

# The Oligarchy of the Western District of Upper Canada, 1788-1841

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## Article abstract

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**FREDERICK H. ARMSTRONG**

*Précis*

En offrant quelques suggestions pour aider à l'étude des oligarchies locales de différentes régions du Haut-Canada des débuts à 1841, l'auteur propose d'utiliser les détenteurs de postes de magistrats ou juges de paix comme commun dénominateur pour reconnaître les membres des élites locales qui ont joué un rôle prépondérant dans le maintien de l'influence du *Family Compact*. En étudiant la composition des élites locales du District de l'Ouest, il vérifie ses hypothèses et s'attache surtout à décrire les liens qui unissaient ces oligarchies locales entre elles et avec les membres du *Family Compact* à Toronto.

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*The Oligarchy of the Western  
District of Upper Canada  
1788-1841\**

In 1937 Fred Landon pointed out that behind the provincial oligarchy of Upper Canada “there were miniature Family Compacts which were to be found here and there throughout the province”.<sup>1</sup> This is, of course, exactly what should be expected, for, as Geraint Parry has noted,<sup>2</sup> any oligarchy is made up of layers and below the provincial leaders we would expect to find lesser groups of supporters at the minor centres. These, in Upper Canada, were almost universally the seats of local government. Looking even deeper, a more obscure gathering of luminaries was to be found in each township. These layers help explain both the duration of the power of the Family Compact — to use that term to describe the ruling group in Upper Canada from the beginnings of settlement to 1841 — and also its broad support across the province. That support was sufficient to enable the Tories to win, or at least to tie, all but two of the 13 elections in the 50 year history of the colony’s separate existence; because of the oligarchic layers there were many people interested in the survival of the system.

Even though the existence of these oligarchies in the district towns — as the county seats were then designated — has been long acknowledged, they have been little explored. Naturally, the local elite which existed in the Home District, the administrative area surrounding York/Toronto, is the best known, but only for indirect reasons. The local government of the Home District basically was run by the same group who ruled the province and has been a subject of investigation because it so extensively overlapped with the central government. Thus, much light has been thrown on the Home District officials by the general studies of the colony and its leaders, from John Charles Dent, through Aileen Dunham, to Gerald M. Craig and Sydney F. Wise. The historians of early Toronto have also added greatly to our knowledge of this group, from Canon Henry Scadding on to Edith G. Firth and Robert J. Burns. Outside the capital, however, the local elites have been little explored. There are some older works, parallel to Scadding, such as J.F. Pringle, *Lunenburg; or The Old Eastern District*, and some interesting articles, such as H.V. Nelles on the Niagara District, and Elva M. Richards on the fall of the Compact in Brockville,<sup>3</sup> but a great deal remains to be done.

The objectives of this paper will be twofold. First to make some preliminary comments on one of the most neglected of these local oligarchies, that is the ruling group in the Western District, or, as it was originally known before 1792,

the District of Hesse. This area, comprising through most of its existence roughly the same territory as the present Ontario counties of Essex, Kent and Lambton, has been as much neglected by the historians of the present as it was shunned by the settlers of the early period. There are, however, some starting points: monographs such as Fred C. Hamil's *The Valley of the Lower Thames*, the Rev. E.J. Lajeunesse's *The Windsor Border Region*, and Justice William R. Riddell's *Michigan Under British Rule: Law and Courts 1760-1796*. There are also some useful antiquarian collections, such as Victor Lauriston's *Lambton County's Hundred Years 1849-1949* and *Romantic Kent* and R.M. Fuller's *Windsor Heritage*.

Also, there are two very valuable thesis studies: David Farrell's "Detroit 1783-1796: The Last Stages of the British Fur Trade in the Old Northwest", which says much about the Detroit background of the Western District oligarchy and amplifies the pioneering work already done on the era by Justice Riddell and John Clarke's thesis "A Geographical Analysis of Colonial Settlement in the Western District of Upper Canada, 1788-1850" and his subsequent articles, which show how much the historical geographers are doing to make the road easier for the historians. Also, Leo A. Johnson has written an excellent article, "The Settlement of the Western District, 1749-1850", in *Aspects of Nineteenth Century Ontario*. Finally, there is a wealth of documentary material, from the Upper Canada papers in the Public Archives of Canada, to the Askin papers in the Burton Collection at Detroit, to the Hiram Walker Collection in the Public Archives of Ontario, which includes both local government material and private documents.

The second objective of the paper is to make some suggestions on approaches that may help in the analysis of the oligarchies in other districts. While unique in some respects — all the districts had their individual characteristics — the Western District provides a good case study for such an examination. It was one of the four original districts created in 1788, so it has a long history, unlike the Home District it led a separate existence from the central government, it was not greatly changed by settlement throughout most of its history and it retained its territorial limits and personality into the post-Upper Canadian era. In fact, it should be noted that in the Western District, as in the other parallel local government units, the changes in the provincial government were only gradually reflected in local administration; the creation of the province of Upper Canada in 1791 and the Union of Upper Canada with Lower Canada in 1841 did not immediately transform the district system of government, although both events were followed by new legislation that gradually changed that system. For instance, Upper Canada did not have a central court system until 1794, or a complete administrative reorganization of districts until 1800, and the districts were not finally abolished until 1849.

