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THE HONOURABLE RICHARD CARTWRIGHT

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THERE are many personalities in the history of a nation whose names are obscure, perhaps even unknown to the wider public, but who played on their own small stage a part greater than they realized at the time, and which can only be understood in the perspective of the years. In our own nation of Canada there have been many such individuals, who started with small beginnings, laid small foundations, and built better than they knew. The nation was formed originally from small communities. It is the men who fashioned these communities who fashioned the nation. In the early history of Canada Kingston played a significant part. It was the key city in the early period of the Province of Upper Canada, the nucleus of the English-speaking portion of this dominion. The Honourable Richard Cartwright, in playing a great role in the creation of the Kingston community, made a contribution to the history of Canada which has inevitably not received much attention from our national historians but which is well worth recalling.

Richard Cartwright Jr. was born in Albany, N.Y., in 1759. His father was a successful business man and it was from him that young Cartwright inherited the ability which made him one of the merchant princes of early Canada. In his youth the son wished to enter the ministry of the Church of England;¹ but the American Revolution blocked this aspiration and led him to become, instead, the military secretary of Colonel Butler of the Rangers.² After the cessation of hostilities he came with his parents who had fled with the Loyalists to Canada and as there was no organized episcopal church there he found his ambition once more thwarted. While he was attempting to solve the problem of his future he met James McGill in Montreal and this led him to turn from the church to commerce for a career.

James McGill was a Glasgow Scot who had emigrated to Virginia and moved north when the Canada Act of 1774 restored to Quebec the fur-bearing Indian territory which had been severed from Canada in 1763. He had prospered greatly and had become one of the original partners in the North West Company. To Cartwright, fourteen years his junior, he took an immediate liking and advised him to go into business. There was, he said, an excellent opening for a pushing young man on Carleton Island, between Wolfe Island and the American mainland. The island was not only the headquarters of the British marine establishment on

¹"A misfortune which had befallen him early in life assisted in leading him to this determination. A boy, in playing, struck him with a stone in the left eye, which deprived him almost entirely of its use." From "Life of Hon. Richard Cartwright Abridged from Funeral Sermon by Rev. John Strachan" in C. E. Cartwright (ed.), *Life and Letters of the Late Hon. Richard Cartwright* (Toronto, 1876), 11.

²*Ibid.*, 29 ff. Memorandum of Indian operations from 1778 to 1780, made at Niagara in 1780.

Lake Ontario, but there was also a small military garrison at Fort Haldimand. There was another military outpost at Catarauqui,³ to which a number of workmen, wheelwrights, and masons were attached, with their families. The place was bound to grow. Cartwright, realizing that opportunity was knocking at his door, took McGill's advice, and in partnership with McGill's old friend, Robert Hamilton,⁴ he opened a store on Carleton Island. This was the beginning of a friendship which lasted until Hamilton's death in 1809.

When Carleton Island was declared American territory the British got ready to move out, and by the end of 1783, or the beginning of 1784, the Hamilton-Cartwright business had been transferred to Kingston. A warehouse and a wharf were built close to Fort Frontenac where the La Salle Causeway begins.⁵ Hamilton concentrated on the Niagara peninsula while Cartwright attended to the Kingston end of the business. He got permission to build two frame houses, one for himself and his young wife, Magdalen Secord, a Niagara girl,⁶ and the other for his parents. About 1790 the partnership was dissolved by friendly mutual agreement, Hamilton going to Queenston and Cartwright remaining in Kingston.

Cartwright had many interests. He represented the North West Com-

³The Mohawks knew the district as Kataracoui, which was also their name for the St. Lawrence River. From 1673, when Count Frontenac built his first fort on approximately the site of the present Tête-de-Pont barracks, until 1758, it was Fort Frontenac. In that year the fort was taken by Bradstreet and demolished. See [E. C. Kyte], *Impartial Account of Lieut.-Col. Bradstreet's Expedition to Fort Frontenac* (Toronto, 1940). (The *Account* was published in London in 1759.) Then the district became Catarauqui again. In 1784 the Loyalists called the settlement Kingstown, which was officially shortened to Kingston by John Collins, the Deputy Surveyor of the district. Samuel Holland, the Surveyor-General of Quebec and Director of Surveys in British North America, refers to "Fort Haldimand at Catarauqui," but the name was not adopted.

