

JOHN A. MACDONALD: BARRISTER AND SOLICITOR

JAMES A. ROY
Queen's University

John A. Macdonald was born in Glasgow, Scotland, on January 11th, 1815. That was an important year. It was the year of Waterloo, the Treaty of Ghent, the restoration of the Monarchy in France under Louis XVIII and the formation of the German Confederation, headed by Austria. But the Macdonald family was far less concerned with those distant happenings than with their own urgent personal problems. They had gone to Glasgow not from choice but from necessity. They had been literally driven off their ancestral lands during what are remembered in the Highlands as the "Clearances". Duncan Forbes, the distinguished and able President of the Court of Session, was indirectly one of the chief begetters of this movement, which spelt the depopulation and ruin of the Scottish Highlands and the dispersal of the Scottish Celts to the far corners of the earth. The "Clearances" were not wholly bad; but the compulsory evacuation of thousands of weak and helpless men and women, who spoke nothing but Gaelic, entailed much suffering. Many of these displaced persons, the younger men at any rate, joined the army; others found work in the cotton mills. Others just drifted, became slum dwellers, having given up all hope. Glasgow, to-day the biggest Celtic city, was also a port. Ships sailed from there to the Canadas. Many Celts found temporary occupation in Glasgow until they made enough money to pay their passage across the Atlantic. That is what the Macdonalds did.

It is at first sight difficult to understand why Sir John A. Macdonald should have been a Tory. The vast majority of Scots who left Scotland were Whigs and democratic in sentiment, even to violence. They hated the memory of the "Dundas despotism"; they detested the name of Braxfield for the savagery and vindictiveness which the Scottish Jeffreys had shown in the recent sedition trials; they had lingering bitter memories of the Forty-Five; a contempt for many of the chiefs of the clans, now turned hucksters; a smouldering resentment against the ministers of the Established Church who had sided with the grasping and expropriating landlords as against the common people of the Highlands. John A. Macdonald grew up with no hard feelings in his heart against his native land, which had used his family so ill. He showed no particular affection for it, but he met his first wife there and had great happiness with her.

As the years went on and Sir John became immersed in the great work of nation making, his Scottish sentiment seemed to be smothered under a mass of new and urgent interests. But hardly so, for no man can escape his ancestral heritage or be ever wholly free of certain racial characteristics. One recognizes them so clearly, if one is a Celt. His strongest and best characteristics he inherited from his mother whom he adored. She did not hand on the Gaelic to her son, but this descendant of a Jacobite ancestor, who had fought for the Prince at Culloden, passed on to him that natural aristocracy of sentiment which is inherent in the Celt, that faculty for self-dramatization, that visionary romanticism which goes at the same time with an intensely practical realism, that gift of witty repartee, and that long tradition of loyalties and betrayals, of Catholicism and Calvinism which have seethed and swirled in the veins of Highland Scots for centuries and which make him appear even to this day a bundle of contradictions and incomprehensibilities to those who are not of the blood royal. That is one reason why Macdonald got along so well with the French Canadians. He understood them because he too belonged to a minority race and people. The realist in John A. saw the absolute necessity for their political support if there was to be in a real sense of the word, a Confederation and a united Canada. The romantic in him, M'Connachie Barrie calls this *alter ego*, looked back across the centuries, past the grim Geneva gown-clad figure of Knox, to the brave days of the "auld alliance", when France and Scotland marched together and the Scottish archers were the French King's bodyguard. The emotional in the French Canadian appealed to Sir John for he was emotional himself. Like the *Canadiens* and their French kinsmen in France, Sir John had the same love for colour. He loved the skirl of the bagpipes, the swirl of the kilt. He was never happier than when attending a Celtic banquet or presiding at a St. Andrew's Day dinner. One can, in imagination, see him striding up Store Street at the head of the Scots, preceded by their piper, to announce to his mother that he had just been elected President of the Society. We can see the proud old lady meeting the hilarious company on the steps of her house, hear her few words of thanks and her invitation to partake of her hospitality. . . . Sir John had another priceless asset, which one of his heroes, Bonnie Prince Charlie, possessed in tragic abundance — the quality of winning friends and holding them in deathless loyalty. Sir John A. Macdonald never exacted loyalty; it was given to him.

