

PROMINENT CANADIANS.—XVII.

THE HON. SIR WILLIAM BUELL RICHARDS.

THE Canadians, naturally proud of their country, are fond of holding up for the imitation of others those of their countrymen who have especially distinguished themselves in the fields of Law, Literature, Science, or the Fine Arts. In the first of these (Law) there is no name which more deserves to be held in esteem than that of William Buell Richards, sometime Chief Justice of the Courts of Queen's Bench and Common Pleas of the Province of Ontario, and finishing his public career as Chief Justice of the Supreme Court of the Dominion.

Chief Justice Richards was in every sense a typical Canadian. A true son of the soil, he had all the independence and self-dependence which are the distinguishing characteristics of the native Canadian. Mr. Richards was descended from an English family which immigrated from Staffordshire to Norwalk, Conn., during the early part of the eighteenth century and remained there till the breaking out of the American Revolution in 1775. Stephen Richards, the much respected father of the Chief Justice, came to Canada to reside about the year 1808 or 1809, when he chose Brockville on the St. Lawrence as his future home.

Like many others of the early settlers, he came to stay, and buckled on his armour for hard work, determined to gain success by proving himself worthy of it. He was at the time of his arrival a young man not too proud to make the work of his hands second the efforts of his well-balanced head. He had not been long in Brockville before he met and married Miss Phoebe Buell, daughter of William Buell, one of the early settlers of Brockville. William Buell was a distinguished United Empire Loyalist, who came to Canada immediately after the close of the Revolutionary War. William Buell the younger, so well known in his day, and remembered as one of the founders of that influential newspaper, the *Brockville Recorder*, was a son of the Loyalist settler. Chief Justice Richards, who was born at Brockville, in 1815, can boast of English ancestry on his father's side and of a mother who was the daughter of a United Empire Loyalist. Descended from so good a stock, it is not surprising, if there is any truth in heredity, that William Buell Richards should in time hold a prominent place in the councils of his country.

The Chief Justice was educated partly at the Johnstown District Grammar School in his native town, and partly at Potsdam Academy in the State of New York. He was a boy of good natural talents, of quick comprehension and great memory. As soon as he had finished his education he chose the law as his profession in life. At seventeen years of age, in Trinity Term, 2 and 3 Wm. IV., A.D. 1832, he was entered on the books of the Law Society as a student. Immediately on becoming a student he entered the office of Andrew Norton Buell, his maternal uncle, and afterwards Master in Chancery. Mr. Richards completed his studies in the office of George Malloch, who became in time Judge of the United Counties of Leeds and Grenville. Mr. Malloch had a high opinion of Mr. Richards' talents and worth, and shortly after he was called to the Bar in Michaelmas Term, 1 Vic., 1837, took him into partnership. The firm name was Malloch and Richards. This partnership was a successful one, but was broken up in consequence of the elevation of Mr. Malloch to a County Court Judgeship. Mr. Richards then formed a partnership with his old principal, Andrew Norton Buell.

In 1840 and 1841 he was alone in business and had his office in the basement of a stone house on the south side of the Main Street of Brockville, not far from the office of Mr. George Sherwood. Mr. Sherwood and he were often engaged on opposite sides in the local courts of the County and at the Assizes. They were both men of great integrity, and commanded the respect of the general public. Mr. Richards was looked upon as the most brilliant man of the two, but in point of general acceptance for uprightness and fairness they were about on a par. They differed in politics, which no doubt led to each of them having a distinct class of clients. In all political controversies Mr. Sherwood and Mr. Richards were on opposite sides. Mr. Richards, following the example and lead of his maternal uncle, espoused the Liberal cause, while Mr. Sherwood was the champion of the Conservative cause. Though they differed in politics, the personal relations of the two men were of the most friendly character. In 1844 Mr. Richards was nominated as a candidate in the Reform interest for representation of the County of Leeds in the Legislative Assembly, but retired in favour of his uncle William Buell, who was defeated in the ensuing election by the late Ogle R. Gowan. At the general election in 1848, being again solicited, Mr. Richards accepted the Reform nomination, was opposed by Ogle R. Gowan, who was defeated by Mr. Richards by a majority of sixty. This was a very hot contest and gave great *clat* to Mr. Richards wresting the county from the champion of the Tories in that part of the country. When Mr. Richards entered Parliament he took his seat on the Opposition benches. The Draper-Cayley Administration was still in power, but destined soon to fall, notwithstanding all the ability and address of Mr. Draper, afterwards Chief Justice Draper. The Ministry struggled hard to keep in power, but the fate of the war of politics went against them; they were beaten on the Address on the 4th March, 1848, immediately tendered their resignations in a body, and were succeeded by the Baldwin-Lafontaine Administration. This Administration was in its English-speaking section composed almost entirely of Irishmen. Mr. Davin, it may be with pardonable Irish prejudice, has, in his *Irishmen in Canada*, said of it, that "it was one of the ablest Cabinets which has ever directed our affairs." When the Cabinet was first formed Mr. William Hume Blake was out of the country, but on his return he was made Solicitor-General. Mr. Blake, afterwards Chancellor, was recognized as one of the ablest of the very able Irishmen then in Canadian public life.