⁴The Honourable Robert Hamilton (1750-1809), "an accomplished gentleman of genial disposition and manner" (Agnes Maule Machar, *The Story of Old Kingston* (Toronto, 1908), 70). Hamilton was a member of the Land Board and of the Executive Council. Much of the business correspondence between Hamilton and Cartwright is contained in the Cartwright Letter Books in the Douglas Library, Queen's University, Kingston, and in a volume of letters in the possession of Henry Cartwright, Esq., barrister, Kingston. See, too, H. F. Gardiner, "The Hamiltons of Queenston, Kingston and Hamilton" (Ontario Historical Society, *Papers and Letters*, VIII, 1907). One of the sons of the Honourable Robert, George, gave his name to the city of Hamilton, Ont.

⁵The original log store remained standing until June, 1950, when it was demolished. Few people were aware of the age or historical significance of this building.

⁶The marriage took place at Niagara. By English law a marriage was irregular unless performed by a priest or deacon episcopally ordained and the children were consequently illegitimate. Three of Cartwright's children were legally illegitimate. This explains the fervour with which he advocated that the Marriage Act should be amended. "The Marriage Act was necessary, and is useful as far as it goes, but it is defective in omitting to make provision for the marriage of Dissenters; and every effort will be made at the next meeting of the Legislature to put this business on a more liberal footing." Cartwright Letter Books, Cartwright to Todd, Oct. 14, 1793. Isaac Todd, Esq. of Montreal, was at one time a partner of the Honourable James McGill.

pany for a time, ran a shipyard, and built his own ships. He leased the government mills at Cataragui Falls (Kingston Mills) as well as those on the Apanee River.⁷ When the naval establishment was transferred to Point Frederick opposite Kingston, he operated a scow ferry from his wharf for civilians who had business there and put his father in charge of it. He was active in civic affairs. He suggested that an official should be appointed to look after the poor, urged the need of a civic hospital, and pleaded that some provision should be made for the aged and infirm. He was largely responsible for getting the new Anglican church built and contributed generously to the building fund. He was a member of the Land Board and a justice of the peace; in 1788 he was appointed a judge of the Court of Common Pleas, which heard civil cases, and was nominated at the same time a justice of the Court of Quarter Sessions, which presided over criminal trials. He was then twenty-nine years of age.

The first "criminal" trial at which Mr. Justice Cartwright presided was of a case of alleged petty larceny which would have been disposed of today by a local magistrate. But at that time theft was a serious offence, punishable by death. The trial was held in Finkle's tavern, near Ernestown, because there was no suitable accommodation in Kingston. The case seemed simple enough. A farm hand acquired a new watch and showed it to some of his acquaintances. They were jealous, whispered among themselves, and presently the poor man was arrested on the charge of having stolen the watch. He swore he had come by it honestly, but no one believed him, and on purely circumstantial evidence he was convicted and hanged on a tree not far from the tavern. The verdict was protested in court but the citizen who ventured to object was hissed down and threatened with bodily harm. A few days later a pedlar plodded into the village with his pack, heard the story, and corroborated every word the dead man had said. Cartwright did not soon forget his first "criminal" trial.⁸

In 1790 he became involved in another disagreeable case. A certain

⁷Acting on instructions from Governor Haldimand, Major Ross, the first British military commandant at Kingston, had employed Robert Clark, millwright, who had been since 1777 a clerk and naval storekeeper at Carleton Island, to erect a grist and saw-mill at Cataragui Falls (Kingston Mills), for the use of the Loyalists. The mills were put up in the winter of 1783-4 and served the section of the country extending from Cornwall to the head of the Bay of Quinte. Settlers who wanted to have their grain ground had to carry it on their backs through the woods, or bring it by *bateau* or canoe in summer or by hand sleigh in winter. In 1785 Clark built another mill at Napanee on the Apanee or Appanee River. In 1789 the Honourable Richard Cartwright proposed to the Executive Council of Upper Canada that, as the Kingston Mills had served their original purpose, they should be granted as an endowment for the grammar school there. E. A. Young (ed.), *The Parish Register of Kingston 1785-1911* (Kingston, 1921), 34. Mrs. Simcoe visited the King's mills, also those at Napanee. See J. Ross Robertson (ed.), *The Diary of Mrs. John Graves Simcoe* (Toronto, 1911), 120, 270.

