

asking them, in anticipation of what I thought sure to go—a recommendation for you—to see the Duke and make sure that the appointment would go through, but I received a letter from England yesterday which went to show that if the suggestion had been made from here it would have been plain sailing on the other side.

I have not been able to do what I would have liked, but I have at least put the position as it now stands to you fully and frankly.

Believe me, my dear Judge,

Yours very truly,

C. FITZPATRICK.

The Honourable

MR. JUSTICE MACMAHON,
Toronto

Office of the Solicitor-General.

Ottawa, 3rd June, 1897.

My dear Judge,—

I fear that I have left you under a misapprehension as to the action of Sir Oliver re Jubilee appointments. When your name was suggested he rather favoured the idea and stated that personally no better selection could be made. His difficulty appeared to be in singling you out, because of your relations to your brother Judges, as I explained before. Then he was possibly also influenced by the appeals from Ecclesiastic authorities and he could not see his way to making two appointments from our ranks.

I send you back the Archbishop's letter, to which Sir Oliver ^{has} replied. I made no answer to it myself as I presume you showed the Archbishop my letter to you. Further, I feel strongly on this subject and am somewhat at a loss what to say. Frankly, the Archbishop saved our necks and he is entitled to anything he asks for. This refusal I cannot justify or explain, and consequently prefer to remain silent. I will see you Tuesday here I hope.

Yours faithfully,

C. FITZPATRICK.