

SIR JOHN J. C. ABBOTT: BARRISTER AND SOLICITOR

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Seven of the prime ministers of Canada have been lawyers, but none of them had a more distinguished career at the Bar than the first to be born in the Dominion, Lieutenant-Colonel the Honourable Sir John Joseph Caldwell Abbott, K.C.M.G., P.C., Q.C., D.C.L. For forty years he was a practising advocate and in his time many considered him the most outstanding lawyer in the Dominion.

John Abbott was born at St. Andrews in Lower Canada on the 12th of March, 1821. He was the eldest son of a pioneering missionary, the Reverend Joseph Abbott, first Anglican incumbent of St. Andrews Parish in Argenteuil County, who had come to Canada during 1818. Joseph Abbott came of a well-to-do North Country family of Little Strickland in Westmoreland and, prior to crossing the Atlantic, had been a curate at Norwich. He was a distinguished scholar, a well-known writer of his time and for a decade was a sort of general factotum at McGill College — its registrar, bursar, secretary, lecturer in ancient and modern history, geography and logic, vice-principal and first librarian. John Abbott's mother, Harriet Bradford, was the daughter of the Reverend Richard Bradford, onetime midshipman under the famous Captain Cook and later Chaplain in the 49th Regiment during the American Revolutionary War, who came to Canada in 1805 to become the first rector of Chatham in Argenteuil County. The future Member of Parliament for Argenteuil and Senator for Inkerman in that County had his roots, therefore, well planted in the Lower Ottawa Valley, which had been so largely settled by United Empire Loyalists and hardy Scots from the Highlands.

When John Abbott was but four years of age his father, after creating and building one church and rectory, passed these on to his younger brother, the Reverend William Abbott, and with his small family trekked a hundred miles across country through the woods to another new settlement, Yamaska Mountain (later to be called Abbottsford), there to build a new church. In 1830 the family moved again, to Granville near the father's first mission at St. Andrews, where he founded a third parish. John Abbott obtained his early education under George Wanless of Edinburgh, who for nearly half a century conducted an academy school at Carillon, and reading in the

fine library of the Granville Rectory. While at school the boy lived for the most part with his clergyman uncle at The Priory at St. Andrews. There too he was tutored by a retired sea captain in the use of the compass, astronomy and higher mathematics.

At seventeen young Abbott went to Montreal and secured a position in a mercantile house, Laurie and Company. Because of a severe illness, however, he gave this up after a few months and returned to his home in the country. As soon as he recovered his health he entered the general business establishment of the Macdonalds at Gananoque, where he was to continue until 1843. John Abbott never forgot this early business training and in later years spoke with authority of selling calico, how apples were packed and other intricacies of trade. But in 1843 his father retired from his third parish, accepted an appointment at McGill College and moved his family to Montreal, where it was hoped the sons would have better educational facilities than in the country. John Abbott then returned to the parental roof to continue his studies at McGill during the term 1843-1844. In the latter year, however, he returned to business and is said to have worked in a general store at Deseronto for a time; towards the end of that year he was busy at Oshawa buying grain.

Soon he returned to Montreal, determined to become a lawyer, and was articled to the firm of Meredith & Bethune. As a young man about town he mixed freely in the military society of the day. In addition to his legal studies he was then studying vocal music, in which, with his fine tenor voice, he later excelled locally. For six years at this period he directed the choir of Christ Church Cathedral; this which was then largely made up of various members of the Abbott and Bethune families. In 1847 young Abbott appeared before a committee of local judges to be examined on his knowledge of the law, passed successfully and, on October 25th of that year, he was granted his commission to practise as an advocate. This he began to do immediately at Montreal and two years later he went into partnership with William Badgley. That same year Abbott married Mary Bethune, daughter of the tempestuous first Dean of Montreal, the Reverend John Bethune, who for eleven years was Principal of McGill. When the firm of Badgley & Abbott was formed Montreal was a city of 50,000 people, the capital of the recently united provinces of Upper and Lower

Canada. It was a troublesome time politically; that year at Montreal Lord Elgin was pelted with stones and rotten eggs in the streets and the unruly mob set fire to the Parliament Buildings.

