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The Search for Heritage in Ottawa's Lower Town

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Article abstract

Few buildings survive the first generation (approx. 1826-1850) of urban growth in the Lower Town portion of present-day Ottawa, even though most of the commercial activity and population was concentrated there. Most are unprepossessing, as is much of the contemporary area. An explanation lies in the determination of Governor Dalhousie and the British Board of Ordnance — builders of the Rideau Canal — to plan and control the embryonic townsite through land leasing. The British Board of Ordnance owned, outright, about half the land in early Bytown, including all of Lower Town. Prospective builders were leased town lots, usually on a 30-year basis. Legitimate builders were thus reluctant to invest in substantial structures, as were speculative builders, constructing instead temporary, ramshackled edifices. The first buildings of substance date from the latter 1840s when conversion to freehold became possible. The option of leasehold persisted, however, until at least the 1870s, and the mixture of tenures sustained the impulse for temporary structures. In the case of Lower Town, proprietal relationships were fundamental in the evolution of the urban landscape.

THE SEARCH FOR HERITAGE IN OTTAWA'S LOWER TOWN

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Michael Newton

Résumé/Abstract

De nos jours, Ottawa compte peu de bâtiments qui datent de la première phase de la croissance urbaine qu'a connue la Basse-Ville entre 1836 et 1850 environ, même si la plus grande partie des activités commerciales et la majorité de la population y étaient concentrées. La plupart de ces constructions ont aujourd'hui piètre apparance, comme d'ailleurs la majeure partie du quartier. Ceci s'explique par le fait que le gouverneur Dalhousie et l'intendance britannique, constructeurs du canal Rideau, avaient résolu de planifier et de réglementer la ville embryonnaire par la location à bail des terrains. L'intendance possédait de plein droit à peu près la moitié de Bytown à l'origine, y compris toute la Basse-Ville. Aux entrepreneurs éventuels, on louait des parcelles, habituellement pour trente ans. C'est pourquoi les constructeurs sérieux, ainsi que les spéculateurs, hésitant à investir dans des bâtiments solides, en construisaient plutôt de provisoires et branlants. Les premières constructions en dur remontent à la fin des années 1840, date à laquelle l'accession à la propriété fut possible. Cependant, la location à bail ne disparut pas complètement avant les années 1870 et la combinaison des deux régimes fonciers prolongea la tendance à construire des bâtiments provisoires. Dans le cas de la Basse-Ville, les relations concernant la propriété furent fondamentales dans l'évolution du paysage urbain.

Few buildings survive the first generation (approx. 1826-1850) of urban growth in the Lower Town portion of present-day Ottawa, even though most of the commercial activity and population was concentrated there. Most are unprepossessing, as is much of the contemporary area. An explanation lies in the determination of Governor Dalhousie and the British Board of Ordnance - builders of the Rideau Canal - to plan and control the embryonic townsite through land leasing. The British Board of Ordnance owned, outright, about half the land in early Bytown, including all of Lower Town. Prospective builders were leased town lots, usually on a 30-year basis. Legitimate builders were thus reluctant to invest in substantial structures, as were speculative builders, constructing instead temporary, ramshackled edifices. The first buildings of substance date from the latter 1840s when conversion to freehold became possible. The option of leasehold persisted, however, until at least the 1870s, and the mixture of tenures sustained the impulse for temporary structures. In the case of Lower Town, proprietal relationships were fundamental in the evolution of the urban landscape.

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INTRODUCTION

In 1976, the Heritage Section of the Architectural Division of the National Capital Commission undertook a search to locate the earliest buildings in Lower Town West, Ottawa's oldest section and a nucleus of the modern city. It was hoped that the search would unearth domestic and commercial architecture dating back to the time of Lieutenant-Colonel John By and the construction of the Rideau Canal (1826-32), or at least some buildings from the developing years of the 1830s and early 1840s. It was widely believed that beneath the late nineteenth century brick veneers and the application of "insul-brick" lay log structures or solid stone buildings dating from this early construction period. The belief was misplaced.

The perplexing question which the Heritage Section then faced was how could such a long-settled area bear more resemblance to the post-Confederation capital than the pre-Confederation canal-side settlement. The few houses on the rear residential streets of Lower Town only served to unmask the deceptive charade of the later nineteenth century streetscape. Initial research efforts in city assessment rolls turned up nothing, since most had burned in a disastrous fire that destroyed Ottawa's city hall in 1931. A search in the voluminous land registry abstracts of the City of Ottawa showed the deception to be more complex than originally anticipated. Registry records for Bytown dated from the 1840s, but on the lots in the Lower Town section, patents from the crown dated only from the 1870s, even though many lots had been built on for a generation before. Some were sites of buildings dating from the inception of the town. The key to Lower Town's secrets, including its current make-up of tenements, apartments, and double houses, lay in the activities of Lt.-Col. John By, Lord Dalhousie, the Governor-in-Chief of Canada, and the policy of the Imperial Government at Westminster at the time of the construction of the Rideau Canal.

The founding of Bytown was a significant element of British imperial and commercial policy in relation to the Canadas after the War of 1812. Most important was the projected role of Rideau Waterway and its chief town in the maintenance of the colonial economy that was tied to the St. Lawrence-Great Lakes trade route. An important sidelight was the role of such a town on the Ottawa River route to the North-West. Both routes offered facilities for settlement, exploitation, and trade. Military considerations were also important, but probably have been exaggerated by later commentators and historians.

Given the political, military, and economic importance of the Rideau Canal, the British authorities, from the outset, sought to control both the allocation and disposition of town land in order to maintain control of the site. To this end, Lord Dalhousie in 1823 purchased some 400 acres of land near the Chaudière Falls. The purchase embraced all of what is now Parliament Hill, then known as Barracks Hill, and all of Lower Town. In addition, some adjacent parcels were appropriated from private holders and attached to the original purchase. None of this land was to be sold. Critical parts of the purchase were reserved outright for military and canal

purposes. Portions of these land acquisitions were eventually made available for a "considerable town." But they were leased, not offered for sale.

