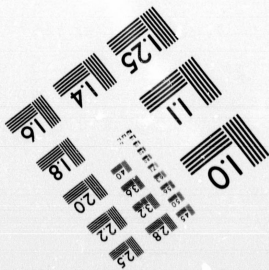
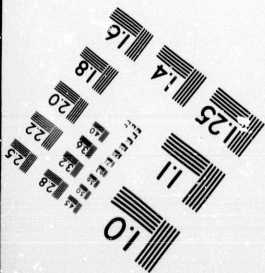
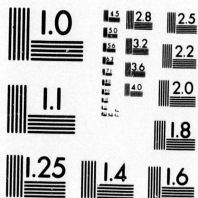


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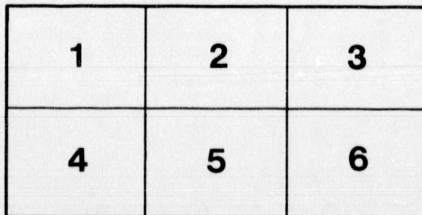
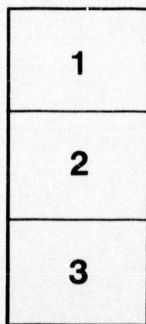
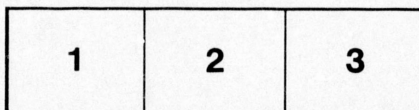
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A BRIEF MEMOIR

L. Allison

Nov 10/97

OF THE LATE

From J. A. Knodell

Honorable James William Johnston,

FIRST JUDGE IN EQUITY

OF

NOVA SCOTIA.

BY

W. ARTHUR CALNEK.

ST. JOHN, N. B. :

PRINTED AND PUBLISHED BY GEO. A. KNODELL.

1884.

Entered according to Act of Parliament of Canada in the year 1884.

By W. A. CALNER,

In the Office of the Minister of Agriculture, at Ottawa.

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PREFATORY.

THE LIFE of every man and woman which has been spent in the earnest effort to increase the happiness, enlarge the knowledge, and improve and elevate the condition of all those whose lives have come into contact with theirs deserves our admiration, and somewhat, at least, of our reverence. The publication of this Memoir, therefore, needs no apology from its author, for it is in a measure, the record of some of the main incidents in the life of such a man. The unflinching and never failing discharge of every recognised duty, social, moral, political or religious; the untiring industry and persistent energy; the fine sense of honor and unblemished integrity, and the earnest sincerity which characterised his conduct in all the activities of life, are examples worthy to be held up to-day for the imitation and acknowledgment of all men. It is not affirmed that his life and actions were faultless, but that they were as nearly so as his environment and human frailty rendered possible. As a politician his motto was "the greatest good to the greatest number"; as a christian his shield bore the device—"religious liberty"; as a judge he regarded the law as a fitting "instrument of justice", and in all other capacities his escutcheon bore the simple and expressive word "sincerity", which he used in its true etymological sense, and never failed to exhibit in his conduct towards all with whom he came into business or social relations. Such was the man whose biography is here briefly presented to the reader, who, it is hoped, may arise from its perusal a wiser and a stronger man from the lessons which so brave and good a life cannot fail to teach.

W. A. C.

Annapolis, N. S., May, 1884.

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MEMOIR
OF
THE LATE HONORABLE JAMES WILLIAM JOHNSTON,
FIRST JUDGE IN EQUITY OF NOVA SCOTIA.

THE subject of this Memoir was a descendant of very ancient and honorable families both on the paternal and maternal sides. His mother,—Elizabeth Lightenstone,—was the grand-daughter of the reverend Gustavus Philip Lightenstone, a Protestant clergyman at Peterhoff, in the island of Cronstadt, near the mouth of the river Neva, in Russia, and her father, John Lightenstone, was born in the island named about 1735. This family, which had long been domiciled in England, was originally from Germany where the name was spelled Lichtenstein. The reverend Gustavus Philip Lightenstone, or Lichtestein, was born, educated and married in England. His wife,—Beatrice Elizabeth Loyd,—who is said to have been born in Ireland or Scotland, was probably of Welch origin. His son, the maternal grandfather of Mr. Johnston, was also educated in England, and when a young man sought and obtained employment of some kind in the British service which required his presence in the old American colonies, to one of which,—Georgia,—he went out about the time of its first settlement. Some years after his arrival there he married Catherine Delegal, a native of Georgia, who was, however, of French Huguenot extraction, whose grandfather was commandant of the island of Jersey, one of the channel islands, at the time of his decease. Her father, Philip Delegal, was a lieutenant in the British army, and went to Georgia with general Oglethorpe, in the early settlement of that colony. The ancestors of these men had been driven to seek refuge in England by the sufferings inflicted upon them through the Revocation of the Edict of Nantes, in 1685.