The young advocate's subsequent career was to be greatly influenced by his senior partner, the Honourable William Badgley (1801-1888), who was himself a distinguished lawyer, politician and teacher of the law. Badgley was the scion of a wealthy Montreal fur-trading family of the old Nor' West Company and became one of the most prominent Canadians of his time. He began to practise law in 1823 and was the founder of one of the oldest law firms in Canada, which is still in active practice at Montreal.¹ Badgley built up a large practice, with John Abbott's assistance; they specialized in commercial and bankruptcy matters. While still a young man Badgley plunged into the thick of the political turmoil of the day and became the leader of the Montreal group opposing the dominant party in Lower Canada led by Louis Joseph Papineau, which urged the severance of the Colony from the British Empire. It was he who prepared the address adopted by the Constitutional Association, setting out the grievances of the Canadian people and urging the Union of Upper and Lower Canada. This was carried to the Foot of the Throne by a Lower Canada delegation of three, of whom he was one. Their views and material were submitted to Lord Durham, who later made use of them in the Durham Report. When the Union of the two colonies was effected Badgley became the Member for Missisquoi in the Canadian Assembly, Attorney-General for Lower Canada, and later, after defeating Papineau at the polls, the Member for Montreal. For a time he was Commissioner of Bankrupts for the Montreal District, later Circuit Court Judge in Bankruptcy and eventually a justice of the Superior Court and then of the Quebec Court of Queen's Bench. Since there were then no law schools in Lower Canada, Badgley for some time taught law privately and McGill College made him a professor at large, without students or a faculty. But his private pupils and other articled law clerks themselves petitioned McGill to grant the necessary degrees, with the result that the college authorities took over Professor Badgley and his class; with them started the McGill Faculty of Law. He was its first Dean of Law from 1847 to 1856 and was authorized by the University to charge each of his students £2 a term and retain the proceeds by way of stipend.

¹ Now Heward, Holden, Hutchison, Cliff, Meredith & Ballantyne.

In his subsequent career John Abbott followed closely in the footsteps of his partner Badgley and, like him, was to reach eminence in the three fields of practising advocate, politics, and teaching law. Very quickly he became a recognized authority on questions of commercial, bankruptcy and constitutional law and one of the first of the great corporation lawyers of Canada. He came to be regarded as the most able commercial lawyer in Lower Canada and a particularly thorough man of business, as well as an excellent administrator. But he was not entirely a desk lawyer and his services were frequently sought for trial work. Indeed, early in his practice at the Bar, his career almost took a turn which might have led him to a high position in the judicature, when for three months in 1855 he served as a deputy judge of the Superior Court. Later he was offered a chief justiceship but declined. His legal inclinations led him more towards corporation and commercial matters than to the general run of litigation. Nevertheless he frequently appeared in court as a pleader and for a lengthy period was engaged in most of the important cases tried in the Montreal district.

One of his most interesting court appearances took place in 1864. In this case Abbott acted for the leaders of the escaped Confederate soldiers who, after seeking asylum in Canada during the American Civil War, banded together to make a raid in plain clothes over the Border into Vermont, against the town of St. Albans. There the raiders seized the principal officials, confined them in the market square, rifled various banks, tried to set the town on fire, and finally withdrew over the Canadian frontier. This breach of Canadian neutrality could not be overlooked and the leaders were arrested. But a writ of habeas corpus was requested. It came up before Judge Badgley, the Clerk of the Crown was Edward Carter, Q.C., who had been associated with both Badgley and Abbott in his practice, and John Abbott appeared for the raiders! In the protracted court proceedings which followed Abbott proved that the raiders were in fact Confederate soldiers, argued successfully that they had therefore been belligerents committing an act of war and not criminals, and his clients were discharged.

It was, however, in advising the big business of the time that Abbott excelled, acting as legal adviser to such prominent figures of the then commercial world as Sir Hugh Allan, Duncan McIntyre, the future peers, Lord Mount Stephen and Lord Strathcona, as well as for such corporations as the Bank of Montreal and the old Hudson's Bay Company. As a result of

the part played by this Montreal financial group in the formation of the Canadian Pacific Railway, John Abbott became the Railway's principal legal adviser. In fact he was looked upon as one of the chief promoters of the C.P.R. and it was even claimed by the *Lachute Watchman* that the Company "owed more to his vision, energy and ability than to the efforts of any other single individual".

