

# Lighthouses in Upper Canada, 1803 - 1840

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*Au cours des trente-sept ans qui se sont écoulés entre 1803 et l'union du Haut- et du Bas-Canada, la province du Haut-Canada a vu l'établissement de seize dispositifs d'éclairage publics essentiels à la sécurité des « navires, bateaux, radeaux et autres embarcations », ainsi qu'à leurs passagers, équipages et cargaisons. Les phares du Haut-Canada permettent d'examiner comment une assemblée législative coloniale relativement nouvelle a traité de questions de politique gouvernementale et d'administration. À quel point les législateurs du Haut-Canada ont-ils été réceptifs aux demandes d'éclairage public? Dans quelle mesure leurs commissions ont-elles dirigé efficacement leur construction et le gouvernement a-t-il supervisé leur exploitation ultérieure?*

## Introduction

In the thirty-seven years between 1803 and the union of Upper and Lower Canada, the upper province saw sixteen public lights established as essential to the safety of “vessels, boats, rafts and other craft,” their passengers, crews and cargoes. The lighthouses in Upper Canada provide an opportunity to examine how a comparatively new colonial legislative assembly dealt with issues of public policy and administration. Just how responsive were Upper Canada’s legislators to the requests for public lights? How effective were their commissions in directing their construction and the government in overseeing their subsequent operation? What problems did they leave to their successors in the united Province of Canada?

Much of the literature on North American lights is focused on a succession of heritage buildings, the technology deployed in them, the people who cared for the lights, and ongoing efforts to preserve them and present them as tourist destinations. Most of this is written for the visitor and not the scholar.<sup>1</sup>

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<sup>1</sup> These range from general guidebooks like Larry and Patricia Wright, *Great Lakes Lighthouses Encyclopedia* (Erin, ON: Boston Mills Press, 2006) and Wes Oleszewski, *Great Lakes Lighthouses: American & Canadian: A Comprehensive Directory/Guide to over 300 Great Lakes Lighthouses* (Gwinn, MI: Avery Color Studios, Inc., 2<sup>nd</sup> ed. 2012) to regional guides like Andrea Gutsche, Barbara Chisholm, Russell Floren, *Alone In The Night: Lighthouses of Georgian Bay, Manitoulin Island and the North Channel* (Toronto, ON: Lynx Images, 2003) to individual studies like Mary Weeks-Mifflin & Ray Mifflin, *Harbour Lights: Burlington Bay* (Erin, ON: Boston Mills Press, 1989) and Ronald Tiessen and Irena Knezevic, *A Brief History of the Pelee Island Lighthouse* (Pelee Island, ON: Pelee Island heritage Centre, 1999). Among the few on the scholarly

There is, however, a very active literature debating the impact of the state in general, and public works in particular, on Upper Canada's economic growth. Most of this is focussed on the public investments in canal construction and in a subsequent generation's fascination with public subsidization of railway development. By comparison, the sums spent on the creation and maintenance of aids to navigation were absolutely paltry, as has been the attention paid to them by historians. The shift in the management of all classes of public works from appointed local independent commissions to professional engineers reporting to the executive council or governor through a government bureau or department is a major thread in the transition of administration after 1840. There are studies of the Union period, but significantly less work has been done in terms of the successes and failures of the local commissions established by the House of Assembly of Upper Canada in the previous generation.<sup>2</sup>

By contrast, issues surrounding public policy and lighthouses in the nineteenth century have been the focus of considerable interest in Europe and, in particular, in England. There is a growing literature that started with R. H. Coase, a future winner of the Nobel Prize in Economics. His 1974 paper "The Lighthouse in Economics" tackled the question of whether lighthouses were among the "indispensable public services ... which by their nature cannot appropriately be left to private enterprise."<sup>3</sup> Coase argued that English lighthouse history incorporated a significant number of examples of private construction and operation of lighthouses, and that the Trinity House of Deptford was itself a private organization which for a long time financed its charities from rents drawn from those private lighthouse operators. Moreover, when Coase wrote in 1974, the operation of the lighthouses of Great Britain was entirely financed by specific taxes on the shipping interest and not from the general funds of the state. The debate that followed has centred on two points: given this evidence could lighthouses be considered an "indispensable public service" and had

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side was R. A. Preston, "The First Lighthouses on Lake Ontario near Kingston," *Inland Seas* 13:4 (Fall 1957), 198-204.

<sup>2</sup> The administrative history of Canadian lighthouses is very lightly touched upon in Thomas E. Appleton, *Usque Ad Mare: A History of the Canadian Coast Guard and Marine Services* (Ottawa: Department of Transport, 1968), chap. 6 and Edward F. Bush, "The Canadian Lighthouse," in *Canadian Historic Sites: Occasional Papers in Archaeology and History - no. 9* (Ottawa: National Historic Parks and Sites Branch, Parks Canada, 1974), 26-32.

For a broader discussion of government investment in Great Lakes infrastructure in the period see Pierre Camu, *Le Saint-Laurent et les Grand Lacs au temps de la voile, 1608-1850* (Cahiers du Québec CQ113, Collection Géographie, Ville LaSalle, QU: Éditions Hurtubise HMH, 1996), chap. 3-4 and Douglas McCalla, *Planting the Province: The Economic History of Upper Canada, 1784-1870* (Ontario Historical Studies Series, Toronto: University of Toronto Press, 1993), chaps. 7 and 9.

On the re-organization of public works in the period immediately following that under discussion see Doug Owrarn, "'Management by Enthusiasm': The First Board of Works of the Province of Canada, 1841-1846," *Ontario History* 70:3 (Sept. 1978), 171-88. Additional insights can be drawn from Ian Radforth, "Sydenham and Utilitarian Reform," in Allan Greer and Ian Radforth, eds. *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada* (Toronto: University of Toronto Press, 1992), 64-102.

<sup>3</sup> R. H. Coase, "The Lighthouse in Economics," *The Journal of Law & Economics* 17:2 (Oct. 1974) 357-76. The quote is from Paul A. Samuelson, *Economics: An Introductory Analysis*, one of the standard introductory American text books of economics, the first edition of which was published in 1948. Coase quoted from the 1964 (6<sup>th</sup>) edition.

Coase misrepresented the nature of the Trinity House. James Taylor's emphatically more historical approach was to examine the evolving debate in England beginning in the 1820s about ending the era of private owned lights, setting the parliamentary maneuvering in the context of other reforms of the period.<sup>4</sup> The nature of the policies under discussion informs some of the options that might have been considered by the legislature and government of Upper Canada.

Aids to navigation were long considered a key element in promoting safety for both passengers and property. In Upper Canada, this activity was almost entirely confined to the construction and operation of navigational lights. There were no publicly funded channel markers, no licensing of pilots, and the British Admiralty issued navigational charts, not the local government.

For these reasons, this paper is largely confined to the consideration of public lights. Individuals or firms established informal beacons in a number of locations, often by raising a lantern on a "mast," not infrequently at the ends of the earliest piers. Unlike the private lights of England, here the only compensation for the provision of this class of light was in the safe arrival of vessels at a wharf where fees could be charged for docking. In contrast, the lights under consideration in this paper were constructed using public funds, and for most of them so too would be the associated costs of maintenance, supply, staffing and housing.

### 1803 - 1826

In 1803 there were no public lights on the shores of the Great Lakes. Indeed, in Upper Canada there were almost no public works, a statement that could be applied to the American side as well. North of Lake Ontario, public energies and funds had been expended on Yonge and Dundas Streets and the less-than-successful Danforth Road.<sup>5</sup> The first customs officials had been appointed two years earlier. The entire commerce of the port of Kingston in 1803 was conducted by a fleet consisting of one boat and eight named vessels of twenty-five to ninety tons making between them a total of sixty-one entrances in the course of the shipping season. Apart from the Provincial Marine, based in Kingston and Amherstburg, and the government yacht, *Toronto*, there were not many more British vessels on the Lakes. The American fleet was even smaller.<sup>6</sup>

The first act establishing lighthouses in Upper Canada was passed in the spring of 1803. More precisely, two paragraphs were dropped into a lengthy bill dealing with the establishment of customs duties and their collection. Three lights were to

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<sup>4</sup> James Taylor, "Private Property, Public Interest, and the Role of the State in Nineteenth-Century Britain: The Case of the Lighthouses," *The Historical Journal* 44:3 (Sept. 2001), 749-771.

<sup>5</sup> Edwin C. Guillet, *Early Life in Upper Canada* (Toronto: University of Toronto Press, 1933), 504-16. W. H. Breithaupt, "Dundas Street and other early Upper Canada roads," in Ontario Historical Society, *Papers and Records* 21 (1924), 5-10.

