

MacKenzie and the Radical or Reform element generally. His conduct in the MacKenzie expulsion from the House being complained of and Hagerman being called on by the Colonial Secretary for an explanation, declared with spirit that the Secretary stultified himself by paying such attention to the statements of a notorious libeller. Language such as that, plain speaking without mincing matters, the Home authorities were not accustomed to and could not stomach: and Hagerman was dismissed.²⁰

Hagerman who had so far been practising at Kingston, removed to York, and formed a partnership with William Henry Draper (afterwards Chief Justice).

Time brought about its revenges: Hagerman, who was so much of a Tory that he refused to call himself a Conservative, being a member of the House, recommended himself so much to Francis Bond Head that when in 1837 Robert Sympton Jameson resigned the Attorney-Generalship to become our first Vice-Chancellor, he was appointed by the Lieutenant-Governor to the vacant post. This place he filled until February, 1840, when he was appointed Puisne Justice of the Court of King's Bench,²¹ being succeeded as Attorney-General by his quondam partner Draper.

Hagerman was never at home on the Bench: he was by nature and choice an advocate—his direction to the jury on the trial in 1828 of Patrick Collins for libel on John Beverley Robinson was much assailed by Dr. Rolph and others, and while it was not expressly disapproved by the Imperial Law Officers of the Crown, it was at least indiscreet.²²

He was not satisfied with the calm of judicial life: and the union having completely changed the situation

²⁰ March, 1833. Henry John Boulton, the Attorney-General who was as little respectful, was also dismissed. At that time Upper Canada had not Responsible Government: the Home Government was still all powerful. I confess to some admiration of and sympathy with these Canadian Law Officers in the stand they took—in this one thing, perhaps the only one, they were in advance of their time.

²¹ The number of Judges was increased from three to five by the Act of (1837) 7 Wm. IV. c. 1. Hagerman was in England when appointed and did not return until Michaelmas Term, 5 Vic., i.e., the Fall of 1842. See 6 U. C. R. O.S., pp. 132, 149, 166.

²² See my Paper "The Mosquito in Upper Canada," Ontario Hist. Soc., Toronto, 1920.