The Macdonald family came to Kingston in 1820. On July 17th of that year, Hugh Macdonald "commenced store keeping". Hugh was in business in Kingston for about four years. In July 1824 the family moved to Hay Bay; they came back to Kingston in 1836. John A. was left behind to continue his schooling at the Midland District Grammar School. This school had been opened in 1807. Its Principal from 1817 until December 1824 was the Rev. John Wilson, M.A. His successor was George Baxter. The school was a log house on Queen Street. In a speech, which was reported by the *Daily News* of December 22nd, 1847, John A. referred to the school. It had once been in "a most flourishing condition", he said, until "the idea of a great University at Toronto was entertained and acted upon". Then "the Grammar School was broken up, or at least so reduced in its resources as to be altogether unlike what it was intended to be". The "great University at Toronto" was Upper Canada College which was opened in 1829; it was hoped at the time that it would develop into a real university. Revenues were transferred to the York district which would otherwise have been available for the Midland District. That is why the school in Kingston was so reduced in its resources. But a number of the Scottish merchants in the town were dissatisfied with the teaching in the Midland District Grammar School and having made up their minds they acted. On December 27th, 1828, a notice appeared in the *Kingston Chronicle* announcing that the Rev. John Cruickshank had been invited to come to Kingston to open a school. On January 17th, 1829, the *Chronicle* gave notice that the school was to start the following week. In 1894 Sir Oliver Mowat, speaking at Niagara, told the whole story:

He [Mr. Cruickshank] came from Scotland . . . to take charge of a school which the principal Scotch residents of the town, with some others wished to establish in consequence of being dissatisfied with the Government School or its managers. He was but two years in charge when he accepted a call to Bytown. . . . [The pupils] were mostly boys but some of the Scotch subscribers sent their daughters to the new St. Andrew's Grammar School. This was the first grammar school in the province at which co-education was tried. . . . Two of the boys attained great distinction in after life, John A. Macdonald and Hillyard Cameron.

The school was in a house on Store Street. John A. was one of the pupils who left the Grammar School and went to St. Andrew's. He was probably enrolled there when it opened in January 1829.

In 1830 young Macdonald entered the law office of Mr. George Mackenzie, barrister, as an apprentice. He lodged with

his employer. In 1832 Mr. Mackenzie opened a branch office in the village of Napanee and John A. was frequently left in charge of it. In 1833 Mr. L. P. Macpherson of Picton went to England and arranged with George Macpherson that his capable young apprentice should take over. Consequently, during 1832-34 Macdonald was absent from Kingston most of the time. In Picton he acquired a reputation for ability, bonhomie and devilry. The year 1834 saw a big change in the fortunes and prospects of John A. His employer, Mr. Mackenzie, died and on August 24th, 1835, the following advertisement appeared in the *Kingston Chronicle and Gazette*.

JOHN A. MACDONALD
ATTORNEY, ETC.

Has opened his office in the brick building belonging to Mr. Collar, opposite the shop of D. Prentiss, Esq., Quarry Street, where he will attend to all the duties of his profession.

This building is now 171 Wellington Street.

On February 6th, 1835, Macdonald was called to the bar. Before long his skill and ability as a pleader became recognized and he was kept busy. He took into his office as an apprentice another young man whose path crossed his more than once in later life, Oliver Mowat. Mowat was with Macdonald from 1836 to 1840. The latter first came into prominence after the incorporation of Kingston as a town in 1838. On March 27th of that year an election for seats in the Town Council was held. The first returning officers for the town were four lawyers, John A. Macdonald, John R. Forsythe, Henry Cassidy and Charles Armstrong. There were four wards with an alderman and a councillor for each. John A. was returning officer for Ward 3. It was then that he ran into his first spot of bother. Polling was slow and when Macdonald heard that the other polls had closed he gave instructions to the supervisors at the polling booth that if no more votes were cast within the next half hour the poll should be declared closed. No more votes were cast and Macdonald accordingly declared the two leading candidates duly elected, Edward Noble as alderman and Walter Cuniffe as common councillor. The unsuccessful candidates entered a protest. They declared that the poll had been closed too early, that Macdonald had acted illegally and *ultra vires* and demanded that the Mayor appoint a committee of investigation. A committee was appointed on April 23rd by Kingston's first Mayor, Thomas Kirkpatrick, and duly inquired into young Macdonald's

action. Whatever their findings were nothing happened and Noble and Cuniffe were declared duly elected.

In 1839 Henry Cassidy, Kingston's second Mayor, died and Alexander Campbell, who had been an apprentice in his office, came in a similar capacity to Macdonald. He served there from 1839 to 1843. On September 1st, 1843, the firm of Macdonald and Campbell was formed. This was the first of a number of partnerships.