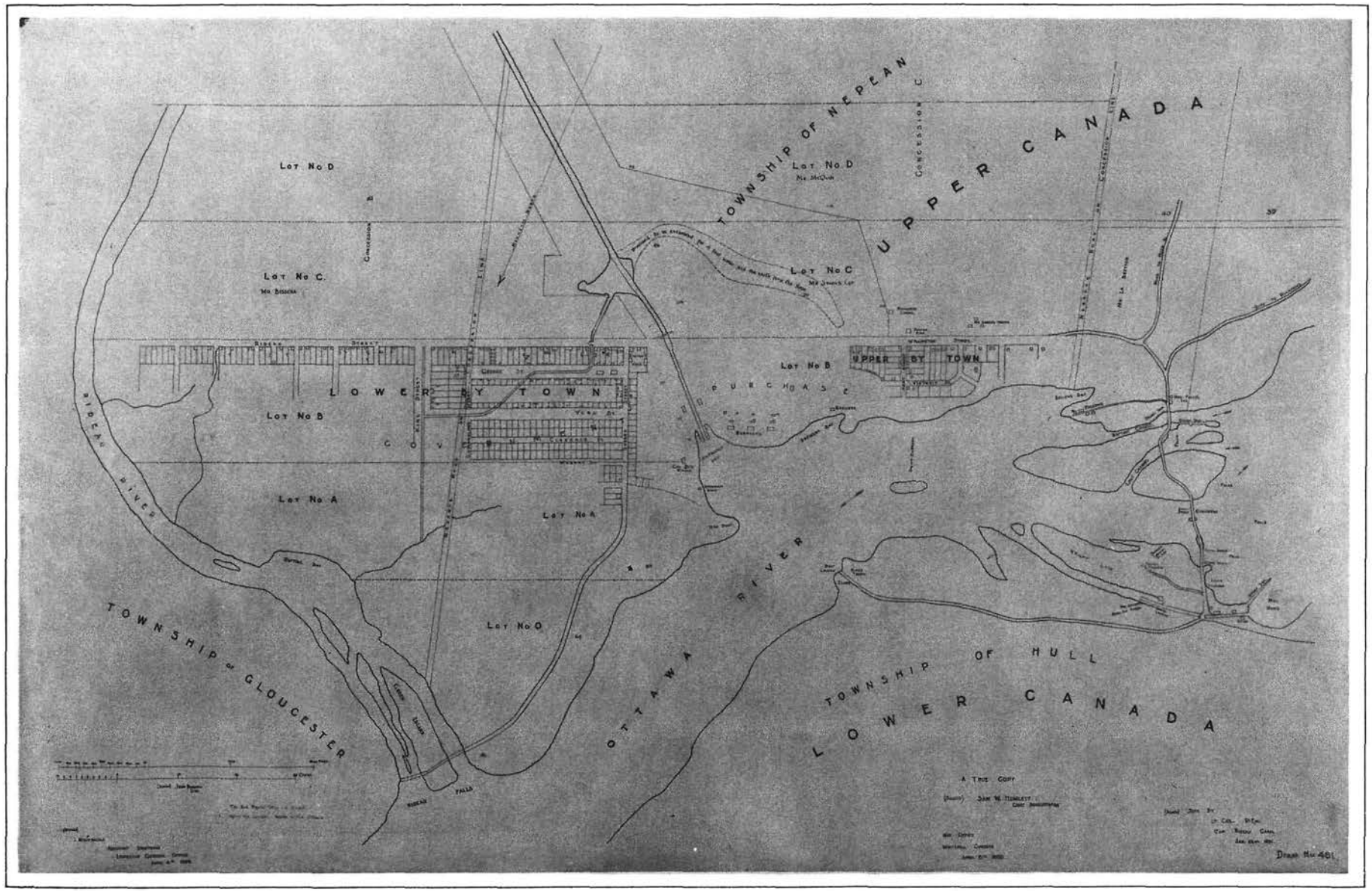
The general policy was worked out by Dalhousie and the imperial authorities before Lt.-Col. John By and his corps of Royal Engineers arrived in 1826 to construct the Rideau Canal. By and his successors as Chief Ordnance Officer at Bytown were only the immediate instruments of the more general policy. Though there was considerable flexibility in their instructions, and By was even accused of stretching them, the ordnance officers were only keepers of the land policy, not the makers of it. Land policy at Bytown was an aspect of more general imperial and commercial concerns. Change in imperial policy, in this sense, was a necessary preliminary to a change in local land policy. The one followed the other only in the 1840s. In the meantime, the connection to imperial considerations made local land policies resistant to local needs and local demands. Unfortunately, this detachment did not create stability. A number of unpredictable actions by ordnance authorities in London, Quebec City, and Bytown, for which there was no redress, also introduced uncertainty into the local land market.

Such a climate was to retard the stable growth of the town. It also radically hindered the construction of substantial, lasting buildings. Moreover, the effects were not confined just to the first generation, when the policy was in general operation, but subsequent generations suffered as well. Even after freehold tenure was permitted in the 1840s, the option to lease continued. Rents remained at such a moderate level on these 21 or 30-year leases that they became an invitation to economize, not only to those of modest means but also to sharp entrepreneurs who could see an avenue for making quick, easy money. Crudely built tenements designed to last only the length of the lease resulted from this process. Indeed the mixture of freehold and leasehold appears to have had somewhat the same depressing effect on construction and more general development of the Lower Town as had the original policy of leasing alone. Above all, the consequences of the first generation could never be overcome.

