

# The London and Middlesex

2021

# HISTORIAN

Volume 29



**Roller bins in the Arva Mill used to ground wheat kernels into flour.**

**Official Journal of  
The London and Middlesex  
Historical Society**



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**2021**  
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Cover photography courtesy of Joe O'Neil

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## Contents

Overview ..... page 3

Guidelines for Authors ..... page 4

## Articles

Tangled Beginnings: The Arva Flour Mill Site ..... page 5  
*Hilary Bates Neary*

Joshua Applegarth: An Example of Failure on Upper Canada's  
Western Frontier ..... page 18  
*Dan Brock*

The Gradual Emergence of the Ontario Health Insurance Plan and Its Unfolding  
Impact on the Healthcare System in London, Ontario ..... page 36  
*Marvin L. Simner*

## The London and Middlesex Historical Society

The London and Middlesex Historical Society was established in 1901 to promote awareness in the local heritage of London and Middlesex County. The aims of the Society are to encourage research, discussion, presentation and the publication of local history topics. The Society is affiliated with the Ontario Historical Society and also works with other community cultural and heritage organizations.

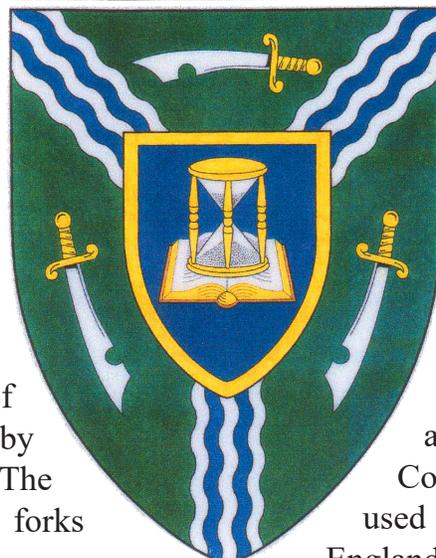
Awareness of local history is actively promoted through education, public meetings, tours, and demonstrations, and by encouraging young people to learn about and appreciate the past. The Society provides support and encouragement of historical research and the preservation of materials and memorabilia, relating to the heritage of the region. Working with community partners, the Society encourages the identification and preservation of historically and architecturally valuable buildings, sites and areas.

Membership is open to anyone with an interest in the Society's objectives and activities. Annual membership includes free admission to meetings, special tours and presentations as well as materials published by the Society.

### Heraldic Shield

The London and Middlesex Historical Society's heraldic shield was created in 1992. Unveiled on Canada Day, it was designed by Guy St-Denis with the assistance of Roger Gardiner and rendered by Rob Turner.

The background green colour of the outer shield was inspired by the county's forests and farms. The Y-shaped device represents the forks of the River Thames in London.



The combination of alternating silver and blue stripes is a standard heraldic stylization for water. The hour glass on the book, which is set in a blue inner shield, is a conceptualization of history. Contrary to popular belief, the Saxon swords do not illustrate a growing militarism within the Society; rather, they are borrowed from the Middlesex County shield and are frequently used in coats of arms from southern England

## Overview

The Arva Flour Mill north of London is the last remaining mill of its type in the Thames watershed. Starting with Mahlon Burwell's survey of the mill site in the early 1800s, the first article by Hilary Bates Neary unravels the extremely complicated legal history that characterized the early ownership of this property. For those who, today, often frequent the mill a careful reading of her extensively documented material will, no doubt, enhance your appreciation of this extremely noteworthy historical structure.

The second article by Dan Brock not only reveals considerable information about Joshua Applegarth, the first European settler in London, his article also discloses a highly interesting but little known fact. Much of what is now a large area in west London was intended by Applegarth to serve as a cultivated plot dedicated to the production of hemp for use by the British navy in the early 19th century. As you travel along a portion of Wharncliffe Road north of the main branch of the Thames toward Oxford Street, with a bit of imagination together with knowledge of Dan's material, if you look to the west you might be able to visualize Applegarth's dream of a hemp operation that, unfortunately, never fully materialized.

Unlike the first two articles which focus on the 19th century, the third article by Marvin L. Simner deals with an important a set of circumstances that took place around the middle of the 20th century. Between 1955 and 1972, through the passage of a series of bills, the Ontario Legislature was able to launch the Ontario Health Insurance Plan. Aside from discussing the highly acrimonious debates that accompanied each of the steps that eventually led to OHIP, Marvin's report also discusses a series of largely forgotten municipal benefits that also accrued to London itself from the approval of OHIP. Without giving away too much of this material, during the debates credit was given to the accomplishments of one of London's most prominent early figures, Sir Adam Beck, to justify what appeared to be by the Liberal Opposition, a move by the Conservative Party toward an endorsement of socialism. Of greatest importance though, the passage of OHIP produced a marked reduction in the city's annual tax expenditures that previously had been devoted to the hospital care of London's indigent population. To understand how this occurred, the report contains an historical review of indigent care provided by the London community between the 1870s and the mid-1950s.

## Guidelines for Authors

The *Historian* welcomes manuscript submission on all aspects of the history of London and Middlesex County, independent of period, including articles on historic neighbourhoods.

All correspondence regarding editorial matters should be addressed to:

The London and Middlesex Historian c/o  
The London and Middlesex Historical Society  
Box 303, Station B  
London, Ontario  
N6A 4W1

Manuscripts should be approximately 2,000 to 4,000 words, double-spaced and submitted electronically as Word documents or pdf files. Longer articles can be accepted but must be vetted before submission. Images should be submitted as separate jpg files in addition to being imbedded in the file.

Please include a cover letter with your submission, stating:

- a) that the manuscript is not under current consideration by another journal;
- b) that all co-authors have read and approved of the submission;
- c) that permission for use of all images has been obtained.

If you have an idea for an article and are not certain where to start, feel free to attend one of the society's monthly general meetings and ask a committee member for advice. For information on style, format and referencing, consult past issues of the *Historian*.

# **Tangled Beginnings: the Arva Flour Mill Site**

**Hilary Bates Neary**

## **Introduction**

Settlers in Upper Canada wanted and needed gristmills within a reasonable distance of their pioneer farms. Appreciating this basic fact of frontier life, in 1818 Thomas Talbot located the Irish millwright Thomas Martin on the south half of Lot 16, Concession 7, London Township, on the understanding that Martin would construct a mill that would use the water power of Medway Creek to meet the needs of the local inhabitants for grist, flour, and feed. Alas, a series of unforeseen circumstances denied the first settlers who established themselves north of the village of London the services of a local miller; until 1842 they were forced to transport their grain elsewhere for processing. Hence this article, which seeks to explain the long delay and unravel the tangled beginnings of the present day Arva Flour Mill.<sup>1</sup>

## **Background**

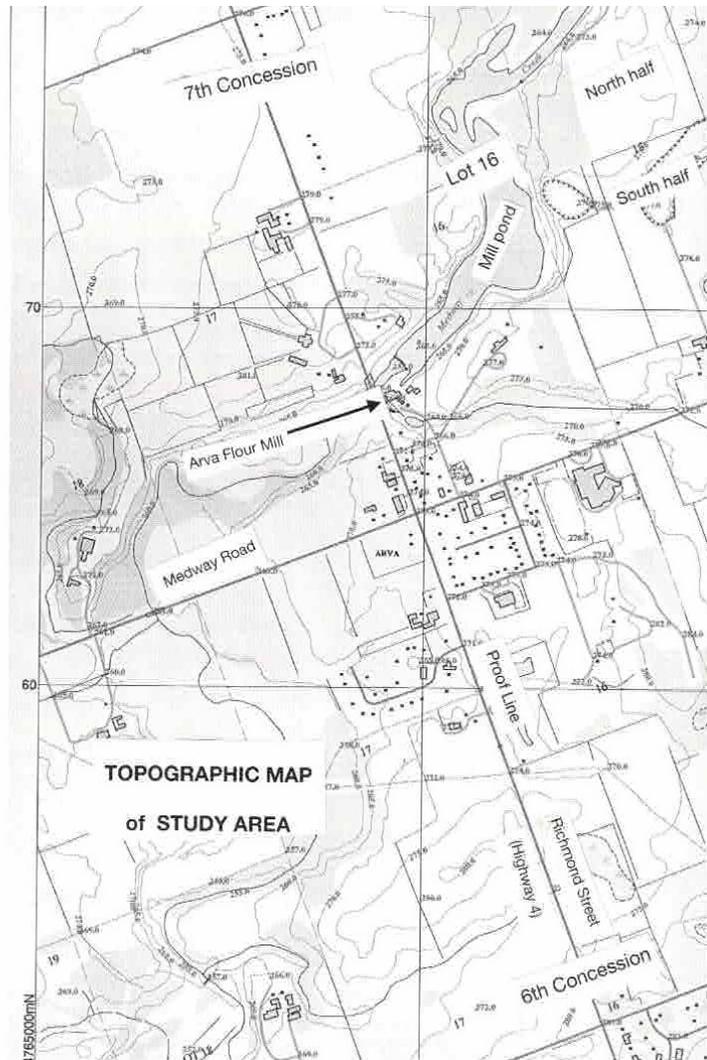
Between September 1818 and October 1819, Mahlon Burwell completed his survey of London Township. He first travelled up the proof line he had established through the centre of the township to lay out concession lines. When he and his chain bearers were 14 chains, 65 links (966.9'), north of the line for the 7th Concession, they came to a creek flowing to the southwest, of which he wrote in his field notes "cannot at this time be forded as trees fallen across." Once the survey party had somehow found its way across the stream, he added: "This is wider now than [at] any other season of the year. It is no doubt a good mill seat."<sup>2</sup> In the report he subsequently made to the Surveyor General, Burwell described the creek more fully:

A large branch of the River Thames which I have taken liberty to mark on the map "Medway" crosses the Proof Line between lots No 16 & 17 alternatively, and with its tributary streams intersects the different concessions in a most beautiful manner. It is a fair stream of ... water offering eligible seats for Machinery to be wrought by water.<sup>3</sup>

As events would show, Burwell was correct in his assessment of the water power potential of the Medway Creek. By the time he had completed his survey of the township, his patron, Colonel Thomas Talbot, had already located Thomas Martin, on the potential mill site, his condition of settlement being to build a gristmill there before being granted the Crown patent to the land. Martin was not one of the Irish settlers brought to London Township by Richard Talbot. Nor was his brother-in-law, Michael Flood, who was located by Thomas Talbot on the north half of Lot

16, Concession 7, in 1819. They were Irish Roman Catholic adherents in a growing settlement of Irish, Scottish, and English Protestants.

Whatever his personal eccentricities (and they were many and well documented), Talbot took his settlement responsibilities seriously. One of them was ensuring that he located on mill sites identified by his surveyors men who would develop those sites for the benefit of their fellow settlers. Talbot had experienced the devastation that marauding American troops had wrought on pioneer mills in the more southerly townships under his control during the War of 1812-14. Moreover, he personally invested in this necessary enterprise by buying land on the South branch of the Thames in 1826 and building there the first mill on what would later be called the Meadowlily site.<sup>4</sup>



Like the rest of his pioneering countrymen, Thomas Martin proceeded to clear his land, plant crops, build a shelter and, in his case, consider the best location for his gristmill and his dam on the creek. By the time of his death in 1837, he had cleared around thirty acres of land, built a frame house, a log barn, and the frame of a mill, and had constructed part of a dam on the Medway, which for some time was known locally as Martin's Creek; his efforts constituted a kind of promissory note against the yet unfinished gristmill. The historical record does not explain exactly why Martin was unable to complete the mill, but by 1836 illness overcame his powers to do so. Anticipating death, and wishing to settle his affairs, Martin engaged William Carlill, described variously as a carpenter or millwright. They entered into an arrangement, not on paper but in a verbal bond witnessed by the London lawyer John Wilson, whereby Martin sold Carlill 41½ acres of the south half of Lot 16, including the mill site, land that the two men had already hired William McMillan to survey. In the bond, Carlill undertook to erect a gristmill on the site and to pay Martin £250 by instalment. By the time of Martin's death on 21 May 1837, Carlill had paid him only £50.

### **Entanglements**

Thomas Martin's will, written just before his death, gave bequests to family members — Dignans and Floods — living nearby. Martin directed his executors to fulfil his agreement with Carlill as specified in his bond and to pay out money to beneficiaries as it came in. One bequest of goods, a pair of water wheel gudgeons, left to nephews, James and Thomas Flood, is especially noteworthy in the context of this narrative. In milling machinery, a gudgeon is a metal extension of the shaft or axel of a water wheel, designed to prevent excessive wear on the part of the shaft that sits on bearings. In addition to the gudgeons, the Flood brothers inherited Martin's farming utensils and household goods along with the part of Martin's property not sold to Carlill. One wonders what it was he intended them to do with his gudgeons? Sell them to Carlill who would have needed them once he had completed the mill? Use them to furnish a rival establishment? These are good questions but, unfortunately, cannot be asked of the deceased.

Whatever the relationship, if any, between William Carlill and James and Thomas Flood during the lifetime of Thomas Martin, it quickly worsened after Martin's death. In a petition dated September 1838 to the Lieutenant-Governor of Upper Canada in Council, the Flood brothers claimed that shortly after Martin's death Carlill began boasting that he would get all the land of Lot 16 "and would never pay a shilling for it." This boast threatened the expectations of the Floods under their uncle's will, and they asked that their claims and those of Carlill be referred to the Heir and Devisee Commission in Toronto. This commission was the government body that had jurisdiction to review and adjudicate claims to land in cases where no letters patent had been issued. Thomas Martin had not applied to the Crown for the patent to the south half of Lot 16 because he had not fulfilled the condition of building a gristmill on the property.

In September 1838 also, the Lieutenant-Governor received a petition from 96 inhabitants of the London Township, praying that the mill site be given to William Carlill, and that, if he was unable to build a “good and sufficient Grist Mill,” it be given to someone who could, “so that your petitioners may not in the end be deprived of so requisite an improvement for themselves and the public at large.” This petition is a reminder that the dispute between Carlill and the Floods was more than a matter of individual concern; settlers nearby looked forward to the construction of a working mill, long promised and long anticipated, on the disputed land.

According to John Wilson, the London lawyer who had witnessed the bond between Martin and Carlill, relations between the two feuding parties deteriorated further when the Flood brothers attempted to retrieve the frame of the mill that Martin had erected but had not sold to Carlill. A corner of the frame stood on Carlill’s side of the line, and the Floods and the neighbours who were assisting them had to trespass to take possession. In response, Carlill began an action in the Court of King’s Bench against six Floods and seven other men, but they were fined only a few shillings, a sum that did not even cover Carlill’s costs. Yet, though Carlill lost financially, his action had the effect of establishing, at least locally, that he was the legal owner of the mill site.

For its part, the Executive Council decided that it did not want to interfere in the “private bargains” between Martin and Carlill, recommending that the land should be forfeited if a mill wasn’t built within twelve months. An Order-in-Council was issued to this effect in November 1838. Seeing opportunity in this document, James and Thomas Flood consulted lawyer John Wilson on whether they could now reclaim the land that their uncle had sold to Carlill. His advice was to desist, lest Carlill prosecute them again for trespass. Later, in a letter to the Toronto land agent Joseph Spragge, Wilson wrote about this case: “Carlill was like a dog in a manger. He would neither build nor let others do it.” When it came to fulfilling the condition of their uncle’s location on the mill site, the hands of the Floods were tied.

In April 1839, James and Thomas Flood submitted a claim to the Heir and Devisee Commission for the entire south half of Lot 16, Concession 7, London Township. But their claim did not succeed, the Commission declining to make any grant of the land until the conditions of settlement were completely met. The Flood brothers were back where they started: unable to legally force Carlill from the land and thus unable to build the mill that would give them title to their uncle’s land.

In October 1839, with time running out on their twelve-month opportunity to build, the Floods again petitioned the Lieutenant-Governor, making the case that as the “representatives of the original locatee” they were willing to carry out the settlement duties that Colonel Talbot had required of their uncle. The petition referred to the bond between Thomas Martin and William Carlill but claimed that the agreement was now void because Carlill had “failed both to build the Mill and put the same in full operation, and to pay any of the instalments except the first in hand, or interest thereon.” Nor could anything better be expected of him:

All Carlill has done toward the Mill is raising the frame which stands there unenclosed, and building a part of a dam which the Waters has since washed away – is in embarrassed circumstances, totally unable himself either to proceed with the work of the Mill or pay the consideration money agreed upon as aforesaid, having no property now either in the Town or Township of London or thereabouts and depending entirely upon his daily labour as a Carpenter for support.

The Floods' entreaty also cast doubt upon a petition that Carlill was busy circulating; it, they declared, had been signed by men who were not resident in the part of the township that would be served by the much-anticipated mill.

It was now the turn of William Carlill to up the ante in the war of words surrounding the ownership of the mill site. Sometime between November 1838 and November 1839, as recorded by the Floods, he had begun the work of building the mill and dam, spending, he claimed, around £500. In the process of his labour, he concluded that he required all of the south half of Lot 16, not just that 4½-acre portion that William McMillan had surveyed at his and Martin's behest in 1836. His reasoning was that there was insufficient water in the Medway (or Martin's) Creek to supply a sufficient head of water to power a mill. Additional water would be needed from a spring creek flowing across the south half of Lot 16 to the Medway. This water, he maintained, should be added to the mill privilege. In other words, he now angled for all of the south half of Lot 16, in keeping with his boast after Martin's death that he would get the whole property without paying any further instalments to the Floods.

### **Advocacy and Opposition**

Against this backdrop, Carlill began assembling evidence to support his case, urging friends and colleagues to write supportive affidavits and sign petitions to be forwarded to the Executive Council on his behalf. In July 1839, Daniel Springer, a surveyor from Delaware, wrote that, in order to raise a sufficient head of water to power the mill, Carlill's dam was likely to flood upstream past the limit between the north and south halves of Lot 16 — in other words onto the land owned by Michael Flood, father of James and Thomas. To avoid this, the mill would need water from the spring creek on the south half of the lot.

On 7 November 1839, Carlill sent two petitions to the Lieutenant-Governor in Council, one from himself praying that the location be forfeited and then granted to him, whereupon he would "file security to complete the mills within twelve months." The second petition was purportedly signed by one hundred and four inhabitants of London Township; it prayed that should Carlill be required to pay the Floods for any improvements done on the lot, the £50 that he had already paid Thomas Martin be considered sufficient to cover that charge.