Before an analysis of its oligarchy is attempted some comment must be made on the history of the district. As noted, unlike most districts, territorially the Western District did not change greatly over the years. Because of the ad-

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vance of settlement and the need for smaller, more workable administrative units, districts were usually gradually reduced in size as their population increased. With its location in the far west of the province, its large number of land speculators, the availability of good lands to the east and the swampy terrain that often inhibited settlement, the Western District did not experience great waves of settlers until the 1830s. Subdivision to provide local government for new areas was thus hardly required. After the initial territorial reorganizations, before 1800, the district remained undisturbed.

The nucleus of the European population was to be found in the French settlement, centred around Detroit and the Essex borderland, that was taken over by the British in 1760. It formed the westernmost centre of colonization of the old province of Quebec and its French population provided a unique element when the western part of Quebec eventually became Upper Canada. After the Conquest the French habitants were soon augmented by various traders who came to do business with the Indians and the military. Many of these men were Scots, others were from the old British colonies on the coast. With intermarriage a new French-Indian-British elite group gradually appeared.

The Revolutionary War left Detroit in peace, although the treaty provided for its cession to the new republic and thus promised a split of the administrative unit in the future. The only immediate change, however, came in 1788 when what is now southern Ontario was separated from the District of Montreal and divided into four new districts in order to provide some local government for the little, largely Loyalist settlements. The most remote of these, with its district town at Detroit, was the District of Hesse, or the Western District as it was to be re-named in 1792. Hence local government was established three years before the creation of Upper Canada in 1791. In 1792 Lieutenant-Governor Simcoe created the counties, as ridings, not units of local government. Four years later came the first territorial change in the area, with the final cession of the Old Northwest to the United States and the loss of Detroit. This led not only to a new focus of power, but also to a division of power. The district town, with its courts, was moved across the river to Sandwich, now the south-western part of Windsor, but power was split because the military relocated at Amherstburg, at the junction of the Detroit River and Lake Erie. From then on the district had two centres, civil and military, separated by some 20 miles, but with good water connections.

The second change came on 1 January, 1800, when, under a 1798 statute of the provincial government, the Upper Canadian townships, counties and districts were generally reorganized. Up to that time the Western District had spread eastwards to a line running north from the tip of Long Point on Lake Erie. In 1792, when the province was divided into counties, three counties had been created in this area: Essex, Kent and Suffolk. With the 1798 arrangement Suffolk, renamed Middlesex, was separated and became part of the new District of London. Essex and Kent remained as the two counties of the Western District, but, in addition, Sandwich controlled the British lands to the northwest, including the area around Sault Ste Marie. In 1849 the district was abolished and

Lambton was separated from Kent. A new three county administrative union succeeded, briefly, until Kent and Lambton were separated from Essex in 1851 and 1853 respectively.

Not only did the territory of the Western District remain stable after 1800, but the population did not grow greatly until late in this period. The first Upper Canadian census in 1824 showed only 4,274 people in Essex and 2,678 in Kent. Comparably, Lincoln, the largest county in population, had 16,758, York had 14,086 and Middlesex, the centre of the adjacent London District, 8,061. Then, with the beginnings of the great 1820s influx from Britain, the opening of the Welland Canal and the settlement of lands to the east, the numbers began to increase and by 1831 Essex had 5,785 and Kent 3,985. Kent, especially its northern reaches, which were to become Lambton, grew rapidly: 4,895 in 1832, 5,570 in 1833, 7,644 in 1835, when it passed Essex which only had 6,852, and 10,741 by 1837. The last Upper Canadian census in 1841 showed Kent with 13,368 and Essex with 9,762.

New colonists in what had been virtually empty areas, meant that additional governmental units and services had to be established within the district. This expanded the oligarchy, but did not shake its hold. The Courts of Requests were reorganized in eight divisions in 1833, with virtually the whole of what was to become Lambton included in one division. Only two years later population growth necessitated the creation of two additional divisions in that area and further changes had to be made in Essex and Kent in 1837. New commissions of magistrates appeared in 1833 and 1837, adding justices of the peace to attend to the needs of the recent settlers, and those magistrates resident in Kent held special Quarter Sessions of their own at least once each year in 1834 and 1835. Simultaneously, the three post offices in the district were increased by six in 1831, one in 1835, six again in 1837 and two in 1840, for a total of 18. In 1840 also Sarnia became a separate port of entry. This dignity was a recognition of the changes that were taking place in the urban pattern. Amherstburg and Sandwich were now finding rivals rising in their hinterland, not only Sarnia, but also Chatham and the eventual winner, which was to swallow up the old capital, Windsor. Further administrative changes came through the 1840's, when a new local government system evolved, beginning with the District Councils Act of 1841, which began transferring the magistrates' administrative powers to elected councils. It was this Act, not the Union of 1841, which really marked the beginning of the end of the Upper Canadian system of government in the local sphere.