Meanwhile Macdonald had made his mark and was already noted not only as an able but as a "cagey" pleader. But his success at the bar, oddly enough, put him sadly in wrong with the Tories of the town, the very people whose idol he was later to become. At a special court held on July 11th, 1838, eight of the rebels were defended by him. When fifteen rebel prisoners escaped from the county jail and John Ashley, the turnkey, was arrested on suspicion of complicity, at the instance of Colonel Dundas of the 83rd, then O.C. troops in Kingston, John A. appeared as prosecuting attorney in the libel suit that followed. Macdonald won his case against Attorney-General Hagerman and obtained for his client, Ashley, a verdict of £200 damages against Colonel Dundas. This success put Macdonald still deeper in the black books of the Tories. Somewhat later he managed to get off a fellow of the name of Ruttan, a disreputable character who was accused of making a soldier drunk in a beer parlour and trying to persuade him to desert. The case reads like a drunken driving charge to-day. Witness swore that he had taken only one glass of beer and that he had therefore perfectly understood the nature of Ruttan's proposals. Another soldier swore to the same effect. But John A. got the witnesses so thoroughly tangled up that the exasperated *cadi* declared he could make neither head nor tail of the evidence and threw the case out. Macdonald was also counsel for von Schultz. He made no eloquent speech on behalf of that misguided man, but the manner of his defence was eloquent enough. He saw von Schultz in his cell and drew up his will for him. He refused to take any money for his services and while he knew that the Court Martial which tried von Schultz could return only one verdict, his dignified and understanding and non-vindictive attitude towards the prisoner won for the latter, if not a pardon, a great deal of popular sympathy.

In 1843 young Macdonald ran for alderman in Ward 4. His address to the electors was simple and direct:

To the Free and Independent Electors of Ward No. 4 in the Town of Kingston.

Gentlemen—Permit me to lay my name before you as a candidate for your suffrages at the election in your ward—as alderman.

I can only assure you, that should I be honoured by your choice, my humble exertions shall not be spared in the performance of the duties thereby imposed upon me.

I have the honour to be, gentlemen,

Your most obedient servant,

John A. Macdonald.

Polling took place on March 29th. Macdonald polled 156 votes as against Captain Jackson's 93. In 1841 union between the provinces of Upper and Lower Canada had taken place and in that year and until 1843 the legislature met in the General Hospital building in Kingston. The seat of government was transferred to Montreal following the general election in October 1844. John A. ran for a seat in the legislature in that election for the first time. Any unpopularity which he might have incurred was by now forgotten for 225 of his fellow citizens presented a petition to him asking him to become their candidate. The requisition, which appeared in the *Kingston Herald*, weekly, of April 23rd, 1844, ran:

Sir:—It being generally understood that a vacancy is shortly to take place in the Representation of this town, and being desirous of a Representative upon whose integrity and talent all classes of the citizens may safely rely:—we, the undersigned electors, request you will permit us to put your name in nomination as a Candidate for the representation of this Town, whenever a vacancy may occur, believing as we do, that to your care and advocacy may safely be entrusted the interests of the Town, and the maintenance of those sound and liberal principles of public policy, for which the Inhabitants of Kingston have been distinguished.

On April 30th appeared Macdonald's reply. It ran in part:

In presenting myself to the electors of Kingston as a candidate for their suffrages, I have no object of personal ambition to gratify, except a desire to advance the interests of the town in which I have lived so long, and with whose fortunes my own prosperity is identified, as well as to maintain those principles of public policy which you justly style 'sound and liberal', and which have always actuated our loyal old town. In a young country like Canada, I am of opinion that it is of more consequence to endeavour to develop its resources and improve its physical advantages, than to waste the time of the Legislature and the money of the people in fruitless discussions on abstract and theoretical questions of government.

One great object of my exertions, if elected, will be to direct the attention of the Legislature to the settlement of the back townships of the district, hitherto so utterly neglected, and to press for the construction of the long projected plank road to Perth and Ottawa, and thus make Kingston the market for a large and fertile, though hitherto valueless, country.

On July 11th, Macdonald left Kingston with his invalid wife for a holiday in the United States. On October 14th he was elected to the Legislature by 282 votes as against 42 polled by his opponent, Anthony Manahan. Immediately after the election the new member for Kingston appeared as counsel for the defence in a seduction case. His defence of the young law student involved was a masterpiece of Machiavellian fence. A contemporary journalist who watched Macdonald in action detected in him certain of the qualities which helped to make him the "Chieftain" and secured for him his special place among Dominion and Empire statesmen. "It is but justice to him to say", the court reporter wrote, "that in conducting the defence of his client, whilst he showed a deep consciousness of the obligations imposed on him in his capacity of advocate for the defendant . . . [he] also exhibited the greatest tact, and displayed the best taste, in the cross examination of the poor unfortunate girl, — indeed, her replies were so artless and truth-telling, that instead of assisting the cause of his client, every word she uttered, added to the impression of the Jury against him." Macdonald made an eloquent appeal on behalf of his client. The young man had yielded to temptation; he admitted his sin. But it would mean the absolute ruin of a promising young lawyer if he were compelled to pay the sum demanded by the plaintiff's attorney. He would be saddled with debt for years and would be compelled to give up his career at the bar. Damages for £137 : 10 : 0 were finally awarded the plaintiff.