The members of the Executive Council who advised the Lieutenant-Governor certainly had a tempest in a local teapot on their hands. Their inclination was to return to the well-trodden path of believing that their first decision in the case was the correct one. In other words, once Colonel Talbot, as the superintendent of settlement for the London area, had located Thomas Martin on the lot in question, a patent could be obtained only when settlement duties had been performed; and since those duties had not been completed, the location should therefore be forfeited and the land put up for sale by public auction. This was the advice the councillors had given in 1838 and reiterated in 1839, the tsunami of petitions and affidavits on the subject sent to Toronto notwithstanding. Their decision was communicated to the Lieutenant-Governor in a minute dated 14 November 1839.

A disputed mill site on a small stream in London Township was not at the top of the agenda of the Lieutenant-Governor, Sir George Arthur. At the time, he was deeply engaged by military and judicial business arising from the Rebellion of 1837-38, and by the administrative and political reforms that would soon lead to the union of Upper and Lower Canada. Acting on advice, however, he quickly issued an Order-in-Council by which the land on which Martin had been settled was forfeited and its sale at public auction ordered. This seemed final, but his order was disputed both in London and London Township, where citizens on both sides of the issue continued to make their opinions known.

Several London worthies weighed in on the side of the Floods. In early November, Justice of the Peace Lawrence Lawrason, lawyer John Wilson, and district Treasurer John Harris had certified that the Floods were “well conducted and well disposed people and ... able to build a Grist Mill.” In early December, Wilson and Harris were joined by Rev. Benjamin Cronyn in a petition to the Lieutenant-Governor: they pleaded that if the whole of the south half of Lot 16 was auctioned, the Floods would be deprived of land on which they had made improvements and had every right to consider their own. The petitioners disputed Carlill’s assertion that he required all of the south half of the lot — asserting that, like the Medway, the creek flowing from the southeast would also provide less water in summer — and reminded the Lieutenant-Governor that Carlill had not carried out the conditions he had entered into with Martin. Carlill’s actual improvements on the mill site were far less than he had boasted and had been carried out with much volunteer labour. John Harris, a former naval surveyor, had taken measurements of the fall of water available on the Medway, and had calculated that it would be sufficient to run a gristmill except in the driest of seasons. Cronyn, Wilson, and Harris also contradicted Carlill’s claim that he had met with such hindrance from the Floods that he had been discouraged from proceeding with the mill; this assertion belied Carlill’s own history of suing for trespass. The London intervenors likewise cast doubt on the bona fides of many of the signatories to the petitions that Carlill had submitted, claiming many signatures were of “Children and of people not known to Your Petitioners as Residents of London.”

Having made this case, Cronyn, Wilson, and Harris proposed a just solution to the issue: that Carlill be granted “that part of the Land sold to him subject to the Building of a Grist Mill; and the payment of the sum he agreed to pay Martin; and that Your Excellency do grant the remainder of the Lot to the Devises of Martin [i.e., the Floods] and in case said Carlill do not choose to accept of it on these terms, that the Lot be granted to the Floods on condition of repaying Carlill the money paid to Martin and paying for his Improvements, and on condition that they forthwith build a Grist Mill.” In this way, “ample justice will be done all parties: the Government will be released from the Imputation of acting in an unusual way and on *ex parte* statements: for Your Petitioners are strongly inclined to believe that the conduct of Carlill evinces a desire to evade his own solemn agreement and mislead His Excellency.” In sum, this petition, which was backed by Justice of the Peace Lawrence Lawrason, London District Clerk of the Peace John B. Askin, and Colonel Thomas Talbot himself, asked the Lieutenant-Governor to act with the entire history of human activity on the lot in mind, not with just the original intention behind government land policy and the expectation of the local settlement agent.

A few of their neighbours were also heard from in support of the Flood brothers. James Corsault, who lived north of the mill site on Lot 15 in the 8th Concession, swore an affidavit describing the improvements that both the Floods and Carlill had made on the south half of Lot 16. Of those improvements, Carlill, he asserted, had done nothing within the past year, and had “no settled place of residence” and was “not considered a man able to build a Mill.”

William Haskett, one of Richard Talbot’s Irish immigrants to London Township, lived in the 4<sup>th</sup> Concession and knew the township well, being one of its first wardens and a collector of assessment rates. He swore an affidavit declaring that some of the signatories to Carlill’s petition lived too far away “to feel an interest ... in a mill which might be erected on Martins Lot.” Another township resident, John W. Stewart, swore a statement that he had visited many persons who had signed Carlill’s petitions. “They all expressed their astonishment and surprise,” he told the Lieutenant-Governor, “to find their names attached to a petition containing a clause which prayed for the whole of the said lot to be granted to William Carlill,” when “all that they ever meant was that William Carlill should get the original quantity of land bought from Thomas Martin in his lifetime, and therefore they seemed to consider that they had been imposed on at the time of signing or that this clause had been inserted afterwards.” Still others claimed that they had never signed a petition for Carlill, and one declared that he himself was a minor “and did not know what he signed.” Another informant claimed that he had signed “the petition for the same reason as one of the Donaldsons, ... that he had done so to get rid of the said William Carlill and to avoid his importunity.”

William Carlill was incensed by the petition of John Wilson, Benjamin Cronyn, and John Harris, and by John Stewart’s affidavit. “It is *notorious* in London & elsewhere,” he cautioned the Lieutenant-Governor in January 1840, “wherever said Stuart is known that He is a trifling, meddling person.”

Carlill again asserted his claim to the mill site and defended his ability to build a mill if he were given the land containing the spring creek. Redoubling his efforts to obtain all of the south half of Lot 16, he persuaded several millwrights in the area to intervene on his behalf by writing land officials in Toronto.

Nearby resident Daniel Moore suggested that “a Mill cannot be driven under a five feet and a half head more than six months in the year with any profit.” Daniel Hine had built a mill downstream on the Medway in the 3<sup>rd</sup> Concession that enjoyed six feet head of water, but he had found that “in a dry season the mill was deficient for want of water.” Similarly, James Russell Osgood wrote from Oxford County that, having worked as a millwright in the vicinity of Martin’s Creek for the past decade, he well appreciated the advantage of having water from the spring creek available to augment that of the Medway. William Robb, the proprietor of a grist and a saw mill on the Medway for the previous six years, reported: “I can only say that in the summer season I was obliged to stop the saw mill, and for the grist mill to grind by ponds, and by the experience I have had of it, the creek is not sufficient under that head of 5ft 6in. to drive a Grist Mill.”

Two regional notables also weighed in on Carlill’s side. The first was Mahlon Burwell, the original surveyor of London Township and now member of the House of Assembly for London. Carlill visited Burwell in Toronto, bringing with him a letter from Archibald and James McFarlane, Burwell’s chain bearers in 1818-19, who were settled in the 8<sup>th</sup> Concession. The McFarlane brothers reminded Burwell that when he had identified Lot 16 as a mill site, he had intended the whole 200 acres of the lot for that purpose, not just the south half. Now that the north half was owned by Michael Flood, the McFarlane brothers saw the need for the spring creek to be part of the mill site on the south half and urged Burwell’s influence. Carlill also brought Burwell a letter to him from Edward Matthews, as well as an affidavit from him to be added to the growing collection of petitions and affidavits from the Floods and Carlill in government files.

Edward Matthews, who became important player in the history of the Arva Flour Mill site, now enters the fray. He lived in the town of London, where he was a builder, architect, and general man of business. In 1842-43, he became president of London’s Board of Police, the equivalent of mayor. Matthews had built Eldon House for the Harris family, as well as the barracks that housed the British troops stationed in London. It is quite likely that he was acquainted with William Carlill through the building trade. He now wrote Burwell to solicit his efforts on behalf of Carlill’s object, to obtain the whole of the south half of Lot 16 so that he could build the promised mill. In his affidavit, Matthews wrote highly of Carlill’s character and skills, and reported that he himself had endeavoured to arbitrate between the disputing parties, without success.

## **Resolution**

A torrent of petitions and affidavits had flowed from London to Toronto in the dispute between the Floods and William Carlill. In November 1839, an Order-in-Council was issued that the location be forfeited and the land sold by public auction. Such an auction would have to take place in London. In August 1840, when nothing had been done to put the south half of Lot 16 up for sale as required by vice-regal order, the Executive Council extended the time for performing the settlement duties for three more months, after which the land would be forfeited. But this reprieve did nothing to settle the dispute between the parties or to further the efforts of either of them to construct a “good and sufficient” gristmill.

*Mirabile dictu*, between the intervention of Edward Matthews as advocate for William Carlill in mid-January 1840 and a seemingly final Order-in-Council in August, something new happened: Matthews saw an opportunity for himself to acquire the land and build the desired gristmill. Whether that object would include the vaunted skills of William Carlill, we will never know, unless historical research reveals some document that I have been unable to find. But I suspect that mutually beneficial financial arrangements were made between these two major players in the controversy. Sometime after the August Order-in-Council was issued, the south half of Lot 16, Concession 7, was auctioned off in London, likely by John Askin who acted locally for such transactions on land under Talbot’s agency. Matthews must have been the successful bidder. In September 1840 he bought seventeen acres of the southeast corner of the north half of Lot 16 from Michael Flood.<sup>5</sup> Presumably this land was necessary so that Matthews could flood it once his dam downstream on the Medway was completed. The following May, a lot on King Street in London on which Carlill had performed settlement duties, and for which he had applied for a patent in February, was granted instead to Matthews.<sup>6</sup> It seems quite likely that he had arranged to buy out Carlill’s interests in both the town and township of London. Perhaps Carlill was fortunate to have had such a patron.

## **Fulfilment — A Mill on the Medway**

The final Order-in-Council in this convoluted story was issued on 17 August 1842: it granted to Matthews the whole south half of Lot 16 on which he had performed the settlement duties of “erecting and completing a good and sufficient Grist Mill.” He paid fees of £6.6s.9d, and was now the owner of a mill long hoped for by the inhabitants of London Township.<sup>7</sup> In December 1842, he did the right thing by the Floods when he sold 17 acres at the northwest corner of the south half of Lot 16 to Michael Flood.<sup>8</sup> He also subdivided the southwest corner into building lots for the growing village of St. John’s (present-day Arva) at the crossroads of the Proof Line and the road fronting on the 7th Concession.<sup>9</sup>

Though owning the mill, Matthews did not practise the craft of milling grain, and for most of the next thirty years the premises were leased to a line of professional millers. The names of the early millers who leased from Matthews are unknown, but the township assessment rolls, which have survived from 1854 onwards, record John Leary as miller that year, followed by William Saunby, Francis Saunby, James O’Gorman, and Arthur Osborne.<sup>10</sup> This practice of leasehold continued for many years after the shocking death by suicide of Edward Matthews on 22 June 1850. A coroner’s inquest, reported in the *Canadian Free Press*, stated that Matthews’ body had been found in a pool of blood in his office, clutching a gun in one hand and a ramrod in the other. He had been suffering the previous week from a case of mumps and was said to have been afflicted with melancholy. The inquest “gave a verdict of self-destruction, while under a fit of temporary insanity.”<sup>11</sup>

Matthews had been deeply engaged in London’s civic life and in a host of business interests. By his will, dated 4 September 1841, he named his wife Catherine and his sister Elizabeth as Executrices, and Rev. Benjamin Cronyn as Executor, and directed that his real estate holdings be sold to pay his debts and to support his wife, sister, children, and Samuel Sexton Pomroy, his stepson. The executors had much work to do. Matthews died in possession of large real estate holdings in the town and township of London, in the townships of West Oxford, North Dorchester, Colchester, and Westminster, and in the villages of Ingersoll, St. John’s, and Edwardsburgh (or Dorchester Station). Eventually, the parties of executors, heirs, and agents of the same suffered such “differences and disputes” in regard to the management of the estate that, to avoid costly litigation and settle their outstanding questions, they agreed on a deed of partition. This deed was signed by all parties on 6 December 1869, almost twenty years after the unfortunate death of Edward Matthews.<sup>12</sup>

By this act, the mill site became the property of John Cooke Meredith of London, a local businessman. On 31 May 1870, he sold it to Jacob Hawkins of London Township for \$5,075.<sup>13</sup> According to the township assessment rolls, Hawkins had been the miller in charge of the site since 1867 or 1868. A subsequent history of the mill site would describe his capable development of a modern flour mill, a story that is waiting to be told.

With the single exception of the Arva Flour Mill, all other local mills in the Thames watershed have failed or closed due to floods, fires, changing technologies, market competition, or government labour regulations. Meadowlily, Blackfriars, the Hunt brothers’ City Mills, Doty, Hine, Cronyn, O’Brien, Waters, Strangman, Fysh, Plewes, Saunby, Turville, Dexter, Hall, Ross: the list of mills and millers whose stories form part of the history of industrial development in the London area is long. But none of the other mills had beginnings as complex as the tangle to be found in the history of the Arva flour Mill site.



**“Best flour by a dam site!”** (Photograph courtesy of Joe O’Neil.)

## **The Outlook for the Arva Mill**

Today the Arva mill retains its historic ambiance, inviting folk from London and Middlesex County and beyond to shop for flour and associated foodstuffs and to note the pride with which the present owner Mike Matthews displays photographs from yesteryear along with artifacts from the mill’s past. Amongst the latter is a framed flour bag from the years that Jacob Hawkins owned and operated the mill. “Best flour by a dam site!” is the motto of a mill both steeped in history and anticipating a bright future.

Mike Matthews has been resident miller since 1999, and his family have operated the mill since 1917. In September 2021, he sold the Arva Flour Mill to Mark Rinker, a businessman with deep roots in the area. It is Rinker’s stated intention to continue operating the mill (though with technical changes) and to expand the operations to include the processing of gluten-free flours. This regional landmark has served the baking public for almost 180 years. Long may it thrive and prosper!



**Scale used to weigh the various components of feed and the finished by-products of milling. (Photograph courtesy of Joe O’Neil.)**

### Endnotes

<sup>1</sup> Unless otherwise cited, most of this tangled tale is told in documents contained in several files of the Upper Canada Land Petitions (UCLP, RG 1, L 3). Thomas Flood’s petition is in 1838, Vol. 195, “F” Bundle 21, #60 [reel C-2022]. Carlill’s petitions are in 1839, Vol. 123, “C” Bundle 22, #54, and 1840, Vol. 125, “C” Bundle 22, #226 [reels C-1730 and C-1731]. John Wilson’s petition is in 1839, Vol. 124, “C” Bundle 22, #146 [reel C-1731]. The petition of Benjamin Cronyn, John Harris and John Wilson is in 1839, Vol. 124, “C” Bundle 22, #146 [reel C-1731]. The petition of the inhabitants of London Township is in 1837-38, Vol. 296, “L” Bundle 21, #50 [reel C-2131]. Edward Matthews’ petition to receive his Crown patent is in 1842, Vol. 366, “M” Bundle 1, #63 [reel C-2220]. Interested readers are encouraged to consult ALL the petitions cited, as they contain multiple fascinating documents. The UCLP can be consulted online at Library and Archives Canada: <https://www.bac-lac.gc.ca/eng/discover/land/land-petitions-upper-canada-1763-1865/Pages/land-petitions-upper-canada.aspx> For local researchers, the UCLP microfilm reels are available at the London Room, London Public Library. In many of the above documents the spelling of William Carlill’s surname varies considerably, but his signature was “Carlill.”

- <sup>2</sup> Ontario. Ministry of Natural Resources. Surveys and Mapping Branch. Surveyor's Report and Field Notes Books. (Notes taken in the Township of London by orders from the Surveyor General Office to complete the same bearing date the 17th day of September 1818 by Mahlon Burwell, Deputy Surveyor. "Proof Line through the Township of London," p. 3.) (London Public Library, microfilm in London Room, r526.9 ON8SU. This microfilm resource is also available at the D.B. Weldon Library, University of Western Ontario, London at: CA2ON LF S76. The index to this can be found there at: JL272.9.N32R432.
- <sup>3</sup> Archives of Ontario. Correspondence and Memoranda relating to surveys received by the Surveyor General's Office arranged by correspondent. (RG 1-2-1) Correspondence from Mahlon Burwell, Volume 4, MS 30, reel 8, p. 61, letter written from Port Talbot 31 May 1819.
- <sup>4</sup> Middlesex Land Registry Office, London. (Hereafter: LRO, London.) Records for Lot 8, Concession A, London Township. Instrument #895, 1 December 1826. Bargain and Sale from Anna Service to Thomas Talbot, registered 16 April 1857.
- <sup>5</sup> LRO, London. Records for Lot 16, Concession 7, London Township. Instrument #5291, 23 September 1840, Bargain and Sale, Michael and Ann Flood, London Township to Edward Matthews, London, architect. (Registered 20 August 1841.
- <sup>6</sup> LRO. London. Crown Patent Book. City Lots. Edward Matthews, Lot 10, N. Side of York Street, 1/2 acre, 11 May 1841.
- <sup>7</sup> Library and Archives Canada. Upper Canada Land Books. Volume A, 17 August 1842, p. 315, #M63. [reel C-107]
- <sup>8</sup> LRO. London. Records for Lot 16, Concession 7, London Township. Instrument #331, 10 December 1842, Bargain & Sale, Edward Matthews to Michael Flood, 17 acres, registered 5 Dec.1849.
- <sup>9</sup> LRO. London. Registered Plan #85. Edward Matthews (owner) and William McMillan (land surveyor) Plan of the Village of St. John's on the southwest corner of Lot 16 in Concession 7, London Township. 6 January 1850. (St. John's was renamed "Arva" after the first post office was established there in 1852.)
- <sup>10</sup> Surviving London Township Assessment rolls can be consulted on microfilm in Archives and Special Collections, D.B. Weldon Library, University of Western Ontario. (Reels M1614-1623).
- <sup>11</sup> "Coroner's Inquest", Canadian Free Press (London), 27 June 1850, p. 3, col.1.
- <sup>12</sup> LRO. London. This deed of partition of the estate of Edward Matthews was printed rather than handwritten, and copies are found in the land records of all townships and municipalities in which he owned land. 6 December 1869, Indenture #4377.
- <sup>13</sup> LRO. London. Records for Lot 16, Concession 7, London Township. Bargain & Sale, John Cooke Meredith to Jacob Hawkins, 31 May 1870, \$5,075.

# **Joshua Applegarth: An Example of Failure on Upper Canada's Western Frontier**

**Dan Brock**

## **Introduction**

Many are the instances during the early years of the nineteenth century in which emigrants who were considered of inferior station in their native land came to Upper Canada (now Southern Ontario) and in time achieved a moderate or conspicuous degree of social and financial success. On the other hand, there are also examples of men of capital, arriving in the province with good connections and from the "proper" family background, who failed to adapt to the frontier way of life and to give direction to their community.

