

perhaps none has been given wider circulation than that recounting the manner in which he made his start in the practice of the law by his able yet futile defence of the filibuster leader, Von Shoultz, and the tellers of this story, and even biographers and historians have dilated upon the eloquence of the plea of the young Kingston lawyer—a plea, they said, that established the advocate's reputation and launched him upon a career the ultimate goal of which was the premiership of the Dominion.

In his detailed history of the Upper Canadian Rebellion, Dent tells the story in these two sentences: "He [Von Shoultz] was ably defended by the present Premier of the Dominion [written in 1884 when Sir John held that position] then a young man whose way in the world was yet to be made. The eloquence and forensic skill displayed by the clever young counsel did much to advance his own fortunes, but were of no avail to save the life of his client, who was hanged at Kingston on the 8th of December, 1838."

Collins in his *Life of Macdonald* falls into like error, for he writes: "Every one was struck with the masterly character of young Macdonald's defence, and though they knew that it lay not in the power of human tongue or brain to save the prisoner, they admired the skill with which he led up his arguments, the tact with which he appealed to the inexorable judges, and above all the soul-felt interest he seemed to have in his client".

That young Macdonald took a deep interest in the welfare of his client is established by facts that will be referred to later, but that he made the eloquent plea that the biographer himself grows eloquent over, is entirely false, as the records of the case make clear, and as more careful biographers have pointed out.

The painstaking Kingsford states that Von Shoultz "was defended by the late Sir John Macdonald, then a

young barrister starting in his profession, but it was simply impossible to offer any defense for him." Those were the facts, but Dr. Parkin in his *Life of Macdonald*, goes farther and gives the tale its quietus. "The romance of political biography," writes Dr. Parkin, "long credited Macdonald with a defence of the accused man [Von Shoultz] so brilliant as to establish his legal reputation, but this myth has been dispelled by the sober facts of authentic history, which show that the counsel for the defence neither made nor could make before the court-martial any speech at all in behalf of the prisoner, who pleaded guilty from the first, and, in the absence of all extenuating circumstances, was condemned and executed."

The circumstances for which Dr. Parkin says no extenuation could be found, make up what is known as the filibuster raid into the Johnston District below Prescott, Ontario, which came to an inglorious end at the stone windmill standing on the bank of the St. Lawrence River about a mile and a half below the town of Prescott. To-day the old windmill is used as a lighthouse. It also stands as a landmark in the history of two of the most troublous years Upper Canada has known for fully a century.

The mill was erected in 1822 by a West India merchant. It is a structure of considerable strength, as its walls are several feet thick. In the autumn of 1838 there stood near by several other stone buildings in front of which ran the highway leading from Kingston down to Montreal. The situation was exceedingly strong, as it commanded the approaches by both land and water; and against musket-fire the stone buildings afforded perfect protection. It was this position that, on November 12th, 1838, was taken possession of by the filibusters from Oswego, Sackett's Harbour, Ogdensburg, and other places on the American side of the International waterway. Then followed the battle.