LEASING PATTERNS AND PROBLEMS

The leasing scheme appears to have had its origins with Lord Dalhousie and was conveyed by him to By in personally delivered instructions at Wrightstown (Hull) on September 26, 1826. Dalhousie proposed that the crown properties be surveyed, laid off into lots of two to four acres, and leased in perpetuity at a quit rent of 2 shillings 6 pence per lot annually. The other requirements were that settlers clear the land and build a house within twelve months of signing the lease. Furthermore, half-pay officers and "respectable people" should be induced to settle there.[1]

By implemented the policy in principle, but made changes in detail. He recounted these in two letters to Sir James Kempt, the administrator of the government of Canada, one letter dated July 18, 1829 and another of unknown date, but probably written shortly after the first. In the first, By recounted Dalhousie's suggestion of grants of two to four acres subject



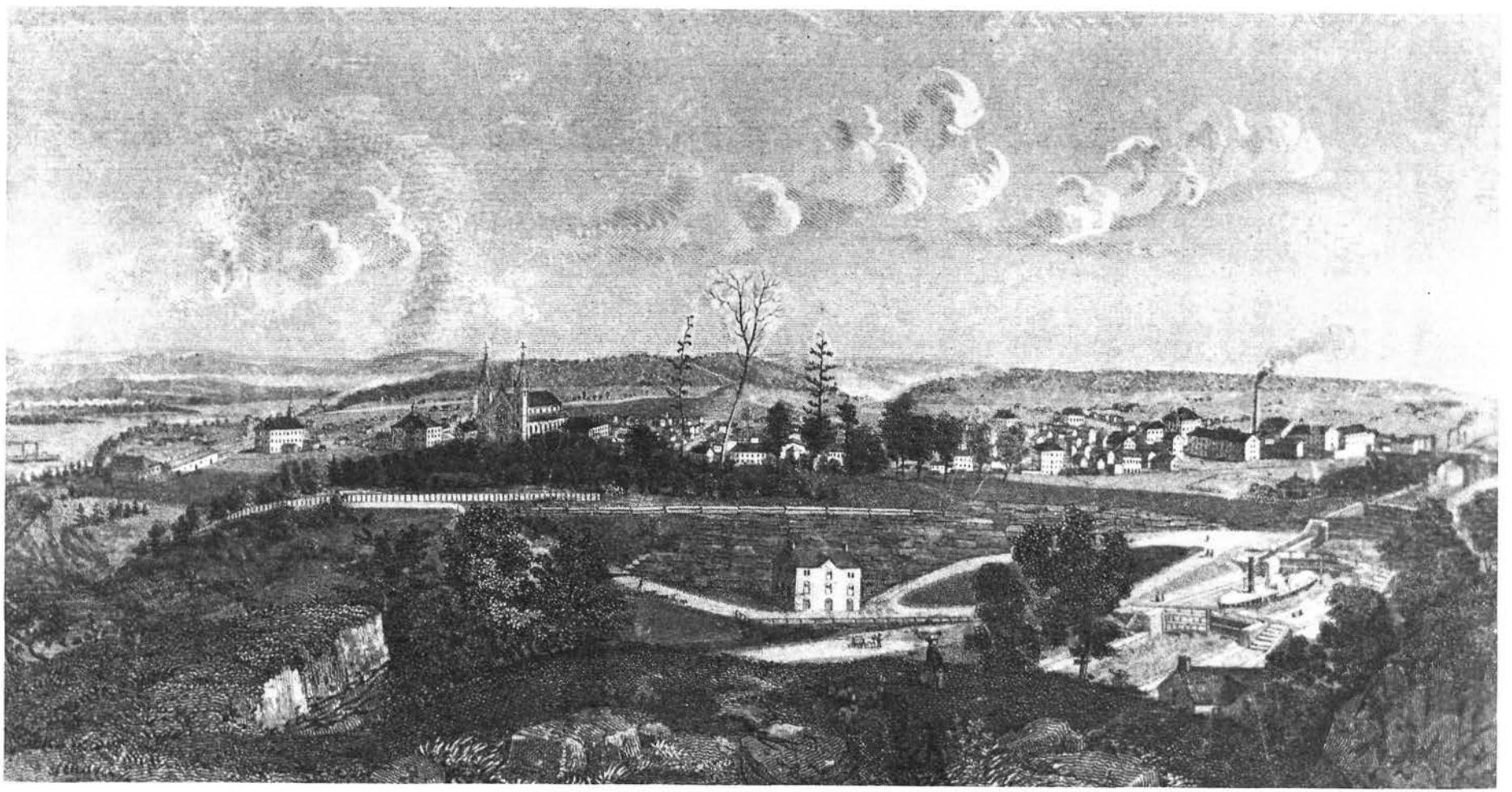
Lt.-Col. John By's 1831 Map as traced in 1851 illustrates how distinctly separated were Upper Town (to the right) and Lower Town (to the left) by the Rideau Canal, Barrack's Hill, and the lands seized from Nicolas Sparks. (Source: *National Map Collection, P.A.C.*]

to a small quit rent. He found, however, that after subtracting the land required for the Rideau service, the remaining section of the purchase was so insignificant that he had to lay the place out in smaller town lots of 66 feet wide by 99 or 198 feet deep. These were subject to the same rental terms suggested by Dalhousie. Speculators with good contacts apparently grabbed up most of these and sold the leases of the lots to those who would build. Scandalized, By received Dalhousie's permission to increase the rents and impose thirty year leases. Under this new system, By granted 108 leases and spent £160 out of the collected rents to build a market place on George Street. He also opened a new road.[2]

In the second letter, By stated that initially no one would take lots in Lower Town. But when he had established the Engineers' Yard and workshop on the north west corner of Rideau and Sussex (see Map) in the spring of 1827, it became necessary to drain the swamp that covered the flat of Lower Town and also to construct a wharf at the foot of St. Patrick Street. The improvements made the Lower Town lots not only accessible, but valuable. The first seven lots on the north side of Rideau Street from Sussex Street were immediately taken, but rents to be paid were set at the old level of two shillings and six pence per annum. This prompted a general stampede for the lots. Subsequent leases, however, were granted for the most part to the highest bidder at varying rents, "agreeable to the supposed value of the situation," and on the thirty year terms.[3] Two forms of tenure existed side by side, but significantly the more valuable tracts were in the hands of privileged speculators, most of whom were members of By's "civilian establishment."

