

SCOTTISH GOVERNORS AND JURISTS

IT has already been exemplified by such notable instances as those of Sir George Simpson and Sir James Douglas that there is a facility with which Scotsmen rise to places of trust and honour in any part of the world. In Red River we have seen that in the little more than half a century of the existence of that settlement seven of the Governors were Scotsmen.

This early custom seems to have been continued in the Governors and Jurists of Western Canada under Confederation, they having been chiefly Scottish or Scoto-Irish.

The first quasi-Governor of the new Western Province of Manitoba was the Hon. William McDougall, who though, like Moses, was not permitted to see the promised land of his dreams except from its borders, nevertheless deserves a place in the history of Western Canada. The son of a Scottish settler of Upper Canada, he followed the profession of the law, and with Hon. George Cartier went in 1868 on a deputation to England to secure the cession of Rupert's Land to Canada. Through the aid of Mr. Gladstone

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they found that £300,000 of English money would secure the transfer of their right by the Hudson's Bay Company to Canada. The time for transfer was fixed for 1869, and in anticipation of this William McDougall with his family and officers of Government went through the United States and were stopped at Pembina on the boundary-line of the Manitoba to be. That this Governorship should have been his reward for his eloquent advocacy of the acquisition of the Hudson's Bay Company possessions by Canada was universally conceded, though on account of the resistance of Riel and his followers he returned to Canada and never went back to the West.

When, after negotiations and the sending of a force of British Canadian troops, Manitoba was formally taken possession of, the first Governor of the province was the Hon. Adams G. Archibald, a Nova Scotian, and the descendant of a Scotch-Irish family which had come over to Nova Scotia from the United States at the end of the eighteenth century. The Archibalds held a high place in Nova Scotia and also received promotion as public men in the Mother Country. Adams G. Archibald had become a member of the Macdonald administration and was sent out as first Governor of the new Province of Manitoba in 1870. He was a fine-looking, courtly gentleman, well fitted to adorn the position of Governor and preserve the honour that flowed down to him from a deserving ancestry. The troubled state of Manitoba, however, made his stay a short one,

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and in 1872 he retired before his time was half up. He was afterwards made Governor of Nova Scotia, and did honour to that position.

The second Governor of Manitoba was Alexander Morris, who was born in Perth, Upper Canada, in 1826, and was a son of William Morris, a native of Paisley, Scotland. He also had been a member of the Macdonald Cabinet, and was appointed the first Chief Justice of the Province of Manitoba after its organisation. When the vacancy occurred through the retirement of Governor Archibald, the new Chief Justice was appointed Governor, and held the position for his full five years. Governor Morris was useful in many ways to the new province. He undertook and carried to completion the Lake of the Woods Treaty with the Indians of that region, and also conducted other negotiations and concluded other treaties with different Indian tribes of the West. He was also appointed Commissioner for the settlement of disputed land titles, and as such rendered valuable service. He, with much perseverance, induced the Legislature to establish the University of Manitoba, of which he may in consequence be called "The Founder." He retired to Toronto, where he spent the remaining years of his life, having been elected as a member in the Local Legislature of Ontario.

After the occupation of the Gubernatorial chair for five years by a Frenchman, who succeeded Governor Morris, the position was filled in 1882 by Hon. James C. Aikins, the son of a Scoto-Irish

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settler of York County, Upper Canada. Mr. Aikins entered public life in the Dominion and became a member of the Macdonald Government. For five years he filled the position of Governor with distinction to himself and to the satisfaction of the people. He was the first to decline to use wine in the festivities which took place at Government House, Winnipeg; although his successor, Sir John Schultz, followed him in this particular. After retiring from the position of Governor of Manitoba, Mr. Aikins was appointed a Senator of the Dominion, and held that position until the time of his death.

In 1895 the Hon. James C. Patterson, a lawyer of Western Ontario, who was born in 1839, of Scoto-Irish origin, became Governor of Manitoba. He had been Secretary of State and Minister of Militia in the Dominion Cabinet, and his career was placid and uneventful.