Abbott had become interested in railway development in Canada at an early stage in his career. In 1858, while still a young man, he bought the Montreal and Bytown Railway for £5300 and by 1862 he was himself a railroad president, heading the Canada Central Railway of which Duncan McIntyre was the principal owner. About the same time Abbott was also interested in the Carillon and Granville Railway, but in 1884 he and his associates sold their interests to another group, which formed the Ottawa River Navigation Company. Under Abbott's auspices the Canada Central linked up with the Brockville and Ottawa Railway and the line was extended west to Pembroke. This led Abbott to think out a scheme for a railroad across the continent; thereafter in his speeches and privately he drew the public's attention to the fact that the Canada Central was capable of being expanded to the Pacific.

When British Columbia joined the Dominion in 1871 it was on condition that a railway linking the West with the East would be completed within ten years. Abbott urged the Montreal ship-owner, Sir Hugh Allan, to undertake the construction of a transcontinental road and became actively engaged with Allan, as legal adviser and a provisional director of the first Canadian Pacific Company which Allan formed. Meanwhile a Toronto syndicate under the Honourable Sir David Macpherson formed the Inter-Oceanic Company for the same purpose. Both were given company charters by the Dominion Government. Parliament accepted the suggestion that the railroad be built by a state-aided company rather than by the Government. In 1872 an Act was passed to enable a contract to be entered into by the Government with either Company. This was to provide for a subsidy of thirty million dollars and fifty million acres of land by the Dominion. But rivalry between the two companies — Ontario versus Quebec; Toronto versus Montreal — developed and the Federal Government and John Abbott sought to bring about an amalgamation of the two groups. When this was unsuccessful Allan, with Abbott's assistance and the support of Sir John A. Macdonald's Government, formed a new Canadian

Pacific Company, ostensibly free from the control of foreign capital, and the Government agreed to grant it the contract to build the road.

In April 1873, soon after the opening of the first session of a new Parliament, L. S. Huntingdon, the Member for Shefford, moved for the appointment of a committee of investigation. He accused the Government of reaching an agreement with Allan when it knew the latter had arranged with American financiers to supply the funds and "that subsequently an understanding was come to between the government and Sir Hugh Allan and Mr. Abbott, M.P., that Sir Hugh Allan and his friends should advance a large sum of money for the purpose of aiding the election of ministers and their supporters at the general election, and that he and his friends should receive the contract for the construction of the railway". Huntingdon's motion was considered by the Government's supporters as a motion of non-confidence and was defeated. Sir John A. Macdonald² himself then asked for a special committee and the House rushed through a special Act to permit evidence to be taken under oath; this was later disallowed when the law officers of the Crown in England ruled it was *ultra vires*. Meanwhile, because of the absence in England of Abbott and Sir Georges Etienne Cartier, the parliamentary committee had adjourned and so too did Parliament until the committee could report. Under the restricted conditions, however, members of the committee refused to continue. When Parliament reassembled there was no report available, an unruly House was prorogued, and the Government had a Royal Commission appointed. In the meantime the press had taken up the accusations against the Government and published letters, documents and telegrams sent by Allan to capitalists and others in the United States. These had been supplied to the opposition by Abbott's confidential clerk who later absconded. They bore out some at least of Huntingdon's charges. Sir Hugh Allan gave evidence before the Royal Commission that Cartier had asked and been given large amounts of money for the party funds, and John Abbott was also examined at some length, since he had been present when Cartier made his request and at Cartier's suggestion had drafted a letter concerning it. When Parliament met again to receive the report of the Commission the debate became very stormy and the Prime Minister tried at first to ride out the storm. In the end, however, the "Pacific Scandal" resulted in the

² The legal career of Sir John A. Macdonald has been dealt with in this Review by Professor James A. Roy (1948), 26 Can. Bar Rev. 415.

downfall of the Macdonald Government. In the ensuing elections the Conservative party was defeated; it was 1878 before Sir John A. Macdonald returned to power.

