

## Francis Collins

First Catholic Journalist in Upper Canada

BY

THE REV. BROTHER ALFRED, F.S.C., LL.D.

Francis Collins, the first Catholic Journalist in Upper Canada,<sup>1</sup> friend of liberty and free institutions, advocate of responsible government, founder, proprietor and editor of the "Canadian Freeman," was born at Newry,<sup>2</sup> County Down, Ireland, in 1801. He was endowed by nature with a keen mind and he enjoyed the benefits of a fair education in the Irish schools of the day.

On the close of the Napoleonic wars, British sailing vessels were released for trans-Atlantic service, with the result that an ever-rising tide of Irish emigration set in. Following its current, which had already carried many of his oppressed countrymen to larger opportunities and brighter prospects in the new world, Francis Collins sailed for America in 1818. Destiny led him to Upper Canada to the town of York,<sup>3</sup> whose foundations had been laid by Lt. Gov. John Graves Simcoe a quarter of a century before, in the year 1796.

Already men of Irish blood were making their presence felt on the banks of the Don. After the failure in Ireland of the rebellion of 1798 and the dispersion of the "United Irishmen," many members of that organization and their sympathizers fled to America. Not a few found their way to Upper Canada, where, in York, they immediately set up an active agitation for the reform of the government of the province of Upper Canada. They were the real founders of the Reform Party. Men of ability and courage, they were no small worry to the privileged and autocratic clique which controlled the government of the country at that time. The names of William Weekes, Robert Thorpe, Charles Burton Wyatt, Joseph Willcocks<sup>4</sup> and others are familiar to the readers of the early history of York. These early reformers were men of the Protestant faith with strong Irish nationalist sentiments, like

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<sup>1</sup> The Collins family has been numerous and respected in Newry for over two hundred years. Today two well-known solicitors of the name, J. Henry Collins and Patrick J. Collins, are amongst the prominent citizens of the town.

<sup>2</sup> This is inferred from a letter written in November, 1898, by Sister M. Claver of "Our Mother of Mercy's Home," Newry, to her cousin Sister St. Maurice (daughter of Francis Collins) in the Convent of the Congregation of Notre Dame, Montreal.

<sup>3</sup> The general orders issued by Lieut. Governor Simcoe on August 26, 1793, officially changed "Toronto," the old name of the locality, to York in consideration of the Duke of York's victories in Flanders.

<sup>4</sup> Chronicles of Canada, vol. XXIV, "The Family Compact," chap. ii.

Robert Emmett, Theobald Wolfe Tone and Lord Edward Fitzgerald, who had been their leaders in the old land.

Besides these Irishmen of Republican principles, avowed enemies of English connection and English misrule, other Irishmen of education and considerable wealth, with democratic ideas of civil government, came to add new blood to the colony, as was the case with the Baldwins and the Sullivans from Cork. They, too, were Protestants in religion, faithful members of the Anglican church, of a broad and tolerant spirit, and they had become, as early as 1815, a most beneficial influence in the political life of Upper Canada. Lovers of fair play and equal rights for all, but enemies of Republican ideas, they joined hands with all those who sought to secure better government while preserving a connection with the mother country.<sup>5</sup>

The town of "Muddy York" into which Francis Collins landed in 1818 was still in its swaddling clothes, a community of 1,000 people.<sup>6</sup> Already, however, a colony of Irish Catholics, numbering, at the time, certainly less than 200 souls, had settled within its limits. They were located mostly in the eastern section, south of King St. and between Power St. and the River Don. Owing to the dearth of Catholic clergymen in Upper Canada at that time, these Irish Catholics were without leaders and without much spiritual help. They had no church, no resident pastor, and no Catholic school for their children. Father Alexander Macdonell<sup>7</sup> (later Bishop Macdonell) however, coming all the way from Glengarry or Kingston, was in Toronto from time to time. On these occasions he lodged at the home of the Hon. James Baby and, in the latter's dining room, converted for the occasion into a chapel,<sup>8</sup> he said Mass for his people, heard Confessions and distributed Holy Communion. Before Baby took up permanent residence in York in 1816, Father Macdonell often said Mass in the home of the Hon. Alexander Macdonell, (Collachie) sheriff of the Home District, who was a resident of York from its very foundation. These Irish Catholic emigrants, misgoverned, persecuted and plundered at home, where the country was still groaning under the scourge of the cursed penal code, brought with them to Upper Canada neither wealth nor learning. Their only asset was their faith and their unflinching trust in God's providence. They had neither friends nor influence in York. They had to begin at the very bottom of the social ladder. Francis Collins was the first of their number to play an important rôle in the York community.

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<sup>5</sup> Peter Russell, who became administrator of the government of Upper Canada on the departure of Lt. Governor Simcoe in 1796, was an Irishman, born in Cork in 1733.

<sup>6</sup> Joseph Bouchette places the population of York in 1820 at about 2,500 souls. This is regarded as an exaggeration. In 1830 the population was something over 3,000.

<sup>7</sup> On Dec. 31, 1820, Father Alexander Macdonell was consecrated Bishop of Resina in partibus, and named Vicar Apostolic of Upper Canada, at the Ursuline Chapel in Quebec, King George IV giving the Episcopal ring. He was appointed Bishop of Kingston by Leo XII in 1826.