Among the officers who came in command of the Ontario Battalion of the Wolseley expedition in 1870 was a young captain named Daniel McMillan. Having returned to Ontario for a year or two, his heart still longed for the West, and he came back to engage in business as a grain merchant and millowner in the new province. He was the son of a Scottish resident of Collingwood, Ontario, and living in Winnipeg, his well-known probity and personal popularity led to his becoming a representative of one of the local constituencies of the City of Winnipeg. He became in time a member of the Liberal Government led by Hon.

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Thomas Greenway, and was for years Treasurer of the province. His military instincts were always strong, and he did much to encourage the Volunteers in their drill and service for the country. On the defeat of the Greenway Government in 1899 he still retained his seat of Centre Winnipeg, but was appointed Governor of Manitoba, and has completed his second term of office. On account of his long service as a member and Minister of the Crown he was knighted by the late Queen Victoria. He has taken a prominent part in financial affairs, and was the first President of the Northern Bank of Canada. His equanimity of temper, uprightness of character, and stability of purpose have made him one of the most popular of Winnipeg Scotsmen.

The Hon. David Laird was born in 1853, the son of a Scottish settler who had emigrated to Prince Edward Island in the first quarter of the nineteenth century. Brought up according to the good old Scotch model, young David received a Governor of the North-West Territories of the Island newspaper. He entered the local arena of politics, but after Confederation became Minister of the Interior in the Alexander Mackenzie Ministry. In 1876 Mr. Laird was appointed Governor of the North-West Territories of the Dominion, and lived at Battleford, the capital. Here he gained the absolute confidence of the Indians as "the man whose tongue is never forked"—*i.e.*, the man who keeps his word. He negotiated a number of Indian treaties, and has

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been an invaluable servant of the Dominion Government in Indian affairs.

Hon. Thos. Robert McInnis was born in 1840 in Western Ontario, the son of John McInnis, a Scottish immigrant from Inverness, Scotland; he was educated as a medical man, and bore the M.D., C.M. Coming in early days to British Columbia, he settled in New Westminster. He became a Member of the House of Commons and afterward Senator for British Columbia at Ottawa. Before his death he was Governor of British Columbia, and upheld the interests of his province with all the tenacity of his race.

James Dunsmuir was born at Fort Vancouver, on the Columbia River, in 1851, before the transfer of the Hudson's Bay Company fort had been made to Victoria. The son of Robert Dunsmuir, a Scottish immigrant who had come to push his fortune in the far west, young Dunsmuir was partially educated in Nanaimo, Vancouver Island, and afterward in Ontario. He inherited a part of the large possessions of his father in Ladysmith, Cumberland, Newcastle, and Nanaimo Collieries, was elected to a seat in the British Columbia Legislature, and soon became Premier of the province. In 1906, on the retirement of Sir Henry Joly de Lotbiniere as Governor, Mr. Dunsmuir was appointed his successor, from which position he resigned in 1909.

Thomas William Patterson was born in Argyllshire, Scotland, in 1852, and emigrated to Oxford County, Ontario. Going early to British Columbia,

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he became a successful lumberman, and was elected as a member of the Provincial Legislature. He in 1910 was made Governor of the province, and resides in the City of Victoria.

G. W. Brown, of Regina, of Scoto-Irish descent, was born in Ontario in 1860, and moved in the early days to Western Canada. Engaged at first in agriculture, he acquired a considerable quantity of land in the present Province of Saskatchewan, and then, studying law in Regina, gained success. Among other life events he married a Miss Barr, of thorough Scottish descent. On the retirement of Governor Forget in 1910 he was appointed Governor of Saskatchewan. He is a man who uses wealth to the best advantage, and is a generous supporter of educational and other useful social agencies.