<sup>6</sup> Customs Records, Port of Kingston, "Account of Vessels coming into the Port of Kingston, passing Isle Forest, between ..." for 26 Apr to 30 June, 1 July and 30 Sept., and 1 Oct. and 31 Dec., 1803, Library and Archives Canada (LAC), RG 16, Department of National Revenue, A-1, v. 133. For the Provincial Marine see Robert Malcolmson, "'Not Very Much Celebrated:' The Evolution and Nature of the Provincial Marine, 1755-1813," *The Northern Mariner* 11:1 (January 2001), 25-37. For want of a better study, on pioneer American shipping see J. B. Mansfield, ed., *History of the Great Lakes* (Chicago: J. H. Beers & Co., 1899), v. 1, chap. 10.

## Upper Canadian Lighthouses, 1803-1826



be built: Mississauga Point at the entrance to the Niagara River; Gibraltar Point at the entrance to the harbour at York; and Isle Forest (that came to be known as Nine Mile Point on Simcoe Island) at the western approaches to Kingston harbour. The lighthouses were to be paid for by a three pence per ton duty charged to vessels after passing them. The collectors of customs were then to remit the duties to the receiver general of the province. The pooled funds would then be expended by the provincial administration in building and maintaining the three lights.<sup>7</sup>

In framing the act in this fashion, the legislature sidestepped the administrative structures of other jurisdictions in the British tradition. In England public control of lights was largely administered through the Trinity House at Deptford, an independent guild of mariners who oversaw lights and other aids to navigation as well as licensing and providing pensions for pilots.<sup>8</sup> In 1804 the legislature in Lower Canada created a roughly parallel body, the Trinity House of Quebec and Montreal. It had an equivalent range of responsibilities but its members served at the pleasure of the government, and its regulations were subject to government approval.<sup>9</sup> Alternatively, Upper Canadian legislators could have looked to the statutes governing the Commissioners for the Northern Lighthouses in Scotland or their

<sup>7</sup> Upper Canada, *Statutes*, 43 Geo. III, chap. 2 (Collection and Payment of Duties), sec. 7-8. The 3d/ton duty is just a little in advance of the average charge in English waters in the period of 1d to 2d per ton. Taylor, 756.

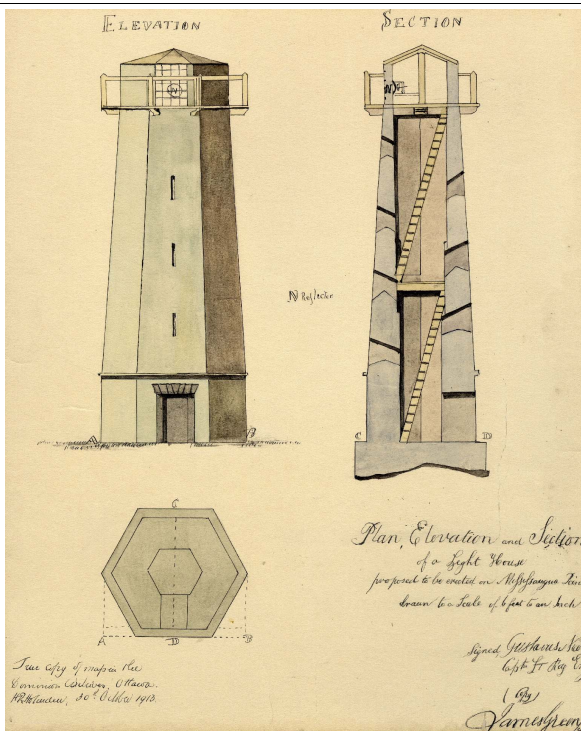
<sup>8</sup> Or more properly “The Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided Trinity, and of Saint Clement, in the parish of Deptford Strond, in the county of Kent.” See Douglas B. Hague and Rosemary Christie, *Lighthouses: their architecture, history and archaeology* (Llandysul, Dyfed, Wales: Gomer Press, 1975), 27-29 and Taylor, *op cit*.

<sup>9</sup> Lower Canada, *Statutes*, 45 Geo. III, cap. 12, “An Act for the better regulation of Pilots and Shipping in the Port of Quebec, and in the Harbours of Quebec and Montreal, and for improving the Navigation of the River Saint Lawrence, and for establishing a Fund for decayed Pilots, their Widows and Children.”

counterparts, known as the Commissioners of Irish Lights. Neither model was applied in Upper Canada. However the establishment of a general fund for managing lights did have a precedent: the management of the lighthouses of the United States by the newly created federal government, which had delegated this specific responsibility to the secretary of the treasury who, over time, would delegate it to one of his auditors working in conjunction with the collectors of customs assigned to different sections of the US border. The central office handled contracts and the customs officials acted as local superintendents.<sup>10</sup>

The tonnage duties did not apply to Upper Canadian ports above Niagara and were not collected. On Lake Ontario, the

major gap between the proposed lights was that between York and Kingston. In September 1804, the collector of customs at Kingston wrote that he had been at Benjamin Fairfield's wharf about ten miles (sixteen kilometres) west of Kingston, where salt was busily being unloaded from an American thirty-two ton schooner. The master, Augustus Ford, pleaded that he had entered the cargo at Newcastle (the customs district centred on Presqu' Ile Point) and had paid the customs duties there, before making his delivery to Fairfield. Indeed, Ford noted that he had done this a number of times the previous season. Why? Not because Fairfield's wharf was in the Newcastle customs district. But Newcastle was virtually the only customs district on the British side of Lake Ontario where Ford could enter goods from the United States without being charged lighthouse tonnage duties.<sup>11</sup> Those who owned ships coming into Kingston protested that the government yacht *Toronto* was



Plan of Mississauga Lighthouse (Toronto Public Library)

<sup>10</sup> Hague, *Lighthouses*, 40-4. In 1803 the control of most Irish lights was actually in the hands of the Irish Revenue or Customs Board. See also D. Alan Stevenson, *The World's Lighthouses before 1820* (London: Oxford University Press, 1959), 64-71. United States, *Statutes at Large*, 1789, Chap. 9, "An Act for the establishment and support of Lighthouses, Beacons, Buoys, and Public Piers." The reference to the secretary of the treasury is Sec. 3 of the statute. For the evolution of the administration of this act see Dennis L. Noble, *Lighthouses & Keepers: the U.S. Lighthouse Service and its legacy* (Annapolis, MD: Naval Institute Press, 1997), esp. chap. 1.

<sup>11</sup> Jos. Anderson to John McGill, Kingston, 19 Sept. 1804, LAC, RG 16, A-1, v. 133. The salt would have been shipped from Oswego, downstream from the major source of salt in the region, the works at Salina, NY (now a suburb of Syracuse). To sail from Oswego to Bath via Presqu' Ile Point was considerably less convenient than via Kingston.

exempt although they were apparently reconciled to the fact that the Provincial Marine would not contribute to the fund.<sup>12</sup> It is perhaps ironic that in the fall of 1804, the Provincial Marine's schooner *Speedy* was lost in the night in a storm off Presqu'Île Point, in what is perhaps one of the best known peacetime shipwrecks of the entire period. Would a lighthouse there have made the difference? Probably not, as virtually every version of the story of the wreck tells of a beacon lit on shore as it grew dark.<sup>13</sup>

By this time, the first light on the Great Lakes was in place. After the first season's worth of the tonnage duties had been collected, it was clear that the lighthouse fund was going to be inadequate. Kingston, perhaps the most active port in Upper Canada, had returned a mere £38; by 1808 this would grow to all of £63 per annum.<sup>14</sup> Meanwhile, the total accumulated in the fund after the 1805 season (presumably less the expenses associated with the Mississauga lighthouse) had been something less than £100.<sup>15</sup>

Richard Cartwright of Kingston and Robert Hamilton of Queenston, perhaps the two most influential businessmen in Upper Canada, approached the lieutenant governor, General Peter Hunter, declaring that: "if the Erection of three Light Houses were to be deferred til sufficient Funds should be previously collected under the present Law, those who now pay would probably derive no advantage from them." In short, they would be dead of old age! What Cartwright and Hamilton proposed was a lantern raised on a wooden scaffolding at Mississauga Point at the entrance to the Niagara River "where a Light will be of more general benefit than in any other situation." Their interim solution was, in fact, not significantly different from the modern structures that support many of the current lights around Canada.<sup>16</sup> In his other role, as commander in chief of the British army in the Canadas, Hunter was in a position to order more a substantial alternative. He commissioned Gustavus Nichol, a captain of the Royal Engineers then stationed at Niagara, to design a tower in consultation with Hamilton. The resulting plans and estimates were passed to John Symington, the collector of customs at Niagara. Symington was ordered to manage the work with strict instructions for economy, but was promised labour from the garrison at Fort George, including the company's masons before they were sent up the Lakes on military projects. The result was a forty-five foot stone tower built for £196.17.6 and apparently first lit about 25 June 1804.<sup>17</sup>

<sup>12</sup> Jos. Anderson to John McGill, Kingston, 16 May 1803, LAC, RG 16, A-1, v. 133.