<sup>8</sup> "Souvenirs of the Past" by William Lewis Baby.

It must not be forgotten, however, that from the very foundation of the province of Upper Canada by the Constitutional Act of 1791, Catholics were ever present both at Newark, the former capital, and at York, and that several of them held important positions in the political and civil life of the young country. These Catholics were, however, mostly of French or Scottish origin. We might mention the following: Hon. James Baby, who was a member of the Governor's Council from 1792 to 1833. He was present at the first Parliament, held at Newark from Sept. 17 to Oct. 15th, 1792.

Col. John Macdonell (Abercaldier), a Catholic member from Glengarry county, was the speaker of the first Parliament of Upper Canada.<sup>9</sup>

The Hon. Alexander Macdonell (Collachie), a close personal friend of Lt. Governor Simcoe, was first sheriff of the Home District, member of the Legislative Assembly, and in 1804 speaker of the House.

Angus Macdonell was a prominent barrister in York, and was clerk of the first Assembly of Upper Canada, treasurer of the Law Society of Upper Canada, and member of the Assembly for the Counties of Durham, Simcoe and the East riding of York in 1802. He was drowned in Lake Ontario in the disaster of the "Speedy" on Oct. 7, 1804.<sup>10</sup>

Col. John Macdonell (Greenfield) was Attorney General of Upper Canada, and aide-de-camp to General Brock, and fell beside Brock at Queenston Heights in 1812.

Col. Joseph Bouchette, the famous engineer and trusted friend of Lt. Governor Simcoe, was on the ground with Simcoe in 1793. He made the survey of the Toronto harbor, and aided Surveyor Smith in the laying out of Yonge St.

Quetton St. George,<sup>11</sup> French royalist refugee, a large holder of land, lived in York where he operated a flourishing business. The Comte Joseph Puisaye, French royalist, was a citizen of York for several years. He owned land in York and at "Oak Ridges."

The Duke de la Rochefoucault-Liancourt was a guest of Governor Simcoe for two months at Newark in 1795. Then, too, there were always Catholic soldiers at the barracks, most of whom were Irishmen.<sup>12</sup>

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<sup>9</sup> "First Legislators of Upper Canada" by C. C. James. Colonel Macdonell is buried under the Basilica of Quebec or, more accurately, just outside the western wall.

<sup>10</sup> "Lives of the Judges" by David B. Read, Q.C.

<sup>11</sup> On a lonely vault in the north-east corner of the crypt of St. Michael's Cathedral, Toronto, we find the following inscription: "Maria Joanna Quetten St. George, nata Lutetiæ; Parisiorum, die 13a Septembris, A.D. 1846, ad cælum migravit Toronti, die 22a Augusti 1848, ætatis suæ anno primo, mense undecimo, et die nonæ." Maria Joanne was a grand-daughter of St. George, the daughter of his son Henry.

<sup>12</sup> Of the 62 British regulars killed on April 27th, 1813, while defending York against the American invaders, 16 bore distinctly Irish Catholic names: Edward Murphy, Nicholas Callaghan, Wm. Carter, Ben Haydon, Martin Heffan, James Ireland, Mick Kearns, Michael McGuire, Alex. Mallaney,

We have been unable to determine what were the special reasons which led Francis Collins to take up residence in York, Upper Canada. He had no relatives with him except his brother John. He was apparently very much alone in the new world. In the Archives of St. Paul's church, covering the first years of the parish, several families by the name of Collins<sup>13</sup> are mentioned, but none of them were of his kin. When both he and his wife were carried off by sudden and premature deaths in the terrible cholera; of 1834, there was no relative left to manage his estate and care for his three orphan children. His brother John had died of the cholera two weeks before.

Shortly after his arrival in York, Collins secured a position as printer<sup>14</sup> in the office of the "Upper Canada Gazette,"<sup>15</sup> a paper founded in Newark in 1792 or 1793 by Lt.-Gov. Simcoe himself, and transferred to York when the seat of government was established there. It had an official as well as a non-official side. This position opened to the brilliant young Irishman a field for his talents and gave him an opportunity to study the workings of the government of Upper Canada of that day. For five years he reported the speeches and proceedings of the Legislature: at first he did not receive any special remuneration, but, later on, the House of Assembly voted him a stipend of \$500 a year for his services. Collins was the first official stenographer and reporter of the debates and proceedings of the Legislature of Upper Canada. The injustices and tyrannies which he witnessed on the part of the Family Compact leaders; their inhuman treatment of their unfortunate and often innocent victims; their stubborn resistance to every useful reform; their greed and oppression; their opposition for selfish reasons to the avowed will of the suffering people of the province, as shown by the votes of the members of the House of Assembly, burnt into his honest soul and embittered his mind against the oligarchy which was ruining the life and stunting the growth of the province. He had fled from misrule and tyranny at home and now in the new world a similar situation confronted him. The commoner had no chance. The Family Compact controlled the Bench, the Magistracy, the Church, the Legal Profession, and the vast majority of the newspapers. They had grabbed the public lands, they owned the Banks and they divided amongst themselves all offices of trust and profit. In an effort to do something to better the condition of his fellow-countrymen Collins, when only 24 years of age, founded in 1825, a weekly paper to which he gave the name, "The Canadian Freeman," one of the very first publications that

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Patrick Barker, Peter Carroll, Peter Dealey, John Healey, Thomas Quinn, John Fannon and Edward Morgan. (Letter of Mr. George Murray, Toronto.)

