by George Buckland and William M<sup>c</sup>Dougall. This was the official organ of the board till the year 1864, when George Brown began the publication of the *Canada Farmer* with the Rev. W. F. Clark as editor-in-chief and D. W. Beadle as horticultural editor. The board at once recognized it, accepted it as their representative, and the *Canadian Agriculturist* ceased publication in December 1863.

The half-century of British immigration, 1816 to 1867, had wrought a wonderful change. From a little over a hundred thousand the population had grown to a million and a half; towns and cities had sprung into existence; commercial enterprises had taken shape; the construction of railways had been undertaken; trade had developed along new lines; the standards of living had materially changed; and great questions, national and international, had stirred the people and aroused at times the bitterest political strife. The changed standards of living can best be illustrated by an extract from an address delivered in 1849 by Sheriff Ruttan. Referring to the earlier period, he said:

Our food was coarse but wholesome. With the exception of three or four pounds of green tea a year for a family, which cost us three bushels of wheat per pound, we raised everything we ate. We manufactured our own clothes and purchased nothing except now and then a black silk handkerchief or some trifling article of foreign manufacture of the kind. We lived simply, yet comfortably—envied no one, for no one was better off than his neighbour. Until within the last thirty years, one hundred bushels of wheat, at 2s. 6d. per bushel, was quite sufficient to give in exchange for all the articles of foreign manufacture consumed by a large family. . . . The

old-fashioned home-made cloth has given way to the fine broadcloth coat; the linsey-woolsey dresses of females have disappeared and English and French silks been substituted; the nice clean-scoured floors of the farmers' houses have been covered by Brussels carpets; the spinning wheel and loom have been superseded by the piano; and in short, a complete revolution in all our domestic habits and manners has taken place—the consequences of which are the accumulation of an enormous debt upon our shoulders and its natural concomitant, political strife.

Students of Canadian history will at once recall the story of the Rebellion of 1837, the struggle for constitutional government, the investigation by Lord Durham, the repeal of the preferential wheat duties in England, the agitation for Canadian independence, and other great questions that so seriously disturbed the peace of the Canadian people. They were the 'growing pains' of a progressive people. The Crimean War, in 1854-56, gave an important though temporary boom to Canadian farm products. Reciprocity with the United States from 1855 to 1866 offered a profitable market that had been closed for many years. Then came the close of the great civil war in the United States and the opening up of the cheap, fertile prairie lands of the Middle West to the hundreds of thousands of farmers set free from military service. This westward movement was joined by many farmers from Ontario; there was a disastrous competition in products, and an era of agricultural depression set in just before Confederation. It was because of these difficulties that Confederation became a possibility and a necessity. The new political era introduced a new agricultural period, which began under conditions that were perhaps as unfavourable and as unpromising as had been experienced for over half a century.

#### THE GROWTH OF SCIENTIFIC FARMING, 1867-88

The period that we shall now deal with begins with Confederation in 1867 and extends to 1888, when a provincial

minister of Agriculture was appointed for the first time and an independent department organized.

From 1792 to 1841 what is now Ontario was known as Upper Canada ; from 1841 to 1867 it was part of the United Province of Canada, being known as Canada West to distinguish it from Quebec or Canada East. In 1867, however, it resumed its former status as a separate province, but with the new name of Ontario. In the formation of the government of the province agriculture was placed under the care of a commissioner, who, however, held another portfolio in the cabinet. John Carling was appointed commissioner of Public Works and also commissioner of Agriculture. On taking office Carling found the following agricultural organizations of the province ready to co-operate with the government : sixty-three district agricultural societies, each having one or more branch township societies under its care, and all receiving annual government grants of slightly over \$50,000 ; a provincial board of agriculture, with its educational and exhibition work ; and a fruit-growers' association, now for the first time taken under government direction and given financial assistance.

One extract from the commissioner's first report will serve to show the condition of agriculture in Ontario when the Dominion was born. ' It is an encouraging fact that during the last year in particular mowers and reapers and labour-saving implements have not only increased in the older districts, but have found their way into new ones, and into places where they were before practically unknown. This beneficial result has, no doubt, mainly arisen from the difficulty, or rather in some cases impossibility, of getting labour at any price.' It would appear, therefore, that the question of shortage of farm labour, so much complained of in recent years, has been a live one for forty years and more.

In the second report of the commissioner (1869) special attention was directed to the question of agricultural education, and the suggestion was made that the agricultural department of the university and the veterinary college might give some instruction to the teachers at the normal school. In the following year, however, an advanced step was taken.



It was noted that Dr Ryerson was in sympathy with special agricultural teaching and had himself prepared and published a text-book on agriculture. The suggestion was made that the time had arrived for a school of practical science. At the same time Ryerson had appointed the Rev. W. F. Clark, the editor of the *Canada Farmer*, to visit the Agricultural department at Washington and a few of the agricultural colleges of the United States, and to collect such practical information as would aid in commencing something of an analogous character in Ontario. It will thus be seen that the two branches of technical training—the School of Practical Science and the Agricultural College—were really twin institutions, originating, in the year 1870, in the dual department of Public Works and Agriculture. These institutions were the outcome of the correlation of city and country industries, which were under the fostering care of the Agriculture and Arts Association, as the old provincial organization was now known. The School of Practical Science, it may be noted, is now incorporated with the provincial university, and the Agricultural College is affiliated with it.

There were at that time two outstanding agricultural colleges in the United States, that of Massachusetts and that of Michigan. These were visited, and, based upon the work done at these institutions, a comprehensive and suggestive report was compiled. Immediate action was taken upon the recommendations of this report, and a tract of land, six hundred acres in extent, was purchased at Mimico, seven miles west of Toronto. Before work could be commenced, however, the life of the legislature closed and a new government came into office in 1871 with Archibald M<sup>c</sup>Kellar as commissioner of Agriculture and Arts. New governments feel called upon to promote new measures. There were rumours and suggestions that the soil of the Mimico farm was productive of thistles and better adapted to brick-making than to the raising of crops. Also the location was so close to Toronto that it was feared that the attractions of the city would tend to make the students discontented with country life. For various reasons a change of location was deemed desirable, and a committee of farmer members of the legislature was

appointed. Professor Miles, of the Michigan Agricultural College, was engaged to give expert advice ; other locations were examined, and finally Moreton Lodge Farm, near Guelph, was purchased. After some preliminary difficulties, involving the assistance of a sheriff or bailiff, possession was obtained, and the first class for instruction in agricultural science and practice, consisting of thirty-one pupils in all, was opened on June 1, 1874, with William Johnston as rector or principal. Thus was established the Ontario School of Agriculture, now known as the Ontario Agricultural College. Its annual enrolment has grown to over fifteen hundred, and it is now recognized as the best-equipped and most successful institution of its kind in the British Empire. Its development along practical lines and its recognition as a potent factor in provincial growth were largely due to Dr James Mills, who was appointed president of the college in 1879, and filled that position until January 1904, when he was appointed to the Dominion Board of Railway Commissioners. Under his direction farmers' institutes were established in Ontario in 1884. Dr Mills was succeeded by Dr G. C. Creelman as president.

The next important step in agricultural advancement was the appointment in 1880 of the Ontario Agricultural Commission 'to inquire into the agricultural resources of the Province of Ontario, the progress and condition of agriculture therein and matters connected therewith.' The commission consisted of S. C. Wood, then commissioner of Agriculture (chairman), Alfred H. Dymond (secretary), and sixteen other persons representative of the various agricultural interests, including the president and ex-president of the Agricultural and Arts Association, Professor William Brown of the Agricultural College, the master of the Dominion Grange, the president of the Entomological Society, and two members of the legislature, Thomas Ballantyne and John Dryden. In 1913 there were but two survivors of this important commission, J. B. Aylesworth of Newburg, Ont., and Dr William Saunders, who, after over twenty years' service as director of the Dominion Experimental Farms, had resigned office in 1911.

All parts of the province were visited and information was gathered from the leading farmers along the lines laid down in the royal commission. In 1881 the report was issued in five volumes. It was without doubt the most valuable commission report ever issued in Ontario, if not in all Canada. Part of it was reissued a second and a third time, and for years it formed the Ontario farmer's library. Even to this day it is a valuable work of reference, containing as it does a vast amount of practical information and forming an invaluable source of agricultural history.

The first outcome of this report was the establishment, in 1882, by the government of the Ontario bureau of Industries, an organization for the collection and publication of statistics in connection with agriculture and allied industries. Archibald Blue, who now occupies the position of chief officer of the census and statistics branch of the Dominion service, was appointed the first secretary of the bureau.

Agriculture continued to expand, and associations for the protection and encouragement of special lines increased in number and in importance. Thus there were no fewer than three vigorous associations interested in dairying: the Dairymen's Association of Eastern Ontario, and the Dairymen's Association of Western Ontario, which were particularly interested in the cheese industry, and the Ontario Creameries Association, which was interested in butter manufacture. There were poultry associations, a beekeepers' association, and several live stock associations. From time to time the suggestion was made that the work of these associations, and that of the Agriculture and Arts Association and of the bureau of Industries, should be co-ordinated, and a strong department of Agriculture organized under a minister of Agriculture holding a distinct portfolio in the Ontario cabinet. Provision for this was made by the legislature in 1888, and in that year Charles Drury was appointed the first minister of Agriculture. The bureau of Industries was taken as the nucleus of the department, and Archibald Blue, the secretary, was appointed deputy minister.

We have referred to the reaction that took place in Ontario agriculture after the close of the American Civil War and the

abrogation of the reciprocity treaty. The high prices of the Crimean War period had long since disappeared, the market to the south had been narrowed, and the Western States were pouring into the East the cheap grain products of a rich virgin soil. Agricultural depression hung over the province for years. Gradually, however, through the early eighties the farmers began to recover their former prosperous condition, sending increasing shipments of barley, sheep, horses, eggs, and other commodities to the cities of the Eastern States, so that at the close of the period to which we are referring agricultural conditions were of a favourable and prosperous nature.

#### THE MODERN PERIOD, 1888-1912

In 1888 a new period in Ontario's agricultural history begins. The working forces of agriculture were being linked together in the new department of Agriculture. Charles Drury, the first minister of Agriculture, held office until 1890, being succeeded by John Dryden, who continued in charge of the department until 1905, when a conservative government took the place of the liberal government that had been in power since 1871.

Two factors immediately began to play a most important part in the agricultural situation: the opening up of the north-western lands by the completion of the Canadian Pacific Railway in 1886, and the enactment, on October 6, 1890, of the M<sup>c</sup>Kinley high tariff by the United States. The former attracted Ontario's surplus population, and made it no longer profitable or desirable to grow wheat in the province for export; the latter closed the doors to the export of barley, live stock, butter, and eggs. The situation was desperate; agriculture was passing through a period of most trying experience. Any other industry than that of agriculture would have been bankrupted. The only hope of the Ontario farmer now was in the British market. The sales of one Ontario product, factory cheese, had been steadily increasing in the great consuming districts of England and Scotland, and there was reason to believe that other products

might be sold to equal advantage. Dairying was the one line of agricultural work that helped to tide over the situation in the early nineties. The methods that had succeeded in building up the cheese industry must be applied to other lines, and all the organized forces must be co-ordinated in carrying this out. This was work for a department of Agriculture, and the minister of Agriculture, John Dryden, who guided and directed this co-operation of forces and made plans for the future growth and expansion of agricultural work, was an imperialist indeed who, in days of depression and difficulty, directed forces and devised plans that not only helped the agricultural classes to recover their prosperity, but also made for the strengthening of imperial ties and the working out of national greatness.

The British market presented new conditions, new demands. The North-West could send her raw products in the shape of wheat ; Ontario must send finished products—beef, bacon, cheese, butter, fruit, eggs, and poultry—these and similar products could be marketed in large quantities if only they could be supplied of right quality. Transportation of the right kind was a prime necessity. Lumber, wheat, and other rough products could be handled without difficulty, but perishable goods demanded special accommodation. This was a matter belonging to the government of Canada, and to it the Dominion department of Agriculture at once began to give attention. The production of the goods for shipment was a matter for provincial direction. Gradually the farmers of the province adapted themselves to the new conditions and after a time recovered their lost ground. General prosperity came in sight again about 1895. For several years after this the output of beef, bacon, and cheese increased steadily, and the gains made in the British market more than offset the loss of the United States market. It was during the five years after 1890 that the farmers suffered so severely while adjusting their work to the new conditions. With these expanding lines of British trade products, the values of stock, implements, and buildings made steady advance, and in 1901 the total value of all farm property in the province crossed the billion dollar mark. Since

that year the annual increase in total farm values has been approximately forty million dollars. The following statement of total farm values in Ontario, as compiled by the Ontario bureau of Industries, the statistical branch of the department of Agriculture, is very suggestive :

*Total Farm Values*

1885 . . . \$958,159,740	1895 . . . \$931,989,574
1886 . . . 989,497,911	1896 . . . 910,291,623
1887 . . . 975,292,214	1897 . . . 905,093,613
1888 . . . 981,368,094	1898 . . . 923,022,420
1889 . . . 982,210,664	1899 . . . 947,513,360
1890 . . . 970,927,035	1900 . . . 974,814,931
1891 . . . 971,886,068	1901 . . . 1,001,323,296
1892 . . . 979,977,244	1902 . . . 1,044,894,332
1893 . . . 970,361,070	1906 . . . 1,189,119,120
1894 . . . 954,395,507	1909 . . . 1,241,019,109

From the above table it will be seen that the closing of the United States markets in 1890 was followed by a depreciation in general farm values which lasted until 1898, when the upward movement that has continued ever since set in.

And now let us see how the population was changing, as to its distribution between rural and urban, during these years. First, we shall give the assessed population.

	Rural	Urban
1884 . . . . .	1,117,880 . . . . .	636,187
1885 . . . . .	1,126,554 . . . . .	658,406
1890 . . . . .	1,117,533 . . . . .	800,041
1895 . . . . .	1,109,013 . . . . .	848,377
1900 . . . . .	1,094,246 . . . . .	919,614
1905 . . . . .	1,059,379 . . . . .	1,042,881
1909 . . . . .	1,049,240 . . . . .	1,240,198

The Canadian Pacific Railway opened up the wheat lands of the West in 1886. At that time the rural population was nearly double the urban ; in 1905 they were about equal ; and six years later the urban population of Ontario exceeded the rural.

The Dominion census figures are as follows :

	Rural	Urban
1911 . . . .	1,194,785 . . . .	1,328,489
1901 . . . .	<u>1,246,969 . . . .</u>	<u>935,978</u>
Increase . . . .	.... . . . .	392,511
Decrease . . . .	52,184 . . . .	....