In discussing an oligarchy, including those of the districts of Upper Canada, it is first necessary to establish some criteria to test membership, not to search for vague gentilities. The oligarchies, after all, existed to exercise power and distribute patronage: to control either it was necessary to hold certain positions of influence. As Peter Burke expresses this point, in his recent study of the elites which ruled in seventeenth century Venice and Amsterdam, ruling classes were "high on three criteria; status, power and wealth."<sup>4</sup> Of course, it might easily be

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said that in each district of Upper Canada there were several oligarchies: the district officials who ran the government; the commercial elite who controlled the business; the land speculators who attempted, sometimes successfully, to make a fortune from settlement; and the militia who were prepared, at least in theory, to defend the colony. Yet the key point for all these leadership cadres is how extensively they overlapped. The administrator usually speculated in land, frequently played a role in commerce and generally belonged to the militia. Philosophically they all had much the same outlook, loyalty to the Crown, little love for the Americans, support of a state church, even if they did not agree which church, and a general upholding of the order of things. There were, sometimes, appointees who did not fit into this mould; able men were difficult to find, or unwilling sometimes to spend time in the governance of the colony. This was particularly true in the rural areas and some unlikely magistrates were commissioned before their views were sufficiently known. Dissident individuals, however, seldom became established in the inner ranks.

This overlapping of interests in one way makes analysis easier, but in another renders it rather more difficult. Some common denominator is needed in order to establish which families and individuals were really members of any given local elite. In analyzing his cities Burke chose the *dodges* and *procuratori di San Marco*, 244 in number, for Venice and the burgomasters and members of the town council, 319 in all, for Amsterdam, for his study groups.<sup>5</sup> For Upper Canada there is a problem in that there was a decentralized, but interlocking administration, thus there is not just a central group to study, but also its dependent elites across the province. Hence a larger sampling is necessary and a geographically diversified one. The administrators who held office in the central government and the districts are too few in number to suffice, as are the M.L.A.s; exact details of wealth are hard to ascertain and make it difficult to trace a hierarchy of merchants, all aside from the fluctuations in fortune that took place from time to time. Therefore, what criterion can be used in order to assert that an individual had received recognition as a member of the elite? Here it can be suggested that there was one office that all the leaders normally had in common, whatever the initial basis of their power: they were justices of the peace, or magistrates, to use the practically alternate term. A man might have a low rank in the militia, might be in business or not, but the fact that he had been listed as a justice on the commission of the peace, while not quite a sort of local "patent of nobility", indicated that he himself, or his family earlier, had received recognition. In a way such recognition was double for appointments were normally based on the recommendations of the local oligarchies in the districts and conferred by the provincial authorities at Toronto, who actually issued the commissions.

Using the magistracy as the building blocks for the analysis of the elite presents both problems and advantages. Of course, some individuals refused to be magistrates for various reasons, and others might not be appointed for some personal factor: such as a conflict with a leading figure in the district, or too many magistrates might live in their immediate area already. Admittedly too, as

noted, some appointments were made very much from necessity not for talent. There are, nevertheless, several advantages in selecting the magistrates as a common denominator when making an analysis of the Family Compact. They were spread right across the province, their functions being required in the small hamlet and most underdeveloped township, as well as the flourishing market town. They were the men responsible for a great deal of the local administration and with the plurality of office that was to be found in Upper Canada, their ranks included, at one time or another, almost all the major office holders of both the province and its local government units. To present a better picture of their importance it will be best to examine the scope of their duties and the administrative structure of the colony for the purposes of local government.

In each district the central administrative body, which also had judicial functions, was the Court of the Quarter Sessions of the Peace, which was composed of all the magistrates of the district. Geographical factors prevented many magistrates from attending its sittings regularly: bad roads, bad weather, and simply the problem of distance, were endemic in Upper Canada. Others were too old, disinclined, or just too busy with their own affairs. However, at least for the opening sessions of the year, held in April in the Western District, there was usually a good turnout, although at other times the minimum quorum of two justices might be all who were present. The Sessions met quarterly — hence their name — although adjourned sessions were frequently held between the regular meetings. The Court had its own officials and elected its own chairman annually from among its members.

Sitting in Quarter Sessions the magistrates had a wide variety of duties. Above all, administratively, they controlled the purse of the district, supervising financial matters, assessments and collections, and setting rates for the townships. Further, they licensed inns, taverns and shops selling spirits, appointed such minor officers as constables and road surveyors, heard petitions for the building of roads and bridges and oversaw the construction of those approved. In the field of local government they approved the regulations for the two towns in the Western District, Sandwich and Amherstburg, and received the reports of the town meetings of the townships. Their influence was pervasive throughout all the machinery of administration, except for a brief period in 1835-38, until the District Councils Act of 1841.<sup>6</sup>

Judicially the Quarter Sessions heard a variety of cases on such diverse questions as nuisances, misdemeanours, riot, larceny, keeping disorderly houses, forgery, conspiracy and sedition. The most frequent cases were those related to assault, with or without battery. Outside the district towns small claims cases were heard by Courts of Requests, really the ancestors of the later Division Courts. These were presided over by commissions of the local justices, who were appointed to that additional dignity by the Quarter Sessions. For the towns the Sessions also appointed police magistrates for minor cases. Finally, individually, the justices of the peace had a wide range of duties in their own area.<sup>7</sup>