<sup>13</sup> Most of the reasonably contemporary accounts are cited in Brendan O'Brien, *Speedy Justice: The Tragic Last Voyage of His Majesty's Vessel Speedy* (Toronto: University of Toronto Press for the Osgoode Society, 1992), 100-01.

<sup>14</sup> Returns for 1803 and 1808, LAC, RG 16, A-1, v. 133.

<sup>15</sup> The *Journal of the House of Assembly of Upper Canada* for the years 1805, 1806, 1807, 1808, 1810, 1811, in *Eighth report of the Bureau of Archives for the province of Ontario ... 1911 (JHA)*, (Toronto: L.K. Cameron, 1912) 91, for 25 Feb. 1806.

<sup>16</sup> "Observations relative to the projected Light Houses for the consideration of His Excellency Lieut. General Hunter," enclosed in LAC, RG 8, C Series, v. 1211, 368, James Green to Capt. Nicolls, 29 Feb. 1804. Both Hamilton and Cartwright also served on the Legislative Council.

<sup>17</sup> *Ibid.*, 395, James Green to Capt. Nicols, 26 March 1804; p. 404, same to same, 2 April 1804; 404, James Green to John Symington, 2 April 1804 which enclosed Captain Nichols' estimates. As would be true later, the notion of a house for the light keeper (in this case a log cabin) was an afterthought, but built at the same time. (*Ibid.*, 422, James Green to Capt. G. Nichols, 19 April, 1804; 435, James Green to Mr. Symington, 1 May 1804). There would be later discussion about



Gibraltar Point lighthouse (Toronto Public Library)

Four years later, the restless legislators in the Assembly presented an address to Hunter's successor, Francis Gore, requesting that a lighthouse on Gibraltar Point at the entrance to the harbour at York be built, promising that "this House will make good the expenses thereof out of any of the unappropriated moneys in the hands of the Receiver General" ... at least until there were sufficient funds from the lighthouse duties to pay the money back.<sup>18</sup> Acting on those assurances the collector of customs at York, William Allen, was authorized to arrange for the construction of this second light. Again, the artisans of the local regiment, by this time the 41<sup>st</sup>, were recruited to do the construction.<sup>19</sup> With the financially careful General Hunter gone, Gore's letter of authorization merely told Allan to organize construction and submit his bills for auditing. There were no plans, no estimates and no injunctions to economize. Nor had there been from the legislature. When the light was first shown in 1808, the bills amounted to £946, just under a five-fold increase in costs.

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just how much the company masons were to be paid for a civilian project. The details in Bush, *Canadian Lighthouse* 60-62 are less than complete. See also Lillian Rea Benson, "The First Lighthouse on the Great Lakes," *Inland Seas* 2:2 (April 1945), 14-17.

<sup>18</sup> *JHA*, 9 March 1808, 261; 10 March 1808, 262.

<sup>19</sup> Bush, *Canadian Lighthouse*, 62-63.

Certainly, the cost of transporting stone to Gibraltar Point had to be factored into the costs, but the men of the 41<sup>st</sup> Regiment were authorized to assist, and for a time the new lightkeeper was fed out of the rations of the garrison of the blockhouse on the Point. Despite gradual growth in revenue from the lighthouse fund, it was completely spent out.

At this stage the possibility of building a third light, to signal the entrance into Kingston harbour and the St. Lawrence, simply fades out of consideration. It seems unlikely that there were no advocates from among Kingston's population for this service, but the general lighthouse fund was exhausted by the construction of the first two, especially the stone light on Gibraltar Point, guarding what was still the least active of the three ports. In 1812 the balance of the lighthouse duties had recovered to the amount of £419, which should have been enough to construct a Mississauga Point-style lighthouse at the lower end of Lake Ontario. But war intervened.<sup>20</sup> In early 1814, the Mississauga Point light was destroyed to make room for Fort Mississauga, which, according to some sources, received the equipment from the old light.<sup>21</sup> If so, a subsequent petition made it clear that, at least in 1818, there was no longer a light at the entrance to the Niagara River.<sup>22</sup> Nor would there be until the Americans allocated \$1,000 to put a light on top of the mess-house in Fort Niagara on the opposite side of the river. This was first lit in 1823.<sup>23</sup> With the responsibility to vessels entering the Niagara River abandoned, Upper Canada was left with a single lighthouse.

The return of peace in 1815 and the revival of merchant shipping triggered the return of the lighthouse tonnage duties but no new Upper Canadian lights. Only one request made it to the floor of the legislature. Less than a week before the end of its 1817 session, the House of Assembly concurred with a message from the lieutenant governor who was recommending a lighthouse at Long Point on Lake Erie as "essential to the safety of His Majesty's Ships and Vessels on that Lake," as well as offering support for the establishment of a "colonial Trinity House for the purpose of superintending the general communication of these Lakes."<sup>24</sup> However, no substantial action was taken and, after their summer break, the issue of a Trinity House was never raised again.

On the other side of the Lakes, however, the attitude proved quite different. The War of 1812 had drawn to the attention of many Americans the vast extent of the northern lakes. The return of peace triggered a major migration into the region. Congress began adding lights on the lakes to its annual lighthouse appropriations, starting on Lake Erie in 1816 with funding for lights on Bird Island (Buffalo, NY) and Presque Isle (Erie, PA). By 1826, there were eight operational lights on the American shores, with further appropriations for two more sites and a replacement structure at Buffalo that spring.<sup>25</sup>

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<sup>20</sup> *JHA*, 72, 2 March 1812.

<sup>21</sup> Wright, 58.

<sup>22</sup> *Ninth Report*, 535 (13 Mar. 1818)

<sup>23</sup> Wright, 26.

<sup>24</sup> *JHA* 400, 28 March 1817.

<sup>25</sup> United States, *Statutes at Large*, 14<sup>th</sup> Cong. Sess. 1, Chap 120 (27 April 1816) Bird Island, NY (\$1590), Presque Isle, PA (\$1590); 14<sup>th</sup> Cong. Sess. 2, Chap. 33(3 March 1817) Bird Island & Presque Isle (\$17,000); 15<sup>th</sup> Cong. Sess. 2, chap. 102 (3 Mar 1819) Galloo Island, NY (\$12,500) Sandusky/Marblehead (\$5000); 16<sup>th</sup> Congress, Sess. 2, chap. 52 (3 March 1821), Oswego River



On the Upper Canadian side in the 1826 season, there remained only one public light, Gibraltar Point. Indeed, the trend in Upper Canada was not towards new construction but the reduction of lighthouse duties. In 1818, schooner captain John Mosier petitioned the Assembly, complaining about the inequity of the shipping interest paying into a fund that was not being invested in the services for which it was collected. He presented the Assembly with two alternatives: build more lights or cancel the duties at ports where there were none. They chose a third alternative and reduced duties. Mosier's petition was followed by one from the owners of the steamboat *Frontenac*, fretting that they paid duties on tonnage that could not be used to carry passengers or freight. Duties on steamboats were consequently reduced by one third.<sup>26</sup> Three years later, the *Frontenac's* owners were begging for additional relief from tonnage duties while Edward Oates, who operated a packet schooner between York and Niagara, produced yet another petition. The resulting act was one that reduced the lighthouse duties at York, the one remaining Upper Canadian port at which they were collected, to the tonnage of goods discharged at the port, exclusive of the personal baggage of passengers.<sup>27</sup> Revenues plummeted.

The final act of this phase came in 1826 when it was generally conceded that major repairs and improvements were needed for the eighteen-year-old structure on Gibraltar Point. The sum of £200 was authorized for "good and sufficient lamps and reflectors," and other improvements. To pay for it, vessels had the option of taking out a £15 annual license, or pay fixed sums on each entrance into York harbour. The fees were generally less those prior to 1821, especially for larger vessels, but they were once again chargeable to the tonnage of the hull, not the cargo.<sup>28</sup>

In the twenty-three years since the first lighthouse act, a steady, if declining duty had been charged to vessels entering Upper Canadian ports on Lake Ontario. This had yielded about ten years of lighthouse service on Mississauga Point at the mouth of the Niagara River before the destruction of that light in 1814, and thus far eighteen years on Gibraltar Point at the entrance to York [Toronto harbour]. But instead of increasing their commitment to aids to navigation, the legislature had, at every opportunity taken the alternate tack, by reducing fees and avoiding new commitments.