It will thus be seen that during the past twenty-five years there has been a steady increase in the consumers of food products in Ontario and a slight decrease in the producers of the same. The surplus population of the farms has gone to the towns and cities of Ontario and to the western provinces. Now for a moment let us follow these people to the West. Many of them have gone on the land to produce wheat. Wheat for the European market has been their principal product, therefore they in turn have become consumers of large quantities of food that they do not themselves produce but must obtain from farmers elsewhere. But not all who have gone West have become farmers. The Dominion census of 1911 gives the following statement of population for the provinces and districts west of Lake Superior :

	Rural	Urban
1911 . . . .	1,059,681 . . . .	681,216
1901 . . . .	<u>446,050 . . . .</u>	<u>199,467</u>
Increase . . . .	613,631 . . . .	481,749

The western provinces are generally considered to be almost purely agricultural, and yet the percentage increase of urban population has been nearly double the percentage increase of rural population. And this rapidly growing urban population also has demanded food products. Their own farmers grow wheat and oats and barley. British Columbia produces fruit for her own people and some surplus for the prairie provinces. There is some stock-raising, but the rapid extension of wheat areas has interfered with the great stock ranches. From out of the Great West, therefore, there has come an increasing demand for many food products. Add to this the growing home market in Ontario, and, keeping in mind that

the West can grow wheat more cheaply than Ontario, it will be understood why of recent years the Ontario farmer has been compelled to give up the production of wheat for export. His line of successful and profitable work has been in producing to supply the demands of his own growing home market, and the demands of the rapidly increasing people of the West, both rural and urban, and also to share in the insatiable market of Great Britain. Another element of more recent origin has been the small but very profitable market of Northern Ontario, where lumbering, mining, and railroad construction have been so active in the past five or six years.

The result of all this has been a great increase in fruit production. Old orchards have been revived and new orchards have been set out. The extension of the canning industry also is most noticeable, and has occasioned the production of fruits and vegetables in enormous quantities. Special crops such as tobacco, beans, and sugar beets are being grown in counties where soil and climatic conditions are favourable. The production of poultry and eggs is also receiving more attention each succeeding year. The growth of cities is creating an increasing demand for milk, and the production of factory-made butter and cheese is also increasing, as the following figures for Ontario from the Dominion census prove :

	Butter	Cheese
1900 . . .	7,559,542 lb.	131,967,612 lb.
1910 . . .	13,699,153 ,,	157,631,883 ,,

For the past ten or twelve years the farmers of Ontario have been slowly adjusting their work to the new situation, and the transition is continuing. While in some sections farms are being enlarged so as to permit the more extensive use of labour-saving machinery and the more economical handling of live stock, in other sections, particularly in counties adjacent to the Great Lakes, large farms are being cut up into smaller holdings and intensive production of fruits and vegetables is now the practice. This, of course, results in a steady increase in land values and is followed by an increase in rural population. The farmers of Ontario are putting forth every effort to meet the demands for food products. The one great difficulty that they have encoun-



tered has been the scarcity of farm labour. Men have come from Europe by the tens of thousands, but they have been drawn largely to the growing towns and cities by the high wages offered in industrial lines ; and the West, the ' Golden West ' as it is sometimes called, has proved an even stronger attraction. It seems rarely to occur to the new arrival that the average farm in Ontario could produce more than a quarter section of prairie land. Signs, however, point to an increase in rural population, through the spread of intensive agriculture.

Before referring to the methods of instruction and assistance provided for the developing of this new agriculture in Ontario, reference should be made to one thing that is generally overlooked by those who periodically discover this rapid urban increase, and who moralize most gloomily upon a movement that is to be found in nearly every progressive country of the civilized world. In the days of early settlement the farmer and his family supplied nearly all their own wants. The farmer produced all his own food ; he killed his own stock, salted his pork, and smoked his hams. His wife was expert in spinning and weaving, and plaited the straw hats for the family. The journeyman shoemaker dropped in and fitted out the family with boots. The great city industries were then unknown. The farmer's wife in those days was perhaps the most expert master of trades ever known. She could spin and weave, make a carpet or a rug, dye yarns and clothes, and make a straw hat or a birch broom. Butter, cheese, and maple sugar were products of her skill, as well as bread, soap, canned fruits, and home-made wine. In those days the farm was a miniature factory or combination of factories. Many, in fact most, of these industries have gradually moved out of the farm home and have been concentrated in great factories ; and the pedlar with his pack has disappeared under a shower of catalogues from the departmental city store. In other words, a large portion of work once done upon the farm and at the country cross-roads has been transferred to the town and city, and this, in some part, explains the modern movement citywards—there has been a transference from country to city not

only of people but also of industries. Whether this has been in the interests of the people is another question, but the process is still going on, and what further changes may take place it is difficult to determine and unwise to forecast.

And now let us see what agencies and organizations have been used in the development of the special lines of agriculture since the creation of the department in 1888. We have stated that the Agriculture and Arts Association had been for many years the directing force in provincial agricultural organization. It held an annual provincial exhibition; it issued the diplomas to the graduates of the Ontario Veterinary College; and it controlled the various live stock associations that were interested in the registration of stock. Shortly after 1888 legislation was enacted transferring the work to the department of Agriculture. The place for holding the provincial exhibition was changed from year to year. In 1879 a charter was obtained by special act for the Toronto Industrial Exhibition, the basis of which was the Toronto Electoral Agricultural Society. Out of this came the annual Toronto Exhibition, now known as the Canadian National Exhibition, and the governmental exhibition was discontinued.

The Ontario Veterinary College was a privately owned institution, though the diplomas were issued by the Agriculture and Arts Association. The royal commission appointed in 1905 to investigate the University of Toronto recommended the taking over of this association by the government, and as a result it passed under the control of the department of Agriculture in 1908, and was affiliated with the University of Toronto. Since that time the diploma of Veterinary Surgeon (V.S.) has been issued by the minister of Agriculture, and a supplementary degree of Bachelor of Veterinary Science (B.V.Sc.) has been granted by the university. The taking over of this institution by the government, the resuming by the province of its original prerogative, was accompanied by an enlargement of the course, an extension from two years to three years in the period of instruction, and a strengthening of the faculty. The herd-books or pedigree record books were, in most cases, Canadian, and it was felt that they should be located at the capital of the Dominion.

These have therefore been transferred to Ottawa and are now conducted under Dominion regulations.

The Ontario bureau of Industries was the basis of organization of the department. As other work was added the department grew in size and importance, and the various branches were instituted until there developed a well-organized department having the following subdivisions :

The Agricultural College,  
The Veterinary College,  
The Agricultural and Horticultural Societies Branch,  
The Live Stock Branch,  
The Farmers' and Women's Institutes Branch,  
The Dairy Branch,  
The Fruit Branch,  
The Statistical Branch,  
The Immigration and Colonization Branch.

Each branch is in charge of a special officer. In addition to the above there is a lot of miscellaneous work, which as it develops will probably be organized into separate branches, such as farm forestry, district representatives, etc.

John Dryden was in 1905 succeeded as minister of Agriculture by Nelson Monteith, who in 1908 was succeeded by J. S. Duff. Under their care the department has grown and expanded, and through their recommendations, year by year, increasing amounts of money have been obtained for the extension of agricultural instruction and the more thorough working out of plans inaugurated in the earlier years of departmental organization.

The history of agricultural work in Ontario in recent years may be put under two heads—expansion of the various organizations and extension of their operations, and the development of what may be called 'field work.' Farmers' institutes and women's institutes have multiplied; agricultural societies now cover the entire province; local horse associations, poultry associations, and beekeepers' associations have been encouraged; winter fairs for live stock have been established at Guelph and Ottawa; dairy instructors have been increased in number and efficiency; short courses in live stock, seed improvement, fruit work, and dairying have

been held ; and farm drainage has received practical encouragement. Perhaps the most important advance of late years has resulted through the appointment of what are known as district representatives. In co-operation with the department of Education, graduates of the Agricultural College have been permanently located in the various counties to study the agricultural conditions and to initiate and direct any movement that would assist in developing the agricultural work. These graduates organize short courses at various centres, conduct classes in high schools, assist the farmers in procuring the best seed, advise as to new lines of work, assist in drainage, supervise the care of orchards—in short, they carry the work of the Agricultural College and of the various branches of the department right to the farmer, and give that impetus to better farming which can come only from personal contact. The growth of the district representative system has been remarkable : it was begun in seven counties in 1907, by 1910 fifteen counties had representatives, and in 1914 no fewer than thirty-eight counties were so equipped. At first the farmers distrusted and even somewhat opposed the movement, but the district representative soon proved himself so helpful that the government has found it difficult to comply with the numerous requests for these apostles of scientific farming. Approximately \$125,000 is spent each year on the work by the provincial government, in addition to the \$500 granted annually by the county to each district office. The result of all this is that new and more profitable lines of farming are being undertaken, specializing in production is being encouraged, and Ontario agriculture is advancing rapidly along the lines to which the soils, the climate, and the people are adapted. A study of the history of Ontario agriculture shows many changes in the past hundred years, but at no time has there been so important and so interesting a development as that which took place in the opening decade of the twentieth century.

A handwritten signature in cursive script, appearing to read "B. B. James". The signature is written in dark ink and is positioned in the lower right quadrant of the page.

FOREST RESOURCES AND  
FORESTRY



## FOREST RESOURCES AND FORESTRY

### TIMBER AS A REVENUE-PRODUCER

**T**HE timber of Ontario has been a steady revenue-producer, and, since at least two-thirds of the area within the province is destined to remain under woods, it is essential to its continued prosperity that the government apply as soon as possible such management to this resource as will maintain its productive condition—in other words, that it apply the practice of forestry.

But notwithstanding the great and evident importance of this asset of the province, it cannot be said that it has received treatment such as would ensure its permanence. Although feeble attempts at improved methods of treatment have been made for some time, the history of these attempts, if measured by accomplishment, is still brief and inconclusive and not in proportion to the length of time during which they have been in progress.

The value of this resource as a revenue-maker will appear when it is considered that since Confederation the revenue derived from the timber limits by dues, ground rent, and bonus payments has aggregated over forty million dollars. Each year the returns from timber limits form by far the largest single item of provincial revenue ; in 1910 they contributed over twenty-seven per cent of the actual direct revenues.

It is only within the last thirty to forty years that, with the development of industrial life, this resource has assumed such importance. In 1827 only \$360 came to the treasury from this source, and forty years later it furnished only \$150,000 to the public revenue. But for the decade ending 1910 the revenue has grown to a yearly average of one and three-

quarter million dollars. Indeed, Ontario has been Canada's greatest lumber producer for many years, some twenty-five billion feet of white pine alone having been manufactured from its forests since Confederation. In 1910 the total lumber cut of Ontario aggregated over one and one-half billion feet B.M. (1,642,191 M ft.), nearly two-fifths of the whole production of Canada and worth thirty million dollars. The province supplied eighty-five per cent of the white pine cut, nearly all of the red pine, nearly half the hemlock, and over two-thirds of the hardwoods manufactured in Canada. In addition to this the province produced over one-third of the lath, one-tenth of the shingles, and over one-third of the pulp manufactured in Canada in that year, besides ties, poles, cooperage stock, etc.

If we contemplate that Prussia, with a crown forest area of probably less than one-tenth the area of Ontario's forest resources, derives an annual revenue of at least seven times that of Ontario—and that not from capital stock, as in Ontario, but from yearly increment—the potentialities of these resources may be realized.

#### THE FOREST AREA

A brief physiographic description of the forest area and an account of the development of the lumber industry from early times will assist in securing an appreciation of the present conditions of this revenue and of the propriety of efforts at reform in its administration.

While, geologically, Ontario may be subdivided into two sections—the Laurentian plateau region and the St Lawrence valley—from a forestry standpoint the division is best made into four regions, climate influencing the differentiation into forest types.

The lowlands of the St Lawrence consist of beds of sandstone, shale, and limestone of palæozoic age, overlaid with heavy deposits of glacial drift. This region is divisible into three sloping plains. The most easterly comprises the triangular area between the Ottawa and St Lawrence Rivers, east of Kingston. The second division forms a plainlike



area, rising from Lake Ontario to an escarpment running from Kingston westerly to Midland ; the western limit of this area is formed by the Niagara escarpment from the Niagara peninsula to the Indian peninsula of Bruce County. West of this escarpment the country between Lake Huron and Lake Erie forms the third division.

This last area—the peninsula portion of the St Lawrence system—enjoying a climate milder than any other part of Eastern Canada and excelling in fertile soils, supports, or did support, a rich hardwood forest, with only here and there small admixtures of coniferous species. Here we find, floristically, an extension of the hardwood flora of the south, characterized by oak, hickory, ash, walnut, and butternut, besides elm and maple, and also a number of other species such as tulip-tree, chestnut, sycamore, and sassafras, which find their northern limit here.

The two easterly divisions from the point of view of forest types may be classed together. They are characterized by drift of poorer quality than the peninsula and a somewhat more rigorous climate. In consequence, the hardwood type of forest is reduced in variety, the species mentioned above as finding their northern limit in the peninsula being ruled out by the climatic change, and the coniferous admixture becoming more frequent.

This St Lawrence region is the seat of agriculture in Ontario, and practically all the commercial timber is cut away to give room to farms, farmers' wood-lots alone remaining.

North of the St Lawrence lowlands there extends, surrounding Hudson Bay, the Laurentian plateau, the oldest land of the province. This is a rocky country, characterized by uniformity of physical features, countless lakes, rivers, and muskegs, alternating with low hills and plateaus of exposed igneous rock. From the forester's point of view this country is bounded on the north by the height-of-land. Here is located the true commercial forest area of Ontario, a country fit mainly for forest use. Although most variably forested, there is still a hardwood basis in which maple, elm, basswood, paper birch, beech, red oak, yellow birch, ash, balm of Gilead,

besides the ever-present aspen on burned areas, play a part. Of the conifers, balsam fir and white spruce are numerically the most prominent, and, in the swamps, the almost useless black spruce is conspicuous, with the more valuable white cedar and tamarac, according to the character of the swamp. The most valuable timber trees of this region and those which determine its commercial character, white pine, red pine, and hemlock, occur much more localized, mainly along the waters and on the better-drained sandy hills. On the poorer sands and gravelly soils the inferior jack pine covers the ground. This forest region, then, must not be considered as having had at any time a solid growth of valuable timber on it, the valuable areas being dispersed throughout a large area of inferior character.

Beyond the height-of-land the fourth division, the northern or subarctic forest, begins. Although white and red pine are still found overlapping along the upper river-courses in scattered stands of inferior quality, and although aspen, balm of Gilead, and paper birch are frequent accompaniments and sometimes sole occupants of the soil, the general type is a spruce forest, the white and black spruces being the predominant species. With a climate still more rigorous than that of the plateau region, and with still less topographic differentiation, not only is a reduction experienced in the number of species—besides the above five, only the jack pine, balsam fir, and tamarac being found—but reduction of development of individuals and of the forest as a whole.

This region was explored in 1900 by ten survey parties sent out by the department of Crown Lands. The exploration made known the existence of a vast agricultural area of twenty-five hundred square miles, but little can be expected of this northern forest for saw-mill use. Much of the country was found burned over, the timber small and fit only for pulp and fuel.

The distribution of Ontario's one hundred and twenty-six million acres (eighty million of which are still unsurveyed)—among these four forest types gives thirty million acres to the two lowland sections, fifty million to the southern type, and forty-six million to the subarctic forest.

Of the original forests of Ontario of commercial character the bulk is gone. For the first half of the nineteenth century lumbering operations were confined to the Ottawa and Trent waters. Before 1860 little had been cut in the country directly east of Georgian Bay, but between 1860 and 1870 lumbering operators pushed north through Addington, Hastings, Haliburton, and Muskoka, and along the shores of Georgian Bay. 'Between 1870 and 1885, operations had reached Lake Nipissing from the east, south and west, and were active in many places along the north shore of Lake Huron from the French River to Sault Ste Marie, extending inland for a distance of forty miles.' Since 1885 they have extended into all the newer districts.