While the Liberals were in power at Ottawa, John Abbott was not encouraged by the new Government's plans to implement the promise made to British Columbia. He then returned to his earlier hope in the future of the Canada Central, personally purchased a share in it, and that railway was pushed on towards North Bay. At the same time Abbott became a director of the Montreal Northern Colonization Railway Company. After the Conservatives returned to power in 1878 at Ottawa and the Canada Central was completed to North Bay in 1880, Abbott and McIntyre discussed the possibility of its extension to the Pacific. Abbott drafted a suggestion to this effect, which McIntyre signed, and it was conveyed to the Prime Minister, Sir John A. Macdonald. At the same time the concurrence was obtained of the Montreal financiers, George Stephen (Lord Mount Stephen), Donald Smith (Lord Strathcona) and R. B. Angus, and of J. J. Hill of St. Paul and J. Kennedy of New York; eventually Sir John Rose, the Canadian banker-lawyer of London, and Baron Reinach of Paris were added to the Syndicate. The suggestion meeting with the Government's approval, Abbott then drew up a provisional contract, which after discussion was eventually entered into with the Government during October 1880. The following February the Canadian Pacific Railway Company was formally incorporated and the contract proper with the Government was signed. Immediately afterwards Stephen, McIntyre, Angus and Abbott proceeded to England to make the necessary financial arrangements. From then until the road was completed John Abbott was "active in all the Company's transactions and management, including financial arrangement and issues, preparation of its legislation, and organization of its various combinations and acquisitions of existing railways".³ Thus in 1884 Abbott accompanied the future Lord Mount Stephen to England, to negotiate with the Imperial Government for a subsidy to be paid the Company if it provided steamers to ply between British Columbia and China and Japan. This was to open up a great trade with the Far East. And when the new railroad seemed doomed to fail, for lack of financial and government support, John Abbott in its darkest days was at Ottawa with its president, urging Sir John A. Macdonald to take immediate steps to save the

³ *Men of the Day: a Canadian Portrait Gallery*, edited by Louis H. Taché.

great project. While he was in Parliament, however, Abbott studiously refrained from voting or speaking on C.P.R. matters. Under the existing law he was not permitted as a member of parliament to own stock in the company, but when the road was completed this restriction was removed, he acquired stock and was elected a director.

John Abbott was the sole author of the charter of the Canadian Pacific Railway Company and it has been called "the most perfect organ of the kind ever written in Canada in that it leaves no possible loophole for error or misconception in securing the rights and defining the obligations of the Company concerned".⁴ A later successor of Abbott as General Counsel of the C.P.R., the late Sir Edward W. Beatty, who became the Company's president, frequently referred to the masterly way in which Abbott drafted the Company's earliest legal documents. In his address at a Memorial Service for Sir John Abbott held during 1936 Sir Edward said:

. . . . he prepared — almost wholly in his own handwriting — the contract between the Government of Canada and those who had undertaken to build a transcontinental railway. . . . The contract which Sir John Abbott wrote is a public document of great importance in the history of Canada the contract and the charter of the Company still stand among the finest pieces of accurate drafting — coupled with an amazing foresight as to the future of Canada — to be found since Confederation and one that has since borne the test of judicial scrutiny in a manner which was as satisfactory as it was exceptional.

Bearing these extraordinary services in mind, it is not surprising that, when the first transcontinental train crossed Canada in 1886, the souvenir time-table contained the photograph of its first general counsel, John Abbott, among those of the men who had made it possible — the Prime Minister who had fathered it, Lord Mount Stephen and Lord Strathcona who had seen it through its financial troubles, and Sir William Van Horne its builder. In his day there were few in North America who could equal John Abbott's knowledge of railway-law matters.

In his law practice Abbott gathered about him a remarkable group of partners. One was to become Chief Justice Sir Melbourne Tait, of the Superior Court for the District of Montreal. Another was the late Ivan T. Wotherspoon, Q.C., who, after some years with the Abbott firm, broke away to head a new partnership with Eugene Lafleur and R. W. Henneker.