Following the Scottish Governors we may now describe a number of the Scottish Jurists who have gained distinction in Western Canada. Back in the old Red River days a very notable man was the first Recorder who sat in judgment upon his fellow-men. This was Adam Thom, an Aberdonian, who was sent out to be Judge of Assiniboia in the year 1839. He was chosen by Governor Simpson, and was a man after the Governor's own heart. Some discontent was evident at this time among the French half-breeds as well as among the Selkirk colonists on the Red River. The question at issue was whether any one but the Hudson's Bay Company had a right to traffic in furs. Recorder Thom was a young man in

Montreal on Lord Durham's staff, and had lived there during the stirring times of the Papineau Rebellion. He was then a young lawyer, was an ardent Loyalist, and had, over a pen name, written strong "Anti-Gallic" letters in the Montreal journals, which were especially severe upon the rebels. He was looked upon by the French Canadians as an enemy of their race. He undertook to have laws and regulations carried out in the Red River which were very irksome to the wild, free horsemen of the plains. A half-breed named Sayer was arrested and brought to trial. His countrymen rose *en masse* and delivered him from the hands of the court, despite Judge Thom's opposition. As they carried away their compatriot the shouts continued, "La Commerce est libre!"—Commerce is free! Recorder Thom never sat as a Judge again; but for some five years acted as Clerk of the Court, while the Governor presided. In 1853 he and his family left Red River to settle in London, where he lived to a great age. He wrote much of the two-volume "Journal Around the World," published by Governor Simpson in 1847, and published a remarkable book, in several languages, showing the Messiah's life (thirty-three years) to be the unit of many great events. He was a thorough-going, brainy, determined Scotsman of the stalwart rather than of the adaptable and practical type representative of so many of his countrymen.

During the period of Hon. David Laird's administration as Minister of the Crown a very

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notable Chief Justice was appointed to that position in Manitoba. This was Edmund Burke Wood, a Canadian born of a Scoto-Irish father who came over from Ireland to the United States and after 1812 emigrated to Wentworth County, Upper Canada. The future Justice was born in 1820, and in due course studied law in Brantford, Ontario. Succeeding in gaining a large practice, he entered political life and went to the Parliament of Canada as a representative of Brant County. Entering the Ontario Legislature, he became a member of the Sandfield Macdonald Ministry, and was afterward appointed Chief Justice of Manitoba. He was the man for the place. He taught white, half-breed, and Indian that "law meant law." He crushed out contempt for the law, and was a useful member of the community in the rising city of Winnipeg.

The establishment of the Province of Manitoba led to the fuller organisation of courts of justice. Alexander Morris, whom we have described as the second Governor of the province, was but for a short time the first Chief Justice of Manitoba, resigning the position as he did to become Governor. He was followed by two occupants of the office who were not of Scottish blood, but soon a lawyer, well known in Toronto, Thomas W. Taylor, became Puisne Judge and afterward Chief Justice. Judge Taylor was the son of Rev. Dr. John Taylor, a Scottish minister of the United Presbyterian Church in Toronto, who acted as a Professor in the Theological Hall of that body.

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Young Taylor was a law official in Osgoode Hall before going to Winnipeg, where he lived for many years. He was a highly conscientious and capable dispenser of justice, and as a religious man took an important part in the courts of the Presbyterian Church. He published several legal and other works, and on retirement came east to Hamilton to live. His record is that of a respectable citizen and learned Jurist who did honour to his Scottish birth.

Among the earlier settlers who came to Manitoba soon after its formation was a young lawyer, John Farquhar Bain, son of the Rev. William Bain, a Church of Scotland minister of Perth, in the county of Lanark, Ontario. John Bain was a young man of good parts, being a graduate of Queen's College, Kingston, and became a leading member of the Bar of Manitoba. He was appointed a Judge of Queen's Bench in the province, and though of delicate constitution, struggled through many years of alternate travel and work until his death. He was a man of high and inflexible character and adorned the Bench.