#### FORESTRY REGULATIONS BEFORE CONFEDERATION

During the French régime in Canada the timber resources were regarded as of little importance. Beyond the reservation to the crown of timber suitable for naval and military purposes, there were no forest regulations with a view towards the restriction of cutting or the securing of revenue.

At the beginning of the British occupancy of the colony the authorities likewise regarded the timber resources from the standpoint of their suitability for naval purposes, but with more regard for conservation of the supply. Prior to 1826 the only persons authorized to cut timber were the Royal Navy Dockyard contractors and their licensees. This monopoly naturally led to the development of illegitimate lumbering operations by unlicensed lumbermen. The unfairness of the method led to the adoption in 1826 of a system under which any one who chose could select a territory and remove the timber on payment of a low scale of rates to the crown, the dues being collected on the arrival of the rafts at Quebec. In the following year licences were granted to cut export timber not fit for navy use. All licences were for a specified quantity, and usually held good for one year only. These regulations were the first steps taken to make the forest a source of revenue.

The system gave an impetus to lumbering, and the

financial policy of the mother country, in protecting colonial trade by heavy duties on importations from Baltic ports, led to a rapid development of the square timber trade, especially from 1803 to 1829, though several years and the investigations of several commissions were required to overcome the English prejudice against the use of white pine, a material very different from the Baltic pine to which the trade was accustomed. Later the duties were reduced, and in 1846 they were entirely abrogated, but the colonial timber trade held its own.

The executive system of these early times was noted for its laxity of administration, and abuses developed in connection with the disposal of the crown lands which seriously retarded the settlement and development of the country, and in fact were a factor in the discontent leading to the Rebellion of 1837. The main abuse was the granting of public lands in large blocks to individuals or companies who had no intention of settling upon or improving them, but who held them for speculative purposes. From 1791 to 1804 large grants were made gratuitously to individuals of favoured classes, and in the latter year a scale of fees was introduced upon payment of which almost any one could obtain a grant. According to Lord Durham's Report, 'from 1763 to 1825, during which period the population had grown slowly up to 150,000, the quantity of land granted by the Crown was upwards of 13,000,000 acres, while during the thirteen subsequent years, in which the population increased from 150,000 to 400,000, the quantity disposed of, including the sale of the Clergy Reserves, was under 600,000 acres.'

These extensive alienations, far beyond the needs of settlement, were often of lands covered with valuable timber. Lumbermen soon learned that it was cheaper to buy land in a glutted market for the sake of timber merely than to pay for a licence to cut, and the forest revenue diminished accordingly. Contrary to the explicit instructions of the home government, much of the area covered by these grants was not adapted for agriculture, and when stripped by the lumbermen was useless till the forest should be reproduced.

The outbreak of 1837 was followed by the Act of Union in

1840 and the institution of responsible government. Even under this system the rulers, believing the forest resources of the province practically inexhaustible, showed no thought of preserving the forests as a source of future supply. The regulations of the Crown Lands department stimulated production by requiring the manufacture of a large quantity of timber on every limit regardless of market conditions or the convenience of the operator, on penalty of forfeiture of his limit. In addition, the tenure was very uncertain, and the dues being so much per stick regardless of size, the most reckless lumbering methods were in vogue.

This unstable and frequently ruinous condition led to the appointment of a special commission in 1849 to investigate the causes. As a result of the commission's two reports the first enactment of the Canadian legislature regarding timber licences—the Crown Timber Act of 1849—came into existence. This formed the starting-point for the present licence system, embodying as it did the principle of renewal. Its provisions rectified many of the abuses already mentioned, and by practically assuring a yearly renewal of licence, it gave a much-needed stability and permanence to the lumberman's interest in his limit. Another change was made in 1851 by the imposition of a ground rent, which was to increase in geometric ratio, to prevent the monopolization of undeveloped limits.

During these years the trade in sawn lumber with the Eastern States had been steadily growing. The economic waste involved in the square timber trade was already being realized, leading to a decline in this trade which was further accentuated when, through the reciprocity treaty with the United States in 1854, the market for lumber became more profitable.

Gradually, as the value of timber from a commercial point of view received recognition, there developed a policy of selecting the most merchantable timbers for purposes of public revenue under a licence system, and subsequently turning over the land to the individual settler in small holdings. In this way the lumberman acted as the precursor of the settler, and it was recognized that his industry was a temporary

one. But now the lumberman was pushing north into country so little suited to farming that settlement could not follow. In these regions the government renewed the licences from year to year, and the time of their expiry became very indefinite. The permanency of the lumbering interest was also endangered by several evils that had been steadily increasing. The regulation that lands that were sold during the year were withdrawn from the timber limits before the next renewal of the licence, the settler getting the pine, put a premium on the locating of well-timbered lots within the lumberman's limits, with no regard to their suitability for farming purposes. The conditions of sale were so liberal that advantage was frequently taken of them to obtain possession of the land by partial payment, for the sole purpose of exploiting the timber and then abandoning the lot. The lumbermen complained bitterly of this fraudulent cutting of timber by squatters and pseudo-settlers, whom they also charged as responsible for the many disastrous fires.

The constant clash of interests finally drew attention to the necessity for a distinction in the administration of non-agricultural as compared with agricultural lands. In fact, so much advance had been made in public opinion that the commissioner of Crown Lands in his annual report for 1866 advocated a strict discrimination between agricultural and non-agricultural lands, and the setting apart of the latter as permanent forest reserves on which settlement was to be prohibited. But this essential forestry principle was lost for many years in the political storm preceding Confederation and under the pressure of more immediately important issues. Indeed, the desire to attract settlers led in 1868 to the passage of the Free Grants and Homestead Act, which provided for the giving away as free grants to actual settlers practically all the immense territory lying between the Ottawa River and Georgian Bay, although, as we have seen, little of the area is fit for agriculture.

It is worthy of mention that previous to Confederation 12,000 square miles of Ontario's best pine timber had been placed under licence at nominal prices. This timber was on land tributary to Ottawa, Trent, and Georgian Bay waters—

Laurentian country which should never have been denuded. Within the next five years 5500 square miles more had been licensed, almost one-half the amount which has been disposed of since Confederation. In these sales the auction system, first foreshadowed in 1842 and extended in 1851, was adopted.

#### FOREST PRESERVATION SINCE CONFEDERATION

The question of forest preservation, which had dropped into the background with the advent of Confederation issues, once more began to occupy the minds of public men. Appreciating the growing importance of the subject, a committee of members of the Ontario Fruit-Growers' Association was appointed by the commissioner of Agriculture to represent the province at the first American forestry congress held in Cincinnati from April 25 to 29, 1882, and at a second session in the following August in Montreal. The delegates submitted a voluminous report, closing with fifteen recommendations, chief among which were: that non-agricultural lands be not sold; that a diameter limit of fourteen inches down to which trees may be cut be imposed; that lighting of fires in the woods in summer be prohibited; that encouragement be given to planting by tax exemptions and bonus; that instruction in forestry be given in the Ontario Agricultural College; and that as soon as practicable the management of the public forests be assumed by the government and all woods operations conducted under the supervision of a chief forester. Over thirty years have elapsed since this report was submitted, but it has apparently not yet been considered practicable to put many of these recommendations into practice. The nearest approach to anything like conservation was the passing of the Ontario Tree Planting Act in 1883. This act provided for payment of a bonus for trees planted along highways and farm boundaries, and in the nature of it could have little effect on forest renewal or preservation. In the nine years 1886 to 1894 the bonuses totalled less than \$5000, possibly 75,000 trees being set out. Recognition of the futility of the principle of the act led to its repeal in 1896.

In 1883, too, the government created the office of clerk of

Forestry, R. W. Phipps being the first incumbent. The work was entirely educational in function, and the annual publications of the clerk aimed 'to circulate information in a popular form with a view to preserve such portions of forest as are necessary for future supplies of timber, and for that still more important result which the forest secures, namely, the great climatic and agricultural benefit derived from regular supplies of moisture.' It is curious that throughout these reports planting is constantly urged, and that not for timber supplies but on account of the unfavourable climatic effects of deforestation in settled Southern Ontario. The frequent discussion of the results of forestry practice in other countries, of the ravages by forest fires, of the diminishing of supplies, of the clearing of watersheds, of the non-classification of land, and of the folly of allowing settlers to clear the Laurentian Shield, shows that Phipps realized the importance of the forestry problem. It cannot be said that these reports were of a high order or of much value, being written by a *littérateur* rather than by a practical man.

In 1885 the observance of Arbour Day in the public schools was instituted to foster an appreciation of the importance of trees.

The same year is memorable for the institution of Ontario's fire-ranging system. An 'Act to Preserve the Forest from Destruction by Fire' had been passed in 1878, but had remained a dead letter owing to lack of machinery to enforce it. The system, devised by Aubrey White (now deputy minister of Lands, Forests, and Mines), was one of patrol during the summer months on both licensed and unlicensed timber lands, rangers being employed to extinguish incipient fires and enforce the fire laws. The patrol on licensed lands was optional with the licensee, and one-half the cost of this service was to be borne by him. In the first year there were 37 rangers employed at a cost of \$8000. Since then, as the benefits of the system have been realized, the number of rangers and the cost of service have steadily increased, so that in 1910 there were 925 rangers on duty at a seasonal cost of \$300,000. In that year the government discontinued bearing its share of the cost of protecting the



licensed areas, a fiscal measure which is to be regretted, since the lumbermen seldom have much interest in the oncoming crop. Recent legislation has authorized the government to place fire-rangers along railway lines under construction, and also on constructed lines where advisable, the railway companies bearing the cost.

A considerable interval elapsed between the death of Phipps and the appointment of his successor, the Hon. C. F. Fraser, who held the office for a very short period and issued no reports between 1891 and 1895. The office, which at first was attached to the department of Agriculture, was in 1895 transferred to the department of Crown Lands, with the appointment of Thomas Southworth to the position. This change was a recognition of the increasing importance of the subject of forestry, the end in view being the establishment of a bureau of Forestry in the department entrusted with the administration of the crown forest domain.

Southworth devoted himself to the task of securing the wise and far-sighted policy of establishing forest reserves in regions not suitable for agricultural use as sources of future supply. Already in 1893 the first step in that direction had been taken by the setting apart of Algonquin National Park in the district of Nipissing as 'a public park and forest reservation, fish and game preserve, health resort and pleasure ground, for the people of the province.' The whole area of 1733 square miles had either been lumbered or was under licence for pine. In 1910 the remaining rights of licensees in the park and also in 150 square miles of adjoining territory were extinguished at a cost of \$290,000, and the latter area added to the park. In 1894 an area of some 2000 acres in Kent County was set aside as Rondeau Park, to preserve a sample of the magnificent hardwood growth that had covered the peninsula.

In June 1897, at the instance of the clerk of Forestry, a royal commission was appointed to investigate and report on the subject of 'restoring and preserving the growth of white pine and other timber trees upon lands in the province which are not adapted for agricultural purposes or for settlement.' The members of the commission, after much travelling in the

woods to familiarize themselves with conditions, presented a preliminary report in December, recommending, among other things, that fire-ranging be made compulsory on limit-holders, that limits unworked for two years be made forest reserves, that the government take power to withdraw from sale or location and set aside as permanent crown forest reserves areas of territory unsuitable for settlement but adapted for growing timber.

In accordance with this latter important recommendation the legislature in 1898 passed the Forest Reserves Act empowering the government to set apart from time to time permanent reserves from which all settlement is excluded.

The first reserve formed under the new act was the Eastern Forest reserve of 100 square miles in the counties of Addington and Frontenac, created in 1899 by extinguishing the old licences. In the following year the Sibley reserve of similar area on the north shore of Lake Superior was set aside, and in 1901 the important Timagami reserve of 2200 square miles. While the first two reserves had been lumbered over, the territory included in the Timagami reserve had never been under licence. Two years later 3000 square miles in Algoma district, called the Missisauga reserve, were placed under the act and 3700 square miles added to the Timagami reserve. In 1905 the reserves were further increased by the creation of the Nipigon reserve, covering 7300 square miles of territory. At present (1913) there are altogether eight reserves and two parks containing an area of some twelve million acres. Besides the fact that they contain considerable quantities of timber, it is to be noted that the larger reserves are situated on the height-of-land that forms the most important watershed of the province. It is estimated that so far there has been withdrawn from agricultural settlement only one-sixth of the land that will eventually comprise Ontario's permanent reserves. These reserves will form a territory, largely contiguous, stretching across the middle of the province from east to west, with rich agricultural sections lying south and north of it. In these reserves the only step yet taken towards forest management consists in the system of fire patrol. As already stated, the development of

Ontario's forest policy is largely due to the efforts of Thomas Southworth.

The colonization work having been added to the bureau of Forestry in 1899, increasing its work, and the need of expert knowledge beginning to be felt in the bureau, in August 1904 Dr Judson F. Clark, a technically trained man, was added to the staff as provincial forester. In the same year a further advance was made in the adoption by the department of Agriculture of the policy of growing planting stock at the Ontario Agricultural College to assist farmers desirous of improving their wood-lots or planting up waste areas on their farms. This action resulted (as a consequence of a coal strike in the United States) from representations made by the Ontario Experimental Union regarding the need of farm forestry for fuel supply. Since then a trained forester has been attached to the college in charge of this branch and as a lecturer on farm forestry.

The movement towards the development of a forest management of the reserves failed to gain headway, and in 1905, for reasons which do not appear on the surface, the bureau of Forestry was transferred back to the department of Agriculture, which does not control any timber lands. The provincial forester, finding his usefulness gone, resigned, and finally, in 1907, the bureau was restricted to the colonization work alone and the forestry side deliberately abandoned. But in 1912 the government appointed E. J. Zavitz as provincial forester.

Since 1907 the only suggestion of governmental interest in forestry has been the inauguration by the department of Agriculture of the policy of purchasing and reforesting waste lands in the older agricultural section of the province. A small beginning has been made by the purchase of twelve hundred acres and by a plantation of a hundred and fifty acres in Norfolk County. The Guelph nursery has also been moved there for convenience.

In 1906 an act was passed empowering municipalities to exempt woodlands from taxation, but so burdened with impracticable conditions that no results can be expected.

In 1907, acting upon the report of the royal commission

of the University of Toronto, the Ontario government established a faculty of forestry in the university, but so far there has been no co-operation between the university authorities and the department of Lands.

The timber regulations were, it is true, periodically revised, but not with any view to the securing of conservative treatment of the resources. Fiscal interests alone have been considered. From a nominal charge of fifty cents per thousand feet and fifty cents a mile ground rent before Confederation, the rates have been advanced from time to time till now (for 1910-20) the annual ground rent is five dollars per mile, licence dues for pine two dollars per thousand feet (the old licences were one dollar and fifty cents), and dues on square timber five cents per cubic foot. Since 1897 all pine, hemlock, and spruce, and since 1900 all pulpwood cut on crown lands, must be manufactured in Canada. Since 1904 all sales have been by bonus bid per thousand feet in addition to the ordinary dues, the timber to be removed within a given time. This latter regulation is not in the best interests of forestry.

#### PRESENT STATE OF FOREST WEALTH

Of the total land area of the province (one hundred and twenty-six million acres) twenty-four million acres have been alienated and thirteen million are under licence, leaving eighty-nine million acres unlicensed. The present stand of pine on both licensed and unlicensed territory has been officially estimated at twenty billion feet. With an annual cut of over eight hundred million feet of white pine, the end of the supply is in sight. Of the productive forest area of Ontario destined to remain in woods (approximately eighty-five million acres, or two-thirds of the province) somewhat over one-half lies north of the height-of-land and is accordingly of pulpwood character, the vaguely estimated quantity being some three hundred million cords; the remainder, lying to the south, burned over in many regions at different times, is timbered mainly with second growth of all ages.