<sup>13</sup> Archives of St. Paul's Parish, Power St., Toronto.

<sup>14</sup> Collins was a printer by trade. "Story of the Upper Canadian Rebellion" by J. C. Dent.

<sup>15</sup> The first publisher of the "Upper Canada Gazette" was Louis Roy, who set up his press at Niagara in the winter of 1792-93. He came from Montreal. The "Gazette" was moved to York in 1799. See Makers of Canada: "John Graves Simcoe," p. 172.

appeared in Upper Canada. This, paper, of which he was founder and proprietor,<sup>16</sup> he edited until his premature death in 1834. Emblazoned high on the front page we find the motto which inspired his life and motivated his actions: “Fiat justitia runt cælum,” “Let justice be done though the heavens fall.” The “Canadian Freeman,” like the “Colonial Advocate” of Wm. Lyon Mackenzie, was violently opposed to the Family Compact and the policies and practices of the governor and the executive council.<sup>17</sup> Collins spoke out boldly in defence of the rights of the people and the freedom of the press.<sup>18</sup> As a consequence, thunders soon fell upon him from the seats of the mighty. His stipend of \$500 a year as official reporter for the House was cut off by the Governor. He was subjected to most unjust treatment, was dragged into the courts for trial on an alleged charge of libel against Attorney General J. B. Robinson, was condemned to pay a fine of £50 and sentenced on Oct. 29, 1828, by Judges Christopher Alexander Hagerman<sup>19</sup> and Levis P. Sherwood, both ardent Family Compact party men, to a year in the common jail at York. The citizens of York, whose battle he was fighting, paid his fine and the governor was petitioned for his release, but Sir John Colborne was obdurate.

Collins himself, writing from York jail Nov. 26, 1828, petitioned Sir John Colborne for his pardon as follows:

To His Excellency Sir John Colborne, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, etc., etc., etc.

THE MEMORIAL OF FRANCIS COLLINS  
Editor of the Canadian Freeman,

Humbly Sheweth:

That Your Memorialist was convicted of libel upon the Attorney General, at the last York Assizes, sentenced to twelve months' imprisonment, to pay a fine of fifty pounds and to find security for good behaviour for three years, himself in £400, and two sureties in £100 each; which sentence, if enforced, amounts, in fact, to perpetual imprisonment.

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<sup>16</sup> Copies of the “Canadian Freeman” may be seen at the University Library, Toronto; at the Provincial Archives, Parliament Buildings, Toronto; and in the Dominion Government Archives at Ottawa. The “Canadian Freeman” was printed on New Street (Jarvis) one door north of Market Square. The subscription was £1 a year.

<sup>17</sup> The Colonial Advocate of Sept. 4, 1834, says: “The ability and humor of Francis Collins as an editor were acknowledged by all parties.”—University Library, Toronto.

<sup>18</sup> Charles Lindsey says that Collins was so clever that it was not his habit to write his articles; he put them in type as he composed them.

<sup>19</sup> Hagerman was, in 1833, dismissed from office by the Colonial minister for his partisanship and injustices.

In consequence of this ruinous sentence, your memorialist has been kept in close confinement in this gaol, for the last month and the business by which he supports his family all but ruined as the entire success of his establishment depended solely on his own personal exertions.

Under these painful circumstances, Your Memorialist looks forward with humble confidence to Your Excellency's clemency, to restore him to his liberty, by a remission of the sentence, and thereby save a young and helpless family from desolation.

And Your Memorialist will ever pray.

(Signed) FRANCIS COLLINS.

York Gaol, Nov. 26th, 1828.

This petition of Collins was refused by the Lieut. Governor.

On Dec. 4, 1828, Francis Collins wrote again to, Lt. Governor Sir John Colborne as follows:<sup>20</sup>

Sir:

It is now nine days since I had the honour to submit to Your Excellency my Memorial and as yet I have received no answer. I am confined to apartments without fireplace or stove at this inclement season. I have a wife and two infant children who remain with me, and who have received sickness from damp and cold that threaten their lives while as a crown prisoner I am entitled to fuel. My business at home is going to ruin as a consequence of my absence. All I seek from Your Excellency is an answer to my Memorial which I trust will not longer be withheld.

(Signed) FRANCIS COLLINS

Editor "Canadian Freeman."

To His Excellency Sir John Colborne, K.C.B.

The case of Francis Collins was now espoused by the inhabitants of York. After a most representative public meeting called at York early in Dec., 1828, a petition was drawn up petitioning Lieut. Governor Colborne for his release. That petition was signed by the following distinguished citizens:

W. W. Baldwin, Chairman of the Committee.

John Carey, Secretary.