Two striking examples from the London area are Richard Talbot (1772-1853), the co-founder of the Tipperary Irish settlement in London Township, and Joshua Applegarth (1779-about 1857), that township's first European settler. Although the lives of both have been traced elsewhere,<sup>1</sup> the purpose of this report is to discuss, in greater detail, the life of Joshua Applegarth, his pioneering attempt to cultivate hemp in what is now part of the city of London, together with his rise and fall in social and economic status in the general community.

## **Background**

In September 1818, Colonel Thomas Talbot (1771-1853), the "Lake Erie Baron," was granted the superintendency of settlement in London Township by Sir Peregrine Maitland (177-1854), lieutenant-governor of Upper Canada. It was at this time that the township was at last thrown open to settlement and the first pioneers began to arrive shortly after September 25<sup>th</sup>. Prior to this date, only two European families resided in the township: the Joshua Applegarths and the William Montagues. It was the "very comfortable log building" of the Applegarths, on the flats on the north side of the trunk of the Thames River, at the forks, which became the last outpost for the London Township settlers before plunging into the wilderness in search of the lots they had drawn.<sup>2</sup>

A personal inspection of the forks of the Thames, early in March 1793, by Upper Canada's first lieutenant-governor, John Graves Simcoe (1752-1806), confirmed that the site was ideal for the capital of the province and "eminently calculated for the metropolis of all Canada." In April 1796 Abraham Iredell (1751-1806), deputy-surveyor of the Western District (basically the present Southwestern Ontario), was instructed to survey a block of land encompassing the present townships of London and North Oxford together with that part of North Dorchester north of the Thames. This parcel of land was surrendered by the Chippewa Indians the following September. A vast tract of land to the south of the Thames, a small portion of which comprised the former

Westminster Township (now, mainly part of the city of London), had earlier been purchased from the Ottawa, Chippewas, Pottawatomy and Huron Indians of the Detroit area in May 1790. Following the purchase of the tract north of the Thames, Simcoe then reserved on paper some 3,850 acres (1 559 ha) in London and Westminster for the actual town plot of London.<sup>3</sup>

While Simcoe's plans for the provincial capital to be erected at the forks of the Thames never materialized, they delayed settlement in Westminster until 1810, in London until 1818 and within the town reserve itself until 1826. Meanwhile, settlement had already begun in Delaware and Dorchester townships, as well as in the Long Point and Talbot settlements to the south and east when Joshua Applegarth crossed over the Thames and squatted on the plain just west of the forks, thus, with his family, becoming the first Europeans to reside in London Township.<sup>4</sup>

Apart from the all too brief but valuable references to Joshua Applegarth in the *Illustrated Historical Atlas of the County of Middlesex Ont.* (Toronto 1878), reprint (Toronto 2008); *History of the County of Middlesex, Canada* (Toronto and London 1889), reprint (Bellville 1972) and Freeman Talbot's two articles which appeared in *The London Old Boy* (1901) i, 1, (July 1901) and *The London & Middlesex Historical Society Transactions*, Part VII (1916), little or no additional information was found in print about this elusive settler at the Forks of the Thames prior to my four-part series on Applegarth which appeared in *The London Free Press* on January 2, 9 and 16 and February 6, 1971. What follows, for the most part, as an update of my article which appeared in *Applegarth's Folly*, 1 (Summer 1973, 10-20).

### **The Applegarth Family**

Joshua was born on October 11, 1779, at Barnard Castle, a market town six miles (9.7 km) southwest of Staindrop, Durham County, England, the third of seven children of John Applegarth (1746-1818) and his wife Sarah Baker (1752-1820). The Applegarths were members of the Quaker community in Staindrop as early as the mid-17<sup>th</sup> century.<sup>5</sup> John Applegarth was variously described in the records of the Society of Friends as a shopkeeper, weaver and yeoman farmer.<sup>6</sup> In 1791 the first member of the Applegarth family immigrated to Upper Canada. Joshua's elder brother, William (1774-1839) settled in the vicinity of present-day Hamilton where he taught school for the next several years. Joshua and his younger brother, John (1784-1854), joined William in 1801, and that December lots 7 and 8 in concession 1 and in the broken front of East Flamborough Township, then in York (later Wentworth) County, were purchased in the name of the eldest brother. It is believed that this transaction was made possible through funds given to the brothers by their father.<sup>7</sup>

The following year, while living in this township, the Applegarth brothers petitioned the provincial government for 200 acres of land apiece, stating that they were natives of England and had brought a certain degree of wealth with them. The government at York (now Toronto) recommended that their petition be granted and William was later to receive a crown patent for the adjacent lot 6,

concession 1 and broken front in East Flamborough, but there is no record of patents being taken out by his brothers in that township. The lands in William Applegarth's name, later forming the settlement of Aldershot, became known as "Oaklands" and there in 1809 it is believed William and John joined in erecting the first grist mill in that area, probably on the north part of lot 8 along what became Grindstone Creek west of the settlement of Aldershot.

Destroyed by fire in the mid-1810s, the mill was rebuilt of stone, about 1823, by John, who had often been heard to say that he would build a mill that "God Almighty could not burn." In January 1826, however, it too was consumed in a fire believed set "by a disgruntled workman," and the younger brother was obliged to build this mill a third time.<sup>8</sup> While William and John were to live out their lives in the vicinity of the head of Lake Ontario with a certain measure of social and financial prestige within their respective communities, such was not to be the course pursued by the second eldest brother Joshua.

Sometime after arriving in Upper Canada the three brothers had become members of the Church of England and William and Joshua had married local women. Joshua's first wife was Abigail Hughson (b.c. 1783), a daughter of Nathaniel and Rebecca "Kate" (Land) Hughson who lived on the present site of the city of Hamilton. Joshua and Abigail are believed to have married in 1798 or 1799 and to have had at least two children—Marian and Pauline—before Abigail's death, sometime prior to 1809.<sup>9</sup>

### **The Tiffany Family**

Meanwhile on March 23, 1801, Moses Brigham (1753-1814), then of Dover<sup>10</sup> and his brother-in-law, Gideon Tiffany (1774-1854), printer, of Niagara (now Niagara-on-the-Lake), had purchased 2,200 acres of land in Delaware Township, Middlesex County, including the site of the present village of Delaware, from Ebenezer Allan (1752-1813) who then held the promissory notes on the property.<sup>11</sup> Moses was married to Lucinda Tiffany (1751-1814). Her brother, Gideon, had become Upper Canada's first journalist in 1794 when he was appointed publisher of the *Upper Canada Gazette* (Newark/Niagara). In 1799, he and their oldest brother, Silvester (1759-1811), began publication of the *Canada Constellation* (Niagara), Upper Canada's first non-official newspaper. After the failure of the *Constellation* in 1800, Silvester began publication of its successor the *Niagara Herald*.<sup>12</sup>

Sometime prior to 1804, the Moses Brigham and Gideon Tiffany families had moved to Delaware Township, had taken over Ebenezer Allan mills, were producing lumber for the Detroit market and were apparently engaged in fur trading with the Indians in the area.<sup>13</sup> Pressed for funds, however, Moses and Gideon, together with Ebenezer Allan who still held their unredeemed promissory notes, had a lease and release of almost the entire property drawn up, on November 19, 1806,

in favour of Dr. Oliver Tiffany (1763-1835), Gideon's well-to-do older brother then living in Ancaster Township, Wentworth County.<sup>14</sup>

It is believed that the Applegarth brothers were acquainted with Dr. Oliver Tiffany by this time, and that Joshua Applegarth was persuaded by Tiffany to have a look at Tiffany's lands in Delaware Township.<sup>15</sup> It was probably in the summer or fall of 1807 that Joshua viewed the Tiffany holdings in Delaware Township. But he also viewed lands in the vicinity of the Forks of the Thames, particularly the extensive, fertile flats on the north side which had earlier been used by the Indians for the growing of corn.<sup>16</sup> This was all part of London Township, the perimeter only of which had been surveyed by Abraham Iredell in 1796 and Lieutenant Governor Simcoe's reserve for the town plot of London, his intended capital of Upper Canada. Applegarth liked what he saw at the Forks and, even though this was still part of Lieutenant Governor Simcoe's reserve for the town plot of London, he made application for a tract of land which would include this plain. The then lieutenant governor, Francis Gore (1769-1852), informed William Chewett (1753-1849), one of the joint acting surveyors general of Upper Canada, that Applegarth could only obtain a license of occupation on the site, and then only for the sole purpose of growing hemp.<sup>17</sup>

### **The Applegarth Family and the Cultivation of Hemp in London Township**

As hemp was vital in the making of rope and canvas in the days of wind and sail, the British government had given encouragement for its cultivation in the colonies. While it "had been the object of frequent experimentation in the seaboard colonies, often with the stimulus of subsidies from the legislatures"<sup>18</sup> prior to the American Revolution, it is believed hemp seed was first distributed and planted in the western portion (i.e. Upper Canada) of the old province of Quebec during 1791.<sup>19</sup>

In February of that year, Lord Dorchester (1724-1808), as governor of the province of Quebec, declared that 2,000 bushels (72 740 litres) of hemp seed were to be distributed free to "persons of proper character," throughout the province.<sup>20</sup> Two barrels were distributed in the Niagara peninsula.<sup>21</sup> Right from the beginning, a dark cloud hung over the hemp industry in this province. Robert Hamilton (1750-1811) reported that he had sown a little toward the end of September 1791, when it was first received at the Landing (now Queenston), and again four weeks later but the seed was too old.<sup>22</sup> A treatise on the cultivation and preparation of hemp appeared in the *Upper Canada Gazette* in the winter of 1806.<sup>23</sup>



the northern portion of the tract and east of Beaverbrook Avenue in the south on the western side of the plot. The “House” would have been Applegarth’s cabin, apparently in the vicinity of the curve in Charles Street in West London.

As previously noted, Joshua’s wife, the former Abigail Hughson, appears to have died by 1809 and Joshua was left with at least two children, Marian and Pauline, to raise, his nearest white neighbours being several miles distant. He certainly was acquainted, by this time, with a third Tiffany brother, the aforementioned Silvester. It was about 1809 that Joshua had married Silvester’s eldest daughter, Elizabeth “Betsy” Tiffany (1787-after 1860). Joshua had six further children with Betsy: John (1810-1876), William (1812-1872), Sylvester (1814-1870), Elizabeth (1817-1910), Frances (1818-1910) and George Augustus (1821-1870).<sup>27</sup>



Dr. William Applegarth (1812-1872) with his second wife, the former Irena Kelley, and three of their daughters, Eliza, Cordelia and Mabel, c. 1870.

This is the only photo I know of one of the children of Joshua Applegarth.

*From photo album of Janie (Morgan) Applegarth,  
courtesy of her great-granddaughter, Debbie Clifton of Lexington, KY.*

In March 1810, Mahlon Burwell was instructed to survey one or two concessions in London Township and to note other areas “as may be free from Timber and suitable for the growth of Hemp.”<sup>28</sup> Burwell surveyed the first four concessions and the front of the fifth concession,<sup>29</sup> between May 20<sup>th</sup> and June 12<sup>th</sup>, and reported that, apart from “nearly Three hundred Acres of the first Quality, and entirely free from Timber” comprising part of Applegarth’s lease, only a few other areas were regarded as suitable for the growing of hemp.<sup>30</sup> Joshua had chosen well.

### **The Abandonment of the Hemp Culture by Joshua Applegarth**

His efforts to cultivate hemp, however, were doomed to failure. As Edward Allan Talbot (1795-1839), a later resident of London Township, was to write in 1824, Upper and Lower Canada together “cannot at present afford a sufficient quantity [of hemp] to hang their own malefactors.”<sup>31</sup> While the soil and climate in the Canadas were acknowledged ‘to be quite as favourable to its growth as those of Poland and Russia’,<sup>32</sup> the failure of the hemp culture in British North America was attributed to the prohibitive labour and transportation costs which prevented competition with the Baltic product. Talbot further noted that ‘the Canadian farmers are actually too poor to purchase the machinery necessary for the proper manufacture of hemp, or to send it to any distant market....’<sup>33</sup>

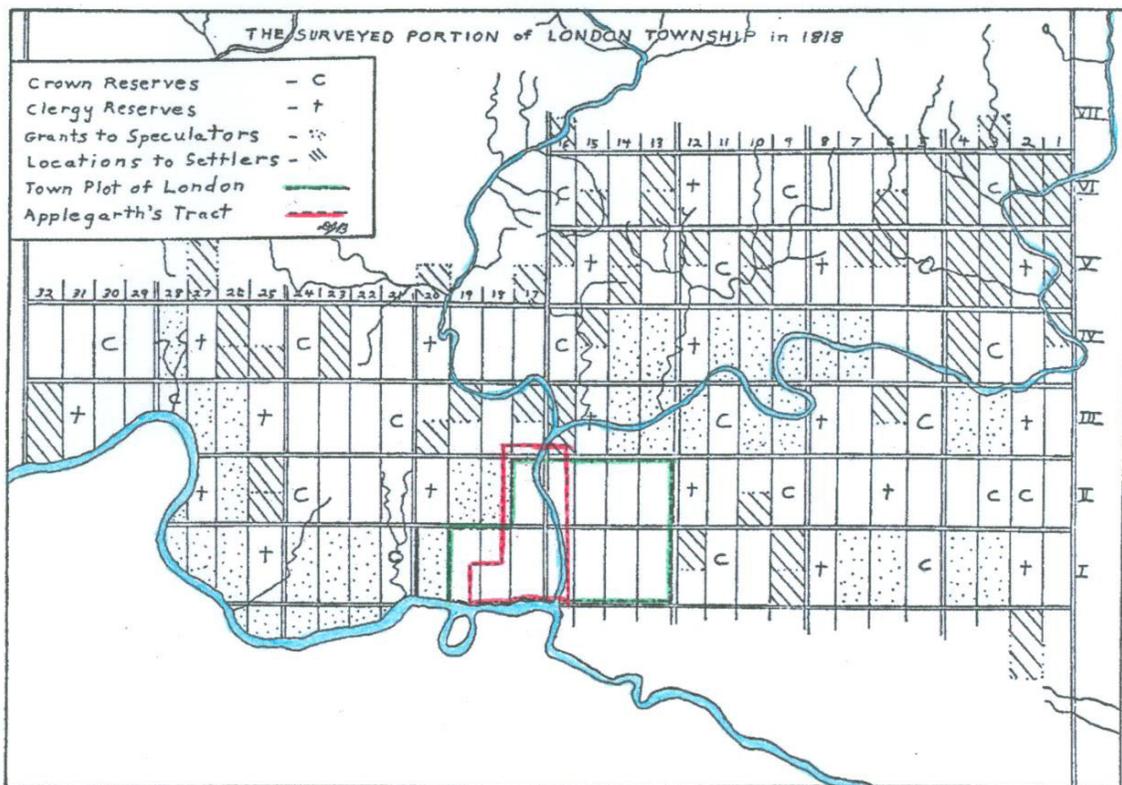
The Applegarths were compelled to leave London Township, in the aftermath of the Battle of Thames which occurred on October 7, 1813. It is probable that they waited out the rest of the War of 1812 with members of Betsy Applegarth’s family, probably in Canandaigua, southeast of Rochester, New York, where they had settled in 1802.<sup>34</sup> In January 1816, however, we find Joshua listed as living in West Flamborough Township, York (Wentworth) County.<sup>35</sup> This then would explain the old claim that he first arrived in London in 1816. In fact, the family would have been returning to the township after a few years’ absence.<sup>36</sup>

Now in April 1815, John Applegarth had sold his lands in East Flamborough Township to his brothers, William and Joshua. At some point John must have come in possession of at least the north parts of lots 7 and 8 in concession 1, consisting of 204 acres which William Applegarth had purchased in 1801. These are believed have been the lands purchased in 1815 by Joshua Applegarth for £500 and then sold by him in January 1816 for a mere £153.<sup>37</sup> It is believed that Joshua had borrowed the £500 to pay his brother from Samuel Andress and Samuel Tisdale (1784-1853) merchants in Ancaster. More about this later. It was about this time that John Applegarth paid a visit to England. After returning to Upper Canada, he later became a merchant in Hamilton.<sup>38</sup>

In 1817, the Joshua Applegarth family was joined by London Township’s second European family, the Montagues. William Montague (1760-1822), a native of Mells, Somersetshire, England and of French Huguenot ancestry, had arrived in the province that year with his wife and eight of their nine children. Ostensibly, he may have entered the township to assist Applegarth in the cultivation

of hemp, but he subsisted largely through hunting and trapping and was later to augment his income by ferrying settlers across the Thames when the township was thrown open to settlement in 1818.<sup>39</sup>

Owing to the influx of settlers in the autumn of 1818, Mahlon Burwell again surveyed several additional lots in the township, using Applegarth's "one and a-half story log house" with "a chimney at one end and a window in the upper part of the other end," as the survey party's base camp.<sup>40</sup> (See illustration below for the extent of the survey of London Township by the end of 1818 and the relative location of Joshua Applegarth's 1,000-acre license of occupation.)



Daniel James Brock, "Richard Talbot, The Tipperary Irish and The Formative Years of London Township: 1818-1826," unpublished MA thesis, The University of Western Ontario, September 1969, 50."