⁴ Dr. Maude E. S. Abbott: *Social History of the Parish of Christ Church, St. Andrews, Que.*

A third of Abbott's junior partners was the late C. S. Campbell, K.C., also a very able corporation lawyer in his day and a son of one of the Fathers of Confederation, Sir Alexander Campbell, who for some years in their early period at the Bar had been the law partner of Sir John A. Macdonald. Another of Abbott's juniors was the late Frederick E. Meredith, K.C., D.C.L., LL.D., one-time Chancellor of Bishop's University, a son of Abbott's early patron, Chief Justice Sir William Meredith of Quebec, and a member of the distinguished Canadian family which also gave two chief justices to Ontario. Two of Sir John Abbott's sons, John Betham Abbott and Henry Abbott, Q.C., also became his law partners and, as a result, when the father finally retired from active practice and Tait went on the Bench, their firm bore the rather unusual name of Abbotts & Campbell. While John Abbott was actively engaged in practice at Montreal his law offices were usually on St. James Street — successively at numbers 10, 34, 46, 26 and 114, but for a time they were at 47 St. John Street and, finally, at 11 Hospital Street.

Abbott's second main sphere of activity, in politics, began very early in his career. During 1849, the same year he became the partner of the Honourable William Badgley, he was one of those who signed the famous Annexation Manifesto, an action on his part which was to plague his political career throughout his lifetime and his memory thereafter. This Manifesto resulted from the indignation of the loyal English leaders in Lower Canada at Lord Elgin's sanction, ahead of its time, of the Rebellion Losses Bill. The Manifesto set out the grievances of the Canadians, the poor economic conditions under which they were living (due it was alleged to a lack of protection to industry and the abolition of British preference), and proposed "a friendly and peaceful separation from British connection; a Union upon equal terms with the Great North American Confederation of Sovereign States". Abbott's was only one of hundreds of Montreal names affixed to the document; these included such later staunch Imperialists as Sir John Rose, Sir Alexander Galt, Sir Francis Johnson and Sir David Macpherson. Nevertheless Abbott's signature could not have pleased his senior partner, then leading the British Party urging retention of the Imperial connection. When taxed in the Senate many years later with his part in this earlier episode, Abbott replied that the Annexation Manifesto was "the outgrowth of an outburst of petulance in a small portion of the population of the Province of Quebec which is among the most loyal of the provinces of Canada", and reminded his listeners that when the country was in danger

he had personally raised a regiment and led it on active service. He might have added that when he signed the Manifesto he was but twenty-eight years of age and that in his later public life he had consistently opposed suggestions of trade reciprocity with the United States because he feared it might lead to annexation.

John Abbott was first elected to the Canadian Assembly for the County of Argenteuil in 1857 and continued to represent that County until Confederation. He began his political career as a Liberal, but soon leaned towards the Conservatives and eventually joined them over the Confederation issue. In the Sandfield Macdonald-Sicotte Administration of 1862-1863 he was Solicitor-General and in the first House of Commons after Confederation he sat as the Member for Argenteuil. That constituency he continued to represent off and on, with a number of contested elections, until he was called to the Senate in 1887. One of these contested elections, in which Abbott appears to have suffered defeat, followed the general election of 1878 and became the most celebrated election trial in Canadian history up to that time. Abbott's case was conducted by the later chief justices Sir Melbourne Tait and Sir Alexandre Lacoste and by Abbott himself, the election was annulled, and Abbott was then chosen by acclamation. When he became a senator he also entered the Federal Cabinet as a Minister without Portfolio and from then until 1891 he was the Government Leader in the Senate. It was when he became a Minister of the Crown that he finally retired from his law practice, which was not surprising since that year, after a vigorous fight, he was also elected Mayor of Montreal.

After a year's service as Mayor of the metropolitan city of Canada, Abbott was considered the best chief magistrate Montreal had ever had. At the end of his term of office he was faced with a situation unique in the history of Montreal when he was presented with a requisition, signed by every member of the City Council, that he stand for a second term. As a result in 1888 he was re-elected Mayor by acclamation. That year he was one of a civic delegation of three which went to England to raise a loan for the consolidation of the City's debt. At the same time a consolidation and amendment of the City's charter became largely his work. At the City Hall Abbott, because he was then the head of so many different organizations, was known as the Great Pooh Bah or Lord High Everything Else! At the end of his second term Abbott was presented

with a petition, signed by most of the City Council and some five hundred prominent citizens, urging him to accept a third term as Mayor, but this he declined.