The scant supply of forest products with the exception of pulpwood is evident. Even in the case of the latter much

of it is inaccessible, to say nothing of the distance from centres of consumption and the fact that the rivers where it abounds flow mostly north.

The supply of timber has been greatly lessened by disastrous fires. Even in the early days large tracts were thus destroyed. About 1845 vast areas were burned over west of Lake Superior, many of them still remaining desolate. About ten years later a very extensive fire burned along the height-of-land from Lake Timiskaming to Michipicoten. In 1871 a fierce fire swept over an area of more than two thousand square miles along the north shore from Lake Nipissing to Port Arthur, completing the chain of desolation across the province. Even with the installation of the fire-ranging system in 1885 and its steady expansion, fires have continued to burn up the forest wealth. The fires of 1891 and 1896 devastated more than two thousand miles of country in Southern Algoma. The destruction apparently must continue until a better code of ethics is developed by an educational campaign in the public at large. The greatest need to-day is a realization of the value of the young growing crop, and every effort should be put forth to ensure it against devastating fires. Until the fire risk is reduced, forestry can make little headway.

Ontario is unique in having such large areas (over one hundred million acres) still the property of the crown, the principle in dealing with timber land since earliest times having been to sell only the timber. This condition of affairs greatly simplifies the forestry problem in the facility with which changes of treatment may be introduced. But as yet the forests are viewed solely as a source of current revenue, not as capital, and the rights of the people and of posterity are sacrificed.



J. M. R. Snow



THE FISHERIES OF ONTARIO





## THE FISHERIES OF ONTARIO

### THE COMMERCIAL FISHES

FOR a considerable portion of the nineteenth century there was a tremendous falling off in the supply of some of the most valuable fishes of the province, notably in that of whitefish; while the salmon—the true *Salmo salar*—once so abundant in Lake Ontario and in many of the streams flowing into it, disappeared entirely from those waters between a quarter and a half a century ago. There is still frequent mention in magazines and newspapers and even in provincial government reports of the so-called ‘salmon’ of the Rideau lakes, but this is only another instance of the misleading character of the vernacular names of certain fishes, so aptly illustrated by Edward E. Prince, commissioner of Fisheries for the Dominion, in a paper appended to his report for the year 1900; the fish in question being simply a variety of the Great Lake trout (*Salvelinus namaycush*).

Three-quarters of a century ago the Atlantic salmon ascended the St Lawrence in vast numbers and swarmed in all its tributaries. Following both shores of Lake Ontario, it ascended all the smaller streams that fall into it. These streams afforded suitable spawning grounds for the mature fish and favourable nurseries for the fry during their period of river life. In 1869 Whitcher and Venning of the federal department of Fisheries gave the following account of the fishery wealth of Wilmot's Creek, a small stream traversing the township of Clarke in the county of Durham, and discharging, about forty miles east of Toronto, into Lake Ontario; and this history has been repeated in almost every stream of the province flowing into Lake Ontario and the St Lawrence River.

In early times it was famous for salmon, great numbers of which frequented it every autumn for the purpose of spawning. They were so plentiful forty years ago that men killed them with clubs and pitchforks, women seined them with flannel petticoats, and settlers bought and paid for farms and built houses from the sale of salmon. Later they were taken by nets and spears, over a thousand being often caught in the course of one night. Concurrently with such annual slaughter, manufactories and farming along the banks had obstructed, fouled, and changed the creek from its natural state, and made it less capable of affording shelter and spawning grounds. The yearly decreasing numbers at length succumbed to the destruction practised upon them each season from the time of entering the creek, until nearly the last straggler had been speared, netted or killed.

Of the former abundance of the whitefish in the Great Lakes the early French voyageurs have left many records. La Hontan reported that he saw Indians fishing at the Straits of Mackinaw with nets made from the bark of trees, and that by this crude means they succeeded in obtaining an abundance of fish. Another voyageur, passing from the waters of the Detroit River into the upper end of Lake Erie with a military escort, said that sturgeons were so thick upon their spawning-beds that the soldiers killed them with their swords. Within the memory of men still living, the whitefish in Lakes Erie and Ontario existed in shoals so extraordinarily large as to be scarcely credible to the younger generation of to-day.

In Lake Ontario in 1869 and 1870 whitefish were so numerous that they were used to manure the farm lands. One of the witnesses examined by the Dominion Fisheries Commission of 1893 testified that he had known as many as 90,000 whitefish to be taken in one haul of a seine at Wellington Beach. Three such hauls would have exceeded the average annual catch of all the Canadian waters of Lake Ontario for a period of years extending from 1892 to 1906 inclusive. This average has recently been shown to have been only slightly in excess of 250,000 pounds. The more recent improvement, however, in the catch of whitefish is so marked that had the calculation above referred to been made

to cover the four following years, the showing would have been materially different, as the average annual product for the last nineteen years has been in excess of 475,000 pounds. This, it is quite true, is an enormous falling off from the former bountiful supply of this fish, but it shows at least that the steady decrease in the supply does not continue. It has fortunately been arrested—principally owing, it is believed, to fish-cultural operations—and this to such an extent that the Canadian waters of Lake Ontario produced 795,797 lb. of whitefish in 1908, 1,153,347 in 1909, and 649,109 in 1910; or an average for those three years of 866,084 lb. per year.

The whitefish catch of the entire province for the same three years does not appear to justify the remark that the steady decrease so noticeable some few years ago in the production of this fish is still continuing. In 1908 the catch of whitefish in Ontario was 4,826,643 lb., in 1909 it was 6,266,658 lb., and in 1910 it was 4,501,434 lb., an average for the three years of 5,198,245 lb. In 1911 it dropped to 4,163,000 lb., but in 1912 it was 5,889,700 lb. These figures certainly compare most favourably with the total of 3,588,000 lb. of whitefish taken in 1872, and that of 3,290,600 lb. representing the entire provincial catch of the same fish in 1873.

One of the most valuable fisheries of the province at the present time is that of the Great Lake trout, which in 1912 yielded a catch to the value of over \$592,000. This fish is not only found in the Great Lakes, but also in all the large inland bodies of water in the province; and in these latter, and especially in Lake Nipigon and in the Rideau system of lakes, it is much prized as a sporting fish by fishermen interested in deep-water trolling for heavy game fish; for the 'laker,' as it is sometimes called, has often been taken over thirty pounds in weight, and sometimes up to sixty. It has even been known, in some northern waters, to take a fly shortly after the breaking up of the ice; so has the whitefish, though perhaps less frequently.

W. W. Holden, one of the provincial inspectors of Fisheries, claims that the lake-trout is holding its own, or nearly so. Two new hatcheries were built in the province and operated

for the first time in 1911—one at Southampton, the other at Port Arthur, both of which make a speciality of lake-trout, of which, with ordinary good luck, they should add twenty or thirty millions of young fry annually to the average number planted in the province in previous years.

The value of the lake-herring catch in Ontario ranks next to that of the trout. In 1912 it was placed at \$853,394 by the Dominion Fisheries department. Pickerel and pike yielded a catch valued at \$266,561 and \$197,856 respectively, and following them in importance came perch, catfish, sturgeon, carp, and other coarse fish. The sturgeon fisheries have diminished to an alarming degree. Carp, on the other hand, have shown a remarkable increase, especially in Lake Erie; and a rapid rise of this fish in popular favour is reported. Only a few years ago it was considered a nuisance by a large portion of the community, the department of Fisheries having had numerous applications for bonuses for its destruction. It has now become quite a commercial factor in the fish business.

Where the decrease in the supply of fish is the most marked, the authorities differ as to the main causes for the falling off. The provincial officers have openly placed the responsibility for much of this decrease upon the federal authorities because of their interference with the close seasons. One of the federal inspectors, on the other hand, asserts that the west end of Lake Superior is almost depleted of white-fish and trout as a result of overfishing with pound and gill nets, and another expresses the opinion that the cause of a gradual decrease in the commercial fisheries reported by him, both in quantity and size of fish, is the great number of licences of all kinds issued by the provincial government.

But for over forty years the fisheries of Ontario have shown a steady annual increase in value. In 1870 they were valued at \$264,982; in the following year they produced \$193,524, and in 1872, \$267,633. Not till 1881 did these fisheries attain a value of over half a million dollars. In 1883 they were valued at \$1,027,033, and since that year they have never fallen below the million dollar mark. Twice in the last decade of the nineteenth century they exceeded

two millions of dollars in annual value. They did the same in 1908, 1909, 1910, 1911, and 1912, the last years for which we have any complete returns. In 1912 they reached the highest value ever attained by them—\$2,842,877.

Nearly four thousand men are employed in one capacity or another in the commercial fisheries of Ontario, while the capital invested in fishing tugs and smacks, sail and gasoline boats, nets and lines of various kinds, freezers, smoke- and ice-houses, etc., is estimated at \$1,808,424.

### THE SPORTING FISHES

Both directly and indirectly, the angling in Ontario waters is a considerable source of wealth to the province. It is estimated that from 20,000 to 25,000 non-resident anglers visit the province annually. The non-resident angler's licence costs two dollars annually, and a higher rate is charged for fishing in specially preserved waters such as those of the Nipigon. In this and other rivers flowing from the north into Lake Superior, the so-called American brook-trout (*Salvelinus fontinalis*) grows to a large size. Fabulous stories have been told of the weight and dimensions of specimens taken in Nipigon waters; undoubtedly fish of over eight pounds in weight have been caught there, and five and six pound trout are killed in the river by anglers every season. The Steel, the Michipicoten, and White' Rivers offer trout fishing second only to that of the Nipigon. It is in these and other streams of the Thunder Bay and Algoma districts that the best trout fishing of Ontario is to be had, though there are many good trout streams left in the basin of the Ottawa and in the Algonquin National Park, and the present writer has had excellent sport in some of the upper trout waters of certain feeders of the Montreal River. Many of the former brook-trout waters of the province, in consequence of forest destruction and the pollution of streams, have become more or less deserted by this splendid sporting fish; and many more have been ruined by excessive fishing and by poaching.

Trolling for lake-trout (*Salvelinus namaycush*) is excellent

in Lake Nipigon, as well as in the Rideau lakes. Lake Nipigon has furnished to the angler several of these fish exceeding thirty pounds in weight. One visiting angler has a record of one hundred and forty-eight pounds of trout as a result of three hours' fishing in this lake—his catch including two fish of thirty-two and thirty pounds respectively.

The practical disappearance of the brook-trout from many of its previous haunts places the small-mouth black bass at the head, so far as importance is concerned, of the sporting fishes of Ontario. Its game qualities, when hooked, are not to be despised, but as a surface feeder it is less gamy than the trout and is more often caught on a troll or baited hook than by the clean-cut sport of fly-casting. Its powers of resistance are great, and its leaps out of the water at the end of the angler's line are often as exciting as those of a grilse fresh run from the sea. Specimens running from one to three and a half pounds are by no means uncommon, while in the most highly favoured waters fish of six and seven pounds often reward the angler's skill. It is found in the majority of the Great Lakes, but not very extensively in the Algoma district, except in certain waters of the Rainy River region. It has been introduced with considerable success into several lakes in the Algonquin National Park. Unlike the brook-trout, it is more plentiful in southern than in northern waters, the most famous places for the sport of bass fishing in the province being found chiefly in the Muskoka district, the Kawartha lakes, the Rideau lakes, and Bay of Quinte country. Gravenhurst, Sparrow, Muskoka, Rousseau, and Joseph Lakes have been noted for the good bass fishing furnished by them, while many anglers are annually attracted by the sport offered by the bass of the Georgian Bay district, in Stony and Rice Lakes in the neighbourhood of Peterborough, and in the French River.

The large-mouth black bass is usually taken by bait casting or trolling, and while it is often found in the same waters as its close congener the small-mouth variety, with which it is often confused, its favourite habitat is in the 'drowned lands' adjacent to the Rideau lakes.

The maskinonge, so called from the Indian *mashk* (differ-

ing from) and *kinonge* (pike), and often improperly called *mascalonge*, lunge or muskellunge, is one of the gamest fishes of the continent, and like the salmon and the lake-trout is prized by anglers as much for the immense size that it attains as for its game qualities when hooked. There is no better fishing to be had for maskinonge than that among the Thousand Islands of the St Lawrence, and adjacent to Stanley Island near the boundary-line of the Province of Quebec. It is common in Lake Erie, in Georgian Bay, in the Trent and French Rivers and their tributaries, and in some of the Muskoka lakes. The maskinonge has been known to attain a weight of a hundred pounds, and there are records every year of fish of thirty-five and forty pounds weight being taken by anglers.

The so-called sporting fishes are not the only ones to claim the angler's attention in Ontario, many disciples of Walton in the province being perfectly satisfied, even as was the gentle 'Izaak' himself, to linger in the beauty spots of Nature, a-fishing for the humble perch or carp or chub, which abound in almost every part of the province.

E. J. D. Chambers.







MINES AND MINING

VOL. XVIII

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# MINES AND MINING

## I

### ONTARIO'S MINERAL INDUSTRY<sup>1</sup>

ONTARIO'S mineral industry has two characteristic features—rapid growth and variety of products. Moreover, while the production *per capita* is not large when compared with that of some other countries, Ontario practically controls the markets of the world in connection with certain products, especially nickel and cobalt. The province also has the world's greatest silver-producing area. Then such minerals as corundum and mica, that are mined in comparatively few countries, are produced here in important quantities.

Formerly the non-metallic products surpassed in value those of the metallic kinds. In 1905, for the first time, the metalliferous substances took the lead, and each year since then the difference has increased, until in 1910 the proportion of the whole furnished by the metals was seventy-two per cent. The most rapid growth in recent years among the metals has been in silver, then come pig-iron, nickel, and copper. Owing to the discovery of Porcupine and other gold-bearing areas, the production of gold has rapidly increased. Among the non-metallic substances Portland cement shows rapid growth; the output of natural gas

<sup>1</sup> In order to make this article less technical, geological descriptions have as far as possible been avoided. A sketch of the geology of the whole Dominion, by R. W. Brock, director of the Geological Survey of Canada, will be found in section v of this work.

The chief sources of information drawn upon in the preparation of the article are the following: *Report of the Royal Commission on the Mineral Resources of Ontario*, 1890; *Reports, Ontario Bureau of Mines*, 1891-1913; *Reports, Geological Survey of Canada*; *Journal of the Canadian Mining Institute*.

has increased; there has also been a somewhat constant growth in connection with such non-metallic materials as brick, gypsum, talc, and so forth. The supply of petroleum, on the other hand, has been declining during late years.

Of the aggregate production the larger items in 1913 show the following comparative percentages: silver, 31; pig-iron, 16.4; nickel, 9.9; copper, 3.5; Portland cement, 7.7; brick, 8; natural gas, 4.5; petroleum, 0.7. These products account for about eighty-two per cent of the value of the total production, the remaining eighteen per cent being contributed by over twenty other articles of smaller output. Metals rose in value from \$10,201,010 in 1905 to \$37,508,955 in 1913; and non-metals from \$7,653,286 to \$15,491,002. The value of the mineral output in 1913 was 9.6 per cent greater than that of 1912, and 26.2 per cent greater than that of 1911.