### The Final Days of Joshua Applegarth

The Applegarth cabin also served as the location of London Township's first town meeting on January 4, 1819. Joshua was chosen as town clerk but did not complete his term of office as by the autumn of 1819 he had sold off his license of occupation and had crossed the Thames into the more established township of Westminster to the immediate south.<sup>41</sup> Apart from his understandable

failure to make a financial success of the hemp culture, and therefore the need to sell his license of occupation, the traditional reason for moving across the river was the fact that the climate on what was once known as Applegarths Flats caused Joshua to suffer from ague.<sup>42</sup>

At the annual Westminster town meeting, held in January 1820, Joshua Applegarth was elected a pound keeper. This was to be the first and last official position he would hold in the township.<sup>43</sup> The Applegarths appear to have been living at the time in a house owned by Edward Teeple (c. 1792-1855) on the north side of Commissioners Road on lot 33, concession 1, just east of present-day Beachwood Avenue in the city of London. The house is said to have been built by a man named Hubbard “who started a still-house across the road.”<sup>44</sup> Applegarth soon saw that there was more money to be made in the distillation of whiskey than in the cultivation of hemp. Unfortunately, he failed to abide by the formality of first obtaining a license for such activity and was “convicted on his own confession” in April 1820 of using two stills, in the “little log house” opposite his dwelling, “for the purpose of distilling spirituous Liquors for Sale” during November 1819. He was ordered to pay a fine of £10 provincial currency, plus £3 16s 6d to the prosecutor for his suit and to forfeit his stills to the Crown.<sup>45</sup>

It was about this time that an amorous episode involving one of Applegarth’s daughters by his first marriage is said to have occurred. Dennis O’Brien (1792-1865), an Irish Catholic pedlar who made his rounds on foot at the time selling hardware and tin ware, had arrived Upper Canada in 1820 and had made his way to Middlesex County and Westminster Township. He was said to have made his acquaintance of the Applegarth family and to have taken a shine to Joshua’s daughter, Marian. The story was told, nearly 70 years later, by an early Middlesex resident, that O’Brien would frequently come to call on young Marian by climbing the gable of the Applegarth cabin and enter the loft “through the window in Romeo fashion. On one of such occasions a conspiracy to trap him for the purpose of blackmail was put into effect, but the Romeo, jumping from the window, escaped.”<sup>46</sup> When the new town plot of London was laid out in 1826, O’Brien became one of the original residents of the settlement and its first general merchant. His ardour for Marian, however, must have cooled with the passage of years as in 1834 he married Jane Shotwell (b.c. 1816), daughter of Abram & Sylvia Americana (Sumner) Shotwell of Delaware.<sup>47</sup> Nothing further is known of either Marian Applegarth or her sister Pauline.

As for Joshua Applegarth, we hear again of him on March 11, 1822 when he paid Henry Schenick £50 for the west half of lot 28, concession 1, to the west of present-day Wortley Road, in what was then Westminster Township.<sup>48</sup> This transaction is rather odd as Joshua was deeply in debt by this time. The Court of King’s Bench had issued a writ of *feri facis*, on February 2, 1822, against his goods and chattels for a £500 debt owed, as noted earlier, to Samuel Andress and Samuel Tisdale of Ancaster, for the delay in the recovery of their debt and for the cost involved in bringing this debt before the Court. This debt would appear to have been for the purchase of the 204 acres in East Flamborough for £500 in 1815 and which he sold for only £153 the following year. As

Joshua failed to have the money before the said Court of York on the first day of Easter term," his goods and chattels were apparently seized on March 1, 1822, just 10 days before he purchased the Schenick property. This property was in turn, seized by James Hamilton, the sheriff of the London District, on May 10, 1823. The highest bidder was Samuel Andress, one of Applegarth's creditors, who paid the same price as Joshua had paid Schenick the year before.<sup>49</sup>

This is the last we learn of Joshua Applegarth owing any property. Henceforth, the lands on which he lived were in the name of his sons or his wife. His indebtedness to Andress and Tisdale, the failure of his hemp growing venture in London Township and his fine in 1820 for the illegal operation of stills in Westminster Township had all come together to bring about Joshua's financial downfall.

For the next decade the movements of the Applegarths are uncertain. At the time of the United States Federal Census of 1830, the family was living in Lewiston, New York.<sup>50</sup> By March 1833, they may have been squatting on land on the northeast side of the Goderich Road (now Highway 4) in the present village of Lucan.<sup>51</sup>

In December 1833, we definitely pick up the trail of the family in Caradoc Township across the Thames from Delaware, when Dr. Tiffany granted a deed of gift for the southeast half of lot 14, concession 1 in the name of two of Joshua's sons, William and Silvester.<sup>52</sup> The 1842 census for Caradoc indicates that within the Joshua Applegarth household there was a boy and a girl under the age of five.<sup>53</sup>

We find virtually all the members of the Joshua Applegarth family living beside one another in January 1852. Joshua and Betsy Applegarth were living in a one-story, frame house, apparently on the northeast half of the 100 acres gifted to William and Silvester in 1833. Also living with them were their sons John<sup>55</sup> and Augustus, daughter, Elizabeth Lawyer, and her daughter Cornelia (b.c. 1839).<sup>56</sup> Silvester Applegarth, his wife, the former Eleanor Harris (1819-1908), an older sister of Augustus Applegarth's dead wife, and their seven children lived in a one-story frame dwelling, apparently on the southwest half of the said 100 acres.<sup>57</sup>

William Applegarth, his son Henry William (1837-1894) by his first wife Eliza Dowlin (1861-1840), his second wife, the former Irena Kelley (1827-1902), and their oldest surviving child, James (1851-1855) lived in a log cabin, apparently on the southwest quarter of lot 13, concession 1, immediately to the southwest of the lot on which his parents and siblings lived. This is was half the 100 acres purchased in 1847, by William's brother Augustus from the executors and devisees of the estate of their granduncle, Dr. Oliver Tiffany. Augustus farmed the northwest portion of the 100 acres.<sup>58</sup> Walter Dowling/Dowlin (1818-1870) and his wife, the former Francis Maria Applegarth and their two children Francis Caroline (1839-1911) and Sarah (1845-1934) lived in a log cabin on 70 acres of the northeast half of lot 16, concession 1, Caradoc, immediately northeast of Joshua Applegarth's farm<sup>59</sup>

The agricultural census for 1851 gives us some insight into the state of farming on the 50 acres reported by Joshua Applegarth. Ten acres was still “wild land,” 30 were under crops in 1851, of which five acres had been in wheat, five acres in Indian corn, one-and-a half acres in beans, a half-acre in potatoes and another half-acre in turnips. The orchard comprised one acre, while nine acres consisted of pasture. Joshua had two milking cows as well as a calf or heifer, two horses and three pigs. He had harvested six tons of hay and, although the family did not have any sheep, five yards of flannel had been produced. His son Silvester, however, had five sheep at the time, while his son-in-law Walter Dowling had 27.<sup>60</sup>

By this time Joshua Applegarth’s family was being drawn to the American West. In March 1855 William Applegarth sold his share of the southerly portion of lot 14, concession 1, Caradoc to his brother, Silvester. Their brother Augustus sold 50 acres of the southerly portion of lot 13 in the same concession in August of the same year and it would appear that he and William then travelled to Minnesota Territory as far as what became Pennington County in the northwestern part of the territory. They may also have journeyed to what became Wabasha County in the southeast part of Minnesota as well.

In any case, Augustus sold off his remaining 50 acres in Caradoc in July 1856 and appears to have married Mary Eliza Miller (b.c. 1835, Lamont, Michigan) about the same year. Their first child, George Augustus, Jr., was born in Wyandotte Township, Pennington County on October 9, 1857.<sup>61</sup> Meanwhile, in August 1856, Silvester sold off the southerly portion of lot 14, concession 1 (100 acres), to Alfred Holloway of the city of London. This was the last of the Applegarth land in Caradoc to be sold. Joshua and Betsy were still residing in the township, however, as late as September 6, 1856. This is the last record we have for Joshua Applegarth.<sup>62</sup>

Meanwhile, settlement had begun, in June 1855, in that part of Township 110 which was soon to become West Albany Township, Wabasha County, Minnesota. It is believed that both William and Silvester Applegarth purchased land in that township by 1856. In May 1857, Silvester sold the mortgage he held against Alfred Holloway. It was in the spring of 1857, after the town plot of West Albany was laid out on Range 12 of Township 110 that William Applegarth built his store, “which he stocked with a small supply of general merchandise...” The first town meeting was held in this store and, like his father before him, William was chosen the township’s first clerk.<sup>63</sup> In addition to the William Applegarth family, the Minnesota Territory Census of early October 1857 shows the Silvester Applegarth family on Range 12. Next door lived Betsy Applegarth and her eldest son, John. Nearby were to be found the Walter Dowling family. All three households were engaged in farming.<sup>64</sup>

Augustus Applegarth joined the rest of the family in Township 110 by the spring of 1858. That summer it is believed he taught “The first term of school in this township....” Silvester Applegarth laid out the town plot of Albany, about a half mile from the town plot of West Albany in the spring of 1859. There, he built a grist mill on West Albany Creek.<sup>65</sup>

The 1860 United States Census for Township 110, Range 12, shows the families of William, Silvester and Augustus Applegarth still present on Range 12 with West Albany as the postal address. It also notes this for Betsy Applegarth and her eldest son John as well.<sup>66</sup>

It would have been sometime after the 1860 census that Betsy (Tiffany) Applegarth died but no record of her death has been found. Likewise, we have no record of Joshua Applegarth's death. We know he was living in Caradoc Township on September 6, 1856 but, as he does not appear on either the 1857 or the 1860 censuses for Township 110 in Wabasha County, Minnesota, we can assume he had died by October 1857. Did he die while still in Caradoc? Had he expired upon reaching his new home in Minnesota? Or, did he die along the way? Joshua's death, like many other aspects of his life, remains a mystery.

### Conclusion

From what knowledge we have of the life of Joshua Applegarth, it would appear that he failed in almost every venture undertaken. Economic conditions at the conclusion of the war of 1812 probably forced him to sell off his land in East Flamborough Township at less than one-third its purchase price a year earlier. His attempt to cultivate hemp—the condition of his license of occupation at the Forks of the Thames—ended in failure. The same pattern was repeated in his struggle to begin a fresh start in Westminster Township. Applegarth's solution to failure in one place was to pull up stakes and move elsewhere. Along with his perennial optimism that circumstances would be different in the next settlement, his frequent migration may have also been a conscious attempt to elude his creditors, just as they have succeeded in concealing his whereabouts for years at a time from historians and genealogists, at least until recent years. As he lived, so he died, in yet another attempt to achieve success, if not for himself then at least for his children, in a part of the recently-opened American west. To a certain degree Joshua was somewhat representative of Frederick Jackson Turner's "professional" frontier farmer, always ready to move on when "civilization" had overtaken him.<sup>67</sup>

Not only did Applegarth display a complete inability to manage his finances but, again as was the case with his contemporary, Richard Talbot, he was never to enjoy the prestige which might have been his. When London Township was first opened to settlers his fellow settlers assumed he would be one of the leaders in the new community and elected him town clerk, one of the most honourable offices within the township government. Applegarth in turn rejected this opportunity to assist in the direction of the township during its formative years and retreated to Westminster Township. Even in this more settled township he still had sufficient prestige to be elected to the minor position of pound keeper. After 1820, however, there is no record of him holding even so lowly an office as this.<sup>68</sup> Like Richard Talbot, he had the proper background to be considered for the prestigious position of local magistrate – the mark of a squire- yet, at a time when constant complaints were heard that it was impossible to find satisfactory magistrates, both men failed

to be appointed justices of the peace.<sup>69</sup> Applegarth did not even succeed in being appointed an officer in the local militia, while Talbot was commissioned a captain in the Fourth Regiment of the Middlesex Militia.<sup>70</sup>

Yet, despite his failings Joshua Applegarth does merit certain claims to recognition in the London area. He and his family were the original European settlers in London Township and on the site of the present city of London. His cabin served as a sort of base camp for Mahon Burwell and his survey party in the autumn of 1818 and the last outpost for the pioneers of 1818 before striking out along blazed trails in search of their wilderness lots. The first town meeting of London, at which he was elected town clerk, was also held in Applegarth's dwelling. A less realized facet of his significance is that he was the first to introduce the hemp culture to the forks of the Thames and in so doing hemp became the earliest commercial crop grown by Europeans in London Township and within the present city of London.

### Endnotes

- <sup>1</sup> See Daniel J. Brock, "Richard Talbot, The Tipperary Irish and The Formative Years of London Township: 1818-1826," (unpublished M.A. thesis, University of Western Ontario), (London 1969); "Richard Talbot," *London Free Press, The* (LFP), April 11 and 18, 1970; Daniel J. Brock, "Richard (Talbot) Talbot), colonizer, office holder, and militia officer," *Dictionary of Canadian Biography* (DCB) (Toronto, Buffalo, London 1985), viii, 855-56; "Joshua Applegarth," *LFP*, January 2, 9, 16, 23 and February 6, 1971.
- <sup>2</sup> Brock, "Formative Years of London Township," 52, 56-59.
- <sup>3</sup> *Ibid.*, 48-9; Major Littlehales' account of Simcoe's visit to London, March 2, 1793, in E.A. Cruikshank, ed., *The Correspondence of Lieutenant-Governor John Graves Simcoe* (Toronto 1923-31), I, 293; *Canada-Indian Treaties and Surrenders From 1680 to 1890* (Ottawa 1891-1912), I, 1-5.
- <sup>4</sup> *Illustrated Historical Atlas of the County of Middlesex*, i-ii, v, vi; *History of the County of Middlesex*, 29-30, 476-479, 486-88, 510; 567-68, E.A. Owen, *Pioneer Sketches of Long Point Settlement* (Toronto 1898), reprinted (Bellville (1972).
- <sup>5</sup> Upper Canada Land Petitions, A 6-4, Library and Archives Canada, Ottawa; Piers Applegarth, Piers Applegarth Family Tree, ancestry.ca, accessed Aug. 24, 2021.
- <sup>6</sup> Charles P. Neat to Daniel J. Brock, Sunderland, Co. Durham, England, Aug. 17, 1970.
- <sup>7</sup> H.H. Robertson, *The Gore District Militia of 1821-1824-1830 and 1838*, Wentworth Historical Society (Hamilton 1904), 21; Neat to Brock, Aug. 17, 1970; T. Roy Woodhouse to Daniel J. Brock, Hamilton, [March 1970]; Register Burials, August 1851-October 1880, Office of the Church of the Ascension (Anglican), Hamilton; Abstract Index, Flamborough East Township, Archives of Ontario [AO], Toronto
- <sup>8</sup> Land Books, Upper Canada, E, 150, Library and Archives Canada; Abstract Index, Flamborough East Township; Robertson, *Gore District Militia*, 21; *Montreal Gazette*, 4 Feb. 1826; Mabel Burkholder, *Out of the Storied Past* (Hamilton, 1968, 112-13; Woodhouse to Brock, [March 1970]. The 1851 census for the city of Hamilton (Jan. 1852) found John Applegarth living on John Street. He listed his

occupation as a miller, and the fact that business had not been too prosperous during the previous few years may be recognized from the following angry note set down under the heading of “Remarks.” “We may with graet [*sic.*] propriety take great shame to ourselves that we have so few hands employed seeing so many Emigrants are becoming subjects of the Yankee republic driven there by free trade and other such detestable laws concocted by Lord John Russel and his silly cabinet and the Baboons here who try to equal him in folly. John Applegarth.: Canada West Census, 1851, City of Hamilton, St. George’s Ward, Library and Archives Canada.

- <sup>9.</sup> See *History of the County of Middlesex*, 512; Nelson Otis Tiffany, *The Tiffanys of America* (Buffalo, NY 1901), 41-3; Darren Ross, Ross/Runquist – Lowes/McKinnon Family Tree, ancestry.ca, accessed Sept. 14, 2021.
- <sup>10.</sup> This is believed to have been Dover Township, Kent County.
- <sup>11.</sup> Tiffany, *Tiffanys of America*, 41-3; Instruments 6 and 7 (1801), Middlesex County, Middlesex West Land Registry Office, Glencoe; Daniel J. Brock, “Gideon Tiffany,” *DCB*, viii (1851-1860), 887-88; Daniel J. Brock, “Ebenezer Allan,” *DCB*, v (1801-1820), 13-15.
- <sup>12.</sup> Douglas G. Lochhead, “Silvester Tiffany,” *DCB*, v (1801-1820), 814-16; W. Stewart Wallace, “The First Journalists in Upper Canada,” *Canadian Historical Review (CHR)*, xxxvi, 4 Dec. 1945, 380
- <sup>13.</sup> Patrick C.T. White, ed. *Lord Selkirk’s Diary 1803-1804: A Journal of His Travels in British North America and the Northeastern United States* (Toronto), 1958, 308
- <sup>14.</sup> Instrument 68 (1806), Middlesex County; Tiffany, *Tiffanys of America*, 41-3; Darren Ross, Ross/Runquist – Lowes/McKinnon Family Tree, ancestry.ca, accessed Sept. 14, 2021.
- <sup>15.</sup> The Cooley family were neighbours of Dr. Oliver Tiffany. In 1811, Joshua’s brother, William Applegarth, married Martha Cooley (1793-1857), a daughter of Preserved and Mary Ellen (Beemer) Cooley. As well as operating the mills in Delaware Township with his brother-in-law, Moses Bigham, Gideon Tiffany managed the lands in Delaware then owned by his brother, Oliver. Kevin Duke, Stephanie Stenabaugh Family Tree, ancestry.ca, accessed Sept. 14, 2012; Thomas Welch to Thomas Ridout, Aug. 26, 1811, Surveyors’ Letters, 38, 161, Surveys Branch, Ontario Ministry of Natural Resources (OMNR) (Toronto); L.R. Gray to Larry [?], Jan. 20, 1968, photocopy sent to me from the file on Gideon Tiffany, by Lorne Ste. Croix, Heritage Development Officer, Heritage Administration Branch, Ontario Ministry of Culture and Recreation (Toronto); Instrument 3168 (1831), Middlesex County; Last will and testament of Gideon Tiffany, Jan. 31, 1838.
- <sup>16.</sup> This comprised much of what is now West London, including Labatt and West Lions parks and Kinsmen Area. Map No. 00189, “The Site of London [1793], Surveys Branch, OMNR notes “Old Indian Cornfields” on the flats.
- <sup>17.</sup> Memorandum of William Chewett, York, Letters Written, no. 20, Surveys Branch, OMNR; Brock, “Richard Talbot,” 52.
- <sup>18.</sup> Robert Leslie Jones, *History of Agriculture in Ontario 1613-1880* (Toronto 1946), 43.
- <sup>19.</sup> For a brief account of the attempt to promote the cultivation of hemp in British North America see Norman Macdonald, “Hemp and Imperial Defence,” *CHR*, xvii, 4, December 1939, 385-98.
- <sup>20.</sup> *The Quebec Gazette*, February 17, 1791.
- <sup>21.</sup> Nassau Land Board Minutes, September 6, 1791, in *Third Report of the Bureau of Archives for the Province of Ontario 1905* (Toronto 1906), 304; Robert Hamilton to William Robertson, Landing

(now Queenston), October 20, 1791, William Robertson Papers, The D.B. Weldon Library, Western University, London. Hamilton may have substituted the word “barrels” for bushels when he wrote: “We have Received in this Settlement fifty Barrels of the Hemp Seed sent some time since to the Country by Government....”