As a point of comparison, it is worth noting that the lighthouse tolls in England

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(\$3500); 17<sup>th</sup> Cong., sess. 1, chap. 119 (7 May 1822) Fort Niagara (lamp on the mess-house, \$1000+\$1500 in 1823); 17 Cong., Sess. 2 chap. 56 (3 Mar. 1823) Fort Gratiot (\$3500); 18<sup>th</sup> Cong. Sess. 1, chap. 179 (26 May 1824), Great Sodus (\$4500), Grand River (\$8000) [Fairport]; 18<sup>th</sup> Cong. Sess. 2, chap. 113 (3 Mar. 1825) Cleveland Pier; 19<sup>th</sup> Cong. Sess. 1, chap. 73 (18 May 1826), Dunkirk, NY (\$6000), Buffalo, NY (\$2500) as replacement for initial light, Tibbets Point, NY (\$3000). See also David W. Francis, "Early Lighthouse Construction on the Great Lakes: A Case Study," *Inland Seas* 44:4 (Winter 1988), 290-99 which is focussed on the Grand River, Ohio, light.

<sup>26</sup> *Ninth Report*, 535 (13 Mar. 1818); 47 (4 Nov. 1818). Upper Canada, *Statutes*, 59 Geo. III (1818), chap. 16 (Light-house and tonnage duties). This was consistent with British legislation which had first drawn a distinction between gross and registered tonnage for steamboats.

<sup>27</sup> *JHA* 352 (23 Feb. 1821); 365 (1 Mar. 1821); 246 (3 Mar. 1821); 372 (5 Mar. 1821). Upper Canada, *Statutes*, 2 Geo. IV (1821), chap. 15 (Small Craft). Archives of Ontario, F 32 Macaulay family fonds, C. A Hagerman to John Macaulay, 7 March 1821, 11 March 1821.

<sup>28</sup> Upper Canada, *Statutes*, 7 Geo. IV (1826), chap. 9 (Gibraltar Point light house). Vessels under fifty tons were to be charged 7s 6d while those over fifty were charged 12s 6d, a pricing model that gave significant advantage to the *Frontenac* at upwards of 700 tons.

were also significantly reduced in the 1820s, but for different reasons. The Trinity House revenues from lights that it was acquiring and building were more than its expenses for operation. As the surplus was intended to support its pensioners, Trinity House was in a position to reduce tolls.<sup>29</sup> And therein lay the major difference, Trinity reduced tolls while improving its service. In Upper Canada tolls were reduced because service remained limited.

## 1827 - 1840

Beginning with the 1827-28 legislative session and for most of those that followed through to 1840, the attitude of the Assembly towards lighthouse shifted to the opposite tack. By this point, the Upper Canadian government had started to engage in dramatically larger public works. A relatively small investment in the Burlington Bay Canal (1824), was succeeded by larger loans underwriting the nominally private Welland Canal efforts (chartered in 1824), and then by the even larger public stake in the Saint Lawrence canals (1834).<sup>30</sup> At the same time, the Canada Company (1827) supplied the funds that guaranteed much of the civil list (the salaries of the executive branch of government), the share of duties collected in Lower Canada was up, and the revenues from goods imported via the US increased dramatically with the opening of the Erie and Oswego canals. The result of these changes combined with elections in 1828 was a provincial legislature more intent on promoting provincial economic development and with more money to spend.<sup>31</sup> By their very nature, lighthouses were a substantially cheaper investment, and were pulled along in the wake of the rest of provincial government spending.

Which projects got the consideration of the legislature? Prior to 1840 lighthouse construction was usually initiated by a petition to the House of Assembly. Typically, the shipping trade would identify a problematic land feature or residents of a port would seek to encourage shipping to their neighbourhood. Perhaps coincidentally, a petition from thirty or so residents of the Western District requesting a light at Long Point on Lake Erie was presented to the House ten days before the lieutenant governor forwarded a set of correspondence from officials in the United States, Britain and British North America, urging the same action.<sup>32</sup>

Indeed from 1827 to the end of the period under review only two petitions for lighthouses were left to lie on the table. In January 1827, Captain Alexander Macintosh petitioned for a lighthouse on Point Abino, on the north shore of Lake Erie between Buffalo and what would become Port Colborne. It was unusual not only for being turned down, but also for being the petition of a single individual, and for having a reasoned explanation for its refusal. The select committee considering it demanded: “that some more definite proposition should be submitted to the

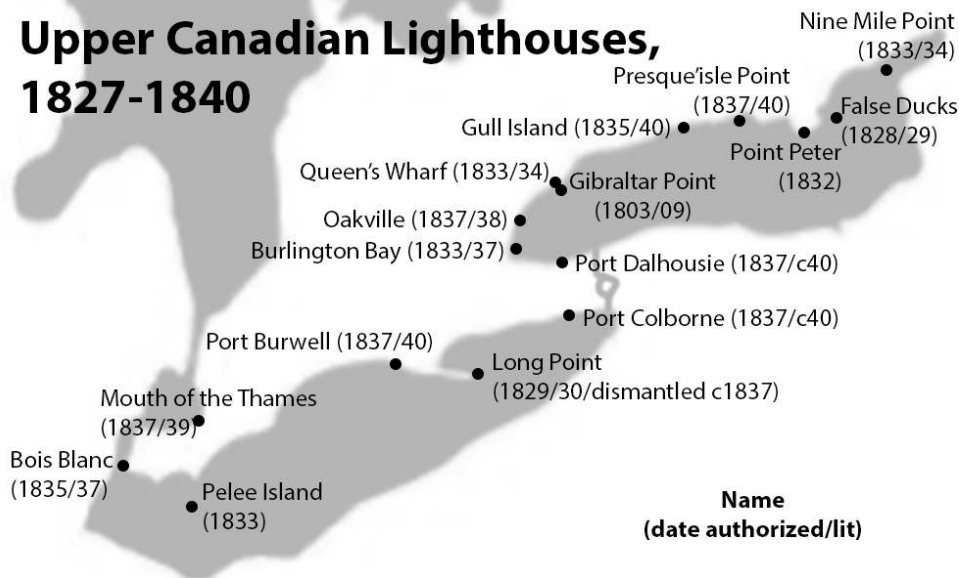
<sup>29</sup> Taylor, 757.

<sup>30</sup> Rideau and Ottawa canals were largely financed by Britain. For the details of their financing and construction see George Raudzens, *The British Ordnance Department and Canada's Canals, 1815-1855* (Waterloo, ON: Wilfrid Laurier University Press, 1979).

<sup>31</sup> McCalla, 163-171. He estimates that £278,000 was spent by the Upper Canadian government on the Welland Canal to 1840 and another £352,000 on the St. Lawrence canals (305). By contrast only about £25,000 was spent on lighthouses, both for construction and operations (302).

<sup>32</sup> *JHA*, 1829, 8; Appendix, 32-33 “Communication from the Secretary of State respecting the erection of a Light House on Long Point.”

## Upper Canadian Lighthouses, 1827-1840



legislature in respect to the proper site for a light house, the cost of its erection, the expense that will attend its support, and the impositions which the trade will bear in order to defray the interest of the loan and gradually liquidate the principal as well as to maintain the light.”<sup>33</sup> All of these factors would be present in the legislation that would follow, where the statute approving the light would set a limit on the cost, but leave to the local commissioners they would then appoint the questions of precisely where to locate the structure and whether it would be possible to derive revenue from the affected shipping trade. Given that before the Welland Canal was extended to Port Colborne five years later, vessels bound for the canal from Lake Erie had to pass the dangerous shoals off Point Abino on their way to the head of the Niagara River, a stronger case could and should have been made. Indeed the report of the select committee explicitly invited it, but no response was forthcoming. In subsequent years, the principal sufferers from its absence were those bound for Buffalo. The only other failed petition came in 1836 on behalf of Port Credit, on the north shore of Lake Ontario between York and Hamilton.<sup>34</sup>

The petitions were invariably referred to a select committee, which, with the two exceptions just noted, always recommended construction to the Assembly. A further stage, involving a committee of the whole on supply, usually followed before a bill was presented, and passed. The Legislative Council, (the upper house), never amended them and they would be presented for the approval of the lieutenant governor acting on behalf of the crown by the end of the session. The only serious delay in approval came at the end of the contentious 1835-36 session. The newly-installed lieutenant governor, Francis Bond Head, reserved all bills that involved the

<sup>33</sup> *JHA*, 1826-27, 64. (17 Feb 1827).