Macdonald's first partnership lasted from 1843 until 1849. As a member of the Legislature he had to be absent in Montreal for long periods. This made matters difficult for his partner as well as for himself. In his first election address Macdonald had asserted that he had "no object of personal ambition to gratify". That was of course nonsense. He was politically ambitious but he needed money to realize his ambitions. There was no payment of members in those days, and John A. with his genial disposition and love of good company, good food and good wines, and with a family to support and a certain style to live up to, not only needed money, but a lot of money. On May 9th, 1847, he accepted the position of Receiver General;

that helped a little but he still needed money. He had become solicitor for the Commercial Bank in 1839; also for the Trust and Loan Company. On February 10th, 1846, he resigned from the Town Council and on behalf of the Commercial Bank instituted proceedings against the Corporation for overissuing debenture stock. The terms of the partnership with Campbell were that all returns from suits then in progress and business arising from the Commercial Bank Solicitorship were to go to Macdonald. Campbell was to have one-third of the general business. The partnership was to last for three years. Campbell found that he was left with the lion's share of the work of the firm and with a disproportionately small portion of its revenue. He objected and in 1846 a new arrangement was made. The partnership was to be extended to September 1st, 1850, and Campbell was to be paid £500 by Macdonald as compensation for the absence of the latter for the first three years. This payment was to be made in three yearly instalments and Campbell was to have one-third of all the business, with the exception of the bank business. The partners were to take from the business no more than £600 and £400, annually, respectively. From June 1st, 1847, Campbell was to get £250 *p.a.*, in addition to his share, so long as Macdonald continued to hold political office under the government. Some other arrangement was to be made if Macdonald continued in political life without office, after the then existing parliament. Macdonald was also to be allowed £48 *p.a.*, for the use of his library. But things did not work out smoothly and on June 8th, 1849, Campbell wrote to his partner:

My Dear Macdonald—

The more I reflect on our conversation on the subject of a dissolution of our partnership, the more I am persuaded that it is desirable on many grounds that it should take place. Neither of us are satisfied. During the period of our connection most of the labour has fallen on my shoulders, and whilst working for nearly three-thirds of the business, I have been getting only one-third and that, during part of the time, confined to the general business. The £720 additional I have never felt the benefit of as yet. £420 has not yet been carried to my credit. — The other £300 have, but you know that such credits do not tell at all — so that I feel that I have been doing too much and getting too little, and latterly have been dissatisfied on the grounds to which I need not again revert. All that has occurred in the way of proportion, etc., has been my own doing of course, and I ought not to say anything more about it, but I allude to it to show how and why a feeling of dissatisfaction has arisen in my mind. Then you have apparently felt that the business ought to yield you more than it has done and your share has not been of so

much advantage to you as you had reason to expect. I, on the other hand, latterly have thought you were drawing too much and that I was worrying myself to death without any practical benefit to myself.

Campbell went on to point out that the position of the firm was bad; that its bank account was overdrawn and finally that Macdonald's private affairs would embarrass it still further:

I have always avoided anything like prying into your private affairs and speak of them now without any intimate knowledge of them. . . . I have worked hard and faithfully at the business. . . . Your absences and necessities have been the main . . . cause of annoyances. I hope you will believe me that I mention these things unwillingly and in a spirit of kindness — anything else I would avoid.

The letter concluded:

I am very anxious that our present friendly feelings should not be in any [way] touched in this negotiation. Notwithstanding any result which may grow out of it, I shall hope to consider which I have been and am,

Very sincerely your friend,

A. Campbell.

There was much haggling and bargaining between these two transplanted Scots, but there was no massacre.¹ The future Minister of Justice, lieutenant-governor of Ontario and K.C.M.G. was politically ambitious too, but he was not "a young man in a hurry". He understood his partner, sympathized with his ambitions, saw promise in him and was for many reasons unwilling to dissolve the partnership even although things were not going too well at the moment. John A. was equally alive to the value of the connection. The two men swithered — especially Campbell. He wrote:

I am willing, indeed anxious that your political career should not be cut short at this moment and am prepared to go in for two years if at the end of that period I can place myself in as good or in a better position than I am now. . . . You can continue in politics — I will manage the business — £500 of the cash credit may be appropriated as you desire.