⁸The trial was held in Ernestown (Bath since 1812) because there was no proper courthouse in Kingston. It was not until 1795 that a committee was appointed consisting of the Honourable Richard Cartwright and two fellow magistrates, Messrs. Atkinson and Markland, "to contract for and superintend the building of a gaol and court house." *The Parish Register*, 34.

Charles Justin McCarty, an Irish American who had been converted to Methodism in Pennsylvania by George Whitefield, the English evangelist, came to Ernestown and began to preach. The curate of Fredericksburgh, a few miles away, the well-meaning but cantankerous Reverend John Langhorn, objected, and complained to his friend the Reverend John Stuart of Kingston who, as Bishop's Commissary, or representative, invoked the secular arm; and Richard Cartwright had to intervene. He had the evangelist arrested as "a vagabond, imposter, and disturber of the peace" and ordered him to be deported to Oswego. The rest is silence. Apparently McCarty was not sent to Oswego or anywhere else. He just disappeared and one of Kingston's mysteries remains unsolved. But people drew their own conclusions; they recalled the hanging at Ernestown and looked darkly over their shoulder at Richard Cartwright.⁹

Cartwright, however, stood high in the esteem of his fellow townsmen. He was favourably spoken of in higher quarters and when (a few days after his inauguration in the new Anglican Church) Upper Canada's first Lieutenant-Governor, Simcoe, met his Executive Council, in the tiny frame building which was called by courtesy "Government House,"¹⁰ to issue writs for the election of members to his first Legislative Council, he named Richard Cartwright as Kingston's representative. Cartwright accepted the honour with some misgiving; he had domestic and business problems to think of. Besides, while he appreciated the Governor's many excellent qualities, he was afraid that his combination of rashness, obstinacy, idealism, and unrepentant English Toryism¹¹ would lead to an unhappy clash of opinions. He was right. When Cartwright submitted a bill to incorporate the town of Kingston and drew up what we would term a plan for Public Utilities, the proposal was summarily rejected. It was not until 1812 that Kingston gained its first concession, a public market; and it was not until 1826 that an act was passed authorizing volunteer fire companies. By that time Richard Cartwright had been eleven years in his grave.¹²

The two men differed also about the site of the capital of Upper Canada. Actually, Kingston was for the moment the seat of government and Cartwright would naturally have liked it to remain so. But Simcoe was determined that the capital would be somewhere else. He said that the place was indefensible. Besides, Dorchester wanted Kingston to be

⁹The only authentic account of the prosecution is found in the official record of the Court of Quarter Sessions held at Kingston on April 13 and 14, 1790, the presiding judges being Richard Cartwright, Neil McLean, and Archibald McDowall. See W. S. Herrington, *History of the County of Lennox and Addington* (Toronto, 1913), 137, 161-3.

¹⁰The first Commandant's house, at the intersection of King and Queen Streets. The house (renovated) now stands in Kiwanis Park.

¹¹"Seriously, our good Governor is a little wild in his projects . . ." (Cartwright Letter Books, Cartwright to Todd, Oct. 14, 1793). "He is a man of warm and sanguine temper, that will not let him see any obstacles to his views; he thinks every existing regulation in England would be proper here" (*ibid.*, Cartwright to Todd, Oct. 1, 1794).

¹²E. E. Horsey, "Kingston" (Typescript, 1937), 81. There is a copy of this work in the Douglas Library, Queen's University.

the capital and that was enough for Simcoe, who had hated the Governor ever since the latter had said some hard things about the Queen's Rangers, Simcoe's command in the Revolutionary War. Cartwright had no objection to "York *alias* Toronto";¹³ in fact he thought it would be a good choice as it would unite the settlements "above the Bay of Kenty and below the head of Lake Ontario, and also as it lays [*sic*] at the entrance of a communication into Lake Huron by Lake La Claye."¹⁴ But the idea of fixing the seat of government on the river Trancke, or Trenche, where London now stands, was "a piece of political Quixoticism—a scheme perfectly utopian, to which nature has opposed invincible obstacles; unless Mongolfier's ingenious invention could be adapted to practical purposes, and air balloons be converted into vehicles of commerce."¹⁵