Among them were members of this Cabinet whose personal merit and eminent services to the country will never be forgotten. Mr. Aylwin was Solicitor-General East; Mr. Sullivan, afterwards Justice Sullivan, became Secretary of the Province; Mr. Hincks, Inspector General of Public Accounts; James Harvey Price, Commissioner of Crown Lands. Mr. Richards, the new member for Leeds, had no difficulty in according his fullest confidence and support to a Ministry which had within it so much talent, especially as it was presided over by the Honourable Robert Baldwin, a Canadian Irishman of unblemished reputation, and in the estimation of Mr. Richards the *beau ideal* of a statesman.

Mr. Richards, himself a man of sterling integrity, recognized in the leader a man after his own heart: one whose honesty of character and honesty of purpose gained for him the respect of all right-thinking men. Mr. Richards was an active and zealous supporter of this Administration in and out of the House. Mr. Lafontaine esteemed him as the most logical thinker and debater then in the Assembly.

Mr. Richards' parliamentary career was during a very troublous and stormy period of Canada's history. It was during this period that the Rebellion Losses Bill was passed by the legislature; that the Parliament Houses were burnt at Montreal; that an Annexation Manifesto was issued in Montreal, signed by men of prominence, magistrates, Queen's counsel, militia officers and Members of Parliament. The Ministry advised Lord Elgin to remove from such offices as were held during pleasure all who admitted the genuineness of their signatures to the manifesto, and those who refused to disavow them. Mr. Baldwin, the leader of the Government, was a Liberal, but no Annexationist. The parties signing the manifesto were mostly Tories. Mr. Richards, like his leader, Mr. Baldwin, condemned both Annexationists and Independents. It is a matter of history that while Mr. Baldwin was a Liberal in name, he was most conservative in practice—too conservative to satisfy the extreme men of his own party. Mr. Richards, like Mr. Baldwin, was a Liberal, not an extremist; but the time was not far distant when the extremists would so harass the leader that he would be compelled to resign. Notwithstanding the defection of many of Mr. Baldwin's supporters, Mr. Richards remained firm in his allegiance to him and Mr. Lafontaine. A general election was held in 1850, when Mr. Richards was again elected for Leeds over Mr. Gowan by a largely increased majority. He continued in his support of Mr. Baldwin and his Ministry till the final overthrow of the Administration in 1851, brought about by defection in the Reform Party and the motion in Parliament of William Lyon Mackenzie to do away with the Court of Chancery. Mr. Baldwin, who was Attorney-General when Mr. Blake's Chancery Bill was passed, conceived that Mr. Mackenzie's motion, which was carried by a majority of the Upper Canada members, was a direct stab at him. He resolved to resign, and nothing could move him from his resolve, though assured by many members they would have voted differently, if they had known beforehand that the result of their action would be the cause of so great a calamity as the resignation of Mr. Baldwin. The extremist Radical element had got too great an ascendancy in the House to please Mr. Baldwin, and so he resigned and retired to the unostentatious private life that he had for years, perhaps, eagerly hoped to enjoy.

Mr. Richards had always the greatest admiration for Mr. Baldwin, whose loss to the Ministry was felt as a severe blow and great discouragement. The session did not close till the 30th August, 1851. Mr. Lafontaine resigned, whereupon Lord Elgin sent for Mr. Hincks, who succeeded in forming a new Government. Mr. Richards now gave his support to Mr. Hincks, and on the 28th October, 1851, was appointed Attorney-General, and Judge of the Common Pleas on 22nd June, 1853.

On his elevation to the Bench Judge Richards maintained the same reputation for honesty of purpose as he had held as a member of the Bar or Member of Parliament. He had an eminently judicial mind, and therefore was soon able to master the necessities of his position. Not being so well known in the western as in the eastern part of the Province, where he had practised his profession, there were not wanting some who took exception to his appointment. When, however, they had witnessed his honest endeavour to do right and the justice of his decisions the Bar generally and the public awarded him the meed of praise. To the Bar he was affable, and in charging juries his natural common sense and knowledge of the ways of the people stood him in good stead. His object was always to attain right regardless of technicalities. While a Puisne Judge of the Common Pleas he had the full confidence of his chief, Sir James Buchanan Macaulay, and, on the retirement of the latter, he became himself, on the 22nd July, 1863, the Chief Justice of the Common Pleas.

On the retirement of Sir John Beverley Robinson, in 1868, Mr. Richards was appointed Chief Justice of the Court of Queen's Bench—a position which he held to the universal satisfaction of the Bar and the people till his appointment to the Chief Justiceship of the Supreme Court of Canada, on 8th October, 1875. On two occasions, while Chief Justice of the Supreme Court, in the years 1876 and 1878, he was called upon to act as Administrator, during the temporary absence of the Governor-General.

While on the Bench, the Chief Justice knew no politics; he was always, however, a keen and shrewd observer of passing events. When the war between the Northern and Southern States of the United States broke out, Chief Justice Richards' knowledge of Constitutional History led him at once to the conclusion that any attempt to break up the Union was Treason to the State. Not only in the Southern but in the intermediate States there were many States Rights men, men thoroughly honest in their convictions, and real lovers of their country. They, however, maintained that the States were Sovereign States, and that it was not constitutionally right for the Federal Government to control the States, especially in the matter of slavery.

So strongly was this view entertained that many Kentuckians, to