<sup>34</sup> *JHA*, 1836, 198, 207. In 1912, the Americans stationed a lightship off Point Abino, which was destroyed in the Great Storm of 1913. After this the Canadian government finally built a light there, which went into service in 1918. A private light was put on the pier at Port Credit in 1863, which was replaced by a government light in 1882. Wright, 65, 89, 144.

spending of money. This set everything back a season, but all the lighthouse bills were subsequently given royal assent.<sup>35</sup>

From the False Ducks bill in 1828 to the Gull Island bill in 1835, the Assembly named the commissioners into whose care the funds for the project were passed. This was consistent with the expenditures on other public works, both large and small.<sup>36</sup> The Gull Island project, however proved just short of a total failure. What had been an island in 1834 had been transformed into a shoal when the contractor went to the site the following year. The contract could not be finished on time and under budget. Where other commissioners had petitioned for more funds, these sued the contractor. The contractor then petitioned the Assembly which voted more funds and replaced the commissioners. Lieutenant Governor Bond Head reserved the bill. A further bill authorizing Bond Head to appoint the commissioners was passed and finally another bill in 1839 appropriated still more funds.<sup>37</sup> Everyone was heartily sick of the Gull Island fiasco, but the eventual result in 1840 was a working light. However, the assembly elected in 1836 would no longer appoint commissioners; they merely authorized the lieutenant governor to appoint lighthouse commissioners while fixing the amount of money available to them.

One of the enduring criticisms of the public works of Upper Canada was the extent to which the success of the projects depended on the competence of those appointed by the Assembly or the crown to manage the project. In the eastern end of Lake Ontario, three lights benefited from the fact that each commission had included John Macaulay.<sup>38</sup> Before advertising for tenders for the first of these, Macaulay and his fellow commissioners consulted with Americans about the features of the American lighthouse on Galloo Island off the southern entrance to the Saint Lawrence River. Further research led them to conclude that the lighting apparatus usually used in new British and continental lights was too expensive given their budget constraints. Instead, they turned to the exclusive contractor for

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<sup>35</sup> *JHA*, 1836, 523. (6 Wm. IV, c. 43); 1836-37, 108, 245.

<sup>36</sup> Before 1840, the Assembly continued to name commissioners in their grants to public works. Apart from the later lighthouse bills, the other three exceptions, when the lieutenant governor was authorized to make the appointments were 7 Wm IV (1837), chap. 64, sec. 2 (Toronto Harbour); 7 Wm IV (1837), chap. 66, sec. 4 (Trent River Navigation); and 2 Vic (1839), chap. 11, sec. 2 (Provincial Lunatic Asylum).

<sup>37</sup> *JHA*, 1835, 33, 208, 385, 396; 1836, 55, 212; 1836-37, 44, 110; 1838, Appendix, 383-85, "Report of the Commissioners for the erection of a Light-House at Gull Island"; 1839, Appendix, 826-27 "Report of Select Committee on Petition of Francis Hall and on Message and Documents on Gull Island Light-House." Upper Canada, *Statutes*, 1835 (5 Wm. IV), chap. 41 (Gull Island); 1836 (6 Wm. IV) chap. 47 (Amend Gull Island); 1837 (7 Wm IV) chap. 88 (Amend Gull Island); 1839 (2 Vict.) Chap. 58 (Complete Gull Island). The first keeper was later paid for his services from 4 June 1840 to the end of the year, suggesting that this is when the light finally became operational. *Appendix to the first volume of the journals of the Legislative Assembly of the province of Canada : session 1841* (Kingston: G. Desbarats & T. Cary, 1842), App. G., 9.

<sup>38</sup> Macaulay acted as the regional agent of the Family Compact on a series of fronts: editor of the conservative Kingston *Chronicle*, agent of the Bank of Upper Canada, postmaster, justice of the peace, and commissioner of the Provincial Penitentiary. S. F. Wise, "John Macaulay: Tory for All Seasons," in Gerald Tulchinsky, ed., *To Preserve and Defend: Essays on Kingston in the Nineteenth century* (Montreal and London: McGill-Queen's University Press, 1976), 185-202.

supplying equipment to American lighthouses, Winslow Lewis of Boston.<sup>39</sup> It is difficult to conclude that, with the funds at their disposal in the 1820s and 1830s that Macaulay and his colleagues might better have equipped these three lights. And all three towers stood until the 1960s. Indeed one is still standing.

The commissioners could certainly have done worse. The Long Point commissioners acquired most of their supplies from merchants at Buffalo: one hundred tube glasses, ten gross lamp wicks and a several barrels of “winter,” “fall” and “summer” lamp oil. Their sources went unnamed, but the supplies included no reflector or lens to intensify the light. The actual construction of the tower and keeper’s house was tendered to the Van Normans, American-born iron founders at nearby Normandale.<sup>40</sup> No one was aware of just how actively the tip of Long Point shifts in Lake Erie. The tower was placed in a position that within a couple of years was being threatened by the lake. The light was decommissioned, the tower abandoned to the lake, the equipment disassembled, stored, parts plundered and despite being one of the most important locations for a light on all of Lake Erie, would not be in service again until 1843.<sup>41</sup>

The commissioners for the Bois Blanc light, at the lower entrance to the Detroit River, created their own tender documents. When the cost proved too high, they wrote back to the Assembly asking for more money. Unlike the commissioners of Gull Island, they had the opportunity to do this after calling tenders and before signing a contract. They then contracted with an American to build the entire structure, including supplying the lantern room. Once again, no evidence was supplied for the provenance of the lighting equipment.<sup>42</sup> Whether appointed by the Assembly or the lieutenant governor the lighthouse commissioners of Upper Canada used local designs, local contractors, and a variety of imported and locally built equipment. All of these were decisions made in the face of fixed appropriations, which had been set well in advance of any design or cost estimates.

How well were they built? Despite later criticisms, with only a couple of

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<sup>39</sup> “Report of the Commissioners appointed to superintend the erection of a Light House on the False Ducks Island in Lake Ontario,” *JHA*, 1829, Appendix, 29-32. “Report of the Commissioners for superintending the erection of a Light-House on Point Peters,” *JHA*, 1833, Appendix, 216. “Report of the Commissioners for constructing a Light House on Nine Mile Point, near Kingston,” *JHA*, 1834, Appendix, 184.

<sup>40</sup> “Report of the Commissioners for Superintending the erection of a light House on Long Point in Lake Erie,” in *JHA*, 1832, Appendices, 131-34.

<sup>41</sup> *JHA*, 1837-38, “Appendix to the Third Report on Finance,” 131, Doc. W, George H. Markland to Wm H. Merritt, 16 Feb. 1838. Markland said that the light “will scarcely be found standing in the Spring, if it has not already fallen.” He then noted its importance and recommended the “necessary provision” for rebuilding it. See also “[Report] On the reconstruction of Long Point Light House,” *JHA*, 1840, 490-2. There was concern as early as 1833 that the end of Long Point was shifting and the foundation was being undermined. (“Report of Select Committee on Light Houses,” *JHA*, 1833, Appendix, 209-210.) The 1840 report noted that Markland had authorized taking down the lighthouse, and storing the equipment in the keeper’s house (which was moved to safety). The house had been subsequently broken into and most of the property stolen.

<sup>42</sup> “Report of Com’rs on Bois Blanc Light House,” *JHA*, 1836, Appendix, no. 123; “Report on the Light House Lately Erected on the Island of Bois Blanc by Finance Committee,” *ibid.*, no. 133. “Report of Com’rs on Bois Blanc Light House,” *JHA*, 1837, Appendix, no. 39. The relatively detailed accounts attached to the latter report refer to “double tin oil butts, an oil carrier, a lamp filler and “7 panes extra strong Double Crown Window Glass, 12 x 14 inches” some of which had been brought over from Detroit.

exceptions these were reasonably well sited and constructed and most of the towers provided good service through the end of the era of attended lighthouses. Like the failed light at Long Point, that on Pelee Island was also built on a sandy marsh and shortly afterwards had to be propped up with an inelegant array of buttresses. That said, the pier lights were significantly more vulnerable. Early lights finished by the Welland Canal Company at Port Colborne and Port Dalhousie were on wooden piers that were destroyed by storms in the early winter of 1837.<sup>43</sup> On the other hand, the wooden Oakville pier light survived for nearly fifty years until a storm demolished the entire pier. Its wooden replacement was moved to make a place for the current automated light in the 1960s.<sup>44</sup> The light at Nine Mile Point on Simcoe Island, remains an active aid to navigation.