Taking the mineral production of the Dominion of Canada as given by the Dominion department of Mines for 1912, the production of Ontario is shown to have been nearly thirty-eight per cent of the whole.<sup>1</sup> In metals only, the increased yield of silver and nickel during late years has placed Ontario in the position of producing more than all the other provinces put together. In 1912 Ontario's mines provided for sixty-two per cent of the total metalliferous production of Canada.

The following table shows the progress or the reverse made in the various branches of the mining industry in the province during the last seven years.

<sup>1</sup> The methods of computation of mineral statistics employed by the department of Mines, Ottawa, and the bureau of Mines, Ontario, differ essentially in that the former bases the value of the metallic production on the selling price of the refined metals, while the latter values them at their selling price at the point of production. The difference is confined to the metallic substances, the non-metallic products being valued by both at the place and in the form produced. On the basis employed by the department of Mines, Ontario's production in 1912 had a value of \$51,985,876.

MINERAL PRODUCTION, 1906 TO 1910<sup>1</sup>

Product	1906	1908	1910	1912	1913
<b>Metallic :</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Gold . . . . .	66,193	60,337	68,498	2,114,086	4,558,518
Silver . . . . .	3,689,286	9,136,830	15,481,322	17,671,918	16,580,114
Platinum } . . . . .	5,652	.....	.....	80,736	.....
Palladium } . . . . .				147,235	.....
Cobalt . . . . .	80,704	111,118	54,699	315,781	420,386
Copper . . . . .	960,813	1,071,140	1,374,103	1,584,310	1,840,492
Nickel . . . . .	3,839,419	1,866,059	4,005,961	4,736,460	5,250,803
Iron ore . . . . .	301,032	574,839	513,721	238,884	424,072
Pig-iron . . . . .	4,554,247	4,390,839	6,975,418	8,054,369	8,719,892
Pig-lead . . . . .	93,500	.....	.....	1,290	.....
Zinc ore . . . . .	6,000	.....	5,760	.....	.....
Less value Ontario iron ore smelted into pig-iron . . . . .	13,596,846	17,211,162	28,479,482	34,945,069	37,794,277
Net metallic production . . . . .	243,776	456,176	317,804	145,326	285,322
<b>Non-metallic :</b>	<b>13,353,070</b>	<b>16,754,986</b>	<b>28,161,678</b>	<b>34,799,743</b>	<b>37,508,955</b>
Actinolite . . . . .	.....	.....	320	.....	.....
Arsenic . . . . .	15,858	40,373	70,709	79,297	64,146
Brick, common . . . . .	2,157,000	1,575,875	2,374,287	3,178,250	3,283,894
" paving . . . . .	45,000	61,554	70,648	221,986	243,119
" pressed . . . . .	337,795	485,819	458,596	634,169	871,291
Building and crushed stone . . . . .	660,000	530,041	761,126	953,839	1,117,153
Carbide of calcium . . . . .	162,780	147,150	184,323	120,000	123,100
Cement, natural rock . . . . .	6,000	.....	.....	.....	.....
" Portland . . . . .	2,381,014	2,417,769	3,144,343	3,365,659	4,105,455
Corundum . . . . .	262,448	11,437	171,994	233,212	137,036
Feldspar . . . . .	43,849	20,300	47,518	28,916	73,338
Fluorspar . . . . .	.....	.....	15	.....	.....
Graphite . . . . .	15,000	1,600	55,637	65,076	93,054
Gypsum . . . . .	6,605	20,778	17,825	50,246	92,627
Iron pyrites . . . . .	40,583	69,980	98,353	71,043	171,687
Lime . . . . .	496,785	448,596	474,531	381,672	390,600
Mica . . . . .	69,041	73,586	85,294	57,384	55,264
Natural gas . . . . .	533,446	988,616	1,491,239	2,268,022	2,428,881
Peat fuel . . . . .	900	900	1,284	725	1,750
Petroleum (crude) . . . . .	761,546	703,773	368,153	344,537	398,051
Phosphate of lime . . . . .	.....	7,048	.....	.....	.....
Pottery . . . . .	65,000	50,310	51,485	52,445	52,875
Quartz . . . . .	65,765	52,830	87,424	179,576	130,860
Salt . . . . .	367,738	488,330	414,978	450,251	474,372
Sand and Gravel . . . . .	.....	.....	.....	.....	229,967
Sewer pipe . . . . .	279,620	344,260	357,087	464,627	600,297
Sodalite . . . . .	6,000	.....	.....	.....	.....
Talc . . . . .	3,030	3,048	46,592	61,358	100,480
Tile, drain . . . . .	252,500	338,658	318,456	279,579	251,705
<b>Total non-metallic pro- duction . . . . .</b>	<b>9,035,303</b>	<b>8,882,631</b>	<b>11,152,217</b>	<b>13,541,869</b>	<b>15,491,002</b>
<b>Add metallic production . . . . .</b>	<b>13,353,070</b>	<b>16,754,986</b>	<b>28,161,678</b>	<b>34,799,743</b>	<b>37,508,955</b>
<b>Total production . . . . .</b>	<b>22,388,373</b>	<b>25,637,617</b>	<b>39,313,895</b>	<b>48,341,612</b>	<b>52,999,957</b>

<sup>1</sup> The statistical tables in this article are taken from the *Annual Reports of the Ontario Bureau of Mines*.

The value of the output for preceding periods of five years since the establishment of the bureau of Mines is as follows: 1891—\$4,705,673; 1896—\$5,235,003; 1901—\$11,831,086.

The quantity and value of the entire mineral production of Ontario cannot now be ascertained with exactness. If computed on the basis of prices of refined mineral, the aggregate of the metals alone would considerably exceed three hundred millions of dollars. On the basis of computation employed in Ontario, viz. the value of the product at the place of production, the aggregate for the metals to the end of 1913 is approximately as follows:

## TOTAL PRODUCTION OF METALS IN ONTARIO

Product	Value
	\$
Gold . . . . .	9,293,231
Silver . . . . .	113,756,403
Platinum and Palladium (statistics incomplete)	290,755
Cobalt . . . . .	1,492,527
Nickel . . . . .	46,263,566
Copper . . . . .	19,080,023
Iron ore . . . . .	7,148,457
Pig-iron . . . . .	65,965,993
Lead . . . . .	117,290
Zinc ore . . . . .	92,410
Total . . . . .	263,500,655

## II

## THE HISTORY OF MINING IN ONTARIO

THE history of mining operations in the province falls naturally into three periods: (1) 1800 to 1845, during which period several small blast-furnaces for the smelting of iron ore were built; (2) 1845 to 1890, in which discoveries of copper, nickel, silver, gold, and other ores and minerals were made; (3) 1890 to the present time (1913).

The last period began with the publication of the report of the royal commission on the mineral resources. The bureau of Mines was established in 1891, and the period has witnessed great progress in the mineral industry.

#### EARLY MINING, 1800-45

The first mining undertaken in Ontario was in connection with the iron industry. About the year 1800 an iron furnace was erected at the falls on the Gananoque River in the township of Lansdowne, Leeds County. The ore being of inferior quality, the enterprise was abandoned after two years' trial. Thirteen years later a second blast-furnace was established on the shore of Lake Erie, at Normandale in Charlotteville Township, Norfolk County. This furnace, under the first operator, was not a commercial success. In 1820 it was taken over by other parties. The raw material used was bog iron ore found within a range of twelve miles from the furnace, the daily consumption being about nine tons, which yielded an average of three tons of pig-iron of excellent quality for foundry work. The fuel employed was charcoal. The pig-iron was made into various kinds of castings, especially potash kettles and stoves. These were shipped to ports along the lake shore and taken into the interior by teams to find a retail market. It is said shipments were made even as far west as to Chicago. The furnace was shut down in 1847 owing to scarcity of fuel and ore. During the period of its operation it is said to have made a fortune for its owners.

In 1820 steps were taken to make iron at Marmora in Hastings County. A furnace which was erected there had the ill fortune to ruin or financially cripple three or four successive owners in the course of forty years. Most of the ore for this furnace came from the Blairton mine on Crow Lake. In 1831 another furnace to smelt bog iron ore was erected in the Lake Erie district, township of Gosfield, Essex County. It met with but little success, and ceased operations in 1838. In 1836 or 1837 a second furnace was erected in Hastings County to smelt iron ore with charcoal. This was at the village of Madoc. Although smelting was carried on for

several years the enterprise was not a success. With the exception of the attempts that were made to establish an iron industry, there was no activity in the sale of mineral lands or in prospecting for minerals till 1845.<sup>1</sup>

In 1842 W. E. Logan (afterwards Sir William) was appointed provincial geologist of the united provinces of Upper and Lower Canada (Ontario and Quebec). He was not only one of the leading geologists of his time in so far as pure science was concerned, but he was also well qualified as an economic geologist. Entering on his work with enthusiasm, it was not long until he had aroused interest in the mineral resources of the province.<sup>2</sup> This is shown by the fact that applications soon began to be made to the government for licences to explore lands on the Ontario shores of Lakes Superior and Huron. Thirty-one applications were made in 1845, thirty of which were for locations on Lake Superior.<sup>3</sup> In 1846 the number increased to one hundred on Lake Superior and thirty-three on Lake Huron.

The records show that public land sold in the province for mining purposes during the forty-four years, 1845 to the close of 1888, was 709,335 acres. The size of locations in early years was in striking contrast to the size of those at present granted. The regulations fixed the limit of a location at five miles in length by two miles in breadth, or 6400 acres, under which the Montreal Company acquired 170,156 acres at 42½ cents per acre, and the Quebec and Lake Superior Company 19,200 acres at 80 cents per acre.<sup>4</sup> The

<sup>1</sup> What appears to be a pretty complete list of the minerals, with their localities, known in Ontario (Upper Canada) in 1825, is given in a book published in Boston in that year—*A Catalogue of American Minerals with their Localities*, by Samuel Robinson. The list is prepared especially for the use of collectors. No attempt is made to distinguish occurrences of economic importance from those that are of purely scientific or popular interest.

<sup>2</sup> Logan's report on the progress of the geological survey of the province in 1843 draws attention to the similarity of the Ontario shore of Lake Superior to that of Michigan, where the copper deposits were arousing much interest.

<sup>3</sup> The first tract to be applied for in the upper lake region was that of Spar Island, July 1, 1845.

<sup>4</sup> On April 7, 1846, an order-in-council fixed the extent of a mining tract or location at one mile in front by five miles in depth; and on the 18th of the same month, upon the petition of parties interested in mining explorations, the limit was extended to two miles in front by five in depth.





MINING IN ONTARIO

- (1) NICKEL-COPPER SMELTER AT COPPER CLIFF
- (2) LOADING PIG-IRON BY MAGNET AT PORT ARTHUR



unit of size of locations at present is forty acres. Much of the land on the north shore of Lake Superior taken up under these early regulations has been tied up ever since, comparatively little work having been done.

It does not appear that any mining laws or regulations were adopted in the province previous to 1845, the first season of exploration and discovery in the Lake Superior region. For the first year each case requiring executive action was dealt with by order-in-council as it arose. From this time onward various changes have been made in the mining laws. A study of the acts and regulations in force at various periods is of interest chiefly in showing that the same discussions were held in the early days concerning the regulations as during more recent times. There have been various regulations as to royalties, and, as previously stated, as to size of locations, discovery of mineral, and so forth.

#### DISCOVERIES OF ORES AND OTHER MINERALS

The rise of the metal-mining industry, with the exception of iron already discussed, is shown in the following notes on the discoveries of important mineral areas.

After iron, copper was the first metal in connection with which serious attempts at mining were made. As stated elsewhere in this article,<sup>1</sup> veins of copper ore were discovered in 1847 at what was afterwards known as Bruce Mines. In 1866 gold was found in important quantities in Madoc Township, Hastings County. Although for years silver had been known to occur in the vicinity of Thunder Bay on Lake Superior, it was not until 1868 that the important discovery of the Silver Islet vein was made. The discovery of the first important vein of gold in North-Western Ontario was made in 1870 at what came to be known as the Huronian Mine, near Lake Shebandowan. The precious metal is said to have been discovered on Rainy Lake in 1877 and on the Lake of the Woods in 1878. To the west of Port Arthur the Rabbit and Silver Mountain areas, which had an important production of silver for some years, were discovered in 1882. There

<sup>1</sup> See p. 621.

were numerous discoveries of gold in other localities, the metal having been worked at many places between the Quebec boundary on the east and the Manitoba boundary on the west. For instance, proceeding westward from the district in South-Eastern Ontario embracing the counties of Frontenac, Hastings, and Peterborough, where the metal was first discovered, gold-mining has been carried on at Parry Sound, Wahnapiatae, and in other areas in the vicinity of Sudbury; at the Ophir Mine, north of Thessalon on Lake Huron; in the Michipicoten district much development work was done a few years ago; along the main line of the Canadian Pacific Railway a number of properties have been developed near the shore of Lake Superior; the Huronian Mine in Moss Township west of Port Arthur has already been mentioned; then there are the Sturgeon Lake area and those on the Seine River, Rainy Lake, and Lake of the Woods. The most recent gold area to be developed, that of Porcupine in the north-eastern part of the province, will be referred to again. Other localities in which the metal has been discovered in North-Eastern Ontario are Timagami, Swastika, and Abitibi. The Sudbury nickel-copper deposits were discovered during the building of the Canadian Pacific Railway in 1882. Then another epoch-making discovery was that of the Cobalt silver area, made during the building of the Ontario government railway, the Timiskaming and Northern Ontario, in 1903. In 1899 work began on the Helen Mine in Michipicoten, the greatest iron deposit yet opened in the province.

The following gives the dates at which some of the most important non-metallic mineral deposits of the province attracted attention.

In 1859 or 1860 the first attempt was made at utilizing Canadian petroleum. The oil first used was that which found its way to the surface at Oil Springs, Lambton County. Later, surface wells, from forty to sixty feet in depth, were dug. The first drilling in compact rock was done about 1861. From the table of production given on another page,<sup>1</sup> it will be seen that the output has diminished during recent years.

<sup>1</sup> See p. 635.

Natural gas was discovered in drilling for oil in the Port Colborne district in 1866. At that time the value of gas, either as a fuel or as an illuminating material, was not recognized. It was not until twenty years later that active drilling operations were undertaken in this and the Essex County field.

Phosphate (apatite) was discovered in considerable quantity in Ontario before the middle of the last century, and certain occurrences were described in the Geological Survey report for 1848. Shortly afterwards the mineral was mined in the counties of Lanark and Leeds. It is said the first work was done on a deposit in the township of Burgess in 1855 or 1856. Owing to competition of foreign mines, phosphate-mining has practically ceased in the province. One of the first plants erected to treat rock carrying graphite, or plumbago, was that at Oliver's Ferry, Lanark County, built about 1872. The discovery of corundum in the northern part of Hastings County in 1896 added another important non-metallic mineral to the list of Ontario's products. It is scarcely necessary to review the history of the discovery of other minerals in the province. Indeed, little is known of the early working of some of the minerals.

