

## OUR CANADIAN PORTRAIT GALLERY.

## No. 90.—THE LATE JUDGE AYLWIN.

On the 14th of last month the honourable Justice Aylwin departed this life in the 58th year of his age, having been born in the City of Quebec, on the 5th January, 1806. He was during his lifetime a man of marked distinction as a barrister, a politician, and a judge. On his father's side he was of Welsh extraction, and his mother was an Irish lady of the name of Connolly. He was educated in his native city at the school kept by the Rev. Dr. Wilkie, a Presbyterian clergyman, and among his school companions were many who, like himself, subsequently rose to high position in the State and on the Bench. He was also, for a short time, at Harvard College, Cambridge, when about the age of 14. He displayed remarkable ability in his studies, and was looked upon as a genius by his school-fellows. At the age of 16, he devoted himself to the study of the law, and especially of criminal law. He entered the office of Mr. Moquin, a distinguished lawyer, and afterwards that of the late Judge Thompson, of Gaspé. When only sixteen years old he acted as interpreter in the Criminal Court at Quebec. In 1828 he was called to the bar of Lower Canada, and speedily earned the reputation of a very clever advocate. He was especially noted among his brother practitioners for his skill in detecting a flaw in an opponent's case, and his sagacity in this respect gained him many a forensic victory when the cause appeared well nigh hopeless. For some time he was a law partner of the late Judge Short, of Sherbrooke.

During the troublous times of '37-'38, Mr. Aylwin espoused the popular side, and as a contributor to the press, wrote many a vigorous article in opposition to the Government of the day. On the consummation of the Union, in 1841, he entered Parliament. The first constituency which he represented was the County of Portneuf. In the following year he became a member of the Executive Council as Solicitor General for Lower Canada, an office which he filled from the 26th September, 1842, until December, 1843. He then resigned along with the other members of the Baldwin-Lafontaine Ministry, when Sir Charles Metcalfe refused to comply with their views as to the distribution of the Crown patronage. His parliamentary career lasted until the month of April, 1848, during which he was twice elected for Portneuf and three times for the City of Quebec. For a considerable portion of this time he was ranged on the side of the Opposition, and by his abilities as a debater rendered great service to the Liberal party. Kaye, in his life of Lord Metcalfe, says of him:—"Mr. Aylwin bore the reputation of the best debater in the Assembly—a man of infinite adroitness and lawyer-like sagacity, skilled in making the worse appear the better reason, and exposing the weakness of an adversary's case. He had rendered essential service to the French Canadians in the time of their utmost need, and had been brought into the Council through the influence of that party. But there was, in reality, little in common between them, and it was said that the connection gave no great satisfaction to the old clients of the Solicitor General." On the 4th March, 1848, he again entered the Government as Solicitor General for Lower Canada, but within two months was elevated to the Bench, having been appointed one of the Judges of the Court of Queen's Bench for his native Province. In the following year a re-organization of the Judiciary took place, and what is now called the Superior Court was invested with the jurisdiction of the old Court of Queen's Bench, and the new Court of Queen's Bench was invested with appellate jurisdiction. Judge Aylwin was translated to the newly constituted Court of Queen's Bench, and removed to Montreal in 1850. His colleagues on the Bench were Sir James Stuart, Mr. Justice Rolland, and Mr. Justice Panet. From that date up to 1867, Mr. Justice Aylwin continued to discharge the important duties of his position. The *Montreal Gazette* truly remarked, in its obituary notice of the late Judge:

"His career as a judge was singularly brilliant. Not only in his judgments in civil cases was he pre-eminent for eloquence of expression and conclusiveness of argument, but in the presidency of the Crown side of the Court he gained a wide celebrity. The writer well remembers how a dozen years ago, when the judge's fame was at its zenith, law students and young advocates eagerly pressed into the Court at Montreal, to listen to his masterly charges. It was his fortune to preside at many of the most important and protracted criminal trials which have taken place in this city, and hundreds who read these lines will recall the close and unwearied attention which he gave to the evidence, and the admirable clearness and precision with which he summed up in both languages, forgetting no fact of the slightest importance, and brushing away in a few pithy and conclusive sentences all the skilfully woven sophistries of the defence. Many of his charges were remarkable specimens of forensic eloquence, and were delivered in both the English and French languages with equal fluency and perspicuity. In some of the more important murder trials, that of Beauregard, for instance, the charge and the reading of the evidence lasted seven or eight hours, the judge displaying wonderful energy and endurance. In Court he was remarkable for maintaining decorum and order. You might hear a pin drop in the Court-room while the presidency was in his charge. When in the full enjoyment of his faculties, he invariably impressed his hearers with the belief that they were in the presence of a man of no ordinary powers. One of his distinguishing characteristics was the rapidity with which he made up his mind. It seemed impossible for him to be undecided for a moment, and having formed his opinion, apparently without the slightest hesitation, he adhered to it with

the greatest tenacity, and supported it by the most admirable logic."