If at the end of the stipulated time either of the partners was dissatisfied, he could buy or sell out for a sum to be agreed upon. Macdonald countered with another proposal. There would be a completely new partnership where the profits would be shared equally. Macdonald was to be free to go in for

¹ In 1692 the Macdonalds of Glencoe were massacred by the Campbells. William III signed the order for the extermination of the Macdonalds but the extent of his responsibility for the abominable crime has never been determined. Glencoe means in the Gaelic "the glen of weeping".

public life and would attend to business when in Kingston. But Campbell was just as "cagey" as Macdonald and after digesting the latter's new proposition he wrote the following chit:

After a night's reflection I still think the sacrifice too great. . . . Your figures are all very fine on paper but whatever differences there might be between $\frac{1}{4}$ and $\frac{1}{2}$ for one year, I should evidently pay £420 for [by surrendering credits due to Campbell] Giving you that £420 hurts wonderfully. It was hardly earned. If I gave it up, the advantage to you would be distant. . . . So that after all it is not a point upon which you ought to stick. . . . This backing and filling does no good. . . . It will not do to keep the matter unsettled any longer.

Campbell, like Macdonald, could hardly at this time be termed a master of English style. Too much poring over legal documents and trying to follow the intricacies of his partner's policy seem to have obfuscated his intellects when it came to handling the King's English. But he sensed very clearly that there was a snag somewhere in his partner's proposition. He made up his mind finally; he wanted to be on his own although he calculated that his decision would mean a financial loss of at least £2,000. He wrote a final business letter to Macdonald:

My Dear Macdonald:

Send the ledger and the old journal, and I will make up Mr. Cassidy's account in detail and bring it up to you and go over it with you.

We will then settle the other affair too — a little forbearance on both sides will enable us to do so without difficulty. It will never do for us to disagree about the fag end of the affair — after escaping through so much.

Yours always,

A. Campbell.

Campbell sold out for £1250. Macdonald added a few pickings to his own credit which had been accidentally omitted. Campbell objected, but in the end the two men parted friends and always remained friends. The law office of Macdonald and Campbell was at what is now 70-72 Princess Street, Kingston.

After the dissolution of his first partnership Macdonald moved into an office in the present 343 King Street. He very soon realized the extreme difficulty, if not the impossibility of carrying on a law business alone when much of his time had to be spent out of town attending to his parliamentary duties. By June 1855 he had entered into partnership with A. J. Macdonell. Towards the end of October 1856 Messrs. Draper and Wilkinson became associated with the firm. In June or

July, 1857, the four partners moved to an office at 18 Clarence Street, "opposite the new Post Office". By October 17th, 1859, W. G. Draper had left the firm. From October 27th, 1856, until January 23rd, 1857, the business card of the firm was Macdonald, Macdonell, Draper and Wilkinson, King Street. On page 110 of the Kingston Directory for 1857-58 the names appear as Macdonald, Mcdonell, Draper and Wilkinson. Macdonell died in 1864 and in April of that year James Patton, Q.C., took his place. In the following January, on the 16th to be specific, John Maule Machar replaced Wilkinson and in 1870 he left the firm. James Patton was now Macdonald's sole partner. On March 28th, 1872, the Trust and Loan Company gave notice in the *Daily News* that they were moving their head office from Kingston to Toronto. On April 16th, Macdonald and Patton announced in the press that they, as the Company's solicitors, were leaving 18 Clarence Street and moving to Toronto too.

Before they moved to Toronto the same old question that had broken up the Macdonald-Campbell partnership had to be threshed out. Sir John, busy piloting the infant Dominion through various quicksands, a commissioner of the Treaty of Washington, member for Kingston accused by the supporters of John Carruthers of being a non-resident, with an election looming and with all manner of devious and intricate issues on his hands, had not only no easy time but comparatively little leisure to spare for the minor urgencies of Kingston, which would simply not be denied. Patton was dissatisfied with the situation and on June 27th, 1871, Sir John found the time to write the following note from Ottawa:

My Dear Patton:

I duly received your memorandum of propositions for a renewal of Partnership to which I could not give the consideration its importance deserves, at the time I received it; indeed I could not see that there was any particular hurry as our partnership does not end until May next. . . . I think some of the propositions in your scheme must be very considerably modified.

As you have made them, the interest that I would retain in the business would be so small as to render it comparatively valueless to me, and it would be an absurdity that my pecuniary interest should be so minimized while I was solely responsible to the Trust and Loan Co. However, I will write on the subject again, or perhaps may see you in a few days on my way westward.

Believe me,

The Honourable James Patton,
Kingston.

Yours very faithfully,
John A. Macdonald.

On February 28th, 1872, Sir John again wrote to Patton from Ottawa:

. . . now as to Partnership — I have had a long talk with Hugh [John A.'s younger surviving son, born March 13th, 1850] and he has made up his mind to stick to the profession for life. Such being the case I am bound to look to his interests. . . . I could easily buy him a partnership at Toronto, but would rather not, as his firm would be looking to me for help in the way of getting business for them.

I want all my influence, whatever it may be, to be concentrated on the office of Macdonald and Patton. If this can be settled between us, I will not further object to a long partnership, say twenty-one years — with the understanding that I shall be allowed to sell out my interest to Hugh at the end say of five years.