While the Honourable J. J. C. Abbott was in the Canadian Assembly he prepared and introduced the Insolvent Act of 1864, which became the foundation of Canadian jurisprudence in bankruptcy matters. The Act he later published in book form with copious notes in which he set out how he had attempted in drafting it to fuse into a consistent whole the leading principles of English, French and Scottish laws on insolvency. Abbott also introduced the subsequent Insolvent Act of 1881. Earlier he had brought in the Jury Law Consolidation Act for Lower Canada and a bill to provide for the collection of judicial and registration fees by means of stamps.

In the House of Commons he was for some years the chairman of the Committee on Banking and Commerce and frequently sat on the Committee on Railways, Canals and Telegraph Lines.

During 1879 Abbott was in the midst of another famous political controversy. While the Liberals were in power at Ottawa they had the Honourable Luc Letellier de Saint Just, an active Liberal senator at Ottawa, appointed Lieutenant-Governor of Quebec. The Quebec Legislature was then predominantly Conservative; the new Lieutenant-Governor and the provincial administration soon quarrelled. Legislation was passed and proclaimed, over the Lieutenant-Governor's signature without his knowledge, and Letellier dismissed the Ministry. In Parliament at Ottawa Sir John A. Macdonald questioned from the opposition benches the validity of the Lieutenant-Governor's action, but in the Quebec provincial elections that followed Letellier's action was approved by the electorate, which returned the Liberals by a majority of one. As soon as the Conservatives returned to power in the federal field a vote of censure against the Quebec Lieutenant-Governor was passed at Ottawa and the Prime Minister advised the Governor-General to dismiss Letellier. Because of the constitutional point involved the Marquis of Lorne submitted the whole matter to the British Government for its instructions. The Canadian Government then sent John Abbott and the future Sir Hector L. Langevin to England to present the Government's case to the Colonial Office. The British authorities refused to intervene and Letellier was dismissed. During their three months in England Abbott and Langevin, on behalf of the Canadian Government, also took up a number of other matters with the Imperial authorities,

among them the measures relating to the admission and transport of cattle from the United States through Canada; the measures then agreed upon continued for years.

Another more pleasant duty which Abbott agreed in 1888 to undertake for the Canadian Government was to act as chief commissioner on a mission to Australia to consider the best means of developing trade between Canada and the various Australian colonies. In England during the summer of 1889 Abbott carried out preliminary work with the authorities there. The actual departure of the Canadian mission, however, had to be delayed, pending the formation of the Commonwealth, and the trade agreement was eventually continued by others.

When Sir John A. Macdonald died in 1891 the Governor-General sent for the Honourable John Thompson to form a government, but he declined and recommended that Abbott be invited in his place. Although Abbott was then seventy years of age and in poor health, he accepted as a matter of duty to the country. In June 1891 the Honourable J. J. C. Abbott was sworn in as President of the Privy Council. Upon becoming Prime Minister Abbott sold his C.P.R. stock at a financial loss and resigned his directorship in the Company with which he had been so prominently connected from the outset. In May of the following year he was made a Knight Commander of the Order of St. Michael and St. George. Abbott's tenure as Prime Minister of Canada was a short one and in November 1893 he was obliged, because of ill health, to retire. The following month he was succeeded by Sir John Thompson.⁵

Sir John Abbott was never happy in his political career; he actively disliked politics and his was almost always a case of the office seeking the man rather than the reverse. He accepted his appointments from a stern sense of duty. In 1936 a tablet was unveiled to his memory in the Church founded by his father at St. Andrews East, and on that occasion the late Lord Tweedsmuir quoted from Abbott's own words:

I hate politics, I hate notoriety, public meetings, public speeches, caucuses, everything to do with politics, except doing public work to the best of my ability.