Some ten years ago Judge Aylwin was attacked by a severe stroke of paralysis, from which he speedily rallied, but never fully recovered his former brilliancy of intellect. A few years afterwards he obtained a year's leave of absence, after which he resumed his duties on the bench, but speedily sent in his resignation to the Government. That resignation was not accepted for nearly a year, until a pension having become vacant it was assigned to Judge Aylwin, who then retired from the bench, and has up to the time of his death lived in strict seclusion. He was a man of a generous and genial nature, as remarkable for his easy manners off the bench as for his punctilious severity when upon it. We close our notice of this eminent Canadian with the following extract from the *Lower Canada Law Journal* of July, 1867:—

"It would be faint praise to speak of this learned judge as one of the ablest on the Canadian Bench, for it would be difficult, if not impossible, to name any one so highly gifted with the qualities which make a great judge. Clear and forcible in his statement of facts, powerful and convincing in his reasoning, and singularly pleasing and impressive in his delivery, he never failed to give the hearer the idea that he was listening to a great man. The vigour and ability with which he presided over the Crown side sittings of the Queen's Bench made his name a household word throughout Lower Canada, and gained for that court an unwonted prestige. Perhaps somewhat of the impression of ability he inspired was due to the capability with which he arrived at his conclusions. It seemed as though it were impossible for him to be in doubt. At all events, he seldom or never betrayed the slightest hesitation or uncertainty in the delivery of his decisions."

## No. 91.—THE LATE ALFRED BOOKER.

On the 27th Sept., Mr. Alfred Booker, auctioneer and commission merchant, died in this city, after some eight or ten weeks of acute suffering. To his friends he always appeared, before he was laid up, to be in excellent health, and even during his illness he preserved to the last his healthful expression of countenance. His death, at the early age of forty-seven, has been matter for deep regret, not only in Montreal but throughout Ontario, and especially in Hamilton, where Mr. Booker, from a long residence and honourable business career, was very widely known, and equally widely respected. He was born in Nottingham, England, in 1824, and came to Canada with his family in 1842. His father was a Baptist clergyman, who settled in Hamilton, and ministered to one of the congregations of that communion, whose place of worship was, we believe, on Park Street. He unfortunately met his death suddenly at the terrible Desjardins accident, where Alderman Stuart, Samuel Zimmerman, and so many other men of note perished by the falling of a bridge on the line of the Great Western Railway within the limits of the City of Hamilton, on the 12th March, 1857. Mr. Alfred Booker commenced the auctioneer and commission business in Hamilton, and soon attracted the confidence and patronage of the commercial men of Canada, forming a very close connection with several Montreal houses, which probably induced him some four years ago to remove to this city, where, in the pursuit of the same avocations, he carried on extensive transactions.

It is, however, as a devotee to the promotion of the Volunteer movement that he deserves special public recognition. We doubt if any other man did as much. We certainly think no man did more to evoke the military spirit of the young men of the old "Gore" district, than did Col. Booker. If we are not mistaken he organized the first battery of Volunteer Artillery in that part of the country, as early as 1853, and at his own expense procured two field-pieces with carriages and limbers, uniforms, side-arms, and accoutrements for gunners and drivers. Of course, for many years, this company remained as a mere body of holiday soldiers, but their devotion to drill, inspired and mainly directed by the late Mr. Booker, gave them a precision of action and soldierly bearing which were the pride of the Hamiltonians on every gala-day. Two years later he organized Field Battery B under the new Militia Act of that year, and was specially complimented therefor by the late Col. DeRottenburg in his report to Parliament. Other well-earned official compliments followed in succeeding years, and on the 8th of June, 1858, he was gazetted Lieut.-Col., commanding the whole of the active force of the city of Hamilton. He was in command of a field battery at Niagara Falls during the visit of the Prince of Wales, and was specially thanked by His Royal Highness, as also by the Duke of Newcastle and in a General Order by His Excellency the Governor-General. Succeeding years brought additional military distinctions, and in 1864, Colonel Booker, having paid a visit to his native land, was very cordially received by the British military authorities, and had the distinguished honour of being presented to the Queen through His Royal Highness the Prince of Wales. In the following year, there being some fears of a Fenian raid in the spring of '65, Colonel Booker commanded the 2nd battalion on the Niagara frontier from 7th of April to 24th of July, and was highly complimented by Gen. Napier for the zeal and soldier-like qualities he had displayed.