In early years in Manitoba a young Scottish Canadian, a graduate of Toronto University who had gained distinction during his college course, was Alexander Dawson, a member of the legal firm of Biggs and Dawson. After successful practice as a lawyer, he was appointed Judge of the County Court, and became noted for his industry and probity as a Judge. He has always taken an interest in education, and was for years

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a member of the University Council and of the Board of Manitoba College.

The Hon. Hugh John Macdonald was born in 1850 in Kingston and is the son of Sir John A. Macdonald, the former Premier of Canada. He comes of a hardy Scottish stock, and has always gloried in his nationality. Educated in Toronto and Queen's Universities, he studied law in Ontario and emigrated to Winnipeg in 1882, becoming the head of the strong law firm of Macdonald and Tupper. He entered political life as Member for Winnipeg in the Dominion Parliament in 1891. On the reconstruction of the Conservative Cabinet of Canada in 1896 he became Minister of the Interior. Having accepted the leadership of the Conservative Party in Manitoba, he defeated the Greenway Government and formed a new Government in that province. In 1900 he gave up his position as Provincial Premier to oppose Hon. Clifford Sifton in Brandon for the Dominion House. In this contest he was defeated and since that date has retired to his profession, being now head of the law firm of Macdonald, Haggart and Co. Possessing much ability, a fair speaker, and a man of charming personality, he has those qualities which conduce to popularity. He steadily adheres to the faith of his fathers and is a generous giver to educational and philanthropic objects.

The Hon. Justice John D. Cameron was born in Oxford County, Ontario, and entered and passed with the greatest distinction through Toronto University. Choosing the law as his profession,

he went West to Winnipeg to practise it. Entering politics he became representative of South Winnipeg in the Legislature of Manitoba and Attorney-General in the Greenway Government. He is regarded as an exceedingly well-read man, and has shown great interest in public education, being appointed in 1908 Commissioner on the affairs of the University of Manitoba. His appointment to the Court of King's Bench for Manitoba was received with general favour.

Robert Hill Myers, Judge of the County Court, is of joint Scottish and English descent. Judge Myers came as a lawyer from Stratford, Ontario, and settled down in Minnedosa, a town of North-Western Manitoba. He was for years a member of the Legislature of Manitoba, and was of consistent Liberal principles. In 1903 he was appointed a Judge of the County Court of Manitoba. His judgments are always carefully prepared and command the respect of all classes of the people. Judge Myers has been an active member of the Board of Manitoba College and has acted on the Rhodes Scholarship Committee of the University of Manitoba. He is also Chairman of the Church and Manse Board Committee of the Presbyterian Church.

Among the most prominent members of the Bar of Manitoba is James Fisher, K.C. The son of a Highland settler of North Easthope Township in Western Ontario, he went to Toronto University and graduated with distinction in Mathematics. He was for years a member of the legal firm of

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Ewart and Fisher in Winnipeg, and was elected to the Legislature of Manitoba, representing the county of Russell. After several years of public service he devoted himself entirely to law, and has been for a time the Land Agent of the Great Northern Railway in Winnipeg. He has been for years a prominent member of the Board of Manitoba College, and by his legal talent and uprightness of character has been a most useful member of society.

John S. Ewart is of Scottish descent, was born in Toronto in 1849, and is related to Sir Oliver Mowat. He came to Manitoba in its earliest years, and was a most distinguished member of the Bar of that province. He gained very high distinction in connection with the case of "Barrett *v.* the Province"—a plea for the Roman Catholic contention against the Act abolishing Separate Schools in Manitoba in 1890. Mr. Ewart, after a long and distinguished career as a legal practitioner in Manitoba, removed to Ottawa, where he has taken up cases as a Supreme Court lawyer. In 1909-10 he was one of the chief legal assistants engaged in gathering the material for the Canadian argument before the Brussels Commission for deciding the fisheries question long pending between Canada and the United States. His work in this case has received the commendation of the highest authorities. As a keen and competent legal advocate Mr. Ewart has had perhaps no superior at the Manitoba, or, indeed, at the Canadian, Bar.

James A. M. Aikins, who is of Scoto-Irish

descent, was born in Peel County, Ontario, and is the son of Hon. J. C. Aikins, a former Lieutenant-Governor of Manitoba. He graduated at Toronto University and came early to Winnipeg, Manitoba, where he has become the head of a large legal firm, and has been for many years leading counsel for the Canadian Pacific Railway. He has been a member of the Council of the University of Manitoba, has taken an active part in its affairs, and in 1907 was appointed Chairman of the University Commission. Mr. Aikins has been a prominent member of the Methodist Church, both in its general councils and in the educational part of its work. His legal firm has included in it several of the prominent members of the Manitoba Bar.

Among the rising members of the legal profession in Winnipeg there is none more popular than Mr. Isaac Pitblado, K.C., the son of Rev. C. B. Pitblado, of whom we have made mention. Mr. Pitblado was born in Nova Scotia, began his University course in Dalhousie University and completed it in Manitoba College and University. For a time a partner of Mr. J. A. M. Aikins and now of Hon. Colin H. Campbell, he has taken a leading part in Winnipeg affairs. For years he was Registrar of Manitoba University, and has always been a leader in manly sports. His Scottish blood fully qualifies him to be a member of the St. Andrew's Society, and he is a prominent curler.

Among the prominent younger men of Scottish descent who have risen to prominence as Jurists is Mr. Justice J. W. Robson, appointed in 1910

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a Judge of the King's Bench of Manitoba. He was educated in Regina and Winnipeg, and was a member of the Aikins legal firm. Of singularly clear and fair mind, Judge Robson has received general approval as being one of the youngest judges appointed and one of the wisest.

In the Western provinces many young men of Scottish blood have risen to distinction on the Bench. Among these is John Henderson Lamont. Born in 1865 of Scottish descent, a graduate of Toronto University, a lawyer in Prince Albert, he entered the Legislature of Saskatchewan as Attorney-General. He was appointed Judge of the King's Bench in Regina in 1907 and is well regarded.

A young man of Scottish blood, born in Middlesex County, Ontario, Mr. C. A. Stuart began the practice of law in Calgary, and became a general favourite. Elected to the Legislature of Alberta, he was afterward made Judge of the King's Bench for that province. A distinguished graduate of Toronto University, he was in 1908 appointed Chancellor of the new University of Alberta.

Of a New Brunswick family of Scottish descent, Mr. C. R. Mitchell was a member of a law firm of Medicine Hat in the Province of Alberta. Made a Judge of the Court of King's Bench, he gained a high reputation, but in 1910 became Attorney-General for the province in the Ministry of Hon. Mr. Sifton.

James Alexander Macdonald is of Scottish descent and was born in 1858 in the county of Huron, Ontario. He studied in Toronto Univer-

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sity, was admitted to the Bar in Ontario, and emigrated to Rossland, British Columbia, in 1896. Elected to the British Columbia Legislature for two Parliaments, he became leader of the Local Opposition in that body. He resigned his seat and was appointed Chief Justice of the British Columbia Court of Appeal.

Carrying so notable a name, the descendant of a Scottish line and son of the preceding Governor, William Wallace Burns McInnis has filled many places of responsibility in British Columbia. Born in Ontario, educated at Toronto University, and a member of the legal profession, young McInnis at twenty-five became a member of the Local Legislature of British Columbia. Some years afterward he was elected for one Parliament to the House of Commons at Ottawa. He was made Commissioner of the Yukon for two years, and was then appointed a County Judge in Vancouver in 1909. A man of great versatility and eloquence, he bears with honour the Scottish names bestowed upon him.

Alexander Henderson was born of Scottish blood in Oshawa, Ontario. After graduation at Toronto University, he entered the legal profession and was called to the Bar of British Columbia in 1892, became Attorney-General of British Columbia, and was appointed a Judge in the County Court. In 1907 he resigned his judgeship and was appointed Commissioner of the Yukon. A man of kindly spirit and just mind, he is well fitted to reduce to order the conflicts of that northern territory.