In the sphere of a teacher of law John Abbott, as early as 1853, became a lecturer in commercial law in the McGill Law Faculty. The following year the lecturer was himself granted a B.C.L. degree. In 1855 he became Professor of Commercial

⁵ The Hon. John Doull of Halifax has written on the legal career of Sir John Thompson (1947), 25 *Can. Bar Rev.* 451.

and Criminal Law and in 1856 he succeeded his former senior partner, Judge Badgley, as Dean of the Law Faculty, a position he was to hold for a quarter of a century. One of his first steps as Dean was to revise the curriculum along more practical lines. Two of his students in law were the later Sir Wilfrid Laurier and Sir Adolphe Caron. The first minute book of the McGill Law Faculty records that an application by Dean Abbott for his Doctorate in Law, "being a degree in course was considered also with his thesis and it was resolved . . . that the degree of D.C.L. . . . be granted". For a time Sir John Abbott also doubled for his father as secretary of McGill (he is described as "acting secretary" in the list of McGill's officers published in the *Journals of the House of Assembly of 1849*); and he served on the University's Board of Governors from the time of his resignation as Dean of Law until his death.

John Abbott's capacity for work was immense. As active as he was in his practice, in politics and in his teaching at McGill, he nevertheless found the time and energy to attend numerous board meetings as a director of various companies — he was president of the Canada Investment Company and the Citizens Insurance Company, chairman of the Board of Trustees of the Guardian Fire and Life Insurance Company, and a director of the Merchants Bank, the Standard Life Insurance Company and the Globe Woollen Mills, as well as of the Bank of Montreal, the Canadian Pacific Railway Company and the North Shore Railway. Nor was this all, since he also took an active part in a number of other semi-public enterprises. In these further activities his name is particularly associated with military matters in Argenteuil County, with the Royal Victoria Hospital and the Fraser Institute at Montreal; and he was one of the Harbour Commissioners of the Port of Montreal from 1887 to 1889, one of the founders of the Mackay Institution for Protestant Deaf Mutes and the Blind, and an active free mason for some years (he was Deputy Grand Master of Quebec in 1861).

Abbott's interest in military matters went back to his boyhood and the local militia of Argenteuil. While he was in Montreal in 1847 he became an ensign in the 2nd Volunteer Regiment, but lost his commission because he had signed the Annexation Manifesto. He seems to have been reinstated soon, however, since the following year he was promoted to captain in the 4th Battalion of the Regiment of Montreal. Then in 1862, when Canada was threatened with invasion from the south

during the American Civil War, Abbott raised and commanded in his native county the 11th Regiment Argenteuil Rangers; he twice led them on active service "to the frontier to assist in repelling invasions of brigands from within our neighbor's territory".⁶ The Argenteuil Rangers was a rural unit of good strength, with companies stationed at eight of the principal towns of the County; John Abbott was its lieutenant-colonel commanding from 1862 until he retired in 1884.

In commemoration of Queen Victoria's Jubilee Lord Mount Stephen and Lord Strathcona gave a million dollars to found the Royal Victoria Hospital at Montreal. Abbott was their legal adviser, became one of the Hospital's incorporators, personally selected the architect and supervised the erection of its buildings, and was the first president of its Board of Governors from 1887 to 1893.

The Fraser Institute arose from the need at Montreal for a free public library. Mr. Hugh Fraser, a wealthy Montreal bachelor and a close friend of Abbott, died during 1870 and under his will sought to fill this need. He appointed the Honourable J. J. C. Abbott and the Honourable Mr. Justice F. W. Torrance as his executors and trustees and, after providing for legacies in favour of his relatives, instructed the trustees to use the bulk of his estate to establish the Fraser Institute as "a free public library, museum and gallery to be open to all honest and respectable persons whomsoever". His relatives, however, attacked the will and it became the subject of litigation over a period of years. The heirs at first claimed that the residuary bequest was contrary to the mortmain laws, but eventually the Privy Council decided against them. When the trustees then sought to carry out Fraser's intention an attempt was made, by introducing a bill in the Quebec Legislature, to upset the Judicial Committee's interpretation of the law, but this also failed. Further attempts were made to upset the will on the ground of the testator's incapacity. It was not until 1883 that Abbott and his co-trustees were free of this vexatious litigation. In the meantime, in 1882, Abbott purchased the old Montreal High School property on Dorchester Street for \$30,000 and arrangements were made to take over the Mercantile Library Association (in 1844 it had acquired the even older Montreal Library, which went back to 1796) and the Institut Canadien. The free library was finally opened in 1885. The Fraser Institute was incorporated in 1870; Abbott

⁶From his speech in the Senate in 1889.

was one of the incorporators and under Fraser's will was constituted its president for life. Until the end he continued his active interest in the Institute and personally subscribed generously to its funds.