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An examination of the officials of the district, who were almost universally appointed by the provincial government, as well as the various central government officers who were resident in the district and the members the counties in the district (the ridings of the era) returned to the House of Assembly, again demonstrates the importance of the commission of the peace as indicator of place in the local oligarchy. The main officials of the Quarter Sessions were the clerk of the peace, the treasurer of the district, the only major official appointed by the justices, and the sheriff, who also served the District Court, which had its own appointed judge and clerk and attended to the more important cases. As well, there was a Surrogate Court, with its own judge and clerk, for certain estates, a district inspector, and land registrars for each county. Postmasters and collectors of customs reported to officials at Quebec and Toronto respectively, but were locally resident and closely connected with the local oligarchy. Finally, there were elected members of the House of Assembly and any appointed members of the upper house, or Legislative Council. The holders of all these dignities were almost always men who belonged to the district elite; an examination of the incumbents in relation to the magistracy will show something of the value of that office as a touch-stone of membership in the ruling class.

Taking the Western District as an example, at one time or another almost all the local officials were justices of the peace.<sup>8</sup> It should be noted, however, that there are a few gaps in the records. Also the tenure of certain offices meant that a man could not be a justice at the same time. For instance, William Hands gave up the magistracy when he assumed the treasurership, and Clerk of the Peace Charles Askin was appointed a justice at the first opportunity after his retirement from the clerkship. Finally, the sheriff would hardly sit on the sessions. On the other hand, pluralism, where permissible, was common-place.

Subject to these few caveats how closely was the magistracy intertwined with the district officialdom? All the sheriffs up to 1839 were magistrates at one time or another and the then appointee, Raymond Baby, had three members of his family in the magistracy, to say nothing of relatives by marriage, and a brother as clerk of the peace. The treasurer's office was held by the Hands and Baby families from at least the opening of the century until after 1841. All the judges of the District Court were justices of the peace, as were most of their clerks and nearly all the Surrogate Court judges and clerks.

The other types of office exhibit much the same phenomenon. All the county registrars of Kent were magistrates, as were all those of Essex, with the single exception of John Hands, a son of Sheriff/Treasurer William Hands, who died while still young. As for the collectors of customs, one of the two known at Amherstburg was a magistrate, as were both those at Drummond Island, five of the six who held office at Sandwich, the sixth being William Hand's son Felix, and the only appointee at (Port) Sarnia was one of the Vidals, a leading magisterial family of that village. The post office tells the same story. In 1832 four of the six post masters in the district were magistrates and the fifth came from a family, the Scratches of Gosfield, which was shortly to be elevated to that

dignity. By 1841 there were 18 post offices in the district, of which nine were held by men who were magistrates and two others by families who counted a magistrate among their numbers.

The lists of M.L.A.s for the Counties of Kent and Essex present a parallel picture. The towns were not large enough to have members. Kent initially had two members in the Assembly, in 1800 was reduced to one and then in 1834 increased to two again. For the thirteen parliaments of Upper Canada the county elected a total of eleven different men, of whom eight were justices of the peace. Of the others, one, Joshua Cornwall, was the father of a later M.L.A. and magistrate, Nathan Cornwall. Essex displays the same tendency. Originally a one member riding combined with the county of Suffolk (Middlesex) it was separated and made a two member riding on its own in 1800. Of the fifteen M.L.A.s who were elected eleven were magistrates, including the famous Col. John Prince, executor of Americans and Chairman of the Quarter Sessions. The ingrown nature of the oligarchy is shown by the fact that among the fifteen were two Babys, a Hand's in-law, an Askin-in-law and two Elliotts. William Elliott, one of the non-magistrates, was one of the few lawyers in Sandwich; he could hardly both appear constantly before the Sessions to defend his clients and sit as a justice at the same time. François Baby represented both ridings at different times. The residents, or former residents, of the district who were appointed to the Executive or Legislative Councils of the province — James Gordon, Alexander Grant Sr., Angus McIntosh, William Dummer Powell and Prideaux Selby — were magistrates before their elevation. The only exception was Jacques Duperon Baby Jr., a nephew of François and member of one of the two leading families of the district.

These examples clearly demonstrate the interlocking nature of the magistracy with the officials and legislators, but they do not show how selection was made for office, or how the interconnections grew up. To explain this it will be necessary to discuss how the candidates were selected and appointments to office made and finally look at some family case studies.

First how did the oligarchy attain power? The district that evolved at the western end of the Upper Canadian world was obviously in an ideal position to run its own internal affairs. It had had its own local government before Upper Canada was established, its leaders were unquestionably loyal, the area was long relatively static and it was very remote. In order to understand how and why the justices of the peace were appointed in the Western District — as in the rest of Upper Canada — it is, however, necessary to look at the methods of appointment and the office holders themselves. The magistrates, the building blocks of the local elites, were appointed under periodic "commissions of the peace" issued by the provincial government. These commissions included a large percentage of men at the district town, as well as a sprinkling of men across the district. The latter attended to the routines of the Courts of Requests and the numerous small tasks of the magistrates in the townships. When a new commission was

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issued most of the sitting magistrates were recommissioned and then their names were followed by those of new men.