#### EARLY COPPER-MINING

The discovery of copper deposits on what afterwards came to be known as Bruce Mines, on the north shore of Lake Huron, was made as a result of the prospecting activity begun in 1845. It would appear, from what have been called Indian diggings, that native copper, or the occurrences of the metal in metallic form, on both shores of Lake Superior, was known in very remote times. These diggings have been found at Cape Mamainse on the Ontario side, and at Isle Royale on the Michigan side, of the boundary. These occurrences are mentioned in the writings of early Jesuits, and in 1770 an attempt at mining was made. In 1841 the characteristics of the since famous deposits on the south shore were described by Dr Douglas Houghton, then state geologist of Michigan. The Indian title to the area embracing these

native copper deposits was extinguished in 1843. Immediately numerous applications were made for tracts of mineral land. This activity on the Michigan side of Lake Superior, together with the attention which Logan directed to the north shores of Lake Huron and Lake Superior, resulted, as we have already stated, in prospecting being seriously undertaken on the Ontario side of the lake. In 1847 rich copper veins were discovered at what came to be known as Bruce Mines. In the three following years development work on these deposits was energetically prosecuted. Mining was carried on without much success till 1864 or 1865, the veins not proving so good in depth as at the surface. Since then the mines have been worked for periods of greater or less duration, but are now practically dismantled. It is said that the value of copper produced at Bruce Mines since mining began has amounted to about three and a half million dollars. It should be remembered, however, that copper sold at a much higher price during the years of activity at Bruce Mines than during recent years.

#### EARLY SILVER-MINING

The best known silver-mine worked in Ontario previous to the discovery of Cobalt was that of Silver Islet. The islet is in what was known as the Woods location, which was applied for in November 1845. The location is on the south side of the promontory of Thunder Cape, and consisted of over fifteen thousand acres in land and water lots. The islet itself was originally a rugged rock only eighty or ninety feet in diameter. At the time the patent was granted for the Woods location, all the mines of gold and silver in the province were reserved to the crown. It was probably owing to this reservation that the Montreal Mining Company, who purchased the location from the first owner, made no effort to work or even to explore the property for twelve years after having secured the grant from the crown. The first systematic exploration was made in the summer of 1868, after the legislature of Ontario had passed an act which gave the owners of all private lands in a mining division the right

to mine for gold and silver on their own lands, subject to a royalty of from two to ten per cent as fixed from time to time by order-in-council. By an act of the following year all royalties were repealed and all reservations of gold and silver in any patent already issued were made void. About the same time provision was made for the levying of a tax of two cents per acre on mineral lands. The Montreal Mining Company, the owner of extensive tracts, became convinced that it did not pay to hold the lands in idleness. In May 1868 an exploring party was organized by the company, and the vein on Silver Islet was shortly afterwards discovered. The mine was worked for about fifteen years, closing down through being flooded in 1884. The vein yielded about three million ounces of fine silver, that sold for \$3,250,000—silver in those years being higher in price than at present.

Like the ore of the veins at Cobalt, that of Silver Islet contains cobalt and nickel minerals. The first nickel produced from ores of the province, which is now the leading producer of this metal, came from the Silver Islet ore. Long before 1868, the year of the discovery of the Silver Islet vein, silver had been found on the north-west shore of Lake Superior. In 1846 the metal was reported to occur on several of the properties located by the early prospectors. Later, the vein on Prince's location was worked.

#### EARLY GOLD-MINING

The first important discovery of gold in the province was made in the township of Madoc, Hastings County, in 1866. Prospectors sinking a pit in search of copper, near what is now known as Eldorado Station on the Central Ontario Railway, found metal which they mistook for copper. On a sample being shown to a member of the staff of the Geological Survey then in the locality, it was identified as the more precious metal. At that time there was in Ontario a considerable number of returned California miners. Hence it did not take long to get up a 'boom' in North Hastings. After prospecting in the surrounding district without finding gold, the men came to the conclusion that they had been

deceived. In the spring of 1867 a raid was made on the mine at Eldorado, the Richardson, in order to determine whether it really contained gold and was not a humbug. The accounts given of Ontario's first gold camp read much like those of more recent days. The Madoc excitement must have been even greater than that since witnessed in other fields in the province, since the government found it necessary to equip a body of mounted men to keep the unruly spirits among the prospectors in check. While the ore was high grade, the value of the production is not definitely known.

A historical sketch of the discoveries of gold that have been made in the province is given on a preceding page.<sup>1</sup> This shows the widespread distribution of the metal. While certain mines have produced more gold than the Richardson, few of them have, as yet, been a success financially. One of the most recently discovered gold areas, Porcupine, found in 1909, in its brief history has produced more of the precious metal than have all the other areas since the beginning of mining in Ontario.

#### NICKEL-COPPER MINES OF SUDBURY <sup>2</sup>

As a producer of nickel Sudbury has only one competitor—New Caledonia in the Southern Pacific. The ores of the two regions are quite different in character and occur under vastly different conditions. The Sudbury deposits, which produce copper and minor quantities of other metals in addition to nickel, were discovered during the building of the Canadian Pacific Railway. Unlike the mineral deposits at Cobalt, which are in the form of narrow veins difficult to find, many of the Sudbury deposits had striking exposures. The ore weathers readily at the surface to rusty material, and most of the outcrops of the ore bodies are of large size. As the name of the pioneer company, the Canadian Copper Company, indicates, mining was begun with the object of producing copper, the presence of nickel in the ores not being known.

<sup>1</sup> See p. 619.

<sup>2</sup> Detailed reports have been published on the nickel-copper deposits, and industry, of Sudbury by A. E. Barlow, Part H, *Report Geological Survey of Canada*, 1901, and A. P. Coleman, Part III, *Fourteenth Report, Ontario Bureau of Mines*, and *The Nickel Industry*, Mines branch, Ottawa, 1913.



At the time mining was begun in the Sudbury district, practically the only uses of the metal nickel were as a constituent of German silver and in electro-plating and coinage. The price of the metal was also much higher than it is at present; for instance, in 1876 it sold at \$2.60 per lb., in 1880 at \$1.10, in 1890 at 60 cents. The average price now is probably about 33 cents per lb. The lowering of the price of nickel has been accompanied by its employment in a greater number of industries and also by a much larger consumption. Nickel may be called the metal of defence, since its chief use now is as a constituent of nickel-steel, which is employed by all the navies of the world for armour-plate. It was only after the Sudbury Mines had been worked for a few years that it was discovered that nickel has a very beneficial effect on steel when alloyed with it.

At present there are two producing companies in the Sudbury field: viz. the Canadian Copper Company, the pioneer company of the district, which was established and financed chiefly by United States capitalists, and the Mond Nickel Company, which was organized in England. Both of these companies, during late years at least, have been successful; both of them had to go through a long and costly period of experimentation. The progress of nickel-mining at Sudbury is shown in the following table of statistics:

	1892		1895		1900		1905		1913	
	Tons	Value	Tons	Value	Tons	Value	Tons	Value	Tons	Value
Nickel	2,082	\$ 590,902	2,315	\$ 404,861	3,540	\$ 756,626	9,503	\$ 3,354,934	24,562	\$ 5,179,241
Copper	1,936	232,135	2,365	160,913	3,364	319,681	4,525	688,993	12,938	1,840,065

The values of the two metals given in the table represent their estimated values in the matte, the form in which the metals are shipped out of the province, and not those of the refined materials, which are much greater.

In the past platinum, palladium, gold, and cobalt have been produced as by-products from Sudbury ores. These metals occur in minute quantities in the ore of some of the

deposits. On the smelting of several tons of ore into one, the resulting product, known as matte, sometimes contains the above-named metals in economic quantities. But since the discovery of the ores at Cobalt there has been no object in trying to save the cobalt in the Sudbury ores.

While the Sudbury mines are the greatest producers of nickel, they are also important producers of copper, as the above table shows. The ores of different deposits vary considerably in composition. In order to determine the average percentage of the metals, nickel and copper, the present writer has taken the percentage of the metals in the ores smelted during two three-year periods, 1892-3-4 and 1908-9-10, with the following result :

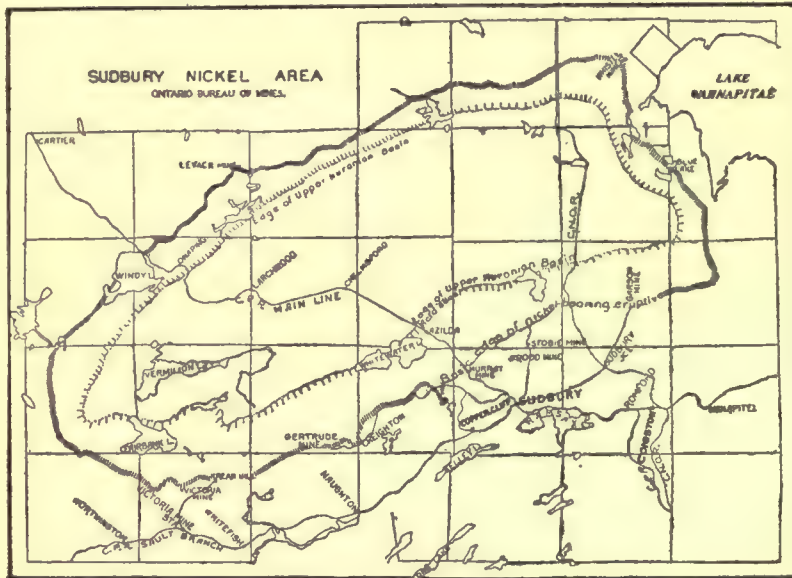
	Nickel (per cent)	Copper (per cent)
1892-3-4	2'94	2'87
1908-9-10	2'84	1'72

The falling off in both nickel and copper content in the later period as compared with that of the earlier is accounted for by the fact that in the later period operations were on a smaller scale and the ore was more carefully selected. Copper twenty years ago was more valuable than at present, and there was a tendency to select ores higher in that metal for smelting. The larger, more cheaply worked deposits operated during later years, together with the larger scale on which both mining and smelting are carried on, offset the lower grade of the ores treated.

The Sudbury ores are only partly refined in Canada, the metals being finally separated either in the United States, where most of the Canadian Copper Company's matte is sent, or in England, where the refining works of the Mond Nickel Company are located.

An important use for nickel has been discovered during recent years. It has been found by the Canadian Copper Company that if the nickel and copper, in the proportion they occur in certain ores, are freed from rock matter, iron, and sulphur by slagging off these constituents, they form an alloy that has valuable properties. This alloy has been named monel metal, and contains approximately seventy

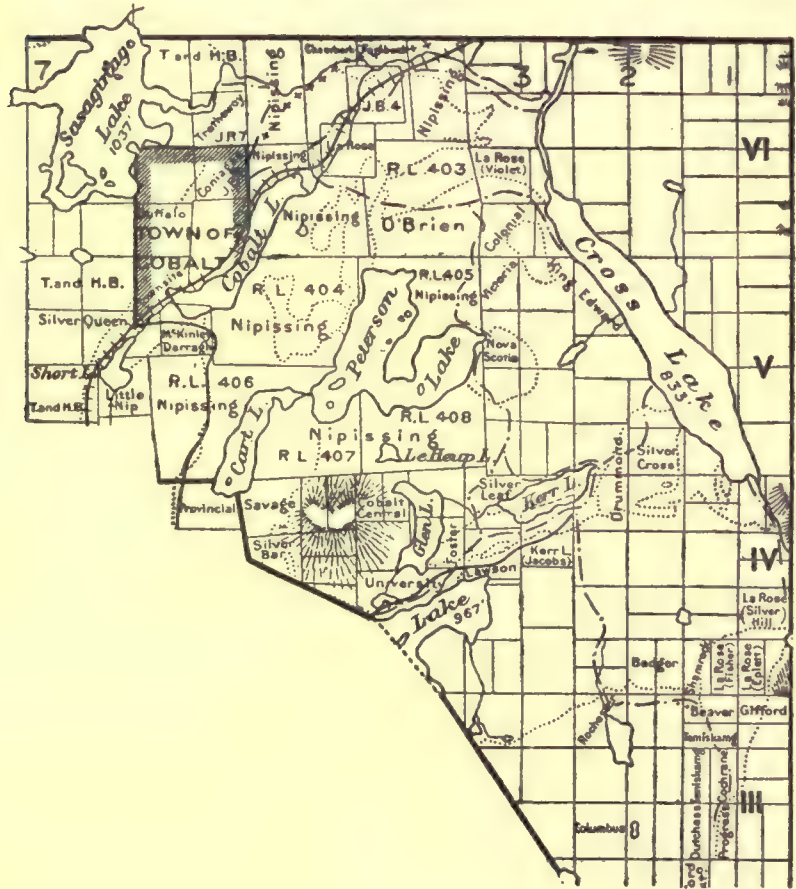
per cent nickel and thirty per cent copper. The metal is practically non-corrosive, and owing to its being made directly from the matte without the two metals having to be separated, it can be produced and sold at a price that enables it to compete with bronze, German silver, and such-like alloys. Sheets of monel metal are used for roofing buildings. The metal is also employed in the manufacture of propeller blades in shipbuilding, since it is not materially affected either by salt water or by ordinary acid solutions.



There are other uses to which it is well adapted, and the metal appears to have a wide field of usefulness.

The accompanying plan or sketch-map of the Sudbury area shows the relative position of some of the chief mines, such as the Creighton, Kean Hill, and Stobie of the Canadian Copper Company and the Victoria and Garson mines of the Mond Nickel Company. The smelter of the former company is at Copper Cliff. The Mond Nickel Company is erecting an enlarged plant at Coniston, east of Sudbury. Deposits of nickel-copper ores are known to occur at various points near the edge of the circular area shown on the map. It may

be added that the deposits at Sudbury appear to be practically inexhaustible and are among the largest and the most important ore bodies of the world. The output of nickel from New Caledonia ores in 1909 was 7100 tons; from Sudbury ores it was 13,141. Ontario was therefore producing nearly twice as much nickel as the French colony.



COBALT SILVER AREA

The first rich veins at what is now known as Cobalt were discovered during the building of the Timiskaming and Northern Ontario Railway, the Ontario government railway,

in 1903. At that time, owing to little prospecting and no mining being carried on in the district, the veins attracted little attention. A few additional veins were found in 1904, but it was not until 1905 that really active prospecting and development began. In August 1906 interest in the ore deposits had reached a high pitch. Prices of mining stock reached their highest point in that month.

The productive area at Cobalt consists approximately of six square miles. There are, however, one or two productive veins similar to those of Cobalt in the South Lorraine area to the south-east, in Casey Township to the north, and in the Gowganda area to the north-west. During late years Cobalt has not only been the greatest silver-producing area in the world, but it leads also in the production of cobalt and arsenic and has been excelled in nickel output only by Sudbury and New Caledonia. The veins in the area have caused Canada to take a leading place as a silver producer. This country stands third, the United States and Mexico occupying first and second place respectively.

The table on the next page gives the production of the Cobalt area from 1904, when shipments began, to the end of 1913.

In 1913 the value of the silver was \$16,555,001, and the dividends paid during that year amounted to over \$9,000,000. The total production to the end of 1913 was 185,497,814 ounces of silver, which brought \$98,286,116.

While Cobalt is characterized by the place it takes as a producer of silver, cobalt, nickel, and arsenic, it is distinguished by the proportion which the dividends paid by the mines bear to the value of the production, the dividends having represented over fifty-five per cent of the value of the output.

Sudbury has been the chief competitor of New Caledonia in the production of nickel. Curiously enough, Cobalt has been practically New Caledonia's only competitor in the production of cobalt. Prior to 1904, when the cobalt veins were discovered, New Caledonia had an important cobalt industry. The Ontario mines, where cobalt occurs in such abundance and can be produced so cheaply, have practically killed the New Caledonia industry.

