

ON THE FRONTIER.¹

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The first Town Clerk of Prairieville, like the incumbent of many another office in a new community, was a man whose chief qualification for the office was his nerve. His files consisted of scanty correspondence couched in humble phraseology and misspelled words. The spelling he blamed on the typewriter because of some alleged mechanical defects, and in due time that machine became known locally as the one which could not spell. The Clerk's boldness in seeking and accepting petty appointments all calling for some erudition obscured for a time what the Mayor later pronounced to be a profound ignorance. Almost as great an imposter, when it came to questions of municipal borrowing and municipal finance, was the first Town Solicitor.

A municipal debenture, like a royal charter or a papal bull, may be well known by name but not by sight. Even O'Brien's Conveyancer fails to disclose the inner nature of these instruments. And the whole process of authorizing, issuing and selling debentures may well be beyond the experience of anyone in a frontier town like Prairieville. The Town Council, however, decide on borrowing money so the citizens may substitute taps for water barrels and electric fixtures for kerosene lamps. There must be no dallying over necessities like these. The solicitor gets his instructions, among the most explicit of which is to "show speed." Among other difficulties, he must resort to the local printer. That gentleman requires minute instructions, particularly in the setting up of the weird instruments known as debentures. The burgesses call for enlightenment on the mysteries of the whole procedure and the practical purpose of it all. Finally, and not altogether unexpectedly, the learned solicitor for an eastern bond company wants to know why the town in its wisdom or folly has overlooked a recent amendment to some obscure statute and thereby invalidated the whole debenture issue it is trying to sell. After much tribulation on the part of the local solicitor, the only solution that presents itself is a remedial statute.

From an outpost like Prairieville it is no small task for a novice to get a private bill passed by a legislative assembly sitting three

¹ NOTE.—The first instalment of Mr. Hogg's article will be found *ante* p. 24.

hundred miles away. At the last minute, however, a Bill for the purpose gets into proper form and an indulgent legislature converts it into a statute. The debentures then become a saleable commodity and municipal improvements become the order of the day in Prairieville. Local government has borne fruit in the usual form of loans and debt.

Before the days of Church Union the constitution and polity of the various churches in Canada came almost entirely within the province of lawyers, who were known nationally for piety and erudition combined. Beyond a familiarity with names and phrases, the tyro in legal practice could becomingly disclaim all knowledge of such matters. Becomingly he could make this disclaimer to the world at large, but not to a carpenter client alleging breach of a building contract on the part of a local church. To the new lawyer of Prairieville this truth came home very forcibly one Saturday in midsummer as the day drew to a close.

It is the eve of that Sunday set apart for dedicating the new Church of England chapel. So far as funds extend, the building is complete, lacking only paint and decorations which are to follow in due time. The parson and the wardens refuse to pay for certain "extras." The builder holds the key to the chapel, and metaphorically he holds the key to the whole situation. This builder wants to know his rights and to enforce his remedies, with special reference and dire malice to the local parson. In this crisis, while contemplating a reserved opinion for his client, the solicitor has a secret visit from the parson himself. The parson questions the right of any mercenary carpenter to obstruct the course of public worship. The carpenter's claim is a trivial one, relating to an extra door and stairway. The parson's protests rest on the will to worship as evidenced by the community as a whole, evidenced also by himself in his determination to break the lock. This is surely a case for compromise, and so it results. A forcible entry during the night leaves the chapel doors open for the services announced. A day of rest and meditation, with some stray thoughts on the good will desirable even in worldly affairs, such as the building trade, leads the carpenter to take the case out of a lawyer's hands and settle it by the more competent hands of himself.

Another embroglio calling for the services of a lawyer soon occurs in the Methodist church. The Board of Trustees has arranged a building loan, got most of the money and got the new church half built before executing the mortgage. The lender, a retired preacher, has been more beneficent than technical so far

in his dealings. Now the mortgage is ready for completion, one trustee proves recalcitrant. Another trustee, being a tinsmith by trade and a "heating engineer" by advertisement, has abandoned his new location without renouncing his trusteeship in the church. As to the other trustees the one recalcitrant makes objection very forcibly that none of them is financially responsible.

The Town Solicitor finds himself called upon suddenly to break this deadlock. How far, if at all, the trustees are personally liable under the mortgage is one problem. A desperate search through his own and the preacher's libraries, following a clue from the title page of a Methodist hymn book, discloses the corporate status of The Methodist Church in Canada. The dissenting trustee then yields to persuasion, rightly or wrongly, on his non-personal liability. An old book of rules and procedure, presumed to be still in force, points the way for substituting a new trustee for the departed one. The machinery thus provided moves at full speed, and just in time to prevent idleness and clamouring among the builders of the new church edifice, a new mortgage goes forward and the needed funds come back.