For the Western District there were a total of 17 commissions between 1788 and 1837. These were issued at irregular intervals, usually every three to five years, although there were occasional "commissions of association" which associated other men with the sitting magistrates. These, normally, were issued only in times of trouble, such as the cession of the Old Northwest in 1796 and the Rebellion of 1837. The numbers commissioned varied, but generally increased over the years, except in the War of 1812 period. Aside from the members of the Councils and judges at Toronto, who were listed on each commission of the peace, there were eight commissioned in 1788, a number which increased to 22 by 1796, dropped to 12 in 1813 and then gradually went up so that there were 38 in 1826, 48 in 1833, 63 in 1837 and then, after the Union, 81 in 1842. In all there were 148 men, approximately, who were appointed to the office by 1837. One of these, François Baby, had both the longevity and connections to be commissioned right through from 1796 to the Union period.<sup>9</sup>

The magistrates, of course, played varying roles in the administration of the district government. Those who obtained posts as officials, or were related to officials, obviously wielded far more power. In addition, district Quarter Sessions were normally dominated by a small group of men, although the leading figures at the Sandwich Sessions cannot be determined before 1821 because of the loss of the minutes.<sup>10</sup> After that date the pattern is clear. Some men who were commissioned never attended a single meeting, others only appeared once, to be sworn in and then went back to their remote townships, still others were very irregular in their attendance. A few would come frequently for a year or two and then lose interest. The Sessions were therefore run by a small group of stalwarts who turned up with great regularity year after year. Most of these men were resident in Sandwich itself, or its neighbourhood, so that attendance was not difficult. They included George Jacob, William McCrae and Jean-Baptiste Baby, who were joined after the commission of 1826 by Charles Eliot, George Pidgeon Kerby, and Duncan McGregor. With the commission of 1833 came John Prince, Joseph Woods, Matthew Elliott, and William Ambridge. Finally, in 1837, there were Robert Mercer, William Anderton, Robert Lauchlan and John Alexander Wilkinson. These individuals dominated the district Quarter Sessions and were often interconnected with the appointed officials, or were officials themselves.

The method of appointment to the magistracy was straightforward. For the more remote and less populous townships there was, as noted, a certain need to take anyone who was available; for the more settled areas nominations were carefully collected from trustworthy people, such as the sitting magistrates and the officials of the district. Certain groups were favoured by education, even if of a rudimentary sort, business, position, or connections. Although surviving data is too fragmentary to attempt a quantified analysis, there is adequate information available for some firmly based conclusions on the group.

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Ethnic considerations probably played a secondary role in appointments to the magistracy, just being there and having the right business connections and family relationships were probably far more important considerations. The district was unique in Upper Canada in having a large French minority, which, naturally, decreased in importance as settlement spread and numbers increased. There were sixteen magistrates with French names during the period, including four members of the powerful Baby family, but this is not a real indication of French participation in the power structure of the colony. A great many of the British and American immigrant merchants married into the French families and many of the later magistrates with British names were half French. There were also many intermarriages between the traders and the Indians so that many of the leading families were part Indian. The British themselves were sometimes immigrants from the Old Country and sometimes Loyalists.

Occupationally certain groups dominated. First there were the merchants, men who were literate and financially powerful. Some of the earliest appointees were such influential entrepreneurs as George Meldrum, his partner William Parke, and William Hands, all of Detroit. The tendency continued in the later commissions; George Benson Hall in 1816, Claude Gouin in 1822, James W. Little in 1833 and James Read in 1837, are all examples. Very often they occupied a multiplicity of posts. Little (J.P. 1833-37)<sup>11</sup>, for instance, was a storekeeper, shipper, banker, land speculator, postmaster and colonel of the militia at the vanished hamlet of Erius in Raleigh Township, Kent. He later founded Blenheim in Harwich Township, Kent. His wife was the daughter of John McGregor of Sandwich and Chatham (J.P. 1800-26), and sister of Duncan McGregor (J.P. 1826-37). George Pidgeon Kerby, (J.P. 1826-37), was a miller and storekeeper of Chatham, lieutenant colonel of the militia and postmaster.

Military and governmental connections also played a prominent role in the appointments to the magistracy. From the Indian Department appointees included Abraham Iredell, Mathew Elliott, Alexander McKee, William Jones, Thomas Smith and John Askin Jr. From the garrison at Amherstburg came Barrack Master William Duff, Assistant Commissary Thomas Reynolds, and two medical officers, Robert Richardson, surgeon to the garrison, and William Harffy, physician to the navy. There were also some Loyalists, such as Daniel Fields, who had been with Butler's Rangers. Charles Fortier served in the War of 1812 at Detroit and had the additional qualification of being a scion of the Aubert de Gaspé family. Some military men, for instance Daniel Fields, were also in business. Lawyers played virtually no role in the local magistracy in the Upper Canadian period; there were few lawyers in the Western District and many legal functions were attended to by the leading merchants. In Upper Canada generally, however, many merchant's sons were to become lawyers, an indication of a changing need in leadership qualifications as the community developed.