By had denounced speculators in his letters of 1829 to Sir James Kempt, but at the time he was writing, speculation by insiders appears to have been rampant, and not only his civil staff were involved. There were also favored individuals, like James Inglis, whose brother-in-law was the Montreal financier and politician, the Hon. John Young. Inglis had taken Lot E on Sussex Street west on May 1, 1827 at £ 8 per annum for the purpose of locating a general store. Sussex Street was to be the chief commercial thoroughfare in Bytown because it led directly from the canal wharves to the east-west axial road at Rideau Street. On the same date Inglis also took lots 10 and 11 on the north side of York Street, about where the Byward Market originally stood. The commercial hub of Bytown was situated in this area, roughly covering all of Sussex Street, the north and south sides of Rideau Street as far as Dalhousie Street, and the wide streets of George, York, and Clarence which ran east to Dalhousie Street from Sussex and were directly north of Rideau Street.

As of May 1, 1828 Inglis had increased his holdings to include lots 10 and 11 on south Clarence Street immediately behind those which he held on York Street. On May 1, 1829 he leased nine lots on south Clarence Street and eight more on north York Street. By May 1, 1830, he completed his control of this entire block by taking up seven additional lots on south Clarence Street and another nine lots on north York Street.[4]



Lower Town from Barrack's Hill, looking east across the Rideau Canal, 1855. At this period Lower Town was the commercial centre of Ottawa. (Source: Public Archives of Canada).

There were others too numerous to mention here who also indulged in this same practice, but it can be noted that speculation was especially common amongst By's own personnel. James Fitzgibbon, the Master Carpenter on the Canal Works, had quietly obtained the rights to the Steamboat Landing at the foot of the canal. Fitzgibbon was one of five mentioned in By's second letter as having obtained the first seven lots under the early, favourable terms, and his property was located at the corner of Rideau and Sussex Streets, the very heart of commercial Bytown. This is an area which is today still part of the core of downtown Ottawa. On April 1, 1828, Fitzgibbon subdivided his 198 foot lot and offered for sale the northern half. The buyers were Joseph and Remi Miville, who were to receive 66 feet on George Street and 66 feet along Sussex Street for the astounding price of £ 200. Fitzgibbon had only to pay the minimum rent of 2/6 per annum for the whole lot to ordnance authorities to maintain the right to the land in perpetuity. Although the Mivilles were paying a high price for the right merely to sit on leased land, Fitzgibbon demanded that they "...cause to be built a good house on the aforesaid front or parcel of ground and which said house and ground is to be held as a pledge and security to the aforesaid James Fitzgibbon, his heirs or assigns, until they... Joseph and Remi Miville do pay...."[5] In actual fact, all they wanted to do was to open a tavern.

If Fitzgibbon was charging such staggering prices, one wonders what the army of other speculators were getting for their lots and what they were asking for lots with houses or tenements. It is easier to discern the results of these rental practices. A brief account by Eva Read, niece of James Fitzgibbon, describes Bytown in the area of the Inglis property in the 1840s as consisting of wooden houses, one and a half stories in height, running to the north and east as far as the eye could see. From these facts it is possible to speculate that the North side of York Street and the south side of Clarence Street contained nothing more than rows of wooden houses much like a few that dot the area today (see photo on following page).[6] The account also suggests that the low grade residential development of James Inglis severely restricted commercial development on south Clarence Street and north York Street to the first seven or eight lots abutting Sussex Street. Another problem raised by the rental situation was the difficult time By had maintaining respect for the authority of the military and ordnance regulations. The disparity of rents and the fact that the land was not sold at all were the roots of this difficulty.

One outraged tenant took personal action. Charles Friel, a shopkeeper, refused to pay the £4 rent demanded of him, after realizing that some men paid only 2/6 for lots, leased in perpetuity. Friel's more expensive lease was for thirty years. By swore a landlord's warrant and had Friel's goods seized for the amount of the rent. Friel paid his rent but charged By with break and entry, conveying away goods, shoplifting, and disturbing the peace. Friel lost his case but kept his lot.[7]

Despite the dissatisfaction there was a good market for tenements. Most of the population

Low grade residential buildings in Ottawa's Lower Town. Many have now disappeared. (Source: Canadian Inventory of Historic Buildings)

living in Lower Town were labourers on the canal and as such were earning piece work wages by the day. Work on the canal was mainly seasonal, creating long periods of unemployment during the winter months when it was difficult to keep day labourers on the payroll. This remained true even after completion of the canal. This group of labourers had to face many problems. A good number were illiterate and mainly dependent upon the work on the canal and later in the timber trade for any money they could get. Those earnings were occasionally enough to allow them to buy property from the private holdings of Louis Besserer or Nicholas Sparks, the two major owners of land beyond the ordnance holdings. Otherwise, they leased lots from the Ordnance Office, or if they were less lucky, they were unable to obtain land at all. To service this latter unfortunate group, speculators in the government service and private individuals built cheap housing for lease. In this way, Lower Town began its century-long role as a locale for tenant housing, poorly maintained by somewhat irresponsible landlords.

LAND ALLOCATION

Any inhibitions to building and development attributable to the leasing system and its attendant speculation were compounded by the air of uncertainty created by the actions of senior ordnance officials, especially the re-appropriation and expropriation of land. For instance, the Ordnance Office appropriated lot letter "O" in the northeast corner of the townsite. Though remote from the centres of settlement, it embraced half the Rideau Falls, and it had considerable potential as a milling and manufacturing site.