22. Hamilton to Robertson, October 20, 1791; Bruce G. Wilson, “Robert Hamilton,” *DCB*, v (1801-1820), 402-06.
23. Charles Taylor, “REMARKS on the Culture and Preparation of HEMP IN CANADA: Communicated at the desire of the Lords of His Majesty’s Privy Council for Trade and Foreign Plantations,” *Upper Canada Gazette*, 25 Jan. 1806, reprinted in the Feb. 22<sup>nd</sup> and March 1<sup>st</sup> issues.
24. See Map 10504, Mahlon Burwell’s Plan of Joshua Applegarth’s License of Occupation, Dated London, October 15, 1808, Surveys Branch, OMNR.
25. Mahlon Burwell to William Chewett and Thomas Ridout, June 21, 1810, Surveyors Letters, vol. 3, no. 13, Surveys Branch, OMNR.
26. William Bird to Chewett and Ridout, May 18, 1810, Letters Received, 16, 2728-29, Surveys Branch, OMNR.
27. Tiffany, *Tiffanys of America*, 41-3; Darren Ross, Ross/Runquist – Lowes/McKinnon Family Tree, [ancestry.ca](http://ancestry.ca), accessed Sept. 14, 2021.
28. Chewett and Ridout to Burwell, March 11, 1810, Surveys Branch, OMNR; Instructions to Land Surveyors, vol. 3, 232-33, Survey Branch, OMNR.
29. Fanshawe Park Road now separates what would have been the fourth and five concessions of London Township.
30. Burwell to Chewett and Ridout, June 21, 1810, Surveyors Letters, vol. 3, no. 13, Surveys Branch, OMNR.
31. Edward Allen Talbot, *Five Years’ Residence in the Canadas*, 2 vols., (London, England 1824), reprinted in one volume (Yorkshire, England and New York), 1968, i, 304.
32. *Ibid.*, 304.
33. *Ibid.*, 305-06, 307.
34. Lochhead, “Silvester Tiffany,” 814-16.
35. This apparently was on leased property as no record of the Applegarths owning land in this township has been found. See Daniel J. Brock, “Joshua chose wisely, LFP, January 9, 1971, 28.
36. Woodhouse to Brock, [March 1970]; Wallace, “First Journalists in Upper Canada,” 378; Instrument 87991823), Wentworth County Land Records, Ontario Archives; Freeman Talbot, “London in Early Days,” *The London Old Boy*, i, 1, (July 1901), 4.
37. In light of the fact that Joshua Applegarth had held the land for less than a year and had sold it more than a decade earlier, the following advertisement which appeared in an April edition of the *Gore Gazette* of Ancaster, is rather curious. W. Crooks of Grimsby in Lincoln County was offering for sale: “That excellent and well situated tract of Land in East Flamboro, formerly possessed by Mr. Joshua Applegarth, contain Two Hundred and Four Acres, being composed of the North Halves of Lots Nos. 7 and 8 in the First Concession.” Daniel J. Brock, “Joshua chose wisely,” *LFP*, January 9, 1971, 28.
38. *Ibid.*; Karen & Steven Thompson, James/Cosens/Judd/Evans/Briggs Family Tree, [ancestry.ca](http://ancestry.ca), accessed September 16, 2021.

- <sup>39</sup> Upper Canada Land Petitions, M 3-Misc.-32, Library and Archives Canada; *History of Middlesex*, 34, William Horton, *Memoir of Thomas Scatcherd* (London 1878), 103-04; Carol Dickenson, BASIC Schwaderer Dickenson, ancestry.ca, accessed September 15, 2021.
- <sup>40</sup> Thomas Ridout to Mahlon Burwell, York, September 17, 1818, Instructions to Land Surveyors, iii, Surveys Branch, OMNR; Mahlon Burwell's Surveyor's Diary, London Township, 1818, 1819, Archives of Ontario; *History of Middlesex*, 512.
- <sup>41</sup> London township Minutes, formerly housed in the London Township Office, Arva; Minutes of the London District Quarter Sessions, April 11, 1820, The D.B. Weldon Library, Western University, London; Upper Canada Land Petitions, M 3-Misc.-32, Library and Archives Canada
- <sup>42</sup> *History of Middlesex*, 121 511. Ague was denoted as a fever marked by sudden attacks of chills, fever and sweating recurring at regular intervals.
- <sup>43</sup> Westminster Township Minutes, City Hall, London.
- <sup>44</sup> *History of Middlesex*, 511-12; Abstract Index, Westminster Township, Land Registry Office, London; milam\_april, Thomas Family Tree, ancestry.ca, accessed September 15, 2021.
- <sup>45</sup> Minutes of the London District Quarter Session, April 11, 1820; *History of Middlesex*, 573. During this period, £1 provincial currency was generally equated with 16s sterling or \$4 US. Half the £10 fine was to go to the Crown and the other half to the presiding magistrate, in this case James Mitchell, the London District court judge. £10 provincial currency in 1820 would be the equivalent of about \$912 Canadian in 2021.
- <sup>46</sup> *History of Middlesex*, 512.
- <sup>47</sup> Daniel J. Brock, "Dennis O'Brien," *DCB*, ix (1861-1870), 603-04.
- <sup>48</sup> Abstract Index, Westminster Township, Instruments 363 (1822) and 481 (18233), Land Registry Office, London. Two days later, on March 13, 1822, George Jervis Goodhue (1799-1870) purchased 10 acres in the northwest corner of lot 33, concession 1. This included land on both sides of Commissioners Road and, therefore, Applegarth's former cabin and still-house. *History of Middlesex*, 511-12
- <sup>49</sup> Abstract Index, Flamborough East Township; J.C. Higgins Collection, Ivey Family London Room, London Public Library, London.
- <sup>50</sup> United States Federal Census, Lewiston, NY, 381. Joshua, his wife, Betsy and their six children are accounted for but there is a boy under the age of five living in the same household who may have been a seventh child heretofore unknown. Any children by Joshua's first wife were not living with the family by this time.
- <sup>51</sup> Under the date of March 6, 1833, the Rev. William Proudfoot (1788-1851) noted in his diary that a settler surnamed Applegarth resided 3 miles (4.8 km) "On the right proceeding towards Goderich from London Township", i.e. the present Highway 7. Harriett Priddis and Fred Landon, eds., "The Proudfoot Papers," *LMHS Transactions*, xi, 88.
- <sup>52</sup> This parcel of land would be on the north side of the present Parkhouse Drive, about 3 km southwest of Mount Brydges.
- <sup>53</sup> Instrument 256 (1833), West Middlesex Land Registration Office; G.W. Applegarth to Daniel J. Brock, Muskegon, MI, May 7 1970. Gerald Wycliff "G.W." Applegarth (1904-1995) was a grandson of William Applegarth. Bekasgraden1, Applegarth Morgan Kelley Family Tree, ancestry.ca., accessed September 22, 2021.

- <sup>54.</sup> These are believed to have been Henry William and Mae, the children of William Applegarth and his first wife, the former Eliza Dowlin (1816-1840). Bekasgraden1, Applegarth Morgan Kelley Family Tree, ancestry.ca., accessed September 18, 2021. Eliza Dowlin is believed to have been Elizabeth Dowling, a daughter of Thomas Dowling and Electa Brown and an older sister of Walter Dowling who married Frances Maria Applegarth, Joshua and Betsey's youngest daughter, on January 9 1843. SusanPosey49, Susan Dowling Posey Tree, ancestry.ca., accessed September 17, 2021.
- <sup>55.</sup> It is believed that John Applegarth, the eldest son of Joshua and Betsy Applegarth, may have been intellectually challenged. It was not to him that Dr. Oliver Tiffany gave any land in Caradoc Township. He never married and always lived with his parents. After the death of his mother, he was taken in by his brother-in-law Walter Dowling and, upon his death, was interred in the Dowling family plot. See 1870 United States Federal Census, town of Union, Pierce Co, Wisconsin, 5 for the whereabouts of the Dowling family and John Applegarth after leaving Minnesota.
- <sup>56.</sup> Canada West Census, 1851, Caradoc Township, Enumeration District No. 1, 17 and Agricultural Census, Enumeration District No. 1, 5. Augustus Applegarth was a widower, his 19-year-old wife, the former Elizabeth Julia Harris (b. June 21, 1832, Oxford Co.), having died in 1851. Elizabeth Lawyer's husband, Dr. Augustus Lawyer (c. 1810-c. 1871) of New York State, was apparently visiting the Applegarths over the Christmas season. darren ross, Ross/Runquist-Lowes/McKinnon Family Tree, ancestry.ca, accessed September 19, 2021.
- <sup>57.</sup> Canada West Census, 1851, Caradoc Township, Enumeration District No. 1, 17 and Agricultural Census, Enumeration District No. 1, 5. The seven children were Reuben George, William "Henry", Adelina Cecilia "Addie", Edmond or Edward, Elizabeth, Clarissa Mae and Francis "Frank."; darren ross, Ross/Runquist-Lowes/McKinnon Family Tree, ancestry.ca, accessed September 19, 2021.
- <sup>58.</sup> Canada West Census, 1851, Caradoc Township, Enumeration District No. 1, 13 and Agricultural Census, Enumeration District No. 1, 5. bekasgarden1, Applegarth Morgan Kelley Family Tree, ancestry.ca, accessed September 19, 2021.
- <sup>59.</sup> Canada West Census, 1851, Caradoc Township, Enumeration District No. 1, 13 and Agricultural Census, Enumeration District No. 1, 5. Frances Caroline Dowling/Dowlin's biological father was Dean Tiffany (1816-1888) of Delaware Township, a son of the aforementioned Gideon Tiffany and first cousin of Frances Maria (Applegarth) Dowling/Dowlin's mother, Betsy (Tiffany) Applegarth. Larymicintgosh1, macintoshang2020, ancestr.ca, accessed September 20, 2021.
- <sup>60.</sup> Canada West Census, 1851, Caradoc Township, Agricultural Census, Enumeration District No. 1, 5.
- <sup>61.</sup> Darren Ross, Ross/Runquist-Lowes/Mckinnon Family Tree, ancestry.ca, accessed September 21, 2021.
- <sup>62.</sup> Abstract Index, Caradoc Township, West Middlesex Land Registration Office.
- <sup>63.</sup> Patricia Harpole to Daniel J. Brock, St. Paul, MN, July 7, 1970; *History of Wabasha County* (Chicago 1884), 779.
- <sup>64.</sup> 1857 Minnesota Territory Census, Wabasha County, Township 110, Range 12.
- <sup>65.</sup> *History of Wabasha County*, 779.
- <sup>66.</sup> 1860 United States Federal Census, Minnesota, Wabasha County, Township 110, Range 12.
- <sup>67.</sup> See Frederick Jackson Turner, "The Significance of the Frontier in American History," *American Historical Association Annual Report for 1893* (Washington), 1894, 199-227.
- <sup>68.</sup> On the other hand, Joshua's elder brother, William, was one of three men appointed in 1823 as building commissioner for the Burlington Canal. Their young brother, John, became a member of the Hamilton Board of Trade in 1849. C.M. Johnston, *The Head of the Lake* (Hamilton 1958), 123, 185.

- <sup>69.</sup> Richard Talbot's eldest son, Edward Allen, however, was first commissioned a magistrate in 1829, while Joshua Applegarth's brother, William, had been first commissioned a magistrate in 1803. Canada, Provincial Secretary's Office, General Index to Commissions, Quebec, L.J. & U. Canada. 1651-1867, Weldon Library; Frederick H. Armstrong, *Upper Canada Justices of the Peace and Association 1788-1841*, (Toronto 2007), 22, 58.
- <sup>70.</sup> Joshua's brother, William, was known to have been an ensign in 1804 and a captain in 1812 in the Second York Regiment. Robertson, *Gore District Militia*, 13; Woodhouse to Brock, [March 1970]

# **The Gradual Emergence of the Ontario Health Insurance Plan and Its Unfolding Impact on the Health Care System in London, Ontario**

**Marvin L. Simner**

## **Introduction**

...it is in the public interest to establish a plan of hospital care insurance for the people of Ontario (that will be) universally available to all without regard to age, financial circumstances or condition of health...

With these words in the preamble to Bill 165, known as the Hospital Services Commission Act of 1957, the Province of Ontario initiated an undertaking that, in 1972, became the Ontario Health Insurance Plan or OHIP. It was said at the time that the development of this plan, which not only required fifteen years to develop and emerged through seven distinct stages, generated more heated debate in the House than any other legislation previously approved by the provincial government. Although a broad outline of the rationale and the steps needed to accomplish this undertaking have been reported elsewhere,<sup>1</sup> the purpose of this report is to provide for the historical record, a brief but detailed review of these stages, the arguments that accompanied each stage, and the impact that many of the stages had on the local community.

The process itself began in 1955 during a series of federal-provincial meetings which, in turn, were followed by a special meeting on health insurance in January 1956. At the end of that meeting the London Free Press introduced its readers to some of the issues and solutions that had been explored during the course of the meeting.

The problem of health insurance has been studied and debated for years. The projected scheme (currently under review by the federal government) avoids many of the difficulties of "state medicine" by concentrating on hospital care rather than venturing into the field of private practice and disturbing the relationship between doctors and patients. No doubt a good many problems will have to be worked out if the plan is accepted, but it does seem as though the biggest step toward providing adequate hospital care for all has been taken.

With the announcement by the Federal Government that it will pay half of the cost of a national health insurance program that scheme comes into the realm of probability... According to the Ottawa announcement the plan would provide standard ward treatment without a time limit for all patients receiving active and necessary treatment in any general, chronic or convalescent hospital; diagnostic services and radiology for both in-hospital and out-of-hospital patients.<sup>2</sup>

While this coverage by the Free Press contained an overview of the proposed hospital plan, it was not until the end of January, 1957, that the province unveiled the details associated with the first stage in the plan.

### **Stage 1: Bill 165 - The Hospital Services Commission Act**

The major issue that initially arose in the House was the need to justify a health care plan since, at the time, 3.5 million of the 5.5 million people in the province, which was nearly 65% of the population, were already covered by some form of private health care hospitalization insurance. Premier Leslie Frost, leader of the Conservative Party that introduced the plan, addressed this issue by pointing to the fact that although employer-based group insurance hospitalization policies were designed to cover all employees independent of health status, for those who were self-employed, insurance companies only offered policies to people they considered to be at low-risk for hospitalization, and even then the policies contained restrictive clauses that eliminated coverage for certain illnesses. In the words of the Premier:

a heart or a lung weakness may appear and a rider is put on the policy stating that ailment is excluded from coverage...I may add that in many cases cancellations take place many years later, and in fact the cancellation takes place at the very time the policy is needed... and in most cases the coverage is not available for individuals after 65 years of age, except in group policies...Then again, present policies are limited as to the length of stay in hospital. The limit varies from a few weeks to a maximum of about 200 days. They do not, therefore, cover the catastrophic expense of hospital stay.<sup>3</sup>

The Premier then outlined the seven components in the proposed plan.<sup>4</sup>

- 1) Our hospital insurance plan will provide basic coverage limited to public ward care... There will be no cancellation of, or limits placed upon the time required for essential treatment in hospital. There will be no limit on grounds of age or disability.
- 2) The plan we propose will be available to every citizen who will enroll. It will be made mandatory as the commission deems it to be feasible.
- 3) Our objective in Ontario will be to attain as close to universal coverage, total coverage, as possible, premised upon good administration and other factors.
- 4) Our proposal, if adopted, will eliminate hospital deficits.
- 5) It will lighten and in most cases totally remove from all municipalities the present financial burdens incidental to the hospital care of indigents.
- 6) It will cover at provincial expense, without any contribution from the federal government, the care and treatment of mental illness and tuberculosis.
- 7) The plan will come into operation on January 1, 1959.

The Premier also addressed the issues of costs and administration. The overall operation of the program would be controlled by the Ontario Hospital Services Commission either “through the

agency of the Blue Cross or by a Crown corporation similar to Blue Cross, and by personnel drawn from the Ontario Hospital Association.” With respect to costs the Premier stated that

the success of the plan depends upon a wide coverage of our people, and not merely of those with a high incidence of sickness. As the cost to the province is very formidable, it is essential to spread the burden. Our advisors, and we ourselves, however, feel that broad coverage can be obtained, and that we can achieve our objective of from 85 to 90 percent coverage, or perhaps more...On the other hand, we can give no guarantee as to when that can be achieved...I would say this--and I think the reasons are very plain—I would say that slow, but not too slow, and sure should be the motto regarding this matter if we are going to avoid the mistakes and the errors of some other places...As an example of the danger is shown in the information we have already presented to the public, namely, that for an all-embracing plan such as we propose, the costs, based on 1956, for the entire population of the province, would run to about \$160 million. By 1960, however, we are warned that costs could total nearly \$300 million.

### **The Rebuttal**

Although considerable discussion took place, the leader of the Liberal Opposition raised two main concerns. The first, which was solely political in nature, had to do with the rationale behind the selection of January 1, 1959, as the start-up date.

On this side of the House in the opposition group, there is continued adherence to the idea of hospital insurance, that it is a good thing, and we do not want it any further delayed than is really necessary... Regarding the date of January 1, 1959; I am obliged to say I do not like to impute motives, political motives, but I am afraid in this case I will have to do so; the date of January 1, 1959, is of particular significance. The Premier says he cannot see how we can have it before January 1, 1959. Well January 1, 1959, in all probability will be an election year, and he has been advised, as I will point out in a moment or two, by those who have given much thought to this particular question that it would be unwise for a government to bring in a hospital insurance scheme just prior to a provincial election.<sup>5</sup>

Because the leader was certain that the plan would appeal to a large number of voters, he was concerned that this date would provide the Conservative Party with a definite political advantage during the lead-up to the 1959. To avoid this problem the leader felt that the commencement date should have been set well before but not “just prior to” the forthcoming election.

His second concern, which was more substantive, had to do with the lack of any reference to mandatory coverage at the onset of the plan.

What position are we placing the federal government in? They are dealing with 10 provinces in Canada, what kind of scheme would they have if other provinces of Canada said, Now,

we think we will get to 85 percent, some time, but we do not know when; would the federal government be justified in the expenditure of public money to bring in a hospitalization scheme, in which all of 10 provinces would participate, before they knew what their commitments in respect to this are, what the coverage would be for their people? I suggest to the Hon. Prime Minister that there is the great loophole in the plan that he has offered...<sup>6</sup>

In his reply to both of these concerns the Premier shared with the House a review of all of the relevant meetings held in 1956 that preceded the January 29, 1957, meeting together with all of the correspondence that he had received from the Federal Government that dealt with this matter through March 18, 1957.<sup>7</sup> With regard to the Opposition Leader's first concern over the commencement date of January 1, 1959, the Legislative Assembly was told that the Federal Government's proposal that had addressed the issue of health care had not been received until mid-December, 1956. Hence, the earliest date that the Premier was able to table his proposal was January, 1957. The Assembly was further informed that it was the Premier's insurance consultants who had recommended a two year delay that started from the date when the plan was approved by the House to when the plan was to be implemented. The rationale behind this delay was to allow sufficient time to coordinate the provincial component of the plan with the federal component as well as to integrate those who currently had a private health insurance plan into the proposed publicly operated provincially plan. When taken together both factors offered a compelling case against the view that January 1, 1959 was selected largely to favour the Conservative Party during the forthcoming election year.