The most important factor in appointment was probably family connection. The first remarkable point that can be noticed in the lists of justices of the peace

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is the repetition of names. Sometimes, it is very difficult to tell whether it is one man, or a father and son, who hold office over a long period of years: for instance George Jacob Sr. (J.P. 1806-33) and George Jacob Jr. (J.P. 1822-37). Thus, although in some cases relationship is uncertain, and in others there may be no relationship, the one hundred and forty-eight magistrates included two members from each of the Berczy, Caldwell, Duff, Eliot, Elliott, Gordon, Jacob, Mitchell, Talfourd and Watson families, three McCreas, McGregors, McIntoshes and Smiths and four Askins, Babys, Joneses and Reynolds. Put directly, it seems an obvious conclusion that once a magistrate's son attained sufficient years he was qualified by heredity to become a magistrate.

Aside from the commission to the magistracy the oligarchy quickly came to control the appointments to the lucrative offices in the district. The Toronto Family Compact generally took the recommendations of the local oligarchy and of course they recommended their own. This was entirely satisfactory in Toronto for they did not have to worry about loyalty or local disaffection. Therefore, to a large extent, the main question was often how the spoils should be distributed internally, not whether or not the local elite would have the right to distribute them. The tale of the rise of three of the leading office holders will be catalogued briefly below, but two families can be noted here as examples of how the office holding was mobilized,<sup>12</sup> with consanguinity the password for the operation. The Babys, at one time or another, occupied the posts of lieutenant (a sort of watered down lord lieutenancy) in both Kent and Essex. In the district government members of the family, at various times, were clerk of the peace, sheriff, treasurer and surrogate court judge. As well Babys were elected to the legislature for both counties and had a representative on the Legislative Council. They even deigned to take on the postmastership of the Township of Moore. The Askins included among their holdings clerkships of the peace, in both the Western and London Districts, a District Court clerkship, two registrarships of the County of Essex and the collectorships of customs at Sandwich and at St. Joseph's and St. Mary's. These combinations do not include all minor offices, or the militia commissions, or those posts held by in-laws, grandchildren with different names, or offices assumed after 1841. Of course some individuals were pluralists. Their performance is impressive, or depressing, to look at it in a different way, and indicative of how tightly a few families held on to the reins of power.

The instances of Toronto interfering are rare. In 1792 David William Smith, the Surveyor General, was given to Suffolk and Essex as a sort of placeman in the first Parliament of Upper Canada. Occasionally, outside magistrates were appointed because of special considerations, but this did not prevent anyone else from assuming that dignity. For instance, Lord Selkirk's estate agent at Baldoon, Alexander McDonell, former sheriff of the Home District, held that office in 1806-10, and Selkirk himself was commissioned in 1816 at the time of the Red River troubles. William B. Cotman, the Commissioner to the Indian Country for Disturbances, was also appointed in 1816. Later Charles Oakes Ermatinger and Thomas Gummersall Anderson were commissioned at Sault Ste Marie and Drummond Island respectively. The latter obtained the local collectorship of

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customs in 1820-28 and a magistracy in 1833. Yet these activities were remote from Sandwich.

The main imposition was probably that of the Berczy brothers, William and Charles Albert, sons of the early colonizer William Von Moll Berczy. That family obtained a large land grant in the district and the brothers became magistrates in 1826. William was also elected M.L.A. for Kent in 1828 and in 1830. He became District Court Judge in 1826, but was removed for dereliction of duty after six years. Charles received the lucrative postmastership of Amherstburg, worth over three and a half times that of Sandwich, but was transferred to the even more profitable Toronto office after the Rebellion.

Such interconnections between the central oligarchy and the Western District oligarchy ran in both directions. In the early days, before the power structure at the new provincial capital had solidified and office holders were being recruited from across the province, several important figures in the district oligarchy established themselves in the central government, rising to the Executive and Legislative Councils. Commodore Alexander Grant Sr. was to become President of the Executive Council, Jacques-Duperon Baby Inspector General and William Dummer Powell Chief Justice of the Court of King's Bench. Prideaux Selby, though he never was appointed to the Legislative Council, became an executive councillor and Receiver General. Later, with the power structure formed at York/Toronto, there was little opportunity for advancement to such powerful posts. However, the Western District did have its representatives on the Legislative Council such as Angus McIntosh, twenty-fifth chief of Clan McIntosh, and merchant James Gordon. In addition, there were other, inter-district interconnections, such as the marriage of Catharine Askin, daughter of John Askin Sr., to Robert Hamilton of Niagara — and in outside minor appointments — such as that of Jean-Baptiste Askin to the clerkship of the peace for the London District. He held office at the same time that James Hamilton, Catharine's son, was the sheriff of that jurisdiction — evidence of how the district oligarchies came to be one interwoven group.

Finally, the careers of three of the central figures of the oligarchy, who never established dynasties with their names, may be taken to demonstrate how power could be gathered and passed on in the district. All of the three were in the Western District before the inauguration of the local government in 1788. Alexander Grant Sr. (1734-1813), of Scottish lineage and naval training, had been Commodore of the Upper Lakes at the time of the American Revolution and became a prominent landholder in the area, retaining a farm at Grosse Pointe even after the cession of the Old Northwest. Richard Pollard (1752-1824) settled in Detroit about 1782, engaging in the fur trade and William Hands (1759-1836) was in Detroit in 1775, where he entered the mercantile business. Grant was a justice of the peace at least from 1788, Hands by 1796 and Pollard from 1816.