## SILVER PRODUCTION, COBALT MINES, 1904 TO 1913

Year	Pro- ducing Mines	Shipments			Silver Contents			Average Silver Contents per ton		Value of Silver Shipments			Total Value
		Ore	Concen- trates	Bullion	Ore	Concentrates	Bullion	Ore	Concen- trates	Ore	Concen- trates	Bullion	
1904	4	tons	oz.	oz.	oz.	oz.	oz.	oz.	¢	¢	¢	\$	
1905	16	158	206,875	...	...	...	1309	...	111,887	...	...	111,887	
1906	17	2,144	2,451,356	...	...	...	1143	...	1,360,503	...	...	1,360,503	
1907	28	5,335	5,401,766	...	...	...	1013	...	3,667,551	...	...	3,667,551	
1908	30	14,788	10,023,311	...	...	...	677	...	6,155,391	...	...	6,155,391	
1909	31	24,487	18,022,480	...	1,415,395	...	736	1244	8,468,293	665,085	...	9,133,378	
1910	41	27,729	22,436,355	...	3,461,470	...	809	1174	10,809,872	1,651,704	...	12,461,576	
1911	34	27,437	22,581,714	980,633	7,082,834	980,633	821	1030	11,360,489	3,590,098	527,460	15,478,047	
1912	30	17,278	20,318,626	3,132,976	8,056,189	3,132,976	1176	858	10,259,991	4,017,241	1,685,615	15,953,847	
1913	35	10,719	15,395,504	5,080,127	9,768,228	5,080,127	1436	871	8,766,871	5,556,919	3,085,145	17,408,935	
		9,395	13,668,079	6,999,263	9,014,633	6,999,263	1455	818	7,445,995	4,872,382	4,237,624	16,555,001	
Total	...	139,470	130,506,066	16,192,999	38,798,749	16,192,999	1057	999	68,397,843	20,353,429	9,535,844	98,286,116	



MINING IN ONTARIO

- (1) THE TOWN OF COBALT AND COBALT LAKE
- (2) A WORKED VEIN AT COBALT





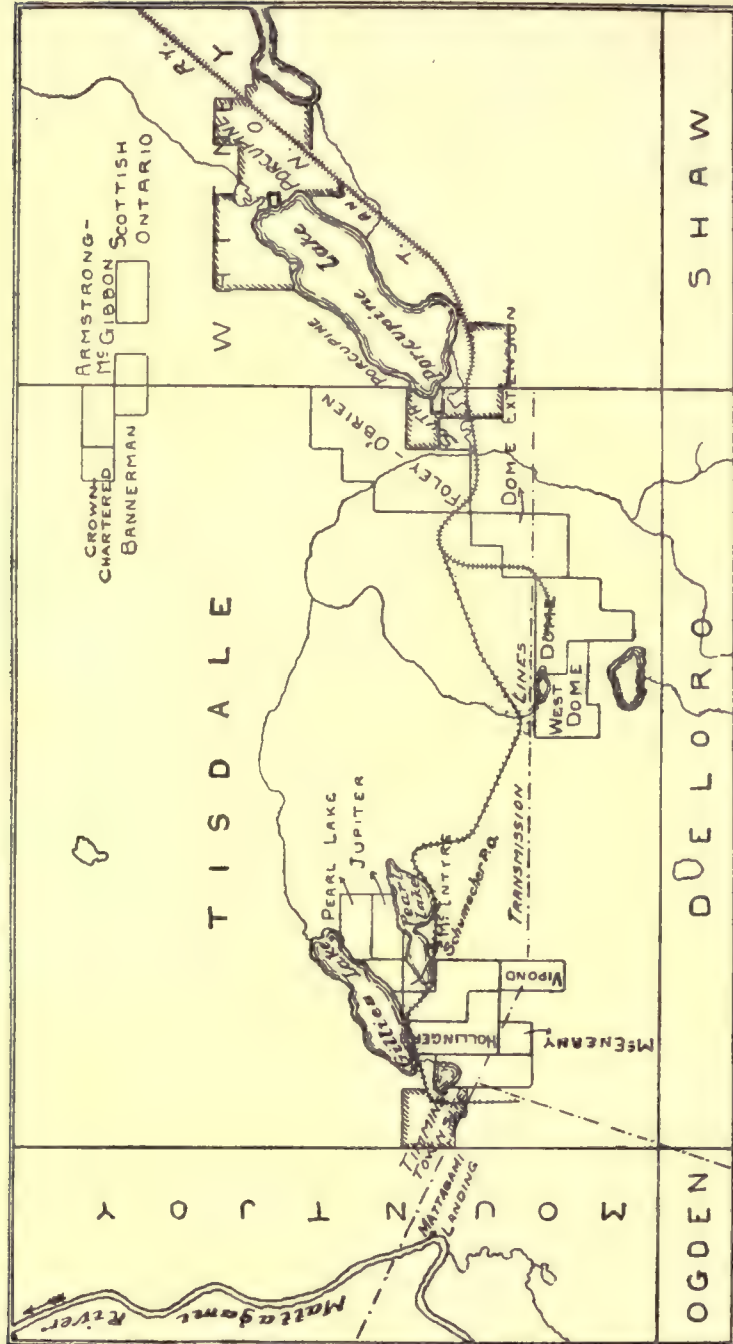
The demand for the compounds of cobalt is limited, the chief use being as a colouring agent in the pottery and glass industries. Cobalt glass has been known since prehistoric times, having been found in the graves of the ancient Egyptians and in the ruins of Troy.

During the earlier period of mining at Cobalt the ores were all shipped out of Canada, some going to the United States and some to Europe. Most of the ore is now treated in Ontario, plants having been built at Cobalt, at Thorold in the Niagara district, and at Deloro in Hastings County. There are other plants in Ontario working on a smaller scale than those mentioned.

Considering the great richness of Cobalt and the ease with which the silver can be mined, it is an interesting speculation as to what would have happened if the ores had been discovered during the French period. Silver in those days was worth more than twice what it is at present, selling for something like \$1.30 an ounce; labour was cheaper and money represented more in other ways than it now does. Cobalt lying so close to Lake Timiskaming, a part of the great Ottawa River route, the rich ore could easily have been transported. The discovery during the French period might have changed the political complexion of the whole of North America. Either the French would have come over in such numbers as to have enabled them to hold Canada for a much longer period at least, or the New England colonists would have stampeded to the north and have taken possession of the land.

#### PORCUPINE GOLD AREA

Porcupine, the most important gold area in Ontario, lies about ninety miles north-west of Cobalt. It was discovered in 1909. A branch line, from a point on the Timiskaming and Northern Ontario Railway one hundred miles north of Cobalt, provides transportation facilities. The accompanying sketch-map shows the chief geographical features of the Porcupine area, together with the location of some of the best-known properties.



PLAN SHOWING LOCATION OF SOME OF THE CHIEF MINES IN THE PORCUPINE AREA

In 1913 the production of gold from the Porcupine area was 207,583 ounces. Several excellent plants for the extraction of the metal have been erected. The chief properties thus far developed are in the township of Tisdale. The camp is favoured, not only by having railway facilities at an early period of its development, but also in being provided with electric power, which is developed on the Mattagami River a few miles distant from the principal mines.

Another gold area which has recently attracted considerable attention is that of Kirkland Lake, which lies along the Timiskaming and Northern Ontario Railway to the east of Porcupine.

#### IRON-SMELTING

After the attempts to establish an iron industry in Ontario, described on a foregoing page, the industry had a long sleep. The first furnace to be built during later times was that erected at Hamilton in 1895, nearly forty years after the last furnace of the early period had gone out of blast. This furnace has had a prosperous record. The next furnace to be built was a small one at Deseronto in 1899. Then followed that at Midland in 1900. In 1902 a steel plant began operations at Sault Ste Marie and a blast-furnace went into commission in 1904. Some years later, in 1907, a furnace began smelting at Port Arthur. More recently other furnaces have been erected at some of these places.

During the period of the operation of these furnaces comparatively little Ontario iron ore has been smelted, most of the ore having been imported from the Lake Superior district of the United States. The output of the Helen mine in Michipicoten is now being used in larger quantity than formerly at Sault Ste Marie. The iron ore deposits in South-Eastern Ontario have had only a small output during recent years. In the period between the cessation of operations at the early iron furnaces and that of the erection of the modern ones, considerable ore was shipped to United States points. The opening up of the Minnesota and other deposits

in the Lake Superior region lowered the price of ore, so that the small deposits could not be worked at a profit.

The combined production of the eight Ontario blast-furnaces in 1910 was 447,351 tons of pig-iron valued at \$6,975,418. At Sault Ste Marie and Hamilton there was a total of 331,321 tons of steel manufactured. The plant at Sault Ste Marie makes steel rails exclusively, while at Hamilton basic open-hearth ingots are produced, the large tonnage of which is further developed into billets, forgings, spikes, and bar iron and steel.<sup>1</sup> The Ontario iron ore smelted in 1910 amounted to 143,284 tons, while that of foreign origin represented 678,890 tons.

At Welland, where cheap electric power is available, considerable industrial development is going on. Among the plants established there is one that produces ferro-silicon.

The following table sets forth details of the iron and steel making industry in the province during the seven years 1906-12 :

Schedule	1906	1908	1910	1911	1912
Ontario ore smelted . . . tons	101,569	170,215	143,284	67,631	71,589
Foreign ore smelted . . . "	396,463	342,747	678,890	848,814	1,062,071
Limestone for flux . . . "	153,702	179,741	248,750	275,628	305,509
Coke . . . . . "	304,676	322,817	471,493	577,388	660,248
Charcoal . . . . . bush.	811,926	...	1,133,419	1,666,897	1,886,748
Pig-iron . . . . . tons	275,558	271,656	447,351	526,610	589,593
Value of pig-iron . . . \$	4,554,247	4,390,839	6,975,418	7,716,314	8,054,369
Steel . . . . . tons	167,026	172,108	331,321	361,581	457,817
Value of steel . . . . \$	4,202,278	4,397,082	7,855,407	9,505,013	8,071,339

#### PETROLEUM AND NATURAL GAS

The following table gives the production of the Ontario oil areas for 1906, 1910, and 1913. It also shows the localities in which oil is being produced. The production has sunk to less than one-half of what it was fifteen years ago. More crude oil is now imported into the province than is produced in it.

<sup>1</sup> *Twentieth Report, Ontario Bureau of Mines, p. 29.*

Field	1906	1910	1913
	bbls.	bbls.	bbls.
Lambton . . . . .	377,286	205,456	155,747
Tilbury and Romney . . . . .	106,992	63,058	26,824
Bothwell . . . . .	44,827	36,999	34,348
Leamington . . . . .	39,652	141	..
Dutton . . . . .	19,376	7,752	4,610
Thamesville . . . . .	175	..	..
Comber . . . . .	651	..	..
Onondaga (Brant Co.) . . . . .	..	1,005	4,172
Belle River . . . . .	..	..	464
Total . . . . .	588,959	314,411	226,165

The production of natural gas has increased rapidly of late years. The output comes from three fields in the Erie-Huron peninsula: namely, Welland County, Haldimand and Norfolk Counties, and the counties of Essex and Kent. The Haldimand-Norfolk field is the largest producer.

PORTLAND CEMENT

The manufacture of Portland cement in Ontario began in 1891 and has gradually grown to its present proportions. The Canada Cement Company operates plants at Port Colborne, Marlbank, Belleville (Lehigh), Owen Sound, and Lakefield. Then there are plants belonging to other companies at Durham, Owen Sound, Blue Lake, Hanover, Orangeville, and Atwood.

In the earlier years of production marl was employed for supplying the carbonate of lime; the more recently erected plants use compact limestone. The following table shows the growth that has taken place in the Portland cement industry:

	1891	1900	1910	1913
Barrels . . . . .	2033	306,726	2,471,837	3,802,321
Value . . . . .	\$5082	598,021	3,144,343	4,105,455

## MATERIALS OF CONSTRUCTION

As the statistical table on a preceding page shows, the value of materials of construction in addition to Portland cement is important. Since these materials are produced widely throughout the settled parts of the province, a description of the industry as regards them is scarcely required. They include common brick, pressed brick, and paving brick, together with lime and stone. It may be added, however, that at various times during many years attempts have been made without success to establish a marble industry in Ontario. Marble quarries and a plant for sawing the material are now being operated near Bancroft in North Hastings. This marble has proved to be a desirable material for interior decoration and is now being used rather extensively in Toronto. Another marble quarry is being operated in Lanark County.

Additional clay products produced in the province are drain tile, sewer pipe, and pottery ware.

## MINOR MINERAL PRODUCTS

Iron pyrites is a mineral the mining of which is becoming important in the province. It is used in the production of sulphuric acid, which is employed in many industries. Mining is carried on in Hastings County and in the north-western part of the province near Lake Superior Junction. Some of the larger deposits that have been developed have not begun to ship in quantity. Zinc ore has been mined in small quantities during the last ten years in the township of Olden, Frontenac County. The production of ore in 1910 was 576 tons.

Mica of the best quality for use in electrical machines is mined in South-Eastern Ontario, Frontenac and Lanark Counties. It is the variety known as amber mica.

The salt production of Ontario varies comparatively little from year to year. The chief producers have plants at Windsor, Sandwich, Goderich, Sarnia, Elarton, Kincardine, and at other points in the Erie-Huron peninsula.

Corundum, which may be called pure emery, is mined at Craigmont in Renfrew County and in the adjacent part of Hastings County. Ontario produces more of this mineral than does any other country. In spite of the fact that a number of artificial abrasives, or materials employed for grinding and polishing purposes, are now produced, the demand for corundum continues. For certain purposes it is the most desirable abrasive known.

Feldspar-mining occupies an important place in Ontario, since the largest deposit of this mineral known is worked in the province. The Richardson mine in Frontenac County was the largest shipper of feldspar in North America in 1910. It is worked as a large open pit, the dimensions of the workings being about 500 feet in length, 200 feet in width, and 130 feet in depth, measured from the highest point on the wall. The quartz which is produced as a by-product is used for such purposes as the manufacture of ferro-silicon.

Graphite has been mined for a number of years near Calabogie in Renfrew County, and also near Port Elmsley in Lanark County. Another plant has been equipped near Wilberforce Station on the Irondale and Bancroft Railway.

Gypsum has been mined for many years in small quantities along the valley of the Grand River which empties into Lake Erie, but the industry has never attained large proportions. Hitherto the mineral has been employed as a land fertilizer, in the manufacture of wall plaster, and in other minor industries, but the Portland cement industry has stimulated production. The mixture of a small proportion of gypsum has the effect of retarding the setting of cement, and so facilitates the manipulation of large quantities at a time. There appear to be extensive deposits of gypsum in the locality mentioned. The mineral is also known to occur in Northern Ontario.

Talc has been mined for a number of years on the outskirts of the village of Madoc in Hastings County. A few years ago a mill for grinding it was erected. This Madoc talc, owing to its good quality, is in considerable demand. It is used in the manufacture of paper, soap, cosmetics, and for other purposes.

Peat fuel manufacture has not become a successful industry in the province. It was carried on at one or two places in 1913.

Phosphate of lime is now mined only as a by-product and none was marketed in 1913.

There are other minor minerals such as actinolite and fluorspar, which were mined in 1913 in small quantities.