Jesse Ketchum

Alexander Burnside.

Robert B. Sullivan.

Henry Sullivan.

Robert Baldwin.

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<sup>20</sup> Manuscript "Journals of the Executive Council," Archives of the Dominion Government, Ottawa, Ont. Kindness of Dr. Francis J. Audet.

Thomas D. Morrison.

Charles Keller<sup>21</sup>

In the session of 1829, the case of Francis Collins was taken up by the House of Assembly. On Thursday, Jan. 22nd, of that year, by a vote of 37 to 3 the House decided to send to Sir John Colborne the following address on Collins' behalf

To His Excellency Sir John Colborne, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General commanding His Majesty's Forces therein, etc., etc., etc.

May It please Your Excellency:

We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly represent to Your Excellency that we have received a petition from Francis Collins, a prisoner in the York Gaol, under sentence of the late Court of Oyer and Terminer and General Gaol Delivery in and for the Home District, for libel, by which sentence he is doomed to twelve months' imprisonment and to pay a fine of fifty pounds to the King, and afterwards to give security for his good behaviour for three years, himself in £400 and two sureties in £100 each, and to stand committed till these conditions be complied with and having taken the same into our consideration, together with the time he has already been confined, we earnestly entreat Your Excellency to extend to Francis Collins the Royal clemency, by remitting his sentence and restoring him to his family.

MARSHALL S BIDWELL,  
Speaker.

Commons House of Assembly,  
22nd January, 1829.

On Saturday, Jan. 24th, the House received an answer from Lieut. Gov. Colborne, refusing their petition, in which he said: "I regret exceedingly that the House of Assembly should have made an application to me."

The members of the House of Assembly were convinced that the trial of Francis Collins was nothing but a travesty of justice, as the judges were interested parties in the case. They decided, therefore, by a vote of 24 to 8 to carry the case to the foot of the throne. At this time Collins was already three months in jail. The

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<sup>21</sup> It may interest readers to know that this petition was answered for Lieut. Gov. Colborne by his Catholic private secretary, Edward McMahon. On a vault on the north wall in the crypt of St. Michael's Cathedral, Toronto, we read the following: "Obiit Edwardus McMahon, 15 Decembris, A.D. 1839, ætatis 69 anno. Natione Hibernus, hujusce Provincinæ Gubernatorum multis annis secretarius intimus. "Requiescat in Pace! Amen."

following address was drawn up and forwarded to the King's Most Excellent Majesty.

To the King's Most Excellent Majesty:  
Most Gracious Sovereign:

We Your Majesty's dutiful and Loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request Your Majesty's most favorable consideration of the Resolutions and Documents accompanying this Address, and Humbly pray Your Majesty to extend to Francis Collins the Royal Clemency, by remitting the residue of his punishment – which act of mercy will be most acceptable to the people of this Province, and be regarded by us as a fresh proof of Your Majesty's gracious disposition to consult the wishes and happiness of Your people in all parts of Your ample dominions – and that Your Majesty will be graciously pleased to lay a copy of the Resolutions and accompanying Documents before Your Majesty's Parliament of the United Kingdom of Great Britain and Ireland.

MARSHALL S. BIDWELL,  
Speaker.

Commons House of Assembly, 12 March, 1829.

In all, 20 votes were taken in the House of Assembly on the petition in behalf of the relief of Francis Collins. Of these three were carried unanimously in his favour, fifteen were carried by overwhelming majorities. This shows us the mind of the popular party in the matter. The first resolution of the Assembly ran as follows:

“Resolved, That while prosecutions have been instituted and encouraged against Francis Collins, H. C. Thomson, M.P.P., and William Lyon Mackenzie, M.P.P., editors of papers opposing the injurious policy pursued by the late Provincial Administration, other papers under the patronage and pay of the Provincial Government, have been allowed to disseminate with impunity far grosser and more dangerous libels against the House of Assembly, as well as against many public and private men.”<sup>22</sup>

Succeeding resolutions accused both Attorney General Robinson and Mr. Justice Levis Peters Sherwood of acting “contrary to the ends of fair and dispassionate justice.” The seventh resolution condemning the procedure of Mr. Justice Hagerman, which was carried by a vote of 28 to 11, reads: Resolved – That Mr. Justice Hagerman, who was one of the persons alleged on the record to be libelled, refused to receive the verdict as first tendered by the jury, viz., “guilty of libel against the Attorney General only” – and directed them to find a general verdict of guilty – with which direction the Jury complied, whereby the defendant (Francis Collins) was made to appear on record guilty of charges of which a Jury

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<sup>22</sup> From W. L. Mackenzie's “Seventh Report of Grievances,” drawn up by the House of Assembly in 1835.

had already acquitted him; and whereby false grounds were afforded upon the record for an oppressive and unwarrantable sentence. The tenth resolution,<sup>23</sup> which was passed by a vote of 39 to 3, declared: “That the punishment inflicted on Francis Collins is, considering the state of the province and the circumstances of the defendant, shamefully disproportionate to his offence and subversive of the freedom of the press.”