Even the most senior members of Bytown's military establishment fell victim to the arbitrary actions of Ordnance rule. Lt.-Col. By and his second-in-command, Lieutenant Pooley, believed they were the owners of Major's Hill Park, part of Dalhousie's original purchase. This belief was reinforced by extensive improvements which they made to the lands. Before his recall in 1832 By had built a magnificent stone house along the bluff overlooking the canal and the Ottawa River, at a cost of £ 700, an amount that did not include the "considerable sums" laid out for the creation of a garden. Furthermore, By had paid £ 183 to Lieutenant Pooley for the adjacent lot upon his subordinate's departure in 1828.[8] On September 9, 1833, By wrote to the Master General of the Board of Ordnance asking for the right to sell his property.[9] Dalhousie wrote the Board of Ordnance on September 21, 1833 that he had indeed granted lots to By and Pooley on which to build homes, but he hedged his opinion on the question of trading these lots:

> So far as my authority extended I consented to give these officers lots to build upon, as to reselling them or trafficking them as property, I have no concern in them nor can I establish any other right to them, than what these officers may show under the hand and seal of the Government of Upper Canada.
>
> I granted no lots of land, that had been purchased for public service.[10]

Neither By nor Pooley could produce deeds from the Government of Upper Canada, and there was no evidence

apart from occupancy to support their claim. The Treasury Chambers in London informed the Board of Ordnance by letter on December 31, 1833, that By had no title to the land which should, therefore, revert back to the Ordnance Office control.[11] On January 6, 1834, it was decided that By was entitled to a "partial remuneration" for his improvements, but on January 27, 1834, without explanation, this decision was reversed and the statement made that "the lands ought to be resumed without granting any Compensation to Lieutenant-Col. By for the Houses in question."[12]

There was no appeal. Ordnance officials acting on behalf of the crown, it was clear, had right of eminent domain over most of the populated area of Bytown, and it was now clear that this right would be exercised. Thereafter nothing would or could overcome the hesitation of capitalists, merchants, and investors skeptical of ultimate government ownership of leased lands susceptible to seizure at anytime for military or other purposes. Instead, many potential land owners purchased freehold land - sometimes at between £ 200 and £ 400 for 1/7 of an acre by 1836 - from Nicholas Sparks or Louis Besserer who controlled the lands directly south of the crown ordnance property.[13] Ironically these transactions also produced bitter fruit for the investors involved.

On November 17, 1826, Sparks had unwittingly allowed Lt.-Col. By to appropriate much of his estate between the Rideau Canal and present day Bank Street "for the purpose of constructing the Rideau Canal" within the terms of the Rideau Canal Act.[14] Furthermore, an enormous chunk of Sparks' land east of the canal behind Rideau Street was also taken by ordnance officers for the construction of a lay-by and bywash, a development which effectively thwarted the logical development of Sandy Hill and Louis Besserer's property. Development of freehold land at Bytown was thus restricted to a small area of land running west of Bank Street to the Chaudière Falls-LeBreton Flats area. This latter area of land was jealously guarded by Livius Sherwood and Captain John LeBreton because it divided Bytown lying west of the canal (Upper Town) from the power of the Chaudière Falls. It remained underdeveloped until the 1880s.

By and his personal activities incidentally restrained growth to the south. Noting the rise of expectations connected with the sale of the Sparks property, he acquired an estate in 1832 from William McQueen for £ 1200. It lay south of the Sparks and Besserer properties and stretched from the Rideau River on the east to present day Bronson Avenue abutting the LeBreton property on the west. By had the property surveyed into lots, and he rented most at low prices, replicating in some ways the Lower Town syndrome,[15] but also monopolizing freehold development to the south.

REACTION AND RESOLUTION

Reaction to the land imbroglio came as early as the summer of 1829. On July 9 about 65 leaseholders from the Lower Town (it is interesting to note that there were none from the upper village) endorsed a petition to Sir James Kempt. In it they explained their reasons for settling at Bytown "for the purpose of meliorating their own circumstances

and contributing to promote the progress of the public works as well as to redeem a portion of the country from a state of wilderness in which it was at the time...."[16] They went on to endorse Lt.-Col. By's use of the revenue from rents to improve streets and to erect a market. They were, however, less satisfied with By's administration of land matters. Since tenants were responsible for clearing the land and erecting a house within six months of receiving their lot, the petitioners believed that the rents should not be exacted on demand. This petition noted that they felt cheated. They believed their land was of less value when compared with the initial grants at 2/6. Bytown, they noted, held the greatest portion of the population of the District of Bathurst and was quickly growing in wealth and prosperity. It was, therefore, important that a revision of the rents, if not a wholesale grant to the leaseholder of title to the lots, be effected. Finally the petitioners noted one additional disadvantage of the current system:

> That by the tenures upon which the occupants of Lots in Bytown (upon which a great majority of them have expended far more capital than would be required to purchase a freehold qualification) hold their position utterly deprives them of the power of voting for a representative in the provincial Parliament and thereby goes to exclude them from their right of Elective franchise....[17]

Protests of the tenants reached more serious proportions by the following spring. Attempts were being made forcible to take possession of the lots and to sell them at high prices. Threats were directed towards By for holding the land for the government. There followed a second petition by the citizens to Lord Aylmer, the new Governor-in-Chief, in which the language became tougher and the names of certain leaseholders were mentioned. The basic demand became:

> WE DO DESIRE TO PURCHASE THEM, and have free possession that we may as freeholders enjoy the privilege of the Elective Franchise....[18]

A document found in the Ordnance Office papers showing the rent roll for 1835, reveals that the rents went unpaid until late 1835, suggesting that citizens had agreed not to pay the rents until the grievances had been rectified. In effect, they had launched a tenants' strike.[19] The issue became an enduring source of dissatisfaction. In an editorial of September, 1836, Dr. Christie, proprietor of the *Bytown Gazette*, seized on the issue of the ordnance rents as a cause of grievance. In 1841 another petition by the citizens of Bytown to Lord Sydenham about the ordnance rents clearly detailed the sentiments and fears that were held at that time about the rental situation:

> The tenures by which the lots are held in Bytown, in addition to its [sic] other imperfections, by being held in feu or by lease has had a material effect in retarding the improvements being made upon these lots. At the first settlement of the place when the ground on which Bytown now stands was covered by the native forest of the country, the dispatch necessary to procure a shelter, compelled

> many, (almost all) of the earliest settlers to erect wooden buildings, they being more quickly made habitable than those of other materials. The temporary manner in which many of these were built, and the unavoidable tear and wear of time (it being now about fifteen years), has left many of these houses in a dilapidated state. But their [sic] can be no doubt their owners, had they their lots on a more secure and favourable tenure, they would not hesitate to replace them by splendid and substantial stone buildings, the best of materials for which are to be found on the spot....[20]

The question of the franchise may not have been merely a by-product of the land question. Members of the Ordnance Office were well aware that any citizens becoming freeholders would be in a position to challenge the control of the military. A large group of enfranchised landowners might be able to wrest control of the Barracks Hill lands from ordnance administration, as well as taking back the lands expropriated from Nicholas Sparks and the area to the north of Lower Town fronting on the Rideau and Ottawa Rivers. In addition the Irish and French Catholics among them might very well add their votes to the reform side in the current political disputes. Thus the land question was in part an acting out of wider political issues.

In the summer of 1843 the Ordnance Office in Canada began to lobby the government for an act that would place the crown lands at Bytown under the direct control of ordnance officers, including the right to sell those lands and to set the price for the lots which would not be needed for canal or military purposes. The local Tories were pleased with this prospect since it would place them in the position of being able to influence their Ordnance Office friends as to who should receive freehold tenure and who should not. They were also aware that the Ordnance Office would not willingly give up Barrack Hill, Major's Hill, Nepean Point, and Lot O along the Ottawa River between the canal and the Rideau River, thus hemming in the Catholic Lower Town and containing its growth. On the other hand they were reasonably confident that those lands which had been seized from Nicholas Sparks between the canal and Bank Street would be returned to him and that Sparks would be able to sell discriminately to supporters of the Tory party. Furthermore, they knew that Sparks would ask a commanding price for his land which would tend to ensure that a professional, gentry class, such as themselves, would inhabit the place and outstrip the Lower Town. A surprise, however, awaited the Tories.

The government at Kingston in October, 1843, passed a Vesting Act which decreed that the ordnance administrators had to sell the lots in Lower Town, but the law omitted any reference to releasing Sparks' land back to him. The Tories reacted quickly. Stewart Derbishire, the Tory M.P.P. for Bytown, introduced an amendment that did not mention Sparks by name, but which laid bare their interests in the matter. He proposed:

> ...that all lands taken from private owners at Bytown under the authority of the Rideau Canal Act for the uses of the

> Canal, which have not been used for that purpose be restored to the party or parties from whom the same were taken....[21]

With the passing of this amendment, the Tories knew they had the ordnance officials cornered. The Ordnance Office could only with great difficulty justify holding Sparks' land for canal purposes, especially when it was releasing other land in the area. Ordnance officers felt, however, that they had a chance of retaining the lands, and indeed, fought on for another two years before conceding defeat. As a first step, ordnance administrators had the Vesting Act reserved by Governor Metcalfe. They then argued that Sparks' land had to be kept in order to build an enormous canal basin for trade purposes. Elaborate plans to this end were presented to prove their contention. On March 4, 1845, a committee, on the petition of Nicholas Sparks, was established to arbitrate the dispute. Stewart Derbishire, the former M.P.P. for Bytown was one of those called upon to testify, and it was his testimony which effectively gave the lie to the ordnance officials' position:

> The necessity of its appropriation by the Department has been justified by its Officers, upon the pretext of its being wanted for fortifications, for a rampart, and...ditch for a reservoir to supply the Locks at Bytown, if the water should ever fail, and finally for a Basin to accommodate the growing trade of the place....The Rideau Canal has been in full operation for fourteen years, and there has been no dimunition of water, but a waste weir is continually running, and so little did Col. By really believe in the failure of water, that he let a mill site, and recommended the erection of expensive mills to be turned by the never-ending supply of the waste water of the Canal at Bytown. The timber upon the banks of the Canal becomes less, instead of more every year; no want of space in the existing Basin has ever been felt. The passage of vessels by the Rideau is not likely to increase, but on the contrary to diminish, after the St. Lawrence Canals come into operation. But the imagination of a maniac only can realize the anticipation of a Basin or Dock, covering 88 acres at Bytown. Upon reference to authentic sources, I find that the celebrated St. Catherines Docks of London, cover only 24 acres, including quays, warehouses, offices and buildings of every description. The water area covers a space of only 11½ acres. The Great London Docks have but 30 acres of water area.... It is too obvious to need further illustration that the 88 acres they have taken from Mr. Sparks will really be wanted, or ever be applied to the benefit of the town.[22]

Derbishire's argument effectively won over the members. But even if the ordnance officials had won their case, it would have been physically impossible to have completed their projected undertaking, or it would have been a magnificent testimonial to British engineering because Sparks' land was totally uphill from the

canal, thus forcing water to run uphill to fill an eighty-eight acre basin.