#### MINING REVENUE

Chiefly from the following mining resources the province derives an annual revenue: sales of mining lands, leases of mining lands, miners' licences, permits, and fees, mining royalties, and Supplementary Revenue Act, 1907. A royalty is obtained only from certain mines at Cobalt. Under the provisions of the Supplementary Revenue Act, 1907, three different taxes are imposed: (1) profit tax, being leviable on the profits of mining companies in excess of \$10,000, computed, as explained in the act, at the rate of three per cent—certain deductions are made for the municipal tax, if any; (2) natural gas tax, being at the rate of two-tenths of a cent per thousand cubic feet, or two dollars per million on all gas used in Canada; (3) acreage tax of two cents per acre on all patented or leased lands not situated in any municipality. The law requires the possession of a current miner's licence before mining claims may be validly staked out or recorded, and also in forest reserves a permit to prospect for minerals therein. From the various sources mentioned the revenue for the year ending October 31, 1910, was \$941,030.09.

#### DEPARTMENT OF MINES

The mineral lands still in the crown and the mining regulations of the province are administered by the bureau of Mines, organized in 1891. The bureau is a branch of the department of Lands, Forests, and Mines. The department, presided over by a minister, has two subdivisions, (1) Lands and Forests, and (2) Mines, with a deputy minister



for each. The deputy minister of Mines is in charge of the bureau of Mines.<sup>1</sup>

The organization of the department as regards the legal, mining, and geological work is different from that of most countries. In Ontario the work of the provincial geological survey, that of the mining inspectorate, and the statistical work are closely interwoven.

The chief subdivisions of the bureau of Mines are the following : (1) geological,—this branch of the work is carried on by an officer known as the provincial geologist with a corps of assistants including topographers ; (2) inspection of mines,—four permanent inspectors are employed whose chief duty is to examine the working mines as regards safety of employees ; (3) mine assessor,—whose duties, as the name implies, are in connection with the collection of taxes and royalties derived from mines or mineral lands by the province ; (4) mining commissioner,—whose duties are to adjudicate questions and disputes arising under the Mining Act ; (5) provincial assayer,—who, with his staff, performs all assay and chemical work of the bureau together with certain custom work ; (6) mining recorders,—who are in charge of the work of recording claims in various subdivisions of the province.

The work of the bureau of Mines and that of the Lands and Forests branch are closely interwoven as regards surveys, the granting of titles to land by the crown, and various other matters.

A word or two may be said concerning the relation between the work of the Dominion department of Mines and that of the province. The geological and statistical work of the former covers Ontario as well as that of the rest of Canada. While the Dominion geological survey and other branches of the Mines department have done much excellent work in Ontario, still, since this province controls its own mineral lands and mining regulations, it must support its own department.

<sup>1</sup> The department was known as that of Crown Lands until 1905, when it was changed to Lands and Mines, the commissioner of Crown Lands being given the title of minister. In 1906 a further change was made, the department since that time being known under the name of Lands, Forests, and Mines. In the same year the director of the bureau of Mines became deputy minister of Mines.

The provincial officers are the only persons who have authority to enter upon private lands or to make examination of working mines. There is, of course, always the chance that officers of the two departments will duplicate certain work and thus waste public funds. This probably has happened in a few cases in the past, but with proper understanding between the departments and while friendly relations prevail, such duplication of labour is easily prevented. The Dominion Geological Survey, on the other hand, can render important service by mapping the country, not necessarily in great detail, but so that prospectors for minerals will know the most likely territory in which to search. There are also certain problems of correlation and comparison of the geological structure of the provinces, one with another, that properly belong to the domain of the Dominion department of Mines.

#### ONTARIO'S MINING LAWS

The following historical sketch of Ontario's mining laws has recently been prepared by Samuel Price, mining commissioner.<sup>1</sup> It is interesting in that it shows the change in views regarding the disposal of mineral lands by the crown during the last sixty years or more.

Ontario did not, like so large a part of the United States, derive its mining laws from an influx of miners bringing in their rules and customs with them. In early mining history, going back to about 1845, mining lands were disposed of under order-in-council, at first specific for each case, afterwards crystallized into general regulations. Under these many large areas were granted in fee-simple at a small price per acre.

The first legislation, the Gold Mining Act of 1864 (27-28 Vict. Can. cap. 9), related only to gold-mining and did not, as to other minerals, supersede the regulations. After Confederation, the Gold and Silver Mining Act of 1868 (31 Vict. Ont. cap. 19) was passed by the Ontario legislature. This followed in the main the provisions of the Gold Mining

<sup>1</sup> *Twentieth Report, Ontario Bureau of Mines, 1911, pp. 270-9.*

Act of 1864, but applied to silver as well as gold. Both these acts provided for the establishment of mining divisions, and for an officer to preside over them to record claims and determine disputes. The size of claims was very small, and varied according to circumstances. A licence was necessary, and the claim had to be staked out by planting a picket at each of the four corners. The title given was merely a right to occupy and work, and leaving the claim unworked for a space of fifteen days or more forfeited it.

In 1869 was passed the General Mining Act of 1869 (32 Vict. cap. 34). It superseded the previous acts and applied to all kinds of minerals. The mining division provisions were continued with some changes, but with them were enacted provisions for disposing of mining locations of 80, 160, or 320 acres. These might be purchased at one dollar an acre, neither discovery nor working conditions being required ; nor was it necessary to stake out the land before application.

This act continued until 1890 with only one change—raising the price per acre in 1886 from one to two dollars. In 1890 (by 53 Vict. cap. 9) an amendment was made allowing a location of 40 acres as well as one of 80, 160, or 320, and in 1890 also was passed the Mining Operations Act (53 Vict. cap. 10) enacting rules for safety in the working of mines.

In 1891 (by 54 Vict. cap. 8) amendments were made requiring for the first time, so far as statutory enactment was concerned, the performance of development work upon mining locations (as distinguished from mining claims in mining divisions), the work being required to be done during the seven years immediately following the issue of the patent. It was also provided that instead of a patent in fee-simple a lease for ten years might be obtained for a mining location, the lessee to have at any time during the term the right to become purchaser.

In 1892 all former mining acts and amendments were repealed and a new act called the Mines Act, 1892 (55 Vict. cap. 9) was passed, some new features being added and the Mining Operations Act of 1890 incorporated.

In 1894 (by 57 Vict. cap. 16) and 1896 (by 59 Vict. cap. 13) a number of amendments were made, but these were of little importance.

In 1897 (by 60 Vict. cap. 8) very important changes were again made, and the acts were consolidated and carried into the revised statutes of 1897 (cap. 36). Discovery of 'valuable ore or mineral' was for the first time (by statutory provision) required as the foundation for a mining location, an affidavit of discovery being required to be filed with every application. As to mining claims in mining divisions, the right to take them up was also expressly limited to licensees who 'discovered a vein, lode or other deposit of ore or mineral'; a discovery post was required as well as corner posts, and the form and size of the claim were changed, so that, instead of being composed of ten acres laid out along the course of the vein, it was to be a square of twenty-two and a half acres laid out with boundaries running north and south and east and west, and in filing the claim an outline sketch or plan and particulars, much as at present demanded, were required.

Again in 1898 (by 61 Vict. cap. 2) important amendments were made. It was for the first time provided that the holder of a mining claim in a mining division might obtain a patent or lease (at the price per acre charged for mining locations) after performing the prescribed development work for two or three years, according as the claim was a square of twenty-two and a half acres or a square of forty acres, the option of making it the latter being now given. The working conditions on mining claims were made five months of one man's time or its equivalent in every calendar year, the old provision requiring continuous working (barring intervals of less than fifteen days and any time allowed as close season) being thus replaced.

In 1899 (by 62 Vict. cap. 10) important amendments were again made, the main feature being a new plan for the taking up of mining land. It was provided that in unsurveyed territory not valuable for pine timber a prospector, after obtaining a licence, might, under regulations, stake out not more than two mining locations of forty acres each

in a year, and might hold them for two years subject to an expenditure of three dollars per acre of actual mining work the first year and seven dollars per acre the second year, after which he was to complete his application as in the case of ordinary mining locations. This act also increased the number of years' work required to obtain patents for mining claims from three and two to four and three respectively, and changed the amount of work required on them each year from five months' work to \$150 worth of work, computed at two dollars per man per day, and provided that when the amount of work required for a patent had been done no further work would be necessary, thus putting them upon somewhat the same basis as to working requirements as mining locations, except that in the case of mining claims the work had to be done before patent and in the case of mining locations after patent.

Again in 1900 (by 63 Vict. cap. 13) more changes were made. Royalties, before provided for, were declared to be abandoned. Provisions were made (to go into force by proclamation but never enforced) for exaction of what were called licence fees on nickel ores exported to be refined outside of Canada ; provisions were also enacted for requiring the raising of a specified amount of iron ore on locations and claims shown to be valuable for iron ; an appeal (within twenty days) from the decisions of inspectors of mining divisions to the commissioner of Crown Lands was provided for ; and the rules and provisions respecting the operation of mines were amended and recast.

The present Ontario law may be briefly outlined as follows :

(1) Any one over eighteen years of age who takes out a miner's licence may prospect for minerals upon crown lands, or lands of which the mining rights are reserved to the crown, and may take up, work, and acquire title to a specified area by making a discovery of valuable mineral, staking out and recording a claim, performing and filing proof of the prescribed development work, obtaining a survey if in unsurveyed territory, and paying a small price per acre, patent being given in fee-simple upon the completion of these requirements.

(2) The claim, or any share or interest in it, may at any time be sold or transferred to another licensee, and transfers, agreements, and other instruments executed by the recorded holder may, and to ensure priority of preservation must, be recorded, the recording office being the repository of title prior to patent, much as the registry or land titles office is after patent.

(3) The validity of every claim is open to dispute for a limited time after recording, but when this time has passed a certificate of record may be obtained, and on satisfactory proof of performance of work a certificate may also be obtained for that, and these certificates, in the absence of fraud or mistake, are conclusive evidence of the performance of the requirements of the act.

(4) Questions and disputes arising under the act, either between individuals or between an individual and the crown, are adjudicated by the local recorder or by a special officer called the mining commissioner, subject to appeal in important cases to the High Court.

(5) Rules and regulations are prescribed for the operation of mines (whether on patented or unpatented lands) looking to the safety of employees and the protection of the rights of other miners, and for the collection of statistics.

#### ROYAL COMMISSION'S REPORT, 1890

The *Report of the Royal Commission on the Mineral Resources of Ontario* was published in 1890. This report contains a historical review of the mineral industry together with a description of the conditions then prevailing in the province. The chief recommendations made were :

(1) That a thorough system of instruction in mining and cognate subjects be provided by the establishment of a School of Mines, or the enlargement of courses of study then being given by the School of Practical Science ;

(2) That a bureau of Mines be established for the purpose of making a complete geological survey of the province, and for the establishment of an efficient plan

for the collection of yearly statistics of the mining and metallurgical industries ; and

(3) That a provincial museum of geology and mineralogy be organized.

All of these recommendations have in the course of years been adopted. The bureau of Mines was established in 1891, and has published an annual volume descriptive of the geology, mineralogy, and mining industry since that date. Much attention has been given during recent years to instruction in mining subjects by the School of Practical Science, which is now known as the Faculty of Applied Science of the University of Toronto. In 1893 the School of Mining at Kingston was established. This has been generously supported by the provincial government, and serves as the Faculty of Applied Science of Queen's University.

The third important recommendation of the commission has recently been carried into effect by the provincial university at Toronto and the government joining forces in the establishment of a museum.



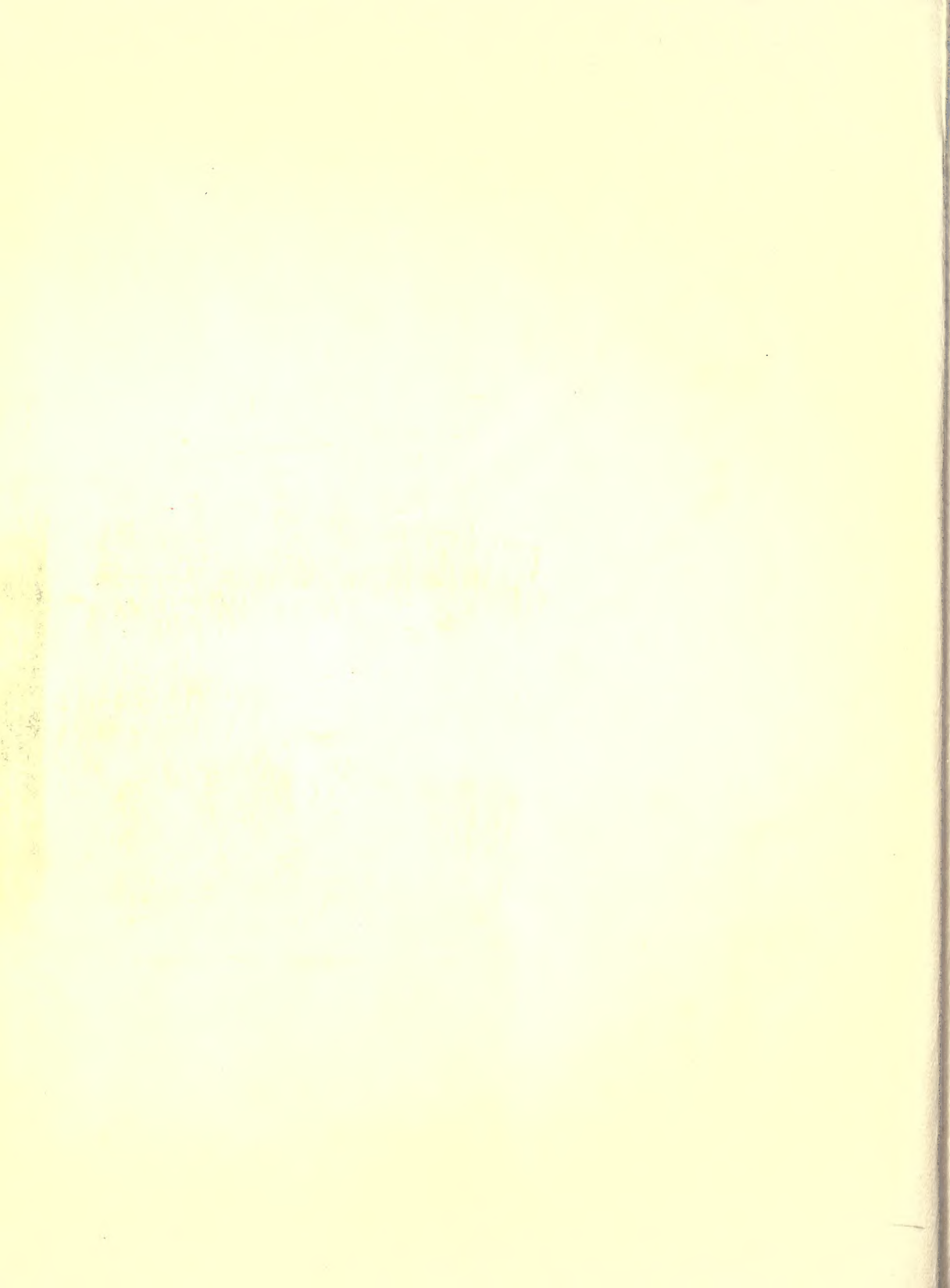












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