The structure only provides a foundation for a light service: the essence of a lighthouse is the equipment in the lantern room. Apart from the lights associated with Macaulay, the provenance of this gear was frequently suspect. In 1818 the Niagara *Gleaner* dismissed the original light on Gibraltar Point as “a gleam like a taper from want of proper reflector.”<sup>45</sup> The accounts for the Queen’s Wharf, on the north side of the entrance to Toronto harbour, included £7.14.10½ for “Making Lamp for Wharf.”<sup>46</sup> The Oakville accounts offer only slightly more detail. H. Pipe supplied “1 large lanthorn, £4.10.0” and “3 lamps, @ 30s.” James Anderson supplied a lamp frame for £1, while John Frampton painted the light top and glazed the windows for £1.13.9.<sup>47</sup> Like a number of other commissioners, those for the Pelee Island light tendered a complete package and got some lighting equipment for the £675 they paid John Scott of Detroit. They recommended the purchase of additional lamps, reflectors and heaters, which does not appear to have been done.<sup>48</sup> Defending himself against a damning set of testimony about his indifferent care of the Pelee Island light, lightkeeper William McCormick complained that “the lamps appear to have been the refuse of some other Lighthouse...” which may, in fact, have been the case.<sup>49</sup>

Reasonably well built but indifferently equipped, the Upper Canadian lights were dependent on the care of dedicated keepers. None of the lighthouse bills made any appropriations for hiring a lighthouse keeper. Rarely was there even an allowance for a place for the keeper to live. This was hardly a problem when staffing harbour lights at Oakville or Port Burwell. The commissioners for the Bois Blanc Island Lighthouse delayed construction until a sufficient additional sum was voted to account for the light they were recommending along with a lightkeeper’s house. But on False Ducks Island, a low rocky island off Prince Edward County, or Long

<sup>43</sup> *JHA*, 1839, Appendix, v. 2, “Report of the Welland Canal Company,” F. Report of the Superintendent, 142.

<sup>44</sup> Hazel C. Mathews, *Oakville and the Sixteen: The History of an Ontario Port* (Toronto: University of Toronto Press, 1953), 124-5, 381.

<sup>45</sup> Janet Carnochan, *Niagara one hundred years ago: the ancient capital and its vicinity* (Welland, ON: Lundy’s Lane Historical Society, [1892?]), 22.

<sup>46</sup> “Report of Commissioners on Toronto Harbour,” *JHA*, 1835, no. 18, 4.

<sup>47</sup> “Report of the Commissioners for Superintending the Erection of a Light-House at Oakville, in the Gore District,” *JHA*, 1839, 306-09.

<sup>48</sup> *JHA*, 1835, Appendix, No. 80 “Report of the Commissioners for Superintending the erection of a lighthouse on Point Pele [sic] Island.”

<sup>49</sup> Wm. McCormick to J. Macaulay, LAC, RG 1, E-3, 102, quoted in Tiessen, 36-38.

Point, at the end of miles of marsh and sand well out on Lake Erie, or even on Point Peters (known currently as Point Petre), the rocky southern-most point in Prince Edward County backed by cedar swamp, the keepers were miles from other settlements. Even gardening was a challenge. The Gull Island light, perched as it was on a shoal almost a mile off shore, represented an even trickier problem. Should the keeper's accommodations also be built on the shoal or was the tower going to be big enough to accommodate them for extended periods of time? Routinely the commissioners for building the light reported that they had completed their task, but that accommodations for the keeper were required. One might suspect that those drafting legislation never read these reports for, despite this good advice, the assembly kept voting funds for towers and not accommodations.

Until the 1960s, lighthouses required lighthouse keepers, and some times even more than one. Who to hire and what to pay them? When Macaulay and his fellow commissioners in 1829 reported on their work on the False Ducks Island light, they concluded their discussion on probable maintenance costs with: "It is our opinion that the mode of managing and superintending the light houses in the United States approved by experience in that country, may, in many points, be adopted with advantage in this province." Among those American experiences was an annual salary of upwards of \$400 or £100, which they secured for the keeper at False Ducks.<sup>50</sup> For this sum, an American keeper was expected to maintain the light, supply quarterly reports, and keep a written journal of activity. Meanwhile, the keeper of Gibraltar Point was earning in neighbourhood of £45 (\$180 US) and signing for his supplies with an X. Was the keeper to be a general labourer or literate lookout?

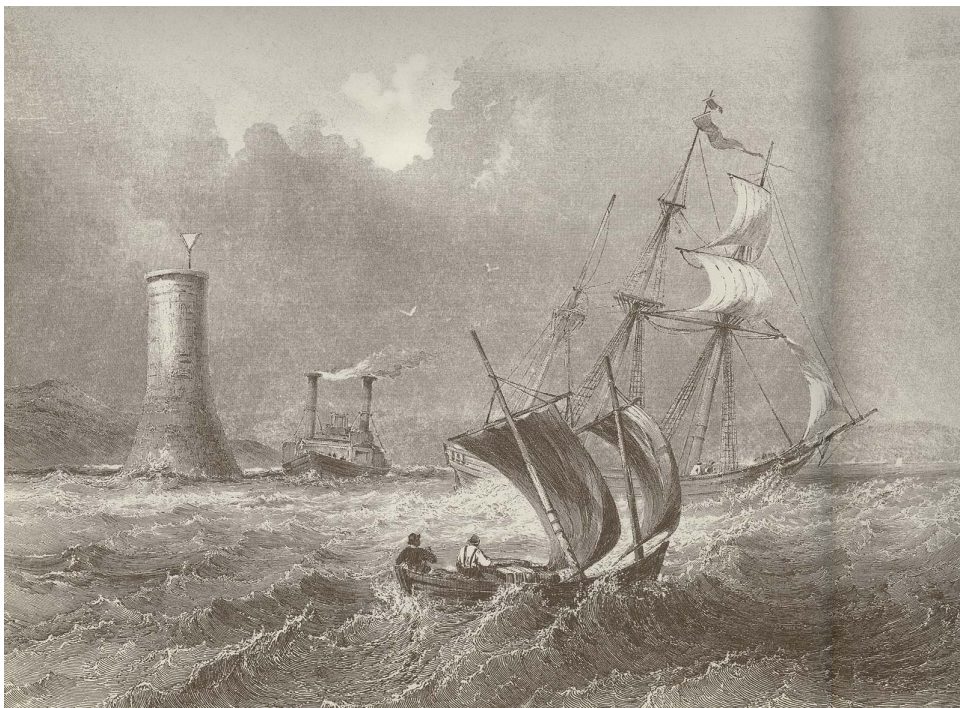
Not until 1833 were the lighthouse keepers specifically responsible to anyone short of the lieutenant governor himself, who alone had the power to dismiss them. William Alloway, who kept the light on Gibraltar Point, came to the collector of customs at York for his supplies, but as the collector noted, he was in no way legally responsible for Alloway's actions. Indeed, when the light was not lit on the night of 19 December 1832, and the schooner *Sir John Colborne* came to grief entering York harbour, there was a general soul searching as to who was responsible. Alloway had warned that the oil was about to run out; the collector had directed him to come over for more, but the keeper had not arrived until the day after the wreck. The collector might "regret [Alloway's] neglect on this occasion" but there was nothing he was prepared to do, or for which he felt responsible. In response to the select committee investigating the incident, the inspector general, James Baby, recommended that a permanent fund for the maintenance of the lights be established at £250 per site, to cover salaries, about 300 gallons of whale oil, glass, tubes, wicks, spirits of turpentine and various incidentals. He argued that "With the view of getting a fit person as keeper, the salary to him could not be less than £100, he to give security to keep the light at all times in a proper manner."<sup>51</sup> The Select Committee on Lighthouses presented a report and bill to the Assembly which reduced this to £150 per site, with salaries at £62.10. This might well be a raise for the keeper at Gibraltar

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<sup>50</sup> "Report of the Commissioners appointed to superintend the erection of a Light House on the False Ducks Island in Lake Ontario," *JHA*, 1829, Appendix, 29-32.

<sup>51</sup> "Petition of Freeman Bray," *JHA*, 1833, Appendix, 219-220.