In the meantime Francis Collins languished in the Toronto jail. If one wishes to realize what prison cells were like 100 or 150 years ago, one has but to visit the citadel of Quebec and see the type of the cells and dungeons in which prisoners were confined. The old Toronto jail, which was pulled down about 1825 to make place for the Court St. prison, is described by a recent Toronto writer “to have resembled nothing so much as a prison in the wilds of Siberia.<sup>24</sup> Was the condition and treatment of a prisoner in the new jail any better? Robert Marsh, a political prisoner of the rebellion of 1837 and 1838, in his “Narrative of a Patriot Exile,” has this to say of the Court St. jail, where he was detained for several weeks in 1839: “The jail was alive with vermin; our rations were hardly sufficient to keep us alive. At night we were locked in cells, from five to eight in a cell.” Were things any better in 1828 when Collins was a prisoner?

J. C. Dent, in his “Story of the Upper Canadian Rebellion,” has much to say about Francis Collins and his disgraceful trial. While admitting the bitterness and coarseness<sup>25</sup> of some of Collins’ writings, he condemns the iniquitous prosecution to which he was subjected and the unjust sentence which was imposed upon him by Judges Hagerman and Sherwood.<sup>26</sup>

“Francis Collins,” he says, “was a man of unquestionable ability. His paper was conducted with great energy, and the editorials, which were often set up without being committed to paper, displayed exceptional vigor.”<sup>27</sup> His trial for libel for having, in the columns of the “Canadian Freeman,” accused Attorney General J. B. Robinson of “native malignity,” could be rightly described as a ridiculous farce. “Throughout the whole of the infamous trial the Attorney General showed to very bad advantage. Every point was stressed to the utmost against the defendant.” Dent continues: “Poor Collins was Robinson’s enemy and must not be allowed to characterize his conduct as ‘native malignancy,’ whereas the editors of the newspapers under the patronage and pay of the government were permitted to pursue a deliberate system of malicious vilification with impunity. The latter were allowed to publicly malign not only individual members of the opposition but to circulate the grossest libels on the House of Assembly itself. The remorseless vindictiveness and the cruelty displayed

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<sup>23</sup> In 1828 there were 48 members in the House of Assembly.

<sup>24</sup> Mr. Fred. Williams in Toronto “Mail.”

<sup>25</sup> One can hardly blame Collins, seeing the stinging injustices under which he was labouring. He had no more chance than a Russian serf.

<sup>26</sup> “Story of the Upper Canadian Rebellion” by J. C. Dent, vol. I, p. 195, etc.

<sup>27</sup> Collins was a man of roughly chiseled features but with a bright and intelligent countenance. He had red hair, was of a thoughtful disposition and rather careless regarding his personal appearance.

throughout the Collins prosecution were patent to everybody.”

“John Carey, editor of the York ‘Observer,’ who was present at the trial, testified, that the judge’s (Hagerman) charge appeared to him to outrage law and common sense.”

The sheriff who had empanelled the jury was a political enemy of Collins. “There is reason to believe that the jury had been packed, as was done at the trial of Robert Gourlay.” Dent continues: “There was not a single Roman Catholic on the jury.<sup>28</sup> The members of the grand jury who found a true bill against Collins were his political enemies; so were the majority of the petty jury which tried him; so was the Attorney General who prosecuted him; so were the judges who presided at the trial. The voice of the public declared the trial unrighteous. The Attorney General was hissed on the streets of York. The records of the jurisprudence of civilized countries contain few modern instances of the exaction of so severe a penalty for so insignificant an offence. The voice of Collins, however, was not silenced and he continued to write vigorous and bitter editorials from York gaol.”

Kingsford says that Lieut. Governor Maitland was an abettor of all this iniquity, for he declares: “The interference of Lieut. Governor Maitland can be regarded in no other light but as an act of resentment for what Collins had published.”<sup>29</sup>

The treatment received by Francis Collins was not worse, of course, than the treatment meted out to others, most shamefully and unjustly, by the Family Compact faction that then controlled the Executive Authority in the province. In 1817 Robert Gourlay, a young Scotchman of good family, a graduate of the University of St. Andrew’s, who had been in the country for eighteen months, was almost done to death by Governor Maitland, John Beverley Robinson, Wm. Dummer Powell, John Strachan, D’Arcy Boulton and others because he criticized and exposed the maladministration of the Crown Lands Department. Under penalty of death, without benefit of clergy, Gourlay was sentenced by Chief Justice Powell to leave Upper Canada within twenty-four hours. It is generally conceded that the sheriff had packed the jury to reach a conviction, for Gourlay had become a hero of the popular party and no honest jury could be found to convict him. In order to convict him, therefore, perjured evidence was necessary. This was obtained from one Isaac Swayzie, a disreputable and illiterate member of the legislative assembly, who thereby sought to ingratiate himself and secure favors from the Family Compact executive. The trial of Gourlay, like that of Francis Collins, has left an everlasting stigma of disgrace on the name of John Beverley Robinson, Wm. Dummer Powell and their clique.