Grant's naval position placed him in the centre of local influence from the first; with the creation of Upper Canada he became a member of the councils, as

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noted above, and went on to become administrator of the province in 1805-06. Basically, however, he lived in the Western District (or adjacent Michigan) and became part of the local power structure. In 1774 he married Thérèse Barthe, whose sister married John Askin Sr. (J.P. 1796-1813), founder of that clan, and whose brother, Jean-Baptiste Barthe (J.P. 1818-26), was in the fur trade. The Grants had one son and nine daughters; however, the son moved to Brockville. He became a member of the Legislative Council in 1831. In the west the family fortunes passed on through the daughters: the first, Theresa, married as her second husband, Lt. Col. Thomas Dickson of the Niagara District oligarchy (J.P. 1800-23); Phillis married Alexander Duff, the Barrack Master at Amherstburg (J.P. 1803-10), and became the mother of William Duff, one of the long time stalwarts of the Quarter Sessions (J.P. 1813-37); and Eleanor married the already noted George Jacob Jr. (J.P. 1822-37), son of another mainstay of the Quarter Session, George Jacob Sr. (J.P. 1806-33). Her daughter Ellen became the wife of William Baby (J.P. 1837).

Richard Pollard, an English emigrant who never married, represents another variety of power holder in the local oligarchies of Upper Canada, for, while the Commodore moved to somewhat honorific posts in the central government, Pollard stayed home and began collecting profitable offices in the Western District. In 1792 he was commissioned sheriff and two years later managed to become county registrar of both Kent and Essex, when the counties were created. He also became registrar of the Surrogate Court at the same time, a post that he surrendered to become judge of that court in 1801. Except for the office of sheriff he held all these appointments until his death in 1824. Meanwhile, he had decided to take holy orders, was ordained deacon of the Church of England in 1802, priest in 1804 and became the rector of St. John's, Sandwich. Ecclesiastical dignity was rather in conflict with the role of sheriff, so he relinquished that office. Still, there was possibly a brief period in 1802 when he could have arrested a man for murder, incarcerated him, taken him to trial, and led him to the scaffold, all in his capacity as sheriff. He could then have given him the last rites of the church established, as minister or at least theology student, and accepted his will as judge of surrogate, before finally springing the trap, once again in his capacity as sheriff. It was the Family Compact, not the modern banks, which invented the full service package! Pollard was commissioned as a magistrate in 1816 — clergymen as justices of the peace were quite common in England — and retained all the commissions issued until his death. Although he did not establish a dynasty he is a good example of how the merchant who was in the right place, at the right time, could move into a leading position in the power structure of a district.

An even better example is the last of the three case studies: William Hands, another English emigrant, who was possibly the quintessence of the total bureaucrat in Upper Canada. Alan Douglas of the Hiram Walker Museum has correctly dubbed him the one man civil service of the Western District. Like Grant, Hands made a good marriage into the elite at Detroit when he wed Mary, the daughter of James Abbott, one of the early fur traders. Since one of her

sisters married François Baby, (J.P. 1796-1837), the long time M.L.A. and another married his brother Jacques-Duperon Baby, member of the councils at Toronto and eventually Inspector General, Hands obtained important connections with the French upper class, and began collecting offices. When Detroit was ceded in 1796, to cite his obituary in the Sandwich *Emigrant*, he immediately "gave up several lucrative mercantile speculations"<sup>13</sup> and crossed to Sandwich.

He was promptly rewarded with the justiceship of the peace and was soon appointed treasurer of the Western District by his colleagues on the Quarter Sessions. In 1801 he became postmaster of Sandwich. He held both offices until his death in 1836. Two other appointments that he obtained in 1801 were relinquished earlier. The Surrogate Court registrarship was surrendered in 1824, when Pollard died and Hands was able to succeed him as judge. The registrarship appropriately went to an Askin. The clerkship of the peace was traded for the office of sheriff in 1802, after only one year, when Pollard became a clergyman. Hands held on to the shrievalty until 1833, when, at 73, he was, presumably, too old to carry on the functions.

These would seem to be adequate enough perquisites for any one man especially when he was still involved in commerce and deeply engaged in land speculation, but Hands was always willing to work for his district. In 1806 he obtained the inspectorship of licences and two years later the deputy registrarships of Essex and Kent. The first he again held until he died; the registrarships were reorganized after Pollard passed on in 1824. Kent went to an Askin son-in-law and Essex to Hands' son John. In 1809 Hands added the collectorship of customs at Sandwich, again retaining the post until death did them part.