An occasional client of the young "attorney"—as the American element respectfully called him—was an ex-pugilist from Massachusetts who, as it were, had beaten his swords into ploughshares. Now sixty years old, this man "Fred" was a grain grower on the outskirts of the farming area, prosperous and more or less contented. Whether or not the best in his day of the heavyweight class, he certainly had been one of the heaviest. His blows still resembled the kick of a mule, and his temper had grown more violent with age.

One day old "Fred" comes to see his attorney and displays two nasty cuts on the knuckles of his right hand.

"I want to lay complaint," he says. "A fellow bit me." By way of fuller instructions, he adds: "He was coming at me, rough. I just put up my guard. He grabbed my fist and put it in his mouth, then, —" A savage gesture of biting tells the rest of the story.

A counter complaint against "Fred" for assault and battery promptly confirms the attorney's idea that this is a case for defence rather than prosecution. The result is inglorious defeat. The Justice of the Peace, in spite of pleas and citations relating to self-defence, holds valiantly to his finding that no man could bite another's knuckles so violently as to dislodge four of his own teeth and send one of them down his own throat.

Out of the provincial elections first staged with Prairieville as an electioneering centre arose what in local annals was a *cause célèbre*. From a distant city had come one of those canvassers or "heelers" supposed to control magically the votes of Slavs, Finns, Poles, Galicians and others known obscurely before the War as foreigners. Though not impressive to anyone by his general intelligence, he evidently could talk, or at least jabber, in six or eight European languages. To the foreigners his most eloquent appeal proved to be in the form of bottles, bearing weird labels, such as "Vodka," and suggesting delightful memories. Unfortunately for him and his friends, canvassers of the opposing party, which happened to be the party in power, were extremely alert to his activities.

With alarming speed this politician comes before the local J.P., charged with grave offences under the Elections Act. No less a person than a leading counsel in special Crown cases appears to prosecute. The local barrister appears boldly to defend. The accused is under arrest and it is less than a week until polling day. Accused and his counsel are the last to enter the tiny real estate office which answers for a Court room. The personnel as well as the manner of all others suggest something approaching prejudice. The whole procedure bespeaks full preparation and careful rehearsal on the part of the presiding Justice. Defending counsel consoles himself inwardly with the maxim: *Fiat justitia, ruat coelum*.

Solemnly naming the accused, telling him fiercely to stand up, then mumbling the charge, His Majesty's Justice enunciates the ruling which proves the ending of the case and the beginning of his own fame: "I reprimand you for eight days."

Not the least sensational, and certainly the most far-reaching activities emanating from Prairieville were those of town lot exploiters. Theirs were the days of real sport. In large centres of eastern Canada they proclaimed the new town of Prairieville as "The Star of the West," and proceeded to parcel out its terrestrial component at high prices to rich man, poor man, beggarman and thief. For the local solicitor this "boom" brought few problems except those simple complaints that arise from hasty dealing and speculative mania. One incident was of special interest in its revelations and its problems.

To Prairieville one windy day comes an elderly spinster to inspect her lots. A round trip on special rates to the Coast with all the scenic charm of such travel has given the chance to combine pleasure with business. The small savings of her life's work as a milliner have all gone into Prairieville lots at the instance of some

"High pressure" salesman. It is a matter of vital concern that she see these magic lots which are to transform her petty savings into a handsome fortune.

After roaming the cow pasture alongside the town, where lie those lots she can claim as her own peculiar share of the earth's surface, she realizes that, according to paper or landscape, according to fact or faith, the town proper seems so near or yet so far. She goes alone to her room in the dreary hotel to weep,—and to think. By night lettergram she later sends to a sumptuous real estate office down east this message:—

"In temporary distress. Will take for my lots cost price plus fifty per cent. if money wired me immediately. Otherwise hold lots until you get three times cost price. Have inspected them to-day."

The money desired comes forward at once. Whether it is the proceeds of a successful sale based on the implied testimonial of the telegram or mere "hush money" does not clearly appear. For the local lawyer one or two questions arise as to fraud in various aspects between the real estate firm and its wily customer. The aspects of mutuality and completeness somehow deter both parties from any prolonged controversy and the incident becomes an interesting anecdote.

Many problems that came before the new lawyer of Prairieville were perplexing by their simplicity. These usually called for that peremptory decision expected by clients who ponder long and travel far before reaching the precincts of a law office. What law, for instance, prevented or regulated a man in using an alias, particularly if the man had been a convict in a foreign land? Could the mother of an illegitimate child revoke an agreement she had made with others for adoption of the child? What steps were necessary for opening a new road, for establishing a hospital, for diverting the waters of a river to irrigate land? To what governing body, if any, should settlers along a river bottom look for relief when the river went dry? What was the procedure to bring back a criminal from the United States?

Thus in range, if not in depth, the pioneer of the profession must exercise wits and learning as fully oftentimes as his brethren in the larger spheres of legal practice. Be his sojourn not too long, his fullest reward will be that experience of life which all men cherish who can say they have lived on the frontier.