Point, but Joseph Swetman, collecting £100 to keep the False Ducks Island Light, was apoplectic. He petitioned for the restoration of his wages at the beginning of the next session and again in 1835, when by a separate act of the legislature he was granted £75 to make up the deficiency in the previous two years and an annual addition for the next three years of £37.10.0. Three years later, in February 1838, and again the following year, he was reduced to petitioning the assembly for a continuance of his salary, which was finally made permanent.<sup>52</sup> In the meantime, in 1837, the schedule of salaries for the remainder of the keepers was adjusted to £65 on the mainland and £85 for those on islands (with Gibraltar Point and Point Peters defined as islands).<sup>53</sup>



A dramatic rendering by W. H. Bartlett of the Gull Island tower between Cobourg and Port Hope. Any steamboat that close to the tower (or inshore from it) would have been a wreck. (Author's collection)

By this statute, supervision was delegated to the inspector general. The initial 1833 lighthouse keeper's bill had included the draconian clause: "No Light-house Keeper shall be entitled to receive any portion of his salary during any half year in

<sup>52</sup> "Petition of Joseph Swetman," *JHA*, 1834, Appendix, 218-9. "Petition of Joseph Swetman, Keeper of the Light House on False Ducks Island, *JHA*, 1835, Appendix, no. 111, and no. 127. Upper Canada, *Statutes*, 1835 (5 Wm. IV) chap. 37 "An Act to increase the Salary of the Keeper of the False Ducks Light-House"; 1839 (2 Vict.) Chap. 59 "An Act to continue and make perpetual an Act, entitled, "An Act to increase the Salary of the Kepr of the False Ducks Light-House."

<sup>53</sup> Upper Canada, *Statutes*, 1837 (7 Wm. IV) chap. 96 "An Act to provide for the payment of Light-house Keepers in this Province; to maintain Lights in the several Light-houses, and for other purposes therein mentioned." It also passed on the expense of any keepers of pier lights, to those public or private companies that were in possession of the harbour. (Sec. 3). Note that while the Gibraltar Point light is now on an island, at this point, it stood at the end of a long peninsula.



which he shall have neglected to keep the Lamps under his charge lighted, throughout any night during the period in which the said Inspector General shall direct the same to be lighted.”<sup>54</sup> One night’s failure theoretically meant the loss of six months’ pay. Where then was the incentive to keep the light the balance of the term, if that one night’s failure was to render the balance of the year voluntary? That these provisions were considered unenforceable is the conclusion one must draw from “Squire” William McCormick of Pelee Island, who had been appointed to keep the light there. Despite a litany of complaints from shipowners and naval personnel on Lake Erie, the light on Pelee Island can best be described as intermittent. McCormick’s excuses ranged from a want of oil, to faulty equipment. Regularly attending the light was something that McCormick seems to have been incapable of doing. Nor for that matter, was his son and successor any better at it, hiring someone else at a significantly lower rate to manage the light despite a significant walk to the lighthouse every night.<sup>55</sup>

By 1840 then, there were eleven working lights maintained by the province, along with the local lights at the ends of the Welland Canal (Port Dalhousie and Port Colborne) and the harbour lights at Oakville and Port Burwell that, while built with provincial funds, were the ongoing responsibility of harbour or canal authorities. There should have been another, but Long Point on Lake Erie was still out of commission. Maintaining the lights that year had run to £2251, just short of what Baby had predicted seven years earlier.

It was perhaps co-incidental that by 1838 the inspector general was John Macaulay whose thoughtful reports on the eastern Lake Ontario lights have already been noted. In an inquiry published in 1840 with respect to the executive departmental responsibilities, Macaulay recommended that “my duty should be limited ... to a superintendence of the conduct of the keepers of Lighthouses, and to the making of contracts, and providing of the oil and other supplies annually required.”<sup>56</sup> Perhaps more significant:

In the event of the passing of any further acts for the construction of Lighthouses on the coast of the Province, it would probably be useful to grant to this office sum [sic] control over the fitting up of the Lanterns, and the quality and description of their Lamps, reflectors and all other furniture.—Inferior and defective furniture has, I understand, been purchased in some instances by Commissioners, who though well meaning, were without experience or knowledge of the proper mode of supplying Light-

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<sup>54</sup> Upper Canada, *Statutes*, 1833 (3 Wm. IV), chap. 35, sec. 3.

<sup>55</sup> Tiessen., 24-47. The neglect is underscored by an 1835 letter from Lt. Robert E. Lee in which he “confessed” to the murder of the keeper (literally “a d—d Canadian snake”) and further noted “we found the Lt. House in a most neglected condition & shockingly dirty, & were told by the Capt. Of the Cutter that there had been no Light in it for more than a year.” Quoted in John L Gignilliat, “A Historian’s Dilemma: A Posthumous Foot note for Freeman’s *R. E. Lee*,” *The Journal of Southern History* 43:2 (May 1977), 217-36. Gignilliat’s point was that in Freeman’s second edition, he had added a reference to the accidental death of the keeper “in a scuffle,” having apparently completed missed Lee’s point that the snake was the only occupant of the lighthouse.

<sup>56</sup> “Report on Public Departments,” *JHA*, 1840, Appendix 2, 97 Specifically, Macaulay argued that the payments should be made by someone else, probably the receiver general, given that his responsibilities included auditing accounts, which in this case, were his own expenditures.

houses. It would be well if it could be so arranged, as to provide for occasional visits of inspection by some competent official authority to all the Light-houses.<sup>57</sup>

Thus, the management of the lights in Upper Canada had finally passed into the hands of the government official whose responsibilities most closely mirrored the American secretary of the treasury, within whose department the American lights were managed. And it is hardly surprising that the inspector general would suggest that in future some routine inspections would be required.

How then had the maintenance of these lighthouses being financed? The 1803 legislation had established a general fund in the hands of the receiver general of the province, into which were paid lighthouse tonnage duties, collected from ships passing the lights at the next port they entered. The fund was for construction as well as maintenance and operation. As noted earlier, by the 1820s, the legislature reacted to criticism by reducing the collection of duties, rather than by expanding the range of facilities.

As the next group of lights were financed, several statutes establishing them demanded that the commissioners: "... report what Tonnage, or other Duties, upon Vessels of all descriptions Navigating Lake Ontario [or Lake Erie], will in their opinion, be sufficient to defray the charge of maintaining the said Light House, and repay the said Sum ... with the interest accruing thereon; and in what manner, and at what place, the said Duties can be most conveniently collected ..."<sup>58</sup> In short, how should the legislature tax the shipping industry for the management of the lights? The False Ducks commissioners, led by John Macaulay, were the first to be asked and the first to respond. "...We have found an opinion prevail with many persons, that it would be more advisable to build and maintain the light house by appropriations from the general public revenue, than to burthen the shipping of the lake with a special duty for that purpose."<sup>59</sup> In support of this, they argued that such duties would just be passed along to consumers or deducted from the profits of those providing the goods being exported from the province. It would, they offered, also "tend to divert trade from the River Saint Lawrence to the Hudson." They went on to note that £992.16.1½ had been collected for the light at Isle Forest (Nine Mile Point) and that "it appears nothing more than reasonable" than that those funds should be applied to the False Ducks project. The fact that the lighthouse fund had been a general one, and that nothing remained in it for this purpose, they blithely ignored. They then went on to enumerate all the trades running past False Ducks and

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<sup>57</sup> *Ibid.*, 97. All of his recommendations with respect to lighthouses were subsequently echoed by the committee reviewing his report (34-35).

<sup>58</sup> Upper Canada, *Statutes*, 1828 (9 Geo. IV) chap. 7, sec. 3 (False Ducks); 1829 (10 Geo IV) chap. 20, sec. 4 (Long Point); 1832 (2 Wm IV) chapt. 25, sec. 4 (Point Peters); 1833 (3 Wm IV) chap. 40, sec. 4 (Peelee Island); 1835 (5 Wm IV), chap. 41, sec. 4 (Gull Island).

<sup>59</sup> *JHA*, 1829, Appendix, 30-31. This might be contrasted with the testimony of Charles Macintosh in support of a petition in favour of the False Ducks Island Lighthouse in 1827, where he indicated that a particular level of duties "would be cheerfully paid" but that the funds paid for the lights prior to 1818 "gives some claim to the shipmasters to hope for ... easy terms." *JHA*, 1826-27, Appendix, Q, "Report of the Select Committee to whom was referred the petition of certain ship owners and others, praying for a light-house upon the False Ducks Island; with the evidence laid before said committee."

the other issues in establishing a tonnage duty. By the time Macaulay was drafting the report on the Point Peters light, he dismissed the requirement to report on a possible tonnage duty with: "On this subject they are unable to state any thing of importance...."<sup>60</sup> The commissioners of the Pelee Island light could do little better than echo Macaulay and the False Ducks commissioners: pay the maintenance from the general provincial revenues. They recycled the arguments about costs to producers and consumers and the fact that these specific duties would privilege points on Lake Erie east of the island. Moreover, they could see no way to charge the American shipowners who would most benefit from the light and could never be expected to pay.<sup>61</sup> There being so many other problems with the Gull Island project, it is unlikely that either set of commissioners gave the answer to the question much thought.