Simcoe's idea of setting up an established church in Canada along Church of England lines seemed to Cartwright another piece of foolishness. There was no better churchman in Upper Canada than Cartwright and there was no one who realized more than he did the need for religion in a colony where a sparse population suffered from "the general indifference to and total neglect of gospel ordinances."¹⁶ But in October, 1790, the Reverend John Stuart had reported to Bishop Inglis that "a very great majority" of the settlers in Upper Canada was made up of Anabaptists, Presbyterians, and "other Dissenters"¹⁷ and to Cartwright it was obvious that to try to turn these people into Anglicans with the promise of political preferment was "as impolitic as it was unjust." Cartwright was already growing weary of the political game.¹⁸

The Governor's American immigration policy was another headache for Cartwright. Selective immigration, Cartwright believed, was the only sound policy.¹⁹ In 1792 a horde of so-called "Loyalists" had come to Canada. They landed in Kingston and turned out to be the veriest riff-raff. They were drunken and improvident; but circumstances had taken care of them and very few of them were left. It had been an unfortunate experiment but not a dangerous one. What Simcoe proposed to do was really dangerous. Americans made good settlers; none better. They understood the climate and were accustomed to pioneer conditions. But

¹³On August 23, 1793, Simcoe ordered the name of Toronto to be changed to York in honour of the Duke of York's success against the French in Flanders.

¹⁴Cartwright Letter Books, Cartwright to Todd, Oct. 14, 1793.

¹⁵*Ibid.*, Cartwright to Todd, Oct. 21, 1792. An intelligent anticipation of Tennyson's *Locksley Hall*:

Saw the heavens fill with commerce, argosies of magic sails
Pilots of the purple twilight, dropping down with costly bales.

¹⁶"Funeral Sermon by Rev. John Strachan" in Cartwright, *Life and Letters of the Late Hon. Richard Cartwright*, 11.

¹⁷*Parish Register*, 18.

¹⁸Cartwright Letter Books, Cartwright to Todd, Oct. 14, 1793.

¹⁹"In the founding of a colony, the character of the inhabitants seems to be much more material than their numbers." Cartwright Letter Books, Cartwright to His Excellency General Hunter, Aug. 23, 1799. Lieutenant General Hunter (1746-1805) was Lieutenant-Governor of Upper Canada from 1799 to 1805 and commander in chief of the forces in Canada. He was a brother of the famous John Hunter, M.D. (d. 1809).

they were *Americans*, republicans with an anti-British training and tradition, and how a man like Simcoe, with his background and experience, could believe for one moment that the grant of a few acres of scrub in the Canadian northland was to turn American citizens into loyal subjects of the King was beyond the Honourable Richard Cartwright's comprehension.²⁰

For his stand on the Judicature Bill, Cartwright was delated to the Home authorities as a disloyal person with republican leanings, but he was quick to refute the Governor's charges.²¹ The passage which had stung Simcoe ran:

There is no maxim more incontestable in politics than that a government should be formed for a country, and not a country strained and distorted for the accommodation of a preconceived or speculative scheme of government. . . . This Bill . . . comes with its multifarious actions of debt, covenant, account, assumpsit, case, trespass, trover and detinue-distinctions without essential differences, running into endless mazes where even the sages of the profession have themselves been frequently bewildered. It comes with all its hydra of demurrers, replications, rejoinders, surrejoinders, rebutters and surrebutters, and all the monstrous offspring of metaphysical subtlety begotten upon chicane, to swallow up our simple forms and modes of process which are easy to be understood and followed by any man of plain sense and common education.²²

Before Simcoe left the province he was to make full amends to Cartwright, but he had caused a great deal of unnecessary pain.

Cartwright was a capable journalist, and kept alive the *Kingston Gazette*²³ during the difficult years of 1812-14. Under the pseudonym "Falkland" he contributed a number of powerful articles to its columns, denouncing the military preparations of the Americans and the provocative and aggressive utterances of their President and his Secretary for War. But, like Churchill's, his words of warning fell on deaf ears and he was unable to prevent the storm from breaking.

When he saw that war was inevitable Cartwright was beset with anxieties. As Colonel of militia and Lieutenant of the county he knew the parlous state of Kingston's military defences and the humiliating plight of the provincial marine.²⁴ One hundred veterans, many of them "totally unfit for active service," constituted the garrison; of the four war vessels on Lake Ontario, one was in poor shape, another was unseaworthy, a third was fit only for seamen's quarters during the winter, and the fourth was too large for cutting-out expeditions. Of the 280 ratings on two of the ships, only thirty-four were fit for duty. The naval hospital at Point

²⁰*Ibid.*, Cartwright to Hunter, Aug. 23, 1799.