One might well ask how did he manage to carry on all these tasks? William Lyon Mackenzie, when attacking William Allan in Toronto, who operated a slightly more limited monopoly of the same type, although in a more populous area, said that either he must suffer from overwork, or the people must suffer from neglect.<sup>14</sup> Mackenzie had a point, but aside from the doubtful political morality of allowing one man to collect so many offices, it should be noted that most of the duties could be carried on from Sandwich and that Hands was allowed to appoint deputies, often his sons if the positions were profitable. Thus the administration probably did not suffer greatly. Hands in many ways is just an unusually comprehensive example of the plurality that could exist under the Family Compact type of government. He further epitomizes the methods by which the first generation merchant could come to dominate in his district. Hands was a very successful operator in the framework of his times. He was fortunate enough to pass from the scene before the changes of the 1840s gradually transmorgified the system that he knew so well and excessive pluralism, if not the Family Compact, became a phenomenon of the past.

Naturally, Hands attempted to found a dynasty, but without success. He had twelve children, including seven sons, whom he attempted to bring forward in business and official posts; but he had ill luck, for four died as young men and



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two others cannot be traced — they may have died. The survivor, Felix (1813-37), was William's assistant in various offices in his old age and succeeded him in two most rewarding posts, the treasurership and collectorship; but Felix's health failed later the same year and he died in the spring of 1837. The daughters did better. The eldest married Jean-Baptiste Baby, (J.P. 1800-37), sometime M.L.A. for Essex, who succeeded Felix as treasurer of the Western District, and Julia married Charles Baby, longtime clerk of the peace of the Western District. Both these sons-in-law were closely interconnected by prior family marriages. Finally, Frances married John Alexander Wilkinson, (J.P. 1837), another M.L.A. from Essex, who succeeded his father-in-law as District Court Judge. To round out the picture, the Wilkinson's daughter married a gentleman who rejoiced in the name of Horatio Nelson and was advanced to the magistracy along with his father-in-law in 1837. The Hands name may have disappeared, but their line and influence continued.

What happened to this tightly knit oligarchy, which had so comfortably dominated its district for so long, with the changes after 1841? Elected district councils meant a new political sphere in which to operate and responsible government in the provincial theatre meant dealing with changing parties. Hence everything may have evolved, but, in many ways, for the local administrator in Upper Canada, everything continued much the same in the succeeding Canada West. The leading families were well established and well connected; they could take care of themselves. There were no dismissals, the officials of the district governments stayed in office until they died of old age, some as late as the 1880s. The new commission of magistrates, in 1842, carried on forty-eight of the old figures and added new members of the old families: a Vidal, a Duff and a Baby. Some of the magistrates were happy to run for office in the new councils; the first, appointed, warden of the new District Council was John Dolsen, who had been a magistrate since 1816. Charles Baby, appointed Clerk of the Peace in 1836, carried on until 1872. James Askin, registrar of the County of Essex since 1831, retired in favour of his son, John Alexander, in 1858. He in turn retired in favour of his son, J. Wallace, in 1872 and that worthy continued until the year of the outbreak of World War I. Appropriately, he had married Charles Baby's daughter. The old local aristocracy of Upper Canada's Family Compact, Western chapter, had painlessly become part of the new local aristocracy of Ontario.

## NOTES

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<sup>1</sup> Fred Landon, "The Common Man in the Era of the Rebellion in Upper Canada", Canadian Historical Association, *Annual Report*, 1937, p. 76.

<sup>2</sup> Geraint Parry, *Political Elites* (London, 1969), p. 33.

<sup>3</sup> See *Ontario History*, 1966 and 1968.

<sup>4</sup> Peter Burke, *Venice and Amsterdam: A Study of Seventeenth Century Elites* (London, 1974), p. 9.

<sup>5</sup> *Ibid.*, p. 14.

<sup>6</sup> iv and v Victoria, Chapter 10, 1841.

<sup>7</sup> J.H. Aitchison, "The Municipal Corporations Act of 1849", *Canadian Historical Review*, XXX, 1949, 107-22, provides an outline of their duties.

<sup>8</sup> The information on the lists of magistrates comes from Public Archives of Canada, RG. 68, General Index to Commissions, Volume 1. The details on officials from my *Handbook of Upper Canadian Chronology and Territorial Legislation* (London, Ont., 1967) and subsequent research I have done for a planned revision. Much of the data on the activities of the magistrates was collected under the Canada Council grants. John Clarke's article, "The Role of Political Position and Family and Economic Linkage in Land Speculation in the Western District of Upper Canada, 1788-1815", *The Canadian Geographer*, XIX, 1, 1975, pp. 18-34, is an invaluable source.

<sup>9</sup> His name does not appear on the 1813 commission, but this may be an error in the Index.

<sup>10</sup> The Minutes of the Quarter Sessions of The Western District are in The Public Archives of Ontario.

<sup>11</sup> Where dates are given in brackets for a justice of the peace they represent the first and last dates at which he was commissioned in Upper Canada before 1841. The 1837 magistrates were still in office in 1841 and sometimes long afterwards.

<sup>12</sup> John Clarke has presented an admirable picture of these families as land speculators. See footnote 6.

<sup>13</sup> *Canadian Emigrant and Western District Advertiser*, Sandwich, 1 March, 1836.

<sup>14</sup> Edith G. Firth, *The Town of York, 1815-1834*, (Toronto: 1966), pp. 50-51.