To address the second issue, the Premier provided the House with a letter dated March 18, 1957, received from the Treasurer of Ontario in response to Premier's earlier request for further information regarding the issue of compulsory coverage.

The federal government has never, as you know, insisted on compulsory coverage for all residents from the outset, because it believes that the decision as to whether a plan is to be compulsory or voluntary, or a combination of the two, should properly rest with the province. Our concern has been to make sure that there should, in fact, be substantial coverage under any provincial plan to which federal financial assistance is given; and this seems now to be amply assured by the details you have given as to the manner in which the Commission intends to proceed.

Despite the fact that the two main issues raised by the Opposition on January 29 had been answered, still a third issue arose when the Premier moved the second reading of Bill 165 on March 28, 1957. This time the Opposition expressed its concern over the future of the private insurance companies in Ontario that now would be forced to compete with the province in order to remain in business. Hence, the Opposition asked if the proposal that had been put forward by the Premier was also an attack on the Ontario free enterprise system because it closely resembled a socialist undertaking. In view of the Cold War anti-communist political climate that existed throughout North America

during the 1950s, the Opposition's concern was of sufficient importance to cause the Premier to address this matter at some length during the debate that took place on March 28, 1957.

One of the points of view that I received from some people is the fact that this type of legislation goes too far—that it is involving the government and the public in commitments in what might be termed business which goes beyond the realm of government...In some quarters, I am glad to say few and small, there is always a somewhat hysterical opposition to a project such as I proposed to the House this afternoon in the form of the second reading of this bill. I point out that the social system in Canada, if one wants to use the hon. Member's expression, is socialistic... in the same sense as this applies to our great water power program, which, in terms of what we know as Hydro (developed by Adam Beck) has been imbedded into the life and development of this province for some 50 years.

There are certain things a government can do which, conducted on a broad basis, stimulates and does not retard free enterprise and private initiative...and may I say in those days of 50 years ago there were those who disapproved of what we were doing in Ontario with regard to Hydro, and yet today what we have done is the very foundation of free enterprise in this province.

At the present time we have between 3.5 million and 4 million people covered by policies of private insurance companies...that give them only partial coverage in regard to hospitalization. It is impossible for these fine insurance companies in any practicable combination I know of, to give all our people, regardless of the condition of health, financial circumstances and other conditions coverage that would be universal to all our people.

This is clearly a case where a government agency can carry on this type of business better than anyone else, and that is why I come here today with this bill. I look forward to an arrangement in which our insurance companies can better the fringe benefits they are able to give.

### **Public Sector Impact**

To gauge the impact of this legislation on the local community we reviewed articles that appeared in the London Free Press. We also obtained archival data and other historical information from two of London's major private insurance companies (London Life and Ontario Blue Cross) as well as from St. Joseph's Hospital and Victoria Hospital.

On January 29, 1957, the Free Press provided the full text of the proposed plan along with an extensive front page summary of its details along with the many benefits that the residents of Ontario would realize once the plan was fully implemented.<sup>8</sup> The next day the Free Press also described the financial benefits that would accrue to the city in terms of cost savings. To fully appreciate the magnitude of these benefits, however, it is important to be aware of the following material which covers the early history of hospital financing in Ontario.

In 1881 only 12 public hospitals existed in Ontario. Their primary focus was care of the indigent or the working poor for whom home care was impossible. Because of the high death rate in these hospitals, those who were able to afford it, typically remained at home and were treated by private physicians. Owing to the mission of these hospitals, most if not all of their operating budgets were provided through charitable donations, municipal grants-in-aid, and modest provincial subsidies.<sup>9</sup> Unfortunately these sources of income were often inadequate to meet the hospital's bills. By way of illustration, the city of London was responsible for a sizable proportion of the yearly budget associated with the London General Hospital, which was the forerunner of Victoria Hospital and opened on November 3, 1875. As the only public hospital in Western Ontario it catered principally to the destitute.<sup>10</sup>

Each year London City Council received a detailed hospital expense account on a quarterly basis from the Chairman of the Hospital and Relief Committee. As reported in the London City Council minutes for the quarter that ended on September 30, 1876,<sup>11</sup> of the 32 patients in the hospital, the city was required to pay for the upkeep of the 24 indigent patients who were registered with the city. (The upkeep of four others was charged to Middlesex County while the additional four were able to cover their own expenses either through private pensions or personal savings.) Along with these costs the city was also responsible for all the other expenses associated with the hospital such as coal, groceries and medicines along with such miscellaneous items as the repair of broken lamps, broken windows, etc. Considered together, the total amount charged to the city during this quarter was \$926.

To offset this amount, the city was able to realise at least some income from the hospital's two private patients who were charged a daily fee and from two other patients who were on a pension. This total, however, only came to \$112 and so the remaining shortfall of \$814 for the quarter needed to come from the city's budget. Added to this problem, in February 1877, City Council received word that the promised yearly grant to the hospital from the Ontario Government was to be reduced by \$803.97<sup>12</sup> which meant the city would now be expected to cover the amount owed largely through voluntary charitable donations. Because situations that were very similar to these existed throughout the province, there was clearly a need for a dependable yearly supply of funds to ensure that the province's public hospitals remained viable.

To meet this need, in 1887 provincial legislation was enacted that guaranteed a yearly public hospital income to be provided in equal shares by the provincial government and the provincial municipalities.<sup>13</sup> Thus it could be argued that, in view of this cooperative arrangement between the province and the municipalities, the seeds for the first stage in the emergence a provincial/federal hospital insurance plan were sown as early as 1887. The dollar amount for these equal shares was then tied to the average cost associated with the length of stay for the indigent patients who had been treated during the preceding year.

As the result of the forgoing legislation, in the mid-1950s when the Hospital Services Commission Act was under consideration, London was responsible for over 3,000 indigent cases and was

required to pay between 6-7 dollars per day for each public hospital stay by London's indigent community. Based on these figures, the overall cost that needed to be incorporated into the city's budget for 1957 was \$195,000 for Victoria and St. Joseph's Hospital combined plus another \$171,000 for the city's indigent residents who received treatment outside of London.<sup>14</sup> Needless to say, as soon as the proposed hospital insurance plan came into effect, these costs would now be covered by the province and therefore London would no longer need to factor these dollars into the city's yearly budget. In view of this benefit it is not surprising that the Free Press summarized London's financial gain through the passage of The Hospital Services Commission Act in the following words.

The new Government hospitalization insurance plan scheduled to open in 1959 will have sweeping and profound effects on municipal life, a survey of municipal and hospital officials showed today. The saving to London and Middlesex County on welfare patient costs alone runs upwards of \$618, 000.<sup>15</sup>

Despite these appreciative words, however, the Free Press remained somewhat guarded, though optimistic, in its overall endorsement of the plan as reflected in the following remarks that also appeared in a 1957 Free Press editorial.

(the provincial hospitalization plan) is a scheme which may be open to criticism and there may be flaws, but it is a long step forward. It will cost money, as do all social services, but in this day and age it seems inevitable and vital. It is to be hoped that Ottawa and Ontario can reach an agreement.<sup>16</sup>

Although the reason for this cautionary note is not entirely clear, it may have resulted, at least in part, from a lack of information over how much of the hospital's actual expenses for indigent care would be covered by the plan. Parkwood Hospital, for example, though considered a public hospital and therefore eligible for funding, was also privately operated which meant that it received only \$5.00 per day from the city and the province combined for each of its indigent patients, yet its actual daily indigent costs were estimated at \$6.84 per patient and so it was forced to rely on outside funding to remain solvent.<sup>17</sup> Victoria Hospital too required outside funding and expressed fear that "a Government hospital insurance plan might result in fewer bequests from private individuals and organizations."<sup>18</sup> In short, until all of the details of the plan became known, it may have been difficult for the Free Press to grant its unqualified support for this initiative.

The paper's rather guarded approach to a full-scale endorsement was also apparent in its coverage of the speech from the throne delivered by the Lieutenant-Governor on January 27, 1959. While the plan was clearly mentioned in the speech, and the speech was published in its entirety by the paper on January 27<sup>19</sup> the Free Press made no reference to the material on the hospitalization plan. Instead the paper highlighted only matters that were largely of local interest such as the promise of more camping, picnic and conservation sites, more money for education, welfare, and the

encouragement of driver education in the schools. In fact, the only substantive reference to the plan that appeared in the paper on January 27 was the following comment on Quebec's rejection of the plan.

#### Joining Hospital Plan Not Quebec's Intention

The premier noted that hospitalization is a domain the constitution reserves exclusively for the provinces. Federal intervention in this field carries the risk that Ottawa might come to control the medical profession, he added. Mr. Duplessis said it would not be possible to have hospital insurance without the imposition of a new tax. "Would it be reasonable to impose a tax without having enough hospitals for the good operation of a health insurance program?" The Quebec government has added "in a sensible way" to the number of hospitals in the province and it will continue to work this way.<sup>20</sup>

Unless the paper's subscribers had read the entire throne speech they would have been unaware of the plan's essential features and would have been required to wait until January 29 when all of the details finally appeared.

In contrast to the Free Press' marginal endorsement of the plan, and in disagreement with the Opposition Leader's concern over the continued viability of Ontario's private insurance industry, London's two main private insurance firms fully endorsed the plan. London Life began to issue group hospital insurance as early as 1935 and in 1938 it extended this coverage to include surgical benefits. From the experience it gained over a ten year period, however, it was forced to conclude that "the results were not always too satisfactory."<sup>21</sup> The reason was that hospital costs, surgical fees, and medical fees steadily increased while the cost to the consumer was limited by the daily hospital rate specified in the initial group insurance contract. The firm also found that those who were covered by its plan often used hospital facilities to a greater extent than was initially contemplated. As a result, London Life was only able to realize "very small margins of profit for many years" and was not unhappy when informed that the Ontario hospitalization insurance plan would be taking over a portion of the insurance industry that London Life had previously served.

Despite this action by the province, the company was encouraged to remain in the hospital insurance business by offering supplemental coverage to the provincial plan for those who wished something other than ward accommodations and could afford semi-private or private coverage as well as major medical benefits that would cover all surgical, medical, and diagnostic costs beyond those covered by the basic Ontario Hospital Insurance Plan. Because this topped-up option was considered far less costly for London Life and therefore much more likely to be profitable than the company's previous approach to hospital coverage, the firm fully endorsed the government's proposal for this basic hospital plan.

Blue Cross, on the other hand, had a very different but extremely interesting as well as profitable history with regard to the implementation of the provincial plan. Although the initial concept for Blue Cross originated in the United States, when it moved to Ontario in 1941 it was "capitalized

with a \$15,000 loan secured by the Ontario Hospital Association.”<sup>22</sup> Because of this arrangement, the firm’s name along with its business concept was borrowed for use in Ontario and Blue Cross became an autonomous division of the Ontario Hospital Association. By 1944 more than 500,000 Ontario citizens had enrolled in the Blue Cross plan and by around 1950 approximately one of every three provincial residents belonged. In the mid-1950s when the Ontario hospital insurance plan was in the process of being developed, owing to the linkage between Blue Cross and the Ontario Hospital Association, Premier Frost was able to draw upon the expertise of the two organizations for guidance and assistance in establishing the groundwork for the Ontario plan. According to the Premier, “The plan will be administered by the Ontario Hospital Services Commission either through the agency of the Blue Cross or by a Crown corporation similar to Blue Cross, and by personnel drawn from the Ontario Hospital Association.”<sup>23</sup>

In 1959 the Ontario version of Blue Cross acquired the name Ontario Blue Cross Insurance Company, and in keeping with the Premier’s comment, “all Blue Cross facilities were placed at the government’s disposal.” Ultimately this meant that “more than 600 of the Plans 703 employees, including its director, were hired by the new plan which was named the Ontario Hospital Services Commission.”<sup>24</sup> The secretary-treasurer of the Ontario Hospital Association was then asked to coordinate all the features in this new plan.

Even though the Ontario Blue Cross Insurance Company had been absorbed into the government’s plan it was still allowed to maintain its private not-for-profit status which it had acquired in 1941, and sell supplementary hospitalization insurance. For example, like London Life, it was able to offer private firms whose employees wished to receive coverage well beyond that which was available through the Ontario plan, an Ontario Blue Cross group plan which could include, if desired, ambulance service, private duty nursing, special appliances, semi-private or private accommodations, etc.<sup>25</sup>

It is also worth noting, as had been predicted by the Premier, that with the implementation of the Ontario plan, in 1959 the employee’s cost for the purchase of this new topped-up version of Blue Cross Group Insurance had indeed become lower. For example, whereas a subscriber’s monthly premium in 1958 under the original version of the Blue Cross group plan was \$3.60 per month for a single person semi-private accommodation, in 1959 this same coverage was now available for only \$2.65 per month. Similarly, in 1958 semi-private family coverage under the original Blue Cross Group Insurance Plan cost \$8.50 per month while in 1959 this cost had fallen to \$5.30 per month.<sup>26</sup>

In line with these positive experiences enjoyed by both of the local insurance companies, London’s hospitals too profited in several ways once the Ontario plan was fully implemented. Victoria and St. Joseph’s Hospital commented very favourably on the highly simplified all-inclusive per diem billing system that came into effect shortly after the plan was introduced.<sup>27</sup> Of far greater importance though, was the assessment by the Assistant Superintendent of Victoria Hospital who

commented on what the results of this implementation meant for the treatment of the public's current hospital needs as well as for the hospital's future operations in relation to these needs.

The year 1959 marked the beginning of a New Era for Ontario Hospitals with the successful launching of the new Hospital Insurance Plan. There is no dispute about the degree to which the Plan has contributed to more use of hospital beds and (as a result) it has become very apparent that there is an urgent need for more chronic and convalescent hospital facilities. These types of lower cost accommodations must be increased if we are to realize the maximum benefit from our active treatment hospital. This greater utilization of hospital beds has also created further demands for trained nursing and technical personnel without which the value of the best hospital physical plant is limited in providing good patient care.<sup>28</sup>

As justification for these remarks, the Assistant Superintendent then provided a statistical comparison of Victoria Hospital's usage before and after the implementation of this new plan. For example, the number of patients who received physiotherapy in 1959 (37,956) was now far greater than the number recorded in 1958 (27,797). Similarly, the number who visited the emergency department in 1959 (23,572) also exceeded the number recorded in 1958 (18,692) and the same was true for the number who received electrocardiograms in 1959 (2,625) in comparison to the number in 1958 (1,986).<sup>29</sup>

While it is possible that these numerical increases may have resulted from a change in the city's population over the years in question, the evidence shows that this was not the case. London's population in 1958 was 102,310 and in 1959 it was 102,542.<sup>30</sup> The difference between these two figures represented a change of less than .01% whereas the average growth in hospital usage for the examples given above was 28%. Therefore, it was the case that more people were truly in need of hospital care than previously had been acknowledged and that they were now able to seek this care because they no longer had to worry about the cost.

Although it is unknown if the Assistant Superintendent's added claim was valid regarding the overall impact that this new plan would have on what he saw as the hospital's future need for additional facilities, it is worth mentioning that in 1960 "the (Victoria) Hospital Trust announced the imminent construction of a \$1,000,000 addition to the Nurses' Residence. The addition which would house 100 nurses and students was to constitute the first step in a proposed 10-year, \$16,000,000 master expansion and building programme at the Hospital... (Then) in 1964, the Ontario Hospital Services Commission approved an eight-story addition to the east section of the hospital's Y-wing."<sup>31</sup>

Similarly, St. Joseph's Hospital in 1959 launched a building fund campaign which raised \$2,300,000 that enabled it to begin construction on the hospital's Wellington Wing in 1962. Along with many other facilities, the new wing included the addition of 400-500 new patient beds which brought the hospital's total bed capacity to 605 by 1964. It is also worth mentioning that nearly half of the

funds raised during this building fund campaign came from individuals and corporations which challenged the fear that had been expressed over the possible loss of charitable donations owing to the introduction of the Ontario plan.

It is also worth mentioning that despite the voluntary enrolment component in the plan, as early as January 27, 1959, the Lieutenant-Governor of the province, in a speech to the House, was able to make the following announcement.

The Ontario hospital insurance plan, a milestone in the history of health and welfare legislation, not only in this province but in Canada, came into operation on January 1. So acceptable are its provisions that more than 5.3 million or over 90 percent of our people have become insured beneficiaries under its broad coverage.<sup>32</sup>

Thus, the province was able to achieve the goal of nearly universal coverage without the need to impose a compulsory enrolment requirement in the plan.

In essence, with the implementation of the Ontario plan, many residents were now able to seek hospital treatment that they would otherwise have avoided possibly out of fear that they would not have been able to afford such treatment. Aside from the fact that the overall gain from this first stage in the health care proposal meant a generally healthier population, an important economic side effect was fewer sick days for the employed and therefore an overall more productive workforce.

### **Stage 2: Bill 136 - The Ontario Medical Service Insurance Plan**

Although this next stage in the program did not take place until nearly 10 years after the start of the first stage, it addressed an equally important preventative need which was to cover the out-patient costs of physician care. To provide a framework for this stage, on May 11, 1965, the Ontario Minister of Health offered a brief overview of the steps that had been taken already by the province to address the further health care requirements of Ontario's citizens.

Within weeks of the introduction of the hospital care insurance programme (Bill 165), the Department of Health, with other appropriate departments of government began studies in depth to seek ways of assisting to meet other health care needs...Since the first step had been taken...it appeared logical that our next step would be in the area of physician's services and that is the purpose, and will be the effect, of this bill.<sup>33</sup>

As was the case with Bill 165, the Minister then itemized the following six provisions in Bill 136.<sup>34</sup>

- 1) Physician's services will be available to all regardless of age, state of past or present health or financial status.
- 2) These services are guaranteed non-cancellable and are renewable.
- 3) Enrolment in the plan will be voluntary. Although many cry out for compulsion, an equal or even greater number cry out against it. The records in Ontario show that, given the

opportunity, our people do not want, do not like, and would rather not have compulsion. (Note: this point was subsequently supported on February 11, 1966, in the Legislature of Ontario Debates [see page 454] when the Premier cited the outcome of a Gallup poll which showed that “54 percent of the people wanted a voluntary plan; 40 percent of the people wanted a compulsory plan and six per cent of the people were undecided.”)