It was during the Fenian invasion of June, 1866, however, when Colonel Booker's fame was transformed by ignorance or malice into unpleasant notoriety. That he did his duty fully at Ridgeway on the 2nd of June has since, we believe, been fully admitted by those who at one time were his ac-

cusers, and certain it is that after that engagement the Fenians made a very hasty retreat. Had the regulars supported Colonel Booker as he was led to believe they would have done, it is probable every Fenian rascal would have been bagged; as it was we got far more of them than we turned to good account. Of the Ridgeway affair, in so far as Col. Booker was concerned, it is to be said that he acted gallantly and promptly, according to instructions; whereas Col. Peacocke, according to the statements published, failed to support him. Indeed the Canadian volunteers who took part in the Ridgeway affair deserve credit for everything save care of their own persons. They went forward at the very word of command, without waiting to see whether they had cavalry and artillery supports—without even considering whether they had provisions. The regulars, under Col. Peacocke, waited for all these commodious accessories, and comfortably avoided the enemy, whom the Canadians met and repelled. The remarks made upon the Ridgeway engagement led Col. Booker to demand a court of enquiry, the verdict of which was that his action and conduct were approved. Shortly after this official vindication, Col. Booker resigned his position among the volunteers, and was allowed to retire—retaining his rank. His services deserved, and should have received, much higher consideration; and we think, had he lived, the militia department, so well conversant with his merits and his devoted services in former days to extend and improve the force, would certainly have sent in his name for some of those honours now so freely granted to deserving colonists.

Since Col. Booker's removal to Montreal, about four years ago, he devoted his whole attention to business, and had formed a very valuable connection. His health, however, began to give way, and in spite of a seemingly robust constitution, and the best attendance available, he died at a period of life when he ought not to have been beyond his prime. He possessed many excellent qualities, which made his society valued in social life; and among commercial men his business standing was without reproach.

## OPENING OF THE EUROPEAN AND NORTH AMERICAN RAILWAY.

In the present issue we give several illustrations of this event, important not merely from the commercial character of the work, but also from its tendency to cement those ties of friendship between the United States and the Canadian Provinces, so conducive to the prosperity of both. The formal opening of the road took place on the 18th of October, and the celebration was participated in by President Grant and Lord Lisgar, thus sustaining the international character of the enterprise.

The road has a history extending back more than twenty years, though its formal completion has been so recently celebrated. In the Convention of 1850, at Portland, called by the late Hon. John A. Poor, and attended by many distinguished gentlemen from the Eastern States as well as the Provinces, the project was determined on as a means of shortening the distance of travel between America and Europe. We need scarcely add that by its completion it places St. John, N.B., (and will very soon, Halifax) in direct railway communication with Montreal by the Portland branch of the Grand Trunk. The road has therefore especial value to Canada as furnishing more direct and quicker means of travel between its Eastern and Western Provinces. In August of the same year a charter was obtained from the Legislature of the State of Maine for a company to build from Waterville, then a terminus of a branch of the Atlantic and St. Lawrence road, to the boundary line of New Brunswick, to connect with the portion to be built in the Provinces, which it was proposed to run to Halifax. Charters were immediately granted by the Governments of Nova Scotia and New Brunswick, which granted facilities to the incorporators, and in the latter part of 1850 and in 1851, Mr. A. C. Morton of New York, who died during the past summer, made a survey of the whole route for the State of Maine, and at its expense.

Then, in 1852, the companies in New Brunswick and Nova Scotia, together with the Governments of those Provinces, made a contract with Jackson, Peto, Betts & Co., of England, to build their portion of the road, and the first sod was turned in St. John in 1853, Robert Jardine being President of the New Brunswick Company. They continued work until 1855, but made little progress, and during the financial difficulties of that year, caused by the Crimean war, they suspended entirely.

Two years after the Government of New Brunswick took up the portion between St. John and Shediac, as a Government work, and completed it in 1860, Mr. Jardine then being commissioner, the original name being preserved for this portion. During the same period the Nova Scotia Government built the portion between Halifax and Truro, on the same basis, calling it the Nova Scotia Railway. These two portions are now owned by the Dominion of Canada, and the portion between Moncton and Truro is being constructed by our Government as a part of the Intercolonial Railway. Matters progressed but slowly with the enterprise for several years. New Brunswick built a portion of the road as a public work, and operations were continued with more or less zeal in the State of Maine. In 1867 and from that time much energy has been displayed in prosecuting the work, much of which is due to an enterprising New Brunswicker, Mr. Burpee, who had surveyed the road in 1864, and subsequently became contractor for ninety miles of the road from St. John to Vanceboro' on the border line. It is a curious commentary on this road that its construction destroyed the usefulness of the oldest railway in Maine, the Bangor, Oldtown, and Milford, which was built and running more than thirty-five years ago. The E. and N. A. Railway Company acted fairly by this institution by buying its property and turning over as much of its rolling stock, iron, &c., as could be conveniently utilised. The cost of construction has been about \$40,000 per mile, not a large rate; and the portion in Canada is public property.