In the summer of 1819 Bartemus Ferguson, publisher of the Niagara “Spectator,” was unjustly condemned to pay a fine of £50 and to undergo eighteen months’ imprisonment with an hour a day in the pillory, for thirty days, all for an

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<sup>28</sup> This, Dent declares, was very unusual in York, where the Catholic people had already become, in 1828, a numerous and respectable element in the community.

<sup>29</sup> “History of Canada” by Wm. Kingsford, Vol. X, p. 240.

article criticizing the Compact which had appeared in his paper during his absence.

Captain Matthews, an Englishman, a half-pay officer and a member of the House of Assembly, who had joined the Reformers in the House, had his pension stopped and he himself was ordered back to England, never to return to Canada.

Justice Willis<sup>30</sup> was removed from the country because of his sympathy with the common people.

On June 8, 1826, Wm. L. Mackenzie's press in York was destroyed by friends of the Family Compact regime and his type was thrown into the bay. His paper, the "Colonial Advocate," had given offence in government circles.

We have been often asked, "What was the origin of the Family Compact, which for over forty years dominated so nefariously the political situation in Upper Canada, and which W. L. Mackenzie and Francis Collins opposed so fiercely in the Colonial Advocate and the Canadian Freeman?" Who were the members of this Compact? The Family Compact owed its beginnings to the defects of the Constitutional Act of 1791. That Act created a privileged and independent class in the colony, members of what was known as the Legislative Council. These men became the Family Compact leaders. The second contributing factor to the rise and growth of the Compact were certain ideas of Lt. Gov. John Graves Simcoe himself

What the Constitutional Act gave with one hand it took away with the other. It is true that it gave an elective House of Assembly, but that House was strangled and paralyzed by a second House above it, a privileged body whose members were appointed by the Crown, and who were independent of the elected representatives of the people of the province.<sup>31</sup> The Legislative Council continually opposed the work of the Members of the Legislative Assembly. In the eight years preceding 1837 the Legislative Council had thrown out 325 bills passed by the Assembly, an average of more than forty a session. The Upper House always supported the Lt. Governor and his executive whether right or wrong. It supplied members for the Governor's executive Council and formed with it a clique that governed for their own interests and ignored the rights of the popular masses. This closely bound group of men is what is known in Upper Canada as the Family Compact.

Certain ideas of Gov. Simcoe, as said above, also helped the rise of the Family Compact. Simcoe, whatever his faults, was an able administrator, the soul of integrity and loyalty and he was whole-heartedly devoted to the interests of the young province of which he had been named Governor. We can truly say that he tried to live up to the legend graven on his family coat of arms: "Non sibi sed patriae." He was, however, always an aristocrat and soldier and some of his ideas

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<sup>30</sup> The removal of Judge Willis was necessary in order to give the enemies of Francis Collins a free hand in ruining him. Marshall Spring Bidwell, writing Dr. W. W. Baldwin, has this to say regarding the dismissal of Judge Willis: "The arbitrary and ignominious dismissal of Judge Willis is, in my opinion, one of the most flagrant sets of tyranny and oppression by which a free country was ever sullied."—Life of Robert Baldwin by G. E. Wilson, page 20.

<sup>31</sup> See "Makers of Canada" and "Chronicles of Canada."

did not suit democratic conditions in a new country. He wished to set up in the forests of Upper Canada a condition of affairs paralleling what he had known at home. He would create a Canadian aristocracy, a landed gentry, hence the enormous grants of land to government officials, to legislative<sup>32</sup> and executive councillors, followed by abuses in the land department of the administration. He would set up, too, a privileged state church. Being a devoted son of the Anglican establishment he would have imposed that church upon the inhabitants of the country. This state church was to be controlled by a privileged clergy who supported the growing Family Compact. Simcoe despised the itinerant Methodist preachers who came mostly from New York and whom he believed to be tainted with Republican ideas.<sup>33</sup> He had no patience with dissenters, and when Philip Dorland, a Quaker, was elected by Prince Edward and Adolphustown member of the first Assembly in 1792, Simcoe refused to allow him to take his seat because as a Quaker he could not take the oath of office. Simcoe's idea, too, of a provincial university entirely controlled by the Anglican Church, in which the professors would all be clergymen of the Church of England, divided the people and consolidated the wealthy Anglicans in the Family Compact behind succeeding governors. We must not conclude, however, that all the members of the Family Compact were equally responsible for the evils done. Members, whatever they thought, had to agree with the Governor or risk the humiliation of immediate dismissal from office. We know that in 1833 the Hon. John Elmsley did resign and wrote an open letter to the Press giving his reasons. W. L. Mackenzie tells us that the Hon. James Baby deplored and regretted things that were done by the Legislative Council, over which he had no control. For nigh half a century the game went on, the Compact waxing stronger year by year. The guiding minds behind the Compact in its palmy days during the administration of Governor Maitland, were Archdeacon John Strachan, J. B. Robinson, Wm. Dummer Powell, H. J. Boulton, Geo. H. Markland, C. A. Hagerman, and Levius Peters Sherwood.