- 4) The cost of a standard contract will not exceed a maximum which will be approved by the government on recommendation of the advisory council.
- 5) The plan will be available from the insurance carrier of the individual’s choice except in the case of low income groups where the province will pay in whole or in part for the standard contract.
- 6) The plan will come into operation on June 1, 1966

Because these six points only provided a synopsis of the major provisions in Bill 136, the ensuing discussion in the House led to a clearer understanding of all the provisions. Although the bill called for the implementation of a comprehensive medical insurance plan that would be fully paid for by the province, the bill, in fact, would be confined only to those with no taxable income and would be subsidized for those whose taxable income was less than \$500 (see item 5 above). In addition, both of these groups needed to apply for membership in the plan and both were required to submit their previous year’s income tax returns along with their applications to determine eligibility. In the case of the remaining citizens whose earnings were above the financial guidelines established by the Minister of Health, they too needed to apply for membership but had to purchase their coverage from private insurance companies at a rate that would be set by the province and that would be the same for everyone.

### **The Rebuttal**

Unlike the concerns raised in connection with Bill 165, which were very few, here the concerns were many. Not only did these concerns necessitate 15 meetings of the House, it was also said at the time to have been “the longest and wordiest session” in the history of the Ontario legislature.<sup>35</sup> On May 25, 1965, the leader of the Opposition offered the following main points of concern in his address to the House at the start of the second reading of the bill.<sup>36</sup>

- 1) The Bill does not recommend coverage for everybody at rates based on ability to pay. Apart from the poorest people whose rate will be subsidized by the province, all low-income, middle-income and the high-income families will have to pay the same rate.
- 2) There will have to be a means test to separate the poor from everybody else. Organized labour has always opposed the means test as degrading.
- 3) The recommendations cover only medical care. All other essential services, such as dentists and drugs are ignored.
- 4) The insurance companies are in business for profit. The plan is made to order for insurance companies and thus introduces the profit motive into social welfare legislation.

The leader of the Opposition then summarized his overall concern in the following words: “We are firmly committed to a universality in the Medicare plan for Ontario and we are disturbed, even shocked, at the government’s hypocritical consistency in introducing a health services bill into this house which will not reach as many citizens of this province as are covered by our hospital plan. We are opposed to Bill 136 because it is a minimum-effort bill.”<sup>37</sup>

The most scathing attack, however, was delivered near the beginning of the third reading by Kenneth Bryden (NDP member from Toronto/Woodbine) on June 21, 1965.<sup>38</sup>

- 1) Anyone whose taxable income is just above the financial cut-off and therefore would be ineligible for a subsidy, “will have to pay taxes to provide coverage for other people who are only somewhat worse off than he is. What kind of justice is that?”
- 2) The provision that a private carrier must make a standard contract available to any one who applies for it is unenforceable... “thus there is no guarantee that people not in the subsidized group will be able to get a standard contract even if they are willing to pay for it.”
- 3) The government has the power to set the cost of the health care package that will be sold by private insurance companies to individual subscribers. If that cost, however, is set to cover the expenses incurred by companies who now must insure high risk individuals, this cost would discriminate against the low risk purchaser because it would force them to pay more than would be necessary and “will simply be permanent open season for insurance companies...” to make a profit.
- 4) “The payment of 100 percent of the Ontario Medical Association schedule of fees for services rendered under standard contracts will result in a huge subsidy to the medical profession, which is already the highest paid group in the community.”
- 5) “To add insult to injury, there is nothing to prevent extra billing by doctors.” Under Bill 136 a doctor can get 100 percent of the fee set by Ontario Medical Association fee schedule ... and then still send extra bills to his patients if he chooses to do so.
- 6) Because the Ontario Medical Association will be allowed to set their own fees, “there is no possibility of effectively controlling costs under the bill. If the Association decides to increase fees, the cost to the Treasury of covering subsidized groups and the premiums paid by the non-subsidized groups will have to increase willy-nilly ... (this is) not a bill for the benefit of the public, it is a bill for the benefit of insurance companies and of the medical profession.”

In view of these concerns along with several others raised throughout the debate, such as the issue of voluntary vs compulsory membership, the leader of the Opposition, both at the beginning as well as near the end of the third reading moved, and seconded by the NDP Member for Downsview, that “Bill 136 be not now read the third time, but be read the third time this date six months hence.”<sup>39</sup> Despite the fact that the ensuing discussion encompassed seventeen pages in the June 21, 1965 Legislation Record, and that the motion was supported by the members from both the

Liberal and the NDP opposition parties, the speaker chose to ignore the motion and recognized instead the Provincial Secretary who spoke in the absence of the Minister of Health, and moved that the third reading of the original Conservative motion now be put to the question. Because the House contained a Conservative majority, the vote was 53 in favor of the original motion while 20 voted against.<sup>40</sup>

Owing to this outcome, immediately following the vote Kenneth Bryden once again presented a motion, which was also seconded by a member of the NDP, to amend the title of the bill to read “An Act respecting temporary and partial medical services insurance,” based on the following logic.

I believe, Mr. Speaker, that that is a necessary amendment of the title to indicate properly the content of the bill. It is a bill for temporary and partial services and I think the title should so indicate.<sup>41</sup>

The speaker, however, ruled Bryden’s motion out of order since the bill already had been approved. To counter this ruling Bryden then cited the following passage from Lewis’ Parliamentary Procedure which the House had been following.

When the motion for the third reading of a bill has been carried, the procedure is closed by the Speaker putting to the House the resolution, “Resolved that the bill do now pass and be intituled as in the motion.” This gives an opportunity for the amendment of the title if necessary.

In spite of the last sentence in this passage, which the Speaker obviously chose to ignore, the motion was still said to be out of order which meant that Bill 136 was granted Royal assent together with 46 other bills the very next day.<sup>42</sup>

### **Public Sector Impact**

The reaction to the passage of Bill 136 was swift and extremely negative. On the day the bill received Royal assent the London Free Press reported that “a group of United Church ministers began a two-day vigil at Queen’s Park to express their dissatisfaction with the new Ontario medical health program.”<sup>43</sup> The reason for their dissatisfaction was identical to the views that had been expressed in parliament by the two opposition parties. “The general council of the United Church favours a program financed by tax money and covering everyone.” It was strongly opposed to leaving “medical protection in the hands of privately-owned insurance companies.” Two days later “About 75 ministers from the Baptists, Unitarian, United, Presbyterian and Old Roman Catholic churches assembled in the corridors outside Mr. Robarts’s office and sent 15 of their members in to see the premier.”<sup>44</sup>

Although it is unknown if this public outburst in reaction to the Conservative Party’s provisions in Bill 136 had any effect on these provisions, it is the case that a change in the Conservative Parties thinking did take place. Contrary to the normal legislative procedure after a bill achieves

Royal assent, Bill 136 did not become law. Instead, it was returned to the House approximately six months later (January 27, 1966) in the form of Bill 6 and, therefore, marked the start of stage 3 in the program.

### **Stage 3: Bill 6 - An Act to Amend The Ontario Medical Services Insurance Act, 1965**

As the title implies, this new bill contained a number of amendments for additional consideration by the House.

- 1) A standard medical services insurance contract will be supplied only by the medical services insurance division of the Department of Health. Private insurance companies will no longer be involved.
- 2) Enrolment of individuals receiving assistance under the various welfare Acts will be automatic.
- 3) Individuals not on welfare who wish to enrol in the plan must apply and will be charged \$60 per year for a single person, \$120 per year for a family of two, and \$150 per year for a family of three or more.
- 4) Individuals who wish to enrol in the plan and whose taxable income is below a specified cut-off will have these premiums reduced by 50% but must apply for membership.

The second reading of Bill 6 took place on February 3, 1966. The main thrust of the Opposition leader's attack this time, which occupied the first three pages out of a 215 page rebuttal that spanned 11 days,<sup>45</sup> centered mainly on items 3 and 4 above. Because these two items provided individuals with an opportunity to join the plan only if they wished to do so, the leader's attack focused solely on the issue that, thus far, had not been adequately addressed, namely, the need for compulsory as opposed to voluntary membership in the insurance plan.

### **The Rebuttal**

The following summary in the leader's own words, captures the core of his argument regarding the need for compulsory membership.

The first principle which I should talk about is the principle of coercion. Now, if we recall when he (the Minister of Health) brought in his bill before, he was quite dramatic about... the fact that he hated coercion or compulsion of any form... May I say that you are going to have to accept some form of coercion if you are a civilized member of society... I say this because the hon. Minister, in his great outburst about being against coercion, tried to throw a red herring about the whole of this bill, and I think that he has tried to blur what freedom really means... Health has a particular significance to the people; they see it as a collective responsibility. We hear no great outcry by the hon. Minister when we are asked to contribute to the building of hospitals... It is not sapping free enterprise to be building hospitals to provide health for people. It is not taking away freedom when you arrange for a hospital so people can get their health back again, in order that they can be more free to be creative and do their work.

And so the people of this province have a tradition in giving collectively for hospitals, for medical training, and for medical research. We give through laws; we are compelled to give, and I want to point that out to the hon. Minister of Health. We do not all shudder and cry out and say, “I hate every form of compulsion,” I am proud to give my taxes to build medical facilities...I am sure the hon. Minister does now as he thinks it over—recognize that collective responsibility is not coercion.

... the bill before this House demonstrates the government’s unwillingness to accept a fundamental principle, a principle which must be accepted in order to achieve the goals which the Hall Royal commission has set for this country. The goal: “To make all the fruits of the health science available to all our residents without any hindrance of any kind.”

Elsewhere in the rebuttal the leader of the Opposition, as well as other members of the opposition, pointed out several further shortcomings. For example, individuals slightly above the welfare cut off and who wished to apply for a subsidy, would also be subject to a means test and because of the voluntary nature of the plan, those in the highest-risk category would still be the ones most likely to join which, in turn, would substantially raise the overall operational cost of the plan. To counter these drawbacks, the leader then moved that the bill be further amended to “include and be based on the following principles.”<sup>46</sup>

- 1) A comprehensive government operated universal health care programme.
- 2) The patient shall have the right to be treated by a doctor of his choice.
- 3) The doctors shall be paid on a fee for service basis and shall be free to practice within or without the plan.
- 4) There shall be no means test.
- 5) Mental illness shall be treated on the same basis as other illnesses.
- 6) Dental and optical services for children up to 18 years of age shall be included.
- 7) Other ancillary medical and health care services such as home nursing or orthopaedic appliances, chiropractic services, and payment of a part of the cost of prescribed drugs shall be phased into the programme as independent health services in order that the programme shall be fully comprehensive by 1971.

The leader also suggested the need for an additional clause. The reason being that since only two groups (the government and the Ontario Medical Association) had been involved in the consultations that led to Bill 6, a broader more representative body needed to be included. To achieve this goal, the leader moved the following amendment.

that the bill be referred to the standing committee on health and welfare at which representatives of farmers, trade unions, the business community, the medical profession and the public be invited with instructions to make recommendations to the government and the House in accordance with the recommendations of the Royal commission on health services chaired by the hon. Mr. Justice Emmett Hall.

After an extremely long and heated debate, on February 11, the Premier responded to the amendment as well as to the need for an additional clause.

All they are saying is: “Let us hand it to a committee, draw up great terms of reference and let them study it for another couple of years and then we will see what we will do about it, or we will wait for the federal government to make up our minds for us” ... as far as I am concerned the amendment is completely unacceptable. It will do nothing for the people of this province.<sup>47</sup>

Immediately prior to calling the question, the leader of the Opposition asked if a standing committee will be consulted, to which the Premier further responded: “Mr. Speaker, I would just simply say: support this bill and we will have a plan in effect on the first day of July, 1966.” The second reading of Bill 6 was approved by a vote of 55 to 23 and the third reading was held on February 18, 1966. Shortly after the start of the third reading the following information was conveyed to the House.

More than 4,500 of the province’s 6,500 practicing doctors have already signed individual declarations saying they will not take part in the province’s Medicare plan as it now stands... They endorsed a series of resolutions passed at a special meeting of the OMA council on January 7... One resolution insists that the fee schedule is not “open to negotiations” except when the profession wants to make special deals on its own. Another resolution says: The profession should not enter into any billing or other contractual arrangements with the government.” This now means that doctors will insist on billing patients directly and patients will have to collect from the government.<sup>48</sup>

Despite the concern that was expressed in the House over this information, the third reading of Bill 6 passed by a vote of 51 to 24 on February 18, 1966, and received Royal assent that same day. It is also worth mentioning that the day after Bill 6 received Royal assent, the Free Press quoted a statement by the Ontario Medical Association to wit that doctors are not bound by the declaration referred to in the above poll.<sup>49</sup> In other words, according to the OMA, the poll results should not be interpreted as suggesting that the Ontario doctors had relinquished their right to decide for themselves whether or not they wished to participate in the plan. On a personal level, they could still either opt in or out of the plan, as they saw fit.

Parenthetically, it is also worth noting that on July 1, 1966, a somewhat similar program had become available for senior citizens in the United States<sup>50</sup> and that this program had been achieved despite a very similar longstanding opposition by their doctors.<sup>51</sup> Because this need for medical coverage had surfaced at the same time on both sides of the border, and was greeted in the same way by the medical profession in both countries, the London Free Press not only addressed the matter but placed the overall issue in its appropriate context.

Doctors throughout North America are undergoing collective and individual self-examination as an irresistible wave of the future sweeps over their proven profession. Almost

by definition, members of that profession are individualists; they shrink instinctively from any form of collectivization beyond their own societies... The Saskatchewan doctors' strike was a disgrace. It may have been with memories of this situation that the new president of the American Medical Association warned his colleagues that it would be unethical and an act of bad citizenship for doctors to boycott medicare once it becomes law... medicare is as much a part of our civilization as any other plan to help those who cannot care for themselves.<sup>52</sup>

### **Public Sector Impact**

Because the final version of Bill 6 failed to contain the compulsory membership provision called for by the two opposition parties, an important concern raised by the Free Press was whether Ontario would indeed be eligible for enrolment in the nationwide federal government medicare plan which was scheduled to begin on July 1, 1967.<sup>53</sup> The reason for their concern was that membership in the government plan had a decided advantage in that the government had offered to pay half the average per capita cost of the medical services offered by each of the provincial plans. To belong to this plan, however, each province needed to satisfy all of the following conditions.

- 1) Portability of benefits from province to province
- 2) Public administration by a provincial department of government agency
- 3) Universal coverage
- 4) Protection spanning a full range of physicians' services

The difficulty for Ontario, according to the Free Press, was that by adhering to a voluntary as opposed to a compulsory membership, the stipulation of universal coverage specified in item 3 might not be satisfied. While on the surface this certainly would appear to be the case, the term, universal coverage, was subsequently defined as it had been before when the province put forth its proposal for hospitalization insurance alone, to mean that "90 percent of a province's population needed be covered from the start, rising to 95 percent within three years..."<sup>54</sup> Because the province had been able to achieve these percentages during the first stage of the program, it seemed likely that the same would hold true during this third stage of the program. However, it is worth keeping in mind, according to the Free Press, that the Premier was not entirely certain whether it would even be worthwhile for the province to belong to the Federal medicare plan.

the question of nationwide medicare raises too many imponderables to warrant an immediate decision on Ontario's participation. He told the legislature he doesn't feel it necessary to say just yet whether Ontario will join the network of provincial medical care insurance plans the federal government hopes to establish – on its terms – by July 1, 1967.<sup>55</sup>

In making this statement, the Premier drew attention to an opting – out formula that applied to joint spending programs – which would make it possible for the province to simply refuse to join the Federal plan if it elected to do so. In fact, by May 18 only Saskatchewan had complied with all

of the requirements in the Federal plan and only New Brunswick, Quebec and Newfoundland had indicated their intention to do so. Manitoba and Prince Edward Island were undecided and Alberta in harmony with Ontario was opposed to the universality requirement.<sup>56</sup>

Nevertheless, on March 1, 1966, Ontario initiated an open enrolment period that extended through May 1, 1966. To encourage enrolment at the local level as well as to fully inform Londoners about the advantages of the Ontario health care plan, an information session was held from 10 a.m. until 2 p.m. on April 23 at the downtown YM-YWCA which garnered “standing room only.”<sup>57</sup> The expectation was that 2,000,000 would enrol by the time the plan went into effect<sup>58</sup> and since it was estimated that 1,500,000 had enrolled by the end of June,<sup>59</sup> this meant that 75% of the 1967 target date would have already been achieved.

#### **Stage 4: Bill 94 – The Medical Services Insurance Amendment Act, 1968**

Despite the fact that Bill 6 had received Royal assent on February 18, 1966, Ontario’s opposition parties in 1965 had called for an expansion of the Ontario Medical Services Insurance Act (Bill 136) to include in addition to medical care, as stated above, coverage of “all other essential services.” Hence, the aim of Bill 94, Introduced on April 10, 1968, was to provide one additional service, Optometry.<sup>60</sup> Needless to say, the leader of the Opposition asked the Minister “to comment on the principle of this bill as to how he and his advisors decided how it was now possible to extend the coverage in this direction, and what he sees as future extensions in the legislation ...” In response the Minister replied that the estimated cost of this additional service is \$6.5 million in the first year and

we have confirmed that about 65 percent of the people who need eye care in respect of refractions turn to optometrists... For this reason and this reason alone, it was decided to extend into this area. I do not believe that the terms of this bill, or the principle of this bill, sir, will permit me to debate the general topic of extension into other areas of health and parahealth services.

Royal assent was granted on May 30, 1968, and eleven months later the House was asked to consider the next bill which dealt with a long standing issue that still had not been resolved.

#### **Stage 5: Bill 121 - The Ontario Medical Services Insurance Amendment Act, 1968-1969**

Almost from the outset of the debate over provincially sponsored health care there was considerable opposition to the fact that the OMA would be allowed to set its own fees and that physicians would be eligible to receive 100% of these fees for their treatment of patients. Because both of these provisions had previously been accepted by the Conservative Party, the opposition parties were concerned that these two provisions had failed to provide the government with any opportunity to control the cost of its plan. Thus, the main component in Bill 121, which was introduced by the Conservative Party on April 1, 1969, was to undo the impact of at least one of these provisions by reducing the fees that the physicians would receive. According to clause 1 in the bill,

The benefits under a standard contract during the period of two years commencing on the 1<sup>st</sup> day of April, 1969 shall be based upon 90 percent of the Ontario Medical Association's schedule of fees in effect on that day.