My name to be kept in the firm, however, to preserve the T. and L. solicitorship. Let me know your ideas about this and oblige,

Yours faithfully,

John A. Macdonald.

This was how matters stood when the firm moved to Toronto. The partnership was dissolved after some time and Hugh became a partner.

Between 1835 and 1872 John A. Macdonald occupied four offices at least. He was associated between 1843 and 1872 with at least six partners. If he had not gone in for active politics and become a Minister of the Crown and the Prime Minister of the Dominion of Canada, Sir John would undoubtedly have succeeded at the bar and most probably ended on the Bench. He was not an eloquent speaker; oratory he never attempted to cultivate. His voice was undistinguished, his appearance, unattractive. He would have succeeded as a pleader because he had an uncanny gift of reading men's motives and sizing up their characters. He had an intuitive understanding as to whether a man was loyal or disloyal, whether he could be trusted in an emergency or be set down as a potential deserter. He had the ability to get the best out of a witness who was favourable to his cause and to extract the worst out of a hostile one. He could put a case with pellucid clarity and make the most complex issues appear delightfully simple. Or he could confuse his opponent at will and make the simplest set of facts appear a complex and tangled tissue of insoluble legalistic logomachies. He could lead an unsuspecting witness gently down the garden path and leave him stumbling hopelessly in the heart of some legal labyrinth from which there was no possible exit. But the law, as it so happened, was a stick and not a crutch for Sir John, as literature was for Sir Walter Scott. Without his office and

his partners Sir John could hardly have stayed in public life; he would most certainly have lost touch with his constituents and the politician who is not *au courant* with what is happening in his community might as well pack his grips and go home. In addition to his necessary legal connections Sir John had also many commercial connections in Kingston. He was a member of the Local Board of the National Loan Fund Life Assurance Society of London, England; one of the Canadian Board of Directors of the Beacon Life and Fire Assurance Company, England; a member of the Local Board of Management of the Kingston Branch of the Colonial Life Assurance Company; a director of the Commercial Bank of the Midland District, which had been organized in Kingston in 1831 and failed in 1867. He was a Life Governor of the Kingston General Hospital. In fact there was hardly a branch of public life with which he did not have some connection. These various interests and activities probably brought him in a little money, but their main value was that they enabled him to make, and maintain, active contacts with the most influential persons in his constituency.

Sir John was also extremely useful to Queen's. He had been interested in the College from its beginning and was always ready to help it with money when he had any to spare, with active intervention when he was in power, and with sound legal advice when that was all he could give. In 1857, for example, he was asked for a legal opinion, by Dr. Stewart, Treasurer of the Medical Faculty, as to whether money granted by government for medical instruction was to be spent by the Medical Faculty or by the University Trustees. Macdonald replied: "In my opinion any grant to Queen's College whether for the Faculty of Medicine or . . . Law or Arts, is properly payable to the Trustees of that University and should be appropriated according to the intention of the grant, by the Trustees". After he became a member of the Canadian Legislature he acted as a sort of political liaison officer for the College. That took up a surprising amount of time since Queen's had many problems to solve and many petitions had to be presented to the Governor and to both houses of the Legislature. Macdonald arranged all this. He kept the University administration informed about political trends and about possible or contemplated legislative action which would affect the interests or the policy of Queen's. The College kept him constantly informed about the situation there. He tried, unsuccessfully, to get on the statute books a University Bill which would have given all the

Upper Canada colleges a share in the government endowment. Dr. Strachan, the ex-Presbyterian and one time protégé of the Hon. Richard Cartwright, killed the bill. Macdonald advised Queen's in 1849 to petition for an endowment from King's College; also for a grant of land in Kingston. He was consulted on the proposed affiliation of the Colleges in Upper Canada in 1862. On January 21st, 1862, Principal Leitch sent him an outline of a proposal submitted by the University of Toronto, at the same time pointing out why it was impossible for Queen's to accept the plan. On July 18th, Leitch again wrote to the Premier: "I think it is right to let you know how the recent steps that have been taken in the University question, so that we may not take up any position that may render the settlement more difficult. . . . Check us if we are moving in an impractical direction." Somewhat later Leitch told Macdonald that a unanimous agreement had been reached by the Heads of Colleges; but, as we have just stated, the plan fell through. The correspondence between Principal Leitch and Premier Macdonald shows not only the high value Queen's placed on Macdonald's advice and judgment but also how dependent and precariously situated the College was. Macdonald's counsel was eagerly sought after in the seventies during the difficult times which Queen's experienced after the re-union of the disrupted Presbyterian Churches in Canada. Principal Snodgrass leaned on his legal adviser, heavily. In the eighties Queen's was still, *Laocoon* like, in the strangling serpentine embrace of financial stringency; this time Grant is the Principal. Grant saw much further than his predecessors. He realized that if Queen's was necessary for Kingston, Kingston was necessary for Queen's. He cultivated the merchants of the city, cemented the alliance between town and gown. He believed, as a Christian minister, that man could not live by bread alone; at the same time he realized, as a practical administrator of a potentially great institution, that man could not possibly exist without it. He made the merchants of Kingston see things from his point of view, got money from them and fine buildings like Carruthers' Hall. Queen's has always had stamina; if she had lacked it she would have been snuffed out like a candle. But it was a tremendous thing for the administration of Queen's to realize that they now had the additional support and backing of the most substantial and most representative portion of the community. Grant did that. Queen's was still to have her problems and her difficulties, but she had definitely charted a new course and was no longer picking a necessarily timid passage among