²¹*Ibid.*, Cartwright to Todd, Oct. 1, 1794.

²²*Ibid.*, Speech on the Judicature Bill in the Legislative Council, Monday, June 16, 1794.

²³Founded in 1810.

²⁴E. A. Cruickshank, "The Contest for the Command of Lake Ontario in 1812 and 1813" (*Transactions of the Royal Society of Canada*, 3rd Series, X, Section II, 1916, 162).

Frederick was packed with men suffering from scurvy and from every imaginable disease sailors have had from the beginning of time. American espionage was active.²⁵ Ill health and personal bereavement saddened Cartwright at this time. Within three years he lost four of his children.²⁶ He felt keenly the death of his friends, Sir Isaac Brock and Dr. John Stuart. But as a public man Richard Cartwright had to carry on. After the famous "battle of Kingston" on November 10, 1812, when the American Commodore Chauncey attacked the town, Representative Cartwright strongly supported the Executive Council of Upper Canada in their demand for the reorganization of the provincial marine. He threw himself into essential war work, gave a patriotic talk to the militia, and helped to organize the Loyal and Patriotic Society which assisted disabled militiamen and their families and gave relief to sick and disabled civilians.

During the two years of conflict Cartwright saw Kingston grow from an insignificant little village into a naval and military centre of first importance. It was, after the sack of York, the actual if not the legal capital of Upper Canada. It had its Government House and its administrative buildings. Everyone of importance in the province was there at one time or another—Sir George Prevost, General Drummond, Lieutenant General Sir George Murray, Commodore Sir James Yeo. A brother of Sir Walter Scott was the regimental paymaster of the 70th. Cartwright met all these people and entertained them in his home.

But he grew increasingly unwell and found it more and more difficult to attend to his parliamentary duties. He worried about his business. He was anxious about his wife's future and appointed Dr. Strachan as guardian of his four children. When he told his doctor that he was going to Montreal to help wind up the estate of his friend James McGill, who had died in 1813, he was advised to try to go as far as Kamouraska and take a course of sea-bathing. But the treatment almost killed him and he went back to Montreal. There, on July 27, 1815, he died of cancer of the throat and was buried in the Protestant Burial Ground. Had he lived a few weeks longer he would have seen the keel of the S.S. *Frontenac* laid down at Finkle's Point at Bath. The *Frontenac* was the first steamboat to operate on the Great Lakes, and it was a number of Cartwright's old friends who found the capital to build her. But as Maurya says sadly in *Riders to the Sea*, "No man can be living for ever, and we must be satisfied."

Richard Cartwright was a man of high character. He made his mistakes, and if some of his actions seem high-handed and even cruel to us today, we must remember the difficult times he lived in and the circumstances he had to meet. He was an honest, modest man who repeatedly refused a seat in the Executive Council because he did not think he could find the time to study its problems. Much of his best work was done behind the scenes. He was the adviser and trusted friend of successive

²⁵Cartwright Letter Books, Cartwright to Major McKenzie, Nov. 2, 1808.

²⁶George W. Spragge (ed.), *The John Strachan Letter Book: 1812-1834* (Toronto, 1946), 36, 65.

lieutenant-governors and administrators of the province. There was nothing magnetic about his personality; on the contrary he rather repelled strangers. He did John Strachan, when the latter arrived from Scotland, at Cartwright's invitation, to teach school in Kingston and to lay the foundations for higher education. It was only when people got to know him that they found Richard Cartwright a warm, friendly, humorous, and witty man. He kept slaves; but so did the Reverend John Stuart and at the time people saw no harm in the practice. Cartwright was not what is commonly called "a great man" and had he lived today his achievement would no doubt have been relatively the same. He had no vision of dominion from sea to sea but the well-being of his province lay very near his heart. He was a good citizen and helped to lay well and truly the foundations of our local municipal government and our social services. There was nothing weak about him. On the contrary there must have been a strain of iron in his system. Had there not been he could never have stood up to the impetuous Simcoe as he did, nor retained his influence over the domineering Strachan. It was largely through Cartwright that John Strachan decided to take holy orders. It will always be said of Richard Cartwright that he achieved greatly in the difficult formative years of his infant province.