In his more private life Sir John Abbott took particular delight in his salmon river, the Great Wacheeshoo River on the north bank of the Gulf of St. Lawrence sixty miles east of Mingan, where he fished regularly for twenty years, and in his country estate at Senneville. During his early married life his growing family spent their summers in a solidly built log house at Lake Louisa back of Lachute in the foothills of the Laurentian Mountains. But in 1865 he was the first of the well-to-do Montrealers to acquire a country estate at the present Senneville; in that year he bought property at the head of the Island of Montreal on the north shore of the Lake of Two Mountains. His acquisition of the ancient Seigniory of Boisbriant satisfied his sense of the continuity of history and endeared him the more to the French Canadians whose language he spoke so fluently and accurately. The property Abbott purchased, three hundred acres in extent, had in 1672 been created a fief noble in favour of the Sieur de Boisbriant, captain in the Carignan Regiment, by de Casson, Superior of the Seminary who were the ancient Seigniors of the Island of Montreal. In 1679 it was sold to the famous Charles Le Moyne de Longueuil and his brother-in-law, Jacques Le Ber. It was the latter who, as a protection against the Iroquois, built a fort on the property and called it Fort Senneville after his family seat at La Rochelle in France. When Abbott became its Seignior the ruins of the fort were still there, together with Le Ber's stone windmill. Abbott transformed the property into a beautiful estate with extensive gardens, a model farm, and built a fine country house which he called "Boisbriant" after the original Seignior's home. There John Abbott cultivated in his conservatories a great variety of rare orchids. On his land were fine orchards and in his fields grazed Guernsey cattle, which he was among the first to import for the improvement of the Canadian strain. Abbott was always interested in animals of all kinds and this led him to become one of the founders of The Canadian Society for the Prevention of Cruelty to Animals. At Boisbriant a great Canadian spent some of his happiest hours, free from the toil of his vast duties. Perhaps nothing could exemplify this more than the story of how often in his last years he and his sons at Boisbriant would retire after dinner to the smoking-

room, where the aging statesman would regale the gentlemen with hair-raising ghost stories of his own invention!

Sir John J. C. Abbott died after a lingering illness on October 30th, 1893. At his death the press referred particularly to his intensely active life, his kindness, tact, simplicity of manner, patience and unfailing courtesy, the geniality of his spirit and the wisdom of his words. In his professional career "one of his most prominent characteristics was a strong sense of justice. . . . Although remarkable for his dislike of litigation, no sooner was he satisfied that injustice was being done or oppression practised, than with intense concentration of energy, he would throw himself into the case, and press it to the end with indomitable capacity. And it was frequently remarked of him that the poorer and more defenceless his client, the more determined and persistent was the struggle made for him".⁷ It is said of him that he was excelled by few in his time as an argumentative and persuasive speaker and that his style of pleading in court was admirably clear.

No full-length biography of of Sir John Abbott has been published.⁸ As a result Canadians today do not realize what a great figure he was in the legal world and in Canadian public life. Perhaps the prophecy of Sir John Thompson was all too true. At the unveiling of a statue to Sir John A. Macdonald at Hamilton, Thompson had said:

The man who succeeded him [Macdonald] was worthy to be his successor. Sir John Abbott's great qualities of brain and heart, his great qualities of statesmanship, his great abilities and great desire to serve this country will never be thoroughly understood by the Canadian people, because his career as First Minister was so short.

⁷ Men of the Day: a Canadian Portrait Gallery, edited by Louis H. Taché.

⁸ The author's grateful acknowledgement is made to Miss Charlotte M. Abbott of Ottawa, who put at his disposal the extensive notes and family papers she has accumulated with reference to her great-uncle.