Throughout his political difficulties following the foundation of his paper and his struggle for the overthrow of the Family Compact, Francis Collins ever remained a devout and practical Catholic. The records of St. Paul's parish show that he was a faithful attendant at Mass on Sunday, and that he was interested in parish meetings and all parish activities. He cooperated with the Hon. James Baby, the Hon. Alexander Macdonell, the Hon. John Elmsley and the Church authorities in every organization for the raising of funds for church purposes, and both he and his brother John took their turns as collectors at the door of the church on Sunday.

These were sad years religiously in St. Paul's Parish. Things reached a climax in 1832 when the parish rector, Rev. W. J. O'Grady, through disobedience to

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<sup>32</sup> Simcoe wished to make the seats on the Legislative Council hereditary. He also created a new position of Lieutenant of a County, a useless office which died out of itself.

<sup>33</sup> Benajah Mallory, a Methodist preacher, in the war of 1812, with two other members of the Assembly, Joseph Willcocks and Markle, went over to the American cause. Mallory was member for the riding of Norfolk, Oxford and Middlesex.

authority, came to open rupture with Bishop Macdonell.<sup>34</sup> A schism was consequently formed in the parish. Francis Collins showed his faith and loyalty by supporting his Bishop throughout the crisis. O'Grady would, no doubt, have desired the support of the "Canadian Freeman" in his fight with his episcopal superior, but Collins gave no countenance to his insubordination. This fact may help to explain O'Grady's shameful treatment of Collins, treatment against which Collins complained to Bishop Macdonell. At all events, O'Grady, with the assistance of James King, founded in Nov., 1832, a newspaper of his own called the "Correspondent."<sup>35</sup>

Francis Collins was a constant visitor to the Toronto Hospital of the day, where he offered assistance and consolation to the Irish Catholic patients, his fellow parishioners. I am inclined to believe that it was his frequent visitations to cholera-stricken sufferers and to the hospital and the cholera sheds in the summer of 1834 that brought the terrible scourge so heavily on his own home. Of the few letters of Francis Collins which I have been able to discover, one refers to the Catholic inmates of the Toronto Hospital. It is written to the Hon. and Rt. Rev. Alexander Macdonell, his Bishop, and it asks the Bishop to see that a priest visits the hospital every day to administer to the Catholic patients, some of whom were dying without the sacraments. It shows Collins' ardent faith, as well as his religious zeal and charity. It reads as follows:

York, Jan. 16, 1832.  
My Lord

I have the very unpleasant task of again calling Your Lordship's attention to the state of the poor Catholics in the Hospital of this town. A man named Burns, who had been calling for a priest for the last ten days, died last night without the attendance of a clergyman. The officers in charge being all Protestants, pay but little attention to the dying wishes of the unfortunate sufferers, and I am informed that our *worthy* pastor will not attend without a written order from the doctor in attendance. I think it is the duty of the resident clergyman of this parish to visit the hospital *every day in the year*, if possible, when so many of his flock<sup>36</sup> are confined in it and thus save the necessity of written calls from Protestant physicians, and I hope that Your Lordship will make some arrangements of this kind. I was in the hospital last evening and was informed by the poor Catholics that their pastor had only visited

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<sup>34</sup> On Aug. 9th, 1832, Bishop Macdonell wrote the Rev. W. J. O'Grady, notifying him that he intended to transfer him from York to Prescott and Brockville and that his jurisdiction in York would cease in two weeks from the date of the letter. O'Grady refused to be removed - Bishop Macdonell's letters, Archives of St. Mary's Cathedral, Kingston, Ontario.

<sup>35</sup> O'Grady had been appointed to York in 1829. (7th Report of Grievances)

<sup>36</sup> In 1832 York was ravaged by the cholera, but the epidemic of 1834 was far more severe. See files of the "Colonial Advocate" at Library of the University of Toronto.

them once in the last fifteen days.<sup>37</sup>

I have the honor to be, My Lord, Your Lordship's very humble servant,  
FRANCIS COLLINS.  
Hon. and Rt. Rev. A. Macdonell.

Francis Collins married Ann Moore, who was the daughter of a prominent Irish family of Newry, County Down, Ireland. She was a relative of Lord Russell of Killowen,<sup>38</sup> Chief Justice of England, and of the well-known Jesuit, Father Matthew Russell. When Lord Russell of Killowen came to Canada with his two daughters in 1896, and was entertained at Rideau Hall, he was also entertained by Mrs. Finbar Hayes, whom he knew as Margaret Collins, the daughter of his cousin Ann Moore and her husband Francis Collins. Several of Ann Moore's cousins joined the order of the Sisters of Mercy in their native city of Newry. Ann Moore had no relatives in York, Upper Canada. Apparently she came alone to a strange city. The most likely explanation of this fact is that she and Francis Collins had been lovers in Ireland, before the latter decided to come to America to seek his fortune. He made good very quickly and in 1823 or 1824 brought Ann Moore, the friend of his early days, to share his success. Their marriage was blessed with four children, Mary, Francis, Margaret and Frances Liberta. In the terrible cholera of 1834 Collins family was heavily stricken. Father, mother and daughter Mary, aged 9 years, were carried off within a week by the plague. Francis Collins died Friday Aug 29th.; Mary on Saturday, Aug. 30th.; and Ann Moore Collins, mother, on Thursday, Sept. 4th. It was a harrowing scene that met the eye in the Collins home on Sherbourne St., the Caroline street of that day. Three orphan children all under eight years of age, remained without a single living relative in Canada to take care of them. Luckily Francis Collins had been a successful business man and did not leave his orphan children without means of support. He left both personal and real estate to care for their proper education. He died intestate, however, so Mr. Maurice Scollard, a prominent Catholic of St. Paul's parish at the time, an employee of the Bank of Upper Canada, who had been for years a friend of the Collins family, offered to take charge of the affairs of his deceased friends. By an act of the Surrogate Court<sup>39</sup> of the County of York, dated Nov. 19, 1834, power of administration was granted to Maurice Scollard. Well and faithfully did he fulfil his trust. When the children were old enough to go to school, Francis was sent to College in Montreal, while the two girls, Margaret and Frances Liberta, were confided to the care of the Sisters of the Congregation of Notre Dame, at the Ville