### **The Rebuttal**

To understand the nature of the ensuing debate some additional background information may be helpful. Prior to the implementation of Bill 136 nearly 2 million Ontario residents had acquired their health insurance through Physicians Services Incorporated (PSI) which was formed in 1947 as an independent company with majority control vested in the OMA.<sup>61</sup> During the years that preceded the Government's attempt to develop its own health insurance program, the OMA had made use of a 90% reimbursement fee rather than pay its members an amount equal to 100% of the fee that had initially been set by the OMA as appropriate compensation for doctors in their treatment of patients. The OMA had initiated this 10% reduction to help cover its administration costs. When the OMA became aware of the government's plan to enter the health care insurance industry, however, it raised its overall fee structure to compensate for what it thought the government might pay its members if the government also intended to establish a 10% fee reduction to cover the government's administration costs. In essence, this meant that the government would now be required to reimburse Ontario physicians at a higher rate than was the case when their services were covered by the PSI. Needless to say, this move by the OMA infuriated many of the opposition members especially when the normal wages of physicians were compared against the Ontario average wage structure. In the words of one NDP member,

When I look at the average income of persons in Ontario, I realize that the medical income is pretty high in comparison... The Dominion Bureau of Statistics says that in Ontario only 20 percent of our people get an income of \$6,000 or more, nine percent get an income of over \$8,000, only four per cent get an income of over \$10,000 and the average income of the medical profession is approximately three time this last figure...<sup>62</sup>

While the new fee structure imposed by the OMA was a major concern to both opposition parties, equally problematic was the actual setting of fees. With this concern in mind, the NDP proposed the following amendment to Bill 121.

The government rejects the principle implicit in the bill that the Ontario Medical Association may unilaterally increase the fees for medical services thereby forcing the government to provide for payment of 90 percent of such fees charged in accordance with the Ontario Medical Association fee schedule.<sup>63</sup>

The speaker, however, ruled that the amendment was inappropriate because it reflected a negation of the original motion. When challenged by a member of the NDP, the speaker replied that "an amendment which is a mere negation of the original motion is out of order because the way to deal with the matter is to vote against the original motion" rather than through an amendment.<sup>64</sup> To

counter this ruling the NDP then proposed a further amendment specifically designed to address what it considered to be an inappropriate increase in the fee structure by the OMA.

I want to move that clause 1 of Bill 121, be amended by deleting there from the figure “90” and substituting therefore the figure “80.”<sup>65</sup>

If approved, the government now would only be authorized to reimburse physicians at 80% rather than 90% of the OMA fee structure. What followed were a series of comments over whether this lower rate as well as the possibly of an even lower rate had ever been discussed during negotiations with the OMA. In response the Minister of Health stated that this was not part of the more recent negotiations and went on to reveal the OMA’s general reaction to this issue: “We’ll set our fee schedule and you determine how much you will pay, and then we will do what we think we have to do from then on.” The Minister, who was a physician, also provided his own reaction to this response by the OMA.

Again I say that out of my dealings and out of some knowledge of the mentality of my profession, I feel quite certain that if, by law, we were to say we would pay 80 percent of the fee schedule, the great majority of patients would get billed to schedule and (therefore would) get a bill for the 20 percent (difference).

In short, according to the Minister of Health, if 80% were to be used in place of 90%, this would lead to double billing which was precisely what the House had hoped to avoid. It is not surprising, therefore, that when the question to insert the amendment in the motion was called, it was defeated by a vote of 52 to 37.<sup>66</sup> The motion in its original form was subsequently approved and granted Royal assent on May 13, 1969.

### **Stage 6: Bill 195 - Health Services Insurance Act, 1968-69**

Approximately one month after Bill 121 received Royal assent, the House was presented with still a further bill the purpose of which was to serve as a preliminary but vital step toward the final stage in the emergence of OHIP. This bill, known as Bill 195, contained 35 sections, encompassed 216 pages in the legislative debate record, and included all of the previous provisions that had been discussed and approved along with several new provisions designed to address some of the shortcomings mentioned above. The major function of Bill 195 was stated by the Minister of Health at the start of the first reading.

...this bill is designed to meet the criteria set down by the federal government in the Canada Medicare Act... it therefore qualifies Ontario to claim the financial support provided by the federal government under the federal Medicare Act.<sup>67</sup>

To understand the significance of this statement it should be recalled that nearly three years earlier, during the discussion of Bill 6, the Premier had expressed his reservations over whether Ontario was indeed willing to become part of the federal program. At that time the Premier’s reservations

stemmed from an assumption that Ontario, along with each of the other provinces, not only had the right to opt out of the federal program if it chose to do so, but that if it did opt out, it would still be eligible to receive an equivalent level of financial support from the federal government which it could then use as it pleased. Unfortunately, the Premier subsequently learned that his assumption was unwarranted.

At the constitutional conference in February of this year, Ontario demanded that the fiscal equivalent (of the Federal contribution to the plan) be turned over to Ontario. We would have preferred this, of course. We still believe that this would have been an eminently more fair method of dealing with the requirements of the people of this province in a total manner. However, we are satisfied that we are not going to obtain the fiscal equivalent... Proceeding from that point, we have been able to make an arrangement with the federal government which will enable the federal Medicare legislation to be applied to the health service programme operating in this province (which) is intended to begin on October 1, 1969.<sup>68</sup>

With this correct information now in mind, and in order to receive the promised federal funds which amounted to \$176,000,000 toward the cost of the provincial plan,<sup>69</sup> the Premier elected to join the federal Medicare program. To receive these funds, however, the Ontario Legislature needed to approve all of the provisions in Bill 195 prior to October 1, 1969.

Of the several new provisions in Bill 195 two were quite important. The first was the establishment of a Health Services Insurance Council which would consist of no fewer than nine members appointed by the Lieutenant Governor. Two of the members would represent the OMA, two others would represent the insurance industry, and the remaining five were to be selected from the public at large. Because the Ontario Insurance Industry had recently agreed to establish a new non-profit corporation that would be representative of all the large carriers in Ontario, and therefore would embrace 95 per cent of those covered under the various existing health insurance policies, the two industry representatives would be chosen from this corporation.

The Council had several purposes. One purpose was to receive and investigate complaints as well as to advise the minister on the operation of the plan. The second purpose was to address a concern that had been raised by the Opposition over whether the OMA had the right to unilaterally increase the fees that physicians were permitted to charge for services rendered. Needless to say, without some form of safeguard, the OMA rate structure could easily increase to a point where future budgetary requirements would be impossible to satisfy. Hence, the goal of the Council according to provisions in Bill 195, was to make recommendations to the Minister of Health respecting the premium rate and thus, according to the minister, “assure the Opposition that the rate was arrived at following appropriate discussions...”<sup>70</sup> The minister, however, went on to clarify this point by stating that “Conducting discussions does not mean negotiations... The OMA has, in the past, refused to negotiate tariff changes and there is no indication it intends to change its position...

The council, it appears, will function essentially as an information pipeline in this delicate area.” In essence it was quite clear from these remarks that members of the Opposition would need to accept the fact that the government would have, at best, only a very limited role in determining the fee structure that would be set by the OMA.

The other new provision was the need for “designated agents.” During the opening portion of the second reading for Bill 195, the Minister of Health was called upon to explain this provision, which appeared under Section 5 in the bill. According to the minister, about 50 percent of Ontario’s health insured population had already obtained their insurance from commercial carriers under group contracts that had been arranged at the bargaining table as part of wage and salary negotiations. As a result, it was the commercial insurance carriers who were to be the designated agents because they already had “very large numbers of contracts now in vogue (and they) will be providing our plan to a large number of subscribers. They will enrol, they will look after changes in the status of the subscribers, and they will bill, and collect the premiums...” Technically this meant that the Ontario insurance companies would now be drafted by the government to serve in a dual role both as sales representatives and as collection agencies for the provincial insurance program. With this in mind, Ontario’s physicians would now be required to deal directly with the insurance companies and not with the government to receive reimbursement for their work with patients.

To understand how this arrangement would proceed, as was the case under Bill 165, it is important to recall that the insurance companies would still be allowed to sell supplementary or topped-up versions of health care coverage as part of their group policies. This meant, however, that the premiums the insurance companies would now issue to their group policy holders would consist of two parts. One part would belong to the companies to pay for the supplementary topped-up health care packages that the companies offered to the policy holders, while the second part would belong to the Ontario government. The funds that accumulated in the second part would then be housed in the provincial treasury under the auspices of the Ontario Hospital Services Commission and used to compensate physicians for the treatment of their patients.

In view of this new role that the insurance companies would now be expected to play, physicians were told that they should send their bills directly to the insurance companies and not to the government. When their bills arrived they would be adjudicated by provincial employees housed in the company’s offices and, if approved, would be forwarded to the government. The government in turn would then send checks for the appropriate amounts back to the companies and they in turn would forward the checks to the physicians. To compensate the insurance companies for their role in this endeavour, the Ontario government would provide the companies with a fee to cover their administration costs. Under consideration at the time were fees that ranged from 6% to 17% of the actual amount of government health insurance that had been sold by the companies.

### **The Rebuttal**

The major focus of the debate over Bill 195, which lasted 4 days, began during the second reading and continued while the bill was in committee. Although the debate dealt largely with procedural matters it also entailed the need to discuss and then approve each of the bill's 35 sections. The most insightful and important segment of the discussion took place in June 23 when Dr. Morton Shulman, a practicing physician and NDP representative from High Park, elaborated on the possible harmful effects that these designated agents would have on the physician's willingness to comply with the act.

A point that has been very completely overlooked, I think, by all three parties, has been the tremendous problem that his bill is going to produce for the doctors and the medical profession, because of the way it has been drawn. Specifically, I am referring to the fact that there are 200 carriers which are being allowed to bring in this form of medicare.

As it stands today, and as it will continue to be, a busy doctor seeing 30 patients in a day, may see patients who are covered by a dozen different carriers, each of whom will have a different form that will need to be completed and mailed back to the carrier. This will entail extra expenses for the doctor because of the need for extra secretarial help. It could also cut into the number of patients that the doctor will in fact be able to treat each day. I believe this is something the Minister has ignored in this efforts to bring the private carriers into the plan.

If there was one co-ordinated plan, which means a central clearing house instead of a range of carriers, we would have a scheme whereby a doctor would spend, perhaps, two hours a week with his secretary to fill out the necessary forms and then send them in at the end of the month. Indeed, this was the scheme implemented by the PSI which was developed by the OMA in coordination with its member's needs.<sup>71</sup>

Despite the importance of these comments coupled with the fact that two attempts were made to insert amendments into the bill, both of which were defeated, the bill was approved. Before leaving this topic, however, one further issue was raised by the opposition. While the Conservative Party was very clear throughout each of the previous stages in its commitment to a voluntary, as opposed to a compulsory membership in the plan, it now appeared to deviate from this commitment since Bill 195 stated that "coverage shall be mandatory for a firm with 15 employees or more – including the employer." This statement was immediately challenged by the opposition when

the NDP claimed in a complex legal argument that the premiums, because of their mandatory nature, were in fact a tax. And any tax requires a statement by the lieutenant-governor authorizing its appropriation... if the government pushed ahead with the bill without a statement by the lieutenant-governor, it would nullify the entire bill.<sup>72</sup>

To counter this argument the leader of the Conservatives “pointed out that the legislation is made totally legal by royal assent from the lieutenant-governor after the third reading” which was granted on June 26, 1969.<sup>73</sup>

It should be noted that, although there was a mandatory provision in the bill, this provision only applied to those who were covered by a group policy. Take for example the University of Western Ontario where all full-time faculty were covered by a group insurance policy administered by the London Life Insurance Company. At the end of July, 1969, which was one month after Bill 195 received Royal assent, “a monthly pay role tax deduction” was initiated to cover the cost of the premium and automatically forwarded to the Ontario Health Services Commission in compliance with the provisions in the bill. Faculty members also received a wallet card that described the nature of their coverage and were told to submit this card to their physicians when they received medical care. The physicians in turn would then send their bills directly to London Life for reimbursement. Those in the community who were not part of a group could voluntarily enrol in the government plan if they chose to do so. For these individuals, the premiums under discussion in 1969 were \$70.80 a year for a single individual and \$177 a year for a family independent of size.<sup>74</sup> When hospital care was required, all residents in Ontario, regardless of group coverage, received a similar wallet card that provided ward coverage and that needed to be shown to the hospital upon arrival.

### **Public Sector Impact**

On June 18, 1969, the London Free Press, under a front page headline “Medicare move not surprising, reactions mild,” summarized London’s feelings to this stage 6 endeavour in the following words.

Acceptance with no great stir marked London’s reaction to Ontario’s medicare announcement. Doctors and hospitals expected little effect, insurance people felt no surprise, and labor expressed a wait-and-see optimism... Dr. Glenn Pratt, president of the London Academy of Medicine, said federal medicare “is not an issue any more among doctors”... Albert Anderson, executive vice-president of London Life said “This simply means this part of our business no longer will be available to the public” ...Ernie Parker, area representative of the Canadian Union of Public Employees said “Generally it should be one of acceptance.”<sup>75</sup>

### **Stage 7: Bill 5 - The Ontario Health Insurance Organization Act, 1971**

Up to this point the House had approved two separate plans that governed the delivery of health care to the residents of Ontario: the Ontario Health Services Insurance Plan, which was responsible solely for hospitalization expenses, and the Ontario Medical Services Insurance Plan, which was responsible for non-hospitalization expenses provided by physicians. Because each plan operated under a different administrative umbrella and had its own premium structure, the purpose of Bill 5

was to combine the two into a single plan, with a single set of premiums that would subsequently be known as the Ontario Health Insurance Plan or OHIP. Despite its overall importance, however, Bill 5 was not introduced to the House in a form that was common to each of the earlier bills in the sequence. That is to say, it was not subjected to a first, second or third reading and even though it was sponsored by the Minister of Health, it was not the minister who introduced the bill to the House. Instead, Bill 5 merely appeared in the Legislative Record on October 13, 1970, where it was briefly introduced by Premier Robarts.

Mr. Speaker, in recognition of the government's continuing responsibilities in the field of health services, I am pleased to announce today a new policy in the administration of health insurance. It has become clear that in order to provide the most effective and convenient health insurance plan, we must combine our hospital and personal health care insurance plans and programmes into a single integrated plan.

It is therefore our intention to establish a new health insurance commission... to be known as the Ontario Health Insurance Commission which will be responsible to the Minister of Health for the administration of an integrated health insurance programme. In addition, this commission will have delegated to it the responsibility for the development and maintenance of the public general hospital system in Ontario.

The target date for the complete implementation of the new programme is July 1, 1972. Between now and then, this massive reorganization will take place... The phasing-out of agents and the assumption of their functions by the new commission will be accomplished with minimal disturbance to the employees of these agents.

A single premium for health insurance will be an important feature in the new programme. The social insurance number will be adopted to provide a single numbering system... Another technique will be the distribution to subscribers of plastic cards similar to the now familiar credit cards. These will simplify recording and claims procedures and will reduce errors.<sup>76</sup>

### **The Rebuttal**

While no objections were raised to the premier's remarks, the opposition did voice two interrelated concerns, both of which were noted and answered in an interview that appeared in the Free Press. Although Bill 5 had been introduced on October 13, 1970, and would not be fully implemented until July 1, 1972, the first concern had to do with why there needed to be a nearly a two year delay in the implementation of this bill. The second concern had to do with why in the previous bill (Bill 195) there had been a need for "designated agents."

In response to the first concern Premier Robarts said that a "20 month delay in the changeover is due to the massive reorganization involved (and) the announcement was made now so a start can be made on the preliminary work." In response to the second concern, he said

it was obvious that “sufficiently trained administrative staff and facilities were not available to permit the establishment of the type of plan which would meet the criteria established by the federal government... Rather than delay introduction we sought the assistance of the insurance industry which had the facilities to put the plan into effect quickly and efficiently.”<sup>77</sup>

### Summing Up

At this point it may be worth asking how the two-part hospital care/ physician’s care program developed in Ontario between 1957 and 1966 compared with similar programs offered by the other provinces. To answer this question we drew upon material in a 1967 publication, *Canadian Opportunities: Social Benefits*, issued by the Federal Government to all Canadian newcomers. The purpose of the publication was to acquaint prospective citizens with the range of benefits that Canadian residents were entitled to enjoy. The following information provides a brief overview of the material devoted to health care benefits.

#### Hospital Care

Each province, along with the territories, offered its residents hospital care at the ward level that included most if not all of the benefits mentioned above. The need to enrol in a province’s program, however, varied from province to province as did the resident’s yearly premium costs. In Saskatchewan and Manitoba enrolment was compulsory. In Saskatchewan the yearly premium for a single person was \$20 while families paid \$40 per year and in Manitoba the rates were \$24 for single persons and \$48 per year for families. For British Columbia and Alberta, there was neither a compulsory enrolment requirement nor a yearly premium fee. Instead, “a nominal amount was charged on a daily basis when hospital care was provided.”

#### Physician’s Care

Physician’s care was also available to all residents though the nature of the care as well as the premium costs were set by the provinces and varied from province to province. The following examples illustrate something of the range as well as their costs. In most cases financial subsidies were available to help those with little or no taxable income.

The Saskatchewan plan called for compulsory enrolment of all eligible residents. Benefits included private physician care in a person’s home, office or in a hospital as established by medical necessity; there were no restrictions related to age or pre-existing conditions. The annual premium was \$12 per adult and \$24 per family. In Alberta, only approved commercial and non-profit carriers were permitted to offer this form of insurance and the annual premiums, which were controlled by the province, were not allowed to exceed \$63 for a single person, \$126 for a family of two, or \$159 for families of three or more. The British Columbia plan was similar to the Alberta plan except that only non-profit

carriers were authorized to participate and here the premiums were set at \$60 for a single person, \$120 for a family of two, and \$150 for a family of three or more. The Ontario voluntary plan, which was available to all residents regardless of age, health or financial circumstances, paid for all physicians' services, and the annual premiums were the same as those in British Columbia.

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Victoria Hospital, London, Ont.

## **The Victoria Hospital Complex**

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Due to growing patient needs, the Victoria Hospital Complex was erected around the turn of the 20th century to replace the late 19th century London General Hospital. Like the General Hospital, however, Victoria Hospital also depended upon municipal financial support. In 1915 a London municipal grant was needed to cover around 50% of the hospital's operating budget. To learn how the passage of OHIP led to a substantial reduction in this city tax burden see the enclosed article by Marvin L. Simner.