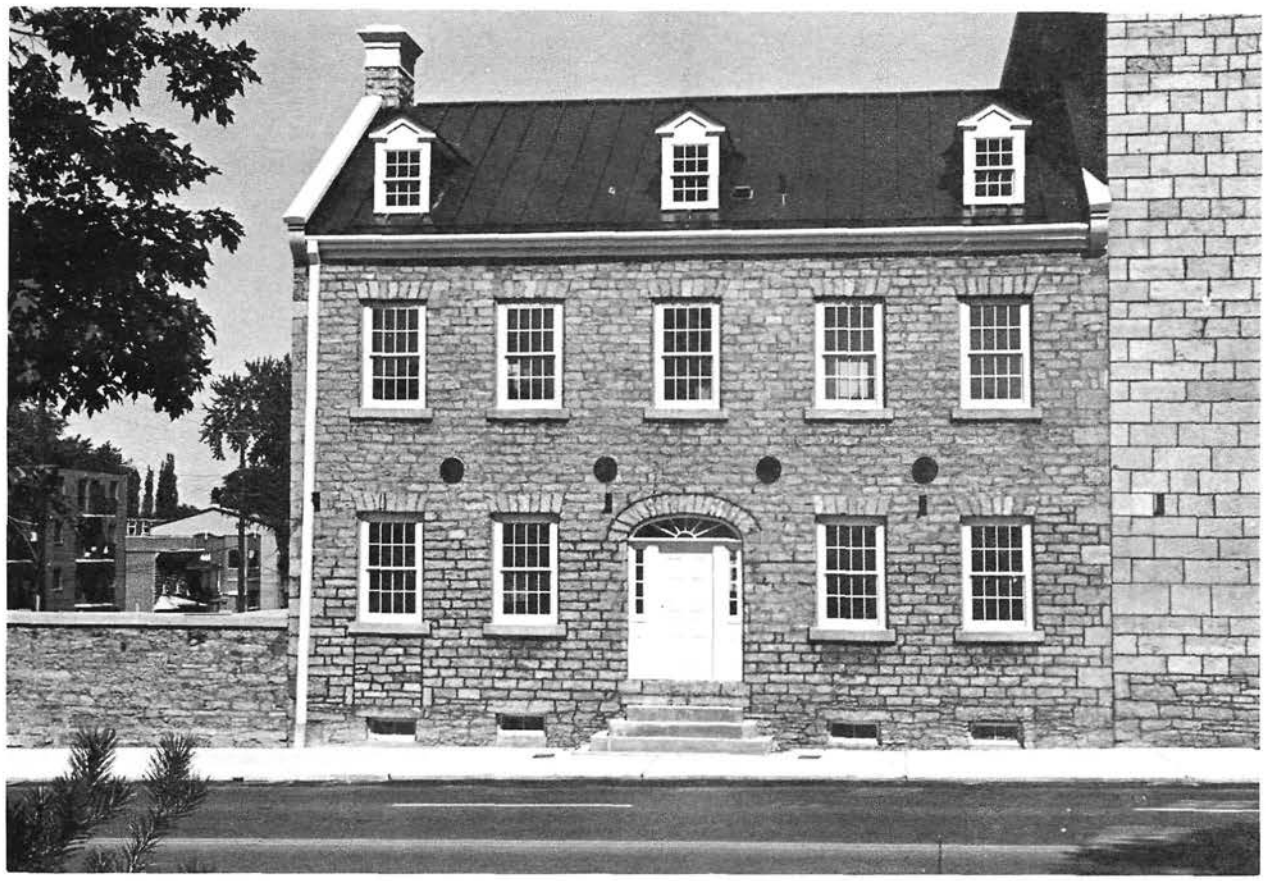
And so the reserved Vesting Act with its amendments, plus a petition from Sparks and other Bytonians praying for the Queen's assent to the Act, was sent to London by Governor Metcalfe in July, 1845. This sanction was granted shortly thereafter and in September, 1846, further arbitration between Sparks and the ordnance officials began. It was concluded on March 23, 1847. The Ordnance Office was left with the option of paying Sparks £ 25,000 or returning his land before June 11, 1847. Sparks received his land,[23] and the leaseholders soon afterwards got their freehold deeds.

CONCLUSION

Construction in stone or brick was rare in Lower Town until after 1843 and the passing of the Vesting Act which permitted the freehold sale of ordnance lots in Lower Town. The impact on building that resulted from the change to freehold tenure was immediate and dramatic. Even before the Vesting Act had received Royal Assent, ordnance officials had begun granting deeds in Lower Town, some as early as 1844. Shortly thereafter substantial buildings in stone, brick, or solid wood were constructed, and they have remained with us to this day. The Thomas Donnelly house on Sussex Street was constructed in 1844 when Donnelly received his deed.[24] It is a large Georgian style house which, until recently, contained the Office of the Minister of State for Urban Affairs. On York Street is the large stone bakery and inn of George Shouldice, constructed in 1846, two years after he received his deed. Today, the building houses a popular watering hole "Stoney Mondays." Further east on York Street is the Lafayette Hotel, constructed in brick in 1849 by Francis Grant after purchasing the property from ordnance officials in that year.[25] On St. Patrick Street, between Dalhousie and Cumberland Streets, stands a two and a half story "maison quebecois" with large dormers and casement windows, constructed in 1846 by Thomas Brulé, a blacksmith.[26]

Of greater importance, however, was the security which private ownership offered to the sponsors of much needed public service institutions. In 1850, the Sisters of Charity under Elisabeth Bruyère were able to erect a permanent General Hospital on the corner of Bruyère and Sussex Streets in the heart of Lower Town; in 1851 Bishop Guiges had a permanent home for the Collège de Bytown constructed of stone at the corner of Guiges and Sussex Streets south of the General Hospital. The college was to be the future nucleus of the Université d'Ottawa.[27] As well, private ownership aided the commercial and economic viability of the town. Bytown was incorporated in 1847, but, without the ability to purchase property, the new municipality would never have been able to provide a whole range of important civic facilities, not the least of which was the By Ward Market. Located between York and Clarence Streets, the market was established on land purchased in 1848 and is today one of the oldest continuously operating open-air produce markets in Ontario.[28]

A legal portrait of early Bytown provides some of the answers for the lack of early structures in Lower Town, but there were other



The Thomas Donnelly house, c. 1843-45, Sussex Drive. This was one of the first "substantial" or stone residences built in Bytown after the Vesting Act of 1843 was passed. The house served as a residence for Les Pères Oblats *and as the Bishop's Palace of Msgr. Guiges before a larger residence was built on St. Patrick Street. During the 1970s the house was restored by the federal government and used as an office.* (Source: National Capital Commission).

constraints upon proprietors as well. The world-wide economic climate during the 1830s was working against the new village. A series of depressions in the decade slowed the timber economy of the region and created uncertainties. These were aggravated by the politics of rebellion in both Upper and Lower Canada, which left Bytown relatively untouched but contributed to a more cautious attitude amongst the inhabitants. Cholera epidemics also swept the village twice in the mid-1830s, and the "Shiners War" between Irish workers, formerly employed on the canal, and French-Canadian raftsmen for control of the rafting trade on the river terrorized Bytown throughout the decade. The early years of the 1840s brought great prosperity to Bytown after the timber trade improved, but the positive effects of the Vesting Act were partly eclipsed by the repeal of the preferential timber tariffs by the Peel Government later in the decade. Again Bytown was thrown into depression, and construction

was brought to a halt until yet another recovery at the end of the decade.