So were lighthouses such a public good that they should be maintained from the general revenue, or were the benefits exclusive to shipowners whose vessels passed the individual stations? While Taylor suggests that it was in this very point that the debate in the British parliament turned, in Upper Canada the solution involved an entirely different point. By 1830 the American light duties were based on the principle of reciprocity. Whatever American vessels were charged in foreign ports, so should vessels of that flag be charged in American ports. In March 1831 Congress specifically abolished tonnage duties for US flagged vessels in American harbours.<sup>62</sup> But on the Great Lakes, because American vessels were still charged duty when entering York, Upper Canadian vessels were charged in all American ports on all the Great Lakes. Upper Canadian vessels were suddenly at a distinct cost disadvantage if they were engaged in any cross-lakes trade, or so the owners and masters immediately protested.<sup>63</sup> The legislative response was a little slower coming, with an act abolishing lighthouse tonnage dues on the lake finally passing the legislature on 13 February 1833. The act was hardly a ringing acclamation of the public value of aids to navigation and more a whining response that specifically indicted the offending American legislation.<sup>64</sup> But the effect was the same. As of the beginning of the 1833 there were no lighthouse duties in Upper Canadian ports on the Great Lakes.

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<sup>60</sup> *JHA*, 1833, Appendix, 215.

<sup>61</sup> *JHA*, 1835, Appendix, no. 80, 10.

<sup>62</sup> United States, *Statutes at Large*, 1830, chap. 219, "An Act to repeal the tonnage duties upon ships and vessels of the United States, and upon certain foreign vessels.," 31 May 1830. Followed by 1831, chap 98, "An Act to regulate the foreign and coasting trade on the northern, north-eastern, and north-western frontiers of the United States and for other purposes."

<sup>63</sup> "Report of the Select Committee on the Petition of Captain Whitney and others, on the subject of a Light House on Long Point" in *JHA*, 1832, Appendix, 170. Note that the Long Point referred to in this document was what would later be referred to as Point Peters and was on Lake Ontario.

<sup>64</sup> Upper Canada, *Statutes*, 1833 (3 Wm. IV) Chap. 47, "An Act to repeal certain parts of an Act passed in the seventh year of His late Majesty's Reign, entitled 'An Act to provide for the improvement of the Light House on Gibraltar Point, and for imposing duties for defraying the charge of the same, and for erecting other Houses in this Province.'" The preamble of the act cited the 1831 American legislation and said, "...whereas, the levying of the said Light House duty at the Port of York, upon all American Vessels entering the said Port, hath rendered it necessary for all the Collectors of Customs at the Ports of the United States bordering on the frontiers of Canada to make the like charge upon all British vessels entering each and every of the said Ports which is charged upon American vessels entering the Port of York only: be it therefore ...."



The 1833 Pelee Island light still stands, thanks largely to the heavy timbers propping it up at the base. It was decommissioned in 1909, but substantially restored by 2000. Photo by Diane Bédard.

It would not last long. After the great hand wringing of the 1836 legislative session, the reservation of the money bills, and a provincial election, a relatively conservative legislature passed an omnibus bill authorizing the expenditure of £3500 on lights at Presqu'île Point (Lake Ontario), Oakville, Port Colborne, Port Burwell and the mouth of the Thames River on Lake Saint Clair. But then section 4 stated: "That for the purpose of defraying the Interest and Principal of the said sum ... a duty of One Shilling per Ton, shall be demanded and collected upon every Boat and Vessel owned by British Subjects, navigating Lake Erie and Ontario, which said duty of One Shilling per Ton, shall be charged upon the full and actual measurement of every such Vessel."<sup>65</sup> It might have been a useful point to actually require the official registration and measurement of these vessels, so that their British ownership and declared tonnage would be beyond dispute, but as in 1803 the act created charges against vessels whose nationality and tonnage had to be taken on faith. Indeed as early as 1829, in the False Ducks report, Macaulay had written: "By the law of 1803 the duty of computing the burthen of vessels is in general terms left to the collectors, who, in making their computations may differ considerably from each other with respect to the measurement of the same vessel, and the consequence frequently may be that masters may be called on at some ports to pay less than the proper tonnage duty on their vessels; and at others more."<sup>66</sup> About this nothing

<sup>65</sup> Upper Canada, *Statutes*, 1837 (7 Wm. IV), Chap. 95, "An Act granting to His Majesty a sum of Money for the erection of certain Light-houses, within the Province, and for other purposes therein mentioned."

<sup>66</sup> *JHA*, 1829, Appendix, 31. The point was also made that the American and British formulae produced different numbers.

would be done, and indeed there was no statute for registration on the Canadian side of the Lakes until 1845, and it was voluntary.

In 1840, the inspector general's estimates included £2500 for the maintenance of lighthouses and merely £300 revenue from "Tonnage duty on British Vessels on the Lakes."<sup>67</sup> From this we may conclude that the principle that shipowners should pay for aids to navigation was somehow upheld in the public eye, while in reality the public purse carried the major portion of the costs.

By the Union in 1840 there was a mixed collection of lights on the Great Lakes whose construction had been publicly funded. There were a few major lights that were intended to be a significant aid to the general flow of shipping on the two lower lakes. On Lake Ontario, these included False Ducks Island and Point Peters (Petre), and perhaps to only a slightly lesser extent Gibraltar Point. On Lake Erie, Long Point had already fallen out of service and Pelee Island was a source of continuous complaints. On the other hand, Bois Blanc appears to have been quite successful in guiding vessels into the Detroit River. Behind them were a succession of local lights guiding ships into the canals at Burlington Beach, Port Dalhousie, Port Colborne and with only a small stretch of the imagination, Nine Mile Point outside Kingston harbour and the mouth of the Rideau Canal. Then there were a set of local lights including Toronto's Queens Wharf, Presqu'île, Gull Island (between Cobourg and Port Hope), Oakville, Port Burwell, and the mouth of the Thames River.

## Conclusions

By comparison with nearly forty federal lights along the American shores of the Great Lakes all the way into Lake Michigan, by the end of 1840 the Upper Canadian collection might appear rather small. But with the two exceptions noted earlier, Point Abino and Port Credit, the legislature had eventually funded every request for a light that had formally been presented to it.

Indeed, the Upper Canadian lighthouse commissioners seem to have "commissioned" reasonably well. That the Long Point light was not promptly rebuilt or the Pelee Island light keeper not promptly replaced was at least in part attributable to the political crises of the late-1830s in Upper Canada. On the other hand, the mixed collection of lighting gear was up to neither American or European standards and should be blamed on the fact that many of the commissioners and contractors responsible failed to grasp the nature of the technology required. In the laps of the legislators must be laid the blame for repeatedly funding the initial capital cost of projects with no regard to the ongoing operational requirements, including adequate housing and payment of staff.

What remained to be done? Relative to the existing lights, most needed upgrades

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<sup>67</sup> *JHA*, 1840, Appendix, Public Accounts, 19, no 12 "General Estimate of the Expenditure and Resources of the Province from 5<sup>th</sup> Oct. 1839 to 31<sup>st</sup>. Dec. 1840." The next year there was a detailed accounting of the collection of the duties, where £207 was collected in 1837, £225 in 1838, £289 in 1839 and £431 in 1840, actually exceeding expectations. Province of Canada, Appendices to the Journals of the Assembly, 1841, Appendix G. G., Schedule A "Account of Light House duty collected in that part of the Province formerly Upper Canada, from 1837 to 1840, inclusive under Provincial Statute &th William IV, Chapter 95, &c."

in their lighting equipment and in some cases something to distinguish adjacent lights. Some lights needed competent keepers. Closer inspection of those keepers and the property in their care might well require another layer of bureaucracy, with the attendant costs. It was clear to any that considered the problem that rebuilding Long Point was a priority, but there was not a single light on the Canadian side above Lake St. Clair or on the upper St. Lawrence. As the province and the volume of shipping grew, so would the demand for an expanding system of aids to navigation that would be more than a response to local petitions.

Was the legislature treating the light service as a public good? By 1840, the public purse was underwriting nearly 88 percent of the operating costs with a 100 percent subsidy of construction costs. For this the shipping interests and their customers could be thankful, even if the policy was not couched in terms of a ringing endorsement of their value to the province. What the new institutions managing public works in Canada West over the following years would do is a different story.