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<sup>37</sup> The Rev. W. J. O'Grady was pastor of St. Paul's at this time. He later disobeyed Bishop Macdonell and left the Church. He never returned to his priestly duties, but died suddenly from the bursting of a blood-vessel on August 18, 1840, and is buried at Pickering. See paper by P. F. Cronin in Report of Canadian Catholic Historical Association for 1935-36, p. 37

<sup>38</sup> Letters of Sister St. Maurice and "History of the County of Antigonish, Nova Scotia," by Rev. D. J. Rankin.

<sup>39</sup> Records of the Surrogate Court, City Hall, Toronto.

Marie Convent, in the same city. Frances Liberia, who always contended that she was born in Toronto jail,<sup>40</sup> on her graduation from school entered the order of the Notre Dame Sisters, her teachers, on July 21, 1848. She took the name of Sister St. Maurice and made her solemn religious profession on Aug. 17, 1856. Through her talents and executive ability she rose to be one of the most distinguished members of her order and was for years Superior at the Convents at Antigonish and Arichat. She died in Montreal at the Mother House of the Congregation nuns on Sherbrooke St. on Nov. 26th, 1910, at the advanced age of 81 years. Her sister Margaret, as before mentioned, married Mr. Finbar Barry Hayes<sup>41</sup> of Ottawa, chief English translator for the House of Commons. Francis married and lived in Yorkville, Toronto. He died on May 9, 1874, at the age of 42 years. He is buried in the Hayes plot in St. Michael's Cemetery.

Strange to say the name of Francis Collins seems to have been entirely lost among his own people in Toronto. No monument, no shaft, no tablet, not even an inscription marks his last resting place. He is numbered with the forgotten dead. Truly it can be said of him in the lines of Axel Munthe: "Not to the jubilant Capital of fame, but to the Silent Campo of oblivion death led the way. His sun had barely reached the height of mid-day when death overtook him"

Francis Collins passed suddenly and tragically off the stage, but the drama in which he played a prominent and agonizing rôle in Upper Canada went on until it broke, unfortunately, in the tragedy of bloody rebellion three years after his untimely death. He slept on undisturbed, however, in his "narrow cell," under the shadow of the cross in old St. Paul's cemetery on Power St., Toronto, though the clash of arms and the voices of angry men resounded over his quiet grave. His ideas and his ideals of civil government had finally triumphed, though he knew it not, and the Family Compact Regime was swept away forever.

If we enjoy in Ontario today, political liberty, free institutions, and the priceless boon of responsible government,<sup>42</sup> we owe it to Francis Collins and to others like him who suffered and struggled in the first half of the nineteenth century that we might live as freemen, enjoying the heritage which our Catholic forefathers, centuries ago, wrung from the reluctant King John at Runnymede.<sup>43</sup>

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<sup>40</sup> Frances Liberia. Collins (Sister St. Maurice) was born in Toronto, Nov. 3, 1829. She was baptized in her father's house by Rev. Angu Macdonell.

<sup>41</sup> Mr. Finbar Barry Hayes died in Ottawa Feb. 11, 1912. He is buried in the Barry Hayes plot in St. Michael's Cemetery, Toronto. His wife, Margaret Collins, is buried in the same plot. (Testimony of Patrick Crean.)

<sup>42</sup> "By responsible government is meant, that the government should be carried on, not by an executive nominated by the Governor and independent of the vote of the parliament, but as in England, by a Cabinet dependent for its tenure of office on the vote of the Commons. The supreme power should be transferred from the Crown to the representatives of the people."—Goldwin Smith, "Canada and the Canadian Question," p. 112.

<sup>43</sup> The story of the young Irishman, Francis Collins, founder and editor in Toronto of the "Canadian Freeman"; his struggle for Responsible Government in Upper Canada; his imprisonment for supposed libel; his

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premature death from Asiatic Cholera on August 29th, 1834, at the age of 33 years, presents a striking parallel with the story of another young Irishman, Dr. Daniel Tracey, founder and editor in Montreal of "The Vindicator," an advocate of Responsible Government in Lower Canada, who died in Montreal of the cholera on July 18, 1832. See article by Dr. Emmett J. Mullally in Report of Canadian Catholic Historical Association for 1934-35.