It could be said that the heritage structures which do exist in modern Ottawa are mostly related to the designation of the city as the capital of the Province of Canada, for the choice seems to have provided the security that the citizens felt they needed to invest in the place. Still, a closer investigation of the brief period between the Vesting Act of 1843 and the selection of the city as the capital has begun to produce evidence of a burgeoning provincial culture. Ottawa has been a frontier boom town and a mecca for raftsmen as well as a national capital and a resting place for transient politicians. In addition to the splendour of Parliament Hill and the mirrored vivacity of the Mall, there can be found glamorous, stirring examples of this previous fleeting moment in time. It is this evidence of Ottawa's early built environment that will provide some of the data required for future research. As the city's physical past is gradually recovered, a new interpretation of Ottawa's early development may be made more complete. Then the nation's capital will be able to contribute its own non-governmental, genuinely indigenous colour to the panorama of Canadian history.

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NOTES

1 Public Archives of Canada (hereafter PAC.), C Series, vol. 42, p. 97, George Ramsay, Earl Dalhousie to Lt.-Col. John By, September 26, 1826.

2 PAC., Hill collection, vol. 28, pp. 6730-6735, Lt.-Col. John By, R.E., to Captain Airey, Acting Military Secretary, n.d., but probably 1829.

3 PAC., Hill Collection, vol. 18, pp. 4459-4460, Lt.-Col. John By, R.E., to Sir James Kempt, July 18, 1826.

4 PAC., Hill Collection, vol. 28, pp. 6730-6735, *List of Leases of Lots in Bytown granted by Col. By, 1826-1832.*

5 PAC., Hill and Hill Papers, vol. 4, file 82C, Indenture between James Fitzgibbon and Joseph and Remi Miville, April 29, 1828. Witnessed by Thomas Burrows and Thomas Burges [?].

6 Eva Read, "Early Days in Ottawa," Women's Canadian Historical Society of Ottawa, *Transactions*, vol. 1 (1901), p. 45.

7 PAC., Manuscript Group (M.G.) 13, War Office (W.O.) 55, vol. 1618, pp. 449-458; reel B-2837.

8 PAC., M.G. 13, W.O. 44, vol. 15, pp. 354-356; reel B-217, Lt.-Col John By to Master General and Board of Ordnance, September 9, 1833.

9 *Ibid.*

10 PAC., Hill Collection, vol. 18, pp. 4588-4590, Lord Dalhousie to the Hon. Board of Ordnance(?), London, September 21, 1833.

11 PAC., Hill Collection, vol. 18, pp. 4633-4634, Hon. J. Stewart to R. Byham, December 31, 1833.

12 PAC., Hill Collection, vol. 19, p. 4651, Hon. J. Stewart to R. Byham from Treasury Chambers, January 27, 1834.

13 City of Ottawa, County of Carleton, *Land Registry Abstract*, known as *City Book*, January 1, 1866.

14 PAC., Hill Collection, vol. 21, p. 5336, Nicholas Sparks to Lt.-Col. John By, November 17, 1826.

15 A.H.D. Ross, *Ottawa Past and Present* (Ottawa, 1927), pp.

23-24.

16 PAC., Hill Collection, vol. 18, pp. 4459-4460, Petition of the Inhabitants of Bytown to Sir James Kempt, Bytown, July 9, 1829.

17 *Ibid.*, pp. 4459-4460.

18 PAC., Hill Collection, vol. 22, pp. 5579-5581, "Petition from the Inhabitants of Bytown to Matthew, Lord Aylmer, Governor-in-Chief, Bytown, June 18, 1830."

19 PAC., M.G. 13, W.O. 44, vol. 22, pp. 135-138; reel B-1297, Statement of the Rents Due on the Bytown Lots to the 30th April, 1835, anon., dated August 26, 1835.

20 PAC., Hill Collection, vol. 24, p. 5933, "A Petition of the Inhabitants of Bytown to His Excellency Lord Sydenham, for changing their Leases to Deeds, June 4, 1841."

21 PAC., M.G. 13, W.O. 44, vol. 35, pp. 189-194; reel B-1305, Major J. Elliott, Kingston, C.W., to the Hon. Board of Ordnance, December 9, 1843.

22 PAC., M.G. 13, W.O. 44, vol. 35, p. 268, Report of Special Committee on the Petition of N. Sparks and Others, 1st Session, 2nd Parliament, 8 Victoria, 1845, The Committee Room, March 4, 1845, p. 2.

23 PAC., M.G. 13, W.O. 44, vol. 35, pp. 132-134, "The Commanding Royal Engineer in Canada to the Inspector General of Fortifications, Relative to the amount of £25,000 Currency, Awarded by the Arbitrators approved to determine the Value ... of the Property of Mr. Sparks at Bytown ... Royal Engineer's Headquarters Office, Montreal, March 23, 1847."

24 PAC., M.G. 13, W.O. 44, vol. 35, *Annual Rent Roll of Ordnance Property, Rideau Canal, Part III, 1847.*

25 *Ibid.*

26 *Ibid.*

27 *Ibid.*

28 City of Ottawa, County of Carleton, *Land Registry Abstract*, and known as *City Book*, January 1, 1866.