The marriage of John Lightenstone with Catherine Delegal resulted in the birth of an only child, named Elizabeth, who, a few years subsequently became the wife of William Moreton Johnston,

and still further on the mother of the subject of this sketch. This marriage took place in Savannah, Georgia, on the 21st day of November 1779. Mrs. Johnston had the misfortune to lose the tender care and companionship of mother when she "was just turned of ten years of age,"—a loss which she was old enough to deplore very deeply. Few women with whose history I am acquainted have led a more eventful and checkered, or a more heroic and honorable life than the mother of the late Honorable Judge Johnston. From the day on which she became a wife until the close of the Revolutionary war she was doomed to long and painful separations from her husband, who commanded a troop of dragoons, and was in consequence obliged to endure severe hardships, and to encounter dangers more dreadful to contemplate, either of which might, at any moment, terminate the life of one whom she most dearly loved, and whose well being had become inseparable from her own. The war clouds rolled more and more rapidly and threateningly toward the South during the last years of the strife, and her husband, who viewed the situation from a stand-point of necessity unknown to her, determined on her removal from Georgia to St. Augustine, in Florida, then belonging to Spain. Here she and her child would be safe from the perils which surrounded her in her native and beloved Georgia. She obeyed his request with alacrity and what cheerfulness she could command, though she knew that in doing so she would be compelled to pass long and weary intervals without any news or assurances of his safety, and that of other friends who would be still exposed to the perils from which she alone would be exempt. At length peace spread her white wings of joy over the devastated colonies, but only to witness a relentless persecution—a widespread confiscation of the property of the vanquished loyalists. The end of the fratricidal war, which made "confusion worse confounded" during the preceding eight years, did not bring an end to the discomforts consequent upon her separation from her husband nor to her prospects of continuous domestic repose.

A voyage across the Atlantic a hundred years ago was a very different affair from what it is now, with our ocean steam palace

ships, their luxurious furnishings, rapid speed, and disregard of adverse winds; yet this lady, in the interests of her family, braved its dangers and endured its discomforts and hardships no less than eight times, including six voyages between Great Britain and Jamaica, besides making several other trips of almost equal length and danger.

The Johnstons are descended from a very ancient Scottish family, who trace their ancestors to the days of the Crusades, if not to those of the Conquest. The grandfather* of him whose name heads this paper was bred to the medical profession, and emigrated to Georgia about the time that witnessed the arrival of John Lighenstone in that province. His family consisted of several children of whom four at least were sons. Two of these were in Philadelphia, pursuing their studies for the profession of their father, when the old Revolutionary war commenced, and both of them left the peaceful teachings of good old doctor Hossack, exchanged the scalpel for the sword, and devoted all their energies to the cause of the Crown in that great and disastrous struggle. William, as has already been stated, obtained a captain's commission in the New York Rangers,—a corps which performed a great part of their services in the Carolinas and Georgia. Two or three years before the close of the war, three troops of Horse were raised and organized in Georgia, and captain Johnston was offered the command of one of them. He agreed to accept the offer on the condition that his rank and pay in the Rangers should be continued, and the fact that the condition was complied with affirms authoritatively the estimation in which his dashing and daring qualities as a soldier were held by his superior officers.

A little bit of romance connected with his courtship of Miss Lighenstone must not be omitted. The presence of over two thousand troops in Savannah rapidly changed its usually dull and quiet society into scenes of gaiety and festivity. Assemblies, balls, routs and parties were of common occurrence, and the military soon became great favorites with all classes in the community. Among the

* Lewis Johnston, M. D., Member of Council, Superintendent of Police in Georgia.

officers foremost in promoting this general and unusual gaiety was captain Johnston, who had been frequently heard to declare his aversion to marriage, though he was known to respect and honor the sex with the homage of true chivalry. John Lightenstone, who was duly informed of the captain's views in this respect, had noticed, with feelings of parental uneasiness, the somewhat marked attention which he had recently shown to his only and darling daughter, Elizabeth, then not quite sixteen years of age, and who was endowed by nature with a gay and impressible disposition, for he feared her affections might become interested in a man who could neither return nor reward them. He, therefore, determined to place her with her maiden or widowed aunt, at Ogechee, about ten miles from the city, and accordingly informed her that on the following morning she must be ready to leave for that place, but without assigning any reason for his conduct. At a ball on the evening of the same day, captain Johnston having ascertained that Miss Lightenstone was to leave Savannah in the morning, sought her out, and finding opportunity made proposals of marriage to her which ended then and there in a formal engagement. The young lady returned from the eventful ball and retired to her room to weep for the remainder of the night.* In the morning she took her departure from the city, leaving her father unacquainted with the event of the previous evening. Her lover, who soon became unhappy in her absence, resolved to have an interview; and in order to achieve his purpose, he took horse and rode to the house of a lady friend, which was situated about three miles from that in which the object of his newly awakened affections was domiciled. On his arrival he prevailed on his hostess to drive over and endeavor to obtain the consent of her aunt to permit Elizabeth to visit her for a few days in order to meet some friends who were then stopping at her house, among whom she was told she might name captain Johnston, of the Rangers; but her aunt declined the invitation, lest it should be thought her niece was desirous to meet the captain, and thus give rise to censorious remark. No persuasion on the part of her friend could reverse the

*See Mrs. Johnston's MS.

decision, and she was compelled to return alone. On Mr. Johnston's having been informed of the result, he announced his intention to return to Savannah the next morning. He was much chagrined at the want of success in his plans, but not more so than was his affianced at her aunt's scrupulousness. But what was the astonishment of the captain, on his arrival in the city, on finding that soon after he had left it, on the preceding day, an order had reached the commanding officer of his regiment to embark it at once for a port in South Carolina, and that the ship or ships, employed for that purpose, had already sailed. He rode immediately to the water side, where, finding two sailors in a boat, he offered them all the money he had about his person,—two guineas—together with his watch, if they would set him on board the ship before she reached her destination. One of the tars said to the other—"Jack, let's take the two guineas and try it,—but give him back his watch." They did "try it," and succeeded in placing him safely on board the vessel he sought in the mouth of the harbor. He immediately reported himself to the officer commanding the expedition and asked for an interview, which request having been granted, he explained the cause of his absence from his regiment at the time of its embarkation, and desired that he might be made secure from arrest, as the major then commanding his corps was not friendly towards him, and might feel inclined to seek that course, in order to deprive him of the honor of acting a part in the operations about to take place. On one condition,—namely, that of leading the "forlorn hope" on the day of attack,—his request was granted. It is said that he led the "hope" gallantly and successfully on the following day, and that, although many of their number fell or were wounded, yet he escaped unhurt. Nearly half a century after these events took place, his wife wrote:—"Though I keenly felt my aunt's refusal to "permit me to visit her friend while Mr. Johnston was there, how "thankful have I ever since been; if I had gone he would not have "returned so soon; his honor would have been tarnished; and *his* "and *my* life would have been rendered regretful and miserable "ever after." I quote from memory, but I know I have stated the

sentiment correctly, though by no means so eloquently as she has done.

The marriage resulted in a family of seven children who reached maturity, of whom four were sons and three daughters. The sons were named Andrew, Lewis, John, and James William, and the daughters bore the names of Catherine, Eliza, and Laleah. A slight sketch of such of these as are not noticed elsewhere in these Memoirs will not be out of place here.

(I.) Andrew, who was the eldest son, was born in Georgia, and educated in Scotland. He is described as having been a young man of over six feet in height, of fine proportions, and endowed with much grace of motion and great beauty of face. Contrary to his father's dearest hopes, who intended him to study medicine, he determined to adopt a mercantile career, and was, in consequence, sent to Jamaica, and placed in the counting house of a merchant in Kingston. His father felt bitter disappointment at the boy's choice; and it is uncertain whether he ever fully forgave him, until, some time later, he announced his desire to comply with his father's wishes, and complete his studies for the medical profession. Not long after this event, however, he was suddenly seized with an attack of yellow fever, which ultimately proved fatal. His death was deeply regretted by all who knew him. He died unmarried.

(II.) Lewis, the second son, was born in St. Augustine, in Florida, and was also educated in Scotland, having studied medicine at the university of Edinburgh, where he won his diploma in 1807. In 1808 he commenced the practice of his profession in the island of Jamaica. His father had died on the 9th December, 1807, leaving a large and lucrative practice, which was practically resumed by his son, and closely pursued by him during the succeeding ten or twelve years. Having amassed a considerable fortune, he determined to transfer his home to this province, where his mother had been domiciled since 1810-11, and where his brother James also resided. He married a sister of the reverend John Pryor, D. D., who bore him no less than sixteen children, of whom the eldest surviving son, Lewis Johnston, Esq., M. D., of Stellarton, is the present

head of the Johnston family. He died recently at Wolfville, to which he removed from Halifax several years ago. He lived to a good old age, and was distinguished for the possession of many of the high qualities which characterized the family.

(III.) Catherine, the eldest daughter, was born in Charleston, S. C., and was left in Scotland by her mother, in the care of her aunts, at the time of her first visit to Jamaica to join her husband after his settlement there. With these ladies she remained until about her sixteenth year, and the ten years indulgence she experienced during this plastic age were fraught with much evil to her in after life. The severe lessons of discipline which alone can mould the child into a state of self-control, and fit it to encounter and overcome the ills of adult age with success, seem to have been much neglected, or regarded as of too little value to be strictly enforced. Shortly after her removal to Jamaica she began to show symptoms of nervous disease, which so increased after her arrival in Nova Scotia, that it was found necessary to send her to Boston, where she could have the advantage of treatment by medical men who had made the disease which afflicted her a subject of special study. But all their efforts to relieve her proved unavailing, and she died on the 2nd June, 1819, just seventeen days before the decease of her sister Eliza at Annapolis.

(IV.) Eliza, the second daughter, born in Jamaica, made her first visit to Nova Scotia with her mother and sisters in the summer of 1806. What trifles sometimes seem to influence our destinies! Mrs. Johnston has told* us that her own health and that of her children requiring a change of climate for a time, it had been decided that she should go with them to New York; but while making enquiries for a ship bound to that port, a gentleman who had been informed of our intentions said to Mr. Johnston:—"I have understood that you are a loyalist,—why do you not send your family "to a loyal colony?—to Nova Scotia? There is a ship now in port "bound to Halifax, which will be ready to sail in a few days." This conversation determined Mr. Johnston to send them hither,—an

* See Mrs. Johnston's M. S. in the possession of Senator Almon.

event that led to their final settlement in this province. Halifax was a gay little city at that time. Its streets and salons were thronged with gentlemen wearing the uniform of the naval and military services of Britain, and its noble harbor was filled with ships of war and commerce. It was here, during the winter of 1806-7, that the late Judge Thomas Ritchie, of Annapolis, then a rising Barrister and one of the members of this county in the Assembly of the province, made the acquaintance of Eliza Johnston. This acquaintance soon budded into a friendship that ultimately developed into a still warmer sentiment—one which resulted in marriage on the thirtieth day of June, 1807. By this union she became the mother of (1) the honorable John W. Ritchie, the second Judge in Equity of Nova Scotia; (2) Thomas A. Ritchie, gentleman, of Halifax; (3) the honorable William Johnston Ritchie, at present the Chief Justice of the Dominion of Canada; (4) Laleah, who became the wife of the late Charles T. C. Macalla, barrister-at-law; (5) the reverend James Johnston Ritchie, for many years past rector of St. Luke's Church at Annapolis; (6) Elizabeth Lightenstone Ritchie, who married the honorable Senator Almon; and (7) George W. Ritchie, barrister, deceased. Mrs. Ritchie died a few days after having given birth to her son George above named, on the 19th day of June, 1819.

(V.) Laleah Peyton, born in Kingston, Jamaica, was the youngest daughter. She left Halifax after the marriage of her sister Eliza, and with her mother and sister Catherine, on the 4th of December 1807, returned to Jamaica, and did not revisit the province until 1810, when her mother came to reside there permanently. She became the wife of the late William Bruce Almon, M. D., of Halifax, on the 29th of January 1814. This marriage was productive of the following offspring: (1) Laleah, who became the wife of Thomas Andrew Ritchie, of Halifax; (2) the honorable William Johnston Almon, M. D., a member of the Senate of Canada; (3) Eliza, who married the reverend James Johnston Ritchie, rector of St. Luke's Church, Annapolis; (4) Amelia, who became the wife of the honorable John W. Ritchie, late Judge in Equity, of Halifax; (5) Marianna; (6) Andrew, barrister-at-law, who resides in Massachusetts.

U. S.; (7) James,—deceased; (8) reverend Foster, at present of New Brunswick; and (9) Lewis Johnston, barrister, of St. John, N. B. The grandfather of the mother of these children,—John Lightenstone,—died and was buried at Annapolis toward the close of the year which witnessed his youngest grand-daughter's marriage. The slab which marks his grave is still to be seen, and its inscription to be read, in the old Annapolis cemetery near the fort.

(VI.) John Johnston was born in Jamaica, January 31st, 1790, received the rudiments of his education in Scotland, and studied law in Kingston, Ja., where in 1823 he married Laura, daughter of the honorable William Stevenson then attorney-general of that Island. Soon after his marriage he came to this province, settled in the town of Annapolis, and resumed the practice of his profession. The assembly which had been elected on the demise of the crown in 1820 having expired by the efflux of time, writs were issued for the election of a new one towards the close of 1826, and Mr. Johnston was a successful candidate for the representation of the county and held the seat until it was vacated by the death of George IV., on which occasion he was a second time honored with the suffrages of a majority of the electors of Annapolis. To this gentleman's efforts the people of the Bay of Fundy section are largely indebted for the artificial breakwater-harbors which have long been acknowledged as most useful and beneficial to them, he having obtained the first grant of public money towards the construction of the first one built in the county—then named Gates' Pier, but long since better recognized as Port George. Although not distinguished by the brilliancy of ability of his junior brother, of whom we are to speak more fully in these pages, yet he was by no means his inferior in the scrupulous and constant discharge of every duty resting upon him. Not long after his first election and a few days before the rising of the "house," a most heart-rending accident occurred to his wife,—a lady who is said to have been distinguished by the possession of most of the virtues that mark the Christian lady, wife, and mother. On retiring to her sleeping apartment, where little ones had a little before been laid in their cots, in some mysterious manner, never fully explained,

her night-dress caught fire, and before it could be extinguished, she was so badly burned that she soon afterwards died. Mr. Johnston afterward married Mary, eldest daughter of the late James William Kelly, Collector of Customs at St. John, N. B., by whom he also had issue. His health having failed in 1835, he was advised to try a sea voyage in order to its restoration, but it proved of no avail, and he died in Falmouth, England, July 11th, 1836, at the early age of forty-seven years.

(VII.) James William Johnston, of whom more anon.

At the close of the war captain Johnston was advised by his father,—whose Georgian estates had been confiscated, and his financial circumstances much deranged and straitened in consequence,—to go to Edinburgh and complete his medical education, which he did. His old friend colonel, afterwards Sir Archibald Campbell, who was then about to sail for India, offered, if he would accompany him to that country, to use all the influence in his power to further his interests there. At the same time he had offers of similar influence if he would go to Jamaica, and after due consideration he resolved to seek a new home in the West instead of the East.

An incident occurred at the close of the voyage of himself and family from America to Scotland that deserves record. They did not sail in the same ship nor from the same port. Mr. Johnston secured a passage in H. M. ship of war *Diomede* to Falmouth or Portsmouth; and Mrs. Johnston and the children sailed in a ship bound to Greenock or Glasgow. On the evening of his arrival at Edinburgh Mr. Johnston received a letter from a friend informing him that the vessel in which his wife had taken passage was due, and might be expected to arrive at any time. He set off at an early hour next morning, in a post chaise, to be ready to meet her on her arrival and convey her to Edinburgh with him. Owing to some delays on the road he did not reach Glasgow until 11 o'clock, p. m., when he drove at once to the principal hotel for lodgings, which on his asking for, he was informed could not be obtained, as every room in the house was already occupied, and he was about to leave to seek accommodation elsewhere, when a maid-servant said to him,

by way of explanation, that several passengers had that day arrived in an American ship, and had taken the last vacant room they had. He inquired if she knew their names; she did not, but she knew they were ladies and little children. "Go," said he, "and ask if "Mrs. Captain Johnston is one of them;" "for," he added, "if she "is there she will find room for me,—I am her husband." Mrs. Johnston, her maid and children had indeed arrived and been stowed away in this room several hours previously, and unaccustomed as they had been to the bustle and confusion incident to life in a large city hotel, were suffering great alarm lest some person might unbidden enter their room. Every noise below, or in the corridors, startled them, and they were likely to pass a sleepless night, when their worst fears were realized by approaching steps and a knock at the door, which,—there being no fastenings to prevent,—was at the same time opened far enough to admit the head of the servant girl, who at once asked if Mrs. captain Johnston was there. "I am Mrs. Johnston,—what do you want?" said that lady. "Why, nothing, ma'm, only if you are Mrs. Johnston you can make room for the captain;" and throwing the door wide open ushered in Mr. Johnston, who had followed the girl, and "room" was found for "the captain," to the great relief and delight of all parties.

Captain, now Doctor Johnston, was not long in Jamaica before he found himself in the possession of a splendid professional practice. His love for his profession seems to have been great, and was, no doubt, one of the elements of the complete success he achieved in it. It was no uncommon thing in those days, in Jamaica, to pay a competent physician £700 or £800 sterling a year for the medical superintendence of an estate; and as the climate was eminently adapted to the preservation of health among the negroes, such a place became almost a sinecure, and did not interfere materially with a general practice. The doctor had such an appointment, and a large and lucrative business besides, and, in consequence, was soon rewarded by the possession of a considerable fortune. A few years only passed away before it became necessary to send his elder sons to Scotland for education, and it was deemed indispensable that one of

the parents should accompany them, and remain there during a lengthened period; and as it was impossible for the doctor to leave his employments, the lot necessarily fell upon his wife. She accordingly made preparation for a third voyage across the Atlantic, accompanied by her children. On her arrival in Edinburgh, through the influence and advice of friends, she soon succeeded in placing her sons Andrew and Lewis, both of whom were designed for the profession of their father, under competent teachers. She continued to reside in or near Edinburgh, devoting herself to the education of her daughters, until the autumn of 1801, when, having been informed of her husband's failing health, she sailed for Jamaica, taking her daughters out with her, to join her husband once more. She completed her fourth voyage across the Atlantic on the 1st January, 1802. Towards the close of the same year doctor Johnston embarked for Scotland for change of scene and climate, and at the same time to supply a parent's supervision over the welfare of his sons, still in that country. After an absence of nearly two years he returned to Jamaica and resumed his employments, having recruited his health in some degree during his absence. He never afterwards left the island, having died there on the 9th December, 1807.

The following extracts have been made from the fragment of a manuscript by Mrs. Johnston's mother, because it refers to some particulars of historic value not specially referred to in her longer MSS. This fragment was also kindly furnished me by the honorable senator Almon, her grandson, with permission to use.

"My father, Mr. John Lightenstone, then got a situation in the "Quarter-master General's department, and Mr. William Moreton "Johnston was made an ensign in the New York Volunteers,* under "the command of an old Scotch veteran, who was like a father to him "and who loved him as a son. Mr. Johnston was near him when "he fell dead in gallantly storming fort Montgomery. His widow "and daughters came to Nova Scotia after the peace. The former, "Mrs. Grant,—and her only son perished in the snow on Partridge "Island, near St. John, N. B., along with colonel Chandler and many

* Elsewhere it is stated as the New York *Rangers*, which I take to be correct.

"others. The daughters,—three in number,—married—one a Chandler, one a Morse, and one Mr. (W. H. O.) Haliburton, of Windsor, and became the mother of the present (now late) Judge Thomas Chandler Haliburton—Sam Slick."

In 1778, a detachment of three thousand troops under command of colonel Campbell of the 71st regiment, was sent to reduce Georgia, and my father was selected to go with the expedition as one whose character could be relied on, having a thorough knowledge of that country and where would be the best landing place. They took the town and part of the province. The New York Volunteers were with them, and Mr. Johnston got his company soon after. The regiment was then commanded by colonel Turnbull. Two years after it was on service in South Carolina. Sir James Wright, governor of Georgia, had raised for the defence of that province three troops of horse, and doctor (Lewis) Johnston applied on behalf of his son William for the command of one. This was granted with permission to retain his rank and pay in the regiment. My father was captain of the second troop, and colonel Campbell Willey had the third. They had fifteen shillings a day, and allowances. After the peace captain Lightenstone went to England to prosecute his claims for loss of property and situation under government. *The first applicants were poorly paid.* He retired on his pension, and ultimately settled at Annapolis, where he died, November 4th, 1813, aged 79 years.

The foregoing particulars genealogical, personal and anecdotal have been culled from a very interesting and valuable manuscript written by the late Mrs. Elizabeth Johnston in 1837-8, for the existence of which we are indebted to the wise suggestion and earnest request of her daughter—Laleah,—the mother of Senator Almon, to whose kindness I am under obligation for a knowledge of its contents, as well as for permission to use such of them as were necessary to my purpose. The first part of this document contains an account of the siege of Savannah, in 1779, by the combined French and American forces, which deserves to be given to the public. I have never met with any account of this transaction equal to

that given by Mrs. Johnston, who was an eye witness of what she describes. One incident connected with this siege, and which has been recorded by her, is so worthy that I cannot refrain from giving it a place here. D'Estaing commanded the besieging armament, numbering 10,000 men, and a Hessian