the shallows and the quicksands. Not that Grant threw Macdonald overboard. On the contrary. Grant knew Sir John's weaknesses; but he also appreciated his strong points and on his judgment the Principal of Queen's most firmly relied.

Sir John's ability to help Queen's was strong at times, weak at other times. When he was in power he was a tower of strength; when he was out of power he was largely immobilized. He could do nothing to help Queen's during the Baldwin administration in 1849. "I have no influence whatever", he told his future brother-in-law, Professor James Williamson of Queen's. After Confederation, Sandfield Macdonald's government, for reasons of economy, cut off all financial grants to colleges in Ontario and in reply to an urgent letter from Principal Snodgrass, Sir John wrote: "The Central Government have no means of aiding your and the other Collegiate Institutes of Upper Canada in their attempt to prevent the withdrawal of parliamentary grants". He advised that the colleges should make a united appeal to the Ontario Premier to rescind his hostile enactment. Eleven months later, almost to a day, Macdonald wrote another letter to Snodgrass. The letter, which is dated December 14th, 1868, runs in part:

I deeply regret the bigoted and narrow-minded stand taken by Sandfield Macdonald. There is however no remedy for it. His only claim to public support is his reputation for economy, and to keep that up he sacrifices every principle of justice and every consideration of policy. . . . It is not advisable until after the Assembly is prorogued, to urge this point because Sandfield is just in the humour, as is the house, to pass an act formally repealing the clause. After prorogation the government can do no harm for another year and my advice is for the colleges to keep up their faculties of Arts at any sacrifice, and prepare for a renewal of the struggle next year.

When Alexander Mackenzie took over the Government in 1874 and Sir John, with the cloud of "the Pacific scandals" hanging over him, was walking in the shadows, his influence was at its nadir. But, on July 22nd of that year, he wrote to Principal Snodgrass from Rivière du Loup, where he had gone to recuperate, that the questions regarding the Charter of Queen's were being given his consideration. The re-union of the two branches of the Presbyterian Church had created new problems and the possibility of a complete severance of Queen's from the Presbyterian Church was one of them. Should this come about a new Charter would be necessary. Sir John very cannily advised Principal Snodgrass:

The whole subject is attended with difficulties which, I think can best be solved by an amended charter from the Queen. . . . On

my return to Ottawa I shall look at the Constitution of the University of Toronto, at the charter of Trinity College and of University College, London. I think, as a matter of caution, that the amended charter should contain a clause that in case of a severance of the union of churches now proposed the college and its endowment, etc., should belong to that Branch of the Presbyterian Body which would retain or resume connexion with the Church of Scotland.

In 1882 Principal Grant was still harping on the same theme. His letters to Sir John are full of rugged common sense, packed with character, power and personality. At the Principal's suggestion Macdonald introduced various amendments to the Temporalities Bill and Grant wrote to him:

You can estimate the surroundings of the case better than I, but I may give you my opinion, and take it for what you think it is worth. I see that there is danger possibly, of future difficulties in connection with admitting the right of the dissentients to a share in the residue of the Fund. If therefore they decline to accept your amendments, and demand 'more', I think that you can say that you have done your best and liberated your own soul and that the Bill must take its chance in the shape in which the Private Bills committee reported it. . . . No one else is at all likely to step in and take up amendments that neither side will thank him for. Of course, however, if you stand by them, so do I.

Ever yours,

Geo. M. Grant.

One word more about Sir John — not as a lawyer but as the official whose duty it was to recommend and make appointments to the Judiciary. Sir Joseph Pope, than whom there is no higher authority, points out in his *Correspondence of Sir John Macdonald* that, almost from the beginning of his ministerial career, the Premier was most punctilious in the matter of appointments to the Bench. "My only object in making judicial appointments" he once wrote "is the efficiency of the Bench." When he was appointed Attorney-General for Upper Canada in 1854 one of his first official acts was to offer the Chief Justiceship of the Court of Common Pleas to his old political enemy, Robert Baldwin. It was only when Baldwin refused the position that it was offered to, and accepted by Sir John's former leader and his partner for three years, the Hon. W. H. Draper. In a letter to the Hon. Joseph Howe, dated January 12th, 1869, the wily Sir John, having landed his fish in the Confederation net, wrote these words from Ottawa:

I have always laid down with respect to the judiciary, the principle that no amount of political pressure shall induce me to appoint an incompetent or unworthy judge. . . . When a vacancy really

does take place on the Bench, I think A. G. Archibald [then Secretary of State for the Provinces] will have the first claim upon us here. Of his fitness there can be no doubt, both as to knowledge and respectability.

But there always has been in this world a certain number of people who judge the moral standards of others by their own; they simply cannot believe that fair-mindedness, honesty of purpose and impartiality exist for public men. They believe that money and influence are the sure passports to the land of their heart's desire and that the power of Mammon, or political pressure, or service to the party, or a hundred and one other solid reasons should be an "Open Sesame" for judicial or political or some other sort of preferment. Sir John was greatly pestered by these gentry who simply refused to take No for an answer. In sheer desperation he wrote on October 10th, 1882, to a supporter, Martin J. Griffin of the *Mail*:

My Dear Griffin:

I am bored to death by people applying for judgeships and senatorships. I wish you would take occasion at an early day to write a leader for the *Mail* somewhat in this wise:

'Rumours occasionally reach us from Ottawa that the ministry are continually importuned for judgeships and senatorships. Now this ought not to be. . . . It has long been known that, with regard to public appointments, Sir John Macdonald has been governed by the one condition of efficiency. We have heard it stated on more than one occasion he has told applicants for seats on the Bench, that the fact of their being applicants was a serious blow to their success. This rule still holds. Nothing can be more unseemly than for a member of the bar to apply for a judgeship. Such appointments are not made for the sake of the individual, nor for the sake of a party, and the Government should look with disfavour on any pressure, personal or political, in favour of an individual.' I am determined to resist in the future—, as I have in the past, all attempts at local dictation.

Sir John was dead against a judge "after having accepted the legal monkhood of the Bench" going back to the hurly-burly of political life. He told the Hon. Oliver Mowat so when, on October 24th, 1872, the latter gave up the office of the Chancellor of Ontario and re-entered political life as Premier and Attorney General of the Province. "The precedent is a bad one." Yet, on July 21st, 1885, he invited Mr. Justice Thompson, later Sir John, Prime Minister of Canada, to accept a post in his Cabinet, with the guarantee that he would presently become Minister of Justice, declaring that he looked upon that office "as the highest in Canada, as the Minister performs the functions of the Lord Chancellor of England".

As an astute politician Sir John was fully alive to the power of patronage; as a man of sense he preferred, whenever possible, to appoint a member of his own party to office, provided, that is to say, that he was the right man for the job. Sometimes it was hard to refuse and social ties and friendly intercourse made the decision often the harder. In 1864 "a high public functionary" asked a judgeship for a friend. Sir John replied:

I am sorry that I cannot recommend J— as a judge for the county of —. My relations with yourself and your family are such that it would give me great pleasure to aid in helping any man of the name of —; but J— is not fit for a judgeship, and I cannot in conscience, appoint him.

And that was merely one of many refusals the Prime Minister had to give.

Worldly success may awaken feelings of admiration or of envy in one's less successful fellows. It does not arouse sympathy or make a man beloved. He must possess other qualities to win a place of affection in their hearts. Sir John was a successful man, but he was more. He was a devoted husband and a wonderful father. He knew the meaning of suffering and understood its chastening power. And it was because he had learned the lesson of suffering that he was able to give of his sympathy in so lavish measure to others. Sir John had probed the depths and won out of the Slough of Despond although sorely spent. His was a wonderful humanity. This heart-rending passage from Pope's *Memoirs* is the best measure of Sir John A. Macdonald:

In marked contrast to the success which attended Sir John Macdonald's public administration was the condition of his private affairs. For many years he had been unable to give personal attention to the business of his firm which from the ill-health and subsequent death of his partner, Mr. A. J. Macdonell, became very much involved. The failure of the Commercial Bank, to which the firm was indebted, brought matters to a crisis. With a view of honourably meeting all his obligations, Sir John transferred to the Merchants' Bank of Canada (which had succeeded to the business of the Commercial Bank) everything he possessed, and in the autumn of 1869, I do not think he was worth one shilling in the world. It is not to be doubted that the anxiety of mind caused by this unfortunate condition of affairs aggravated the malady which, a few months later threatened his life.²

² Pope, *Memoirs of the Right Hon. Sir John Alexander Macdonald*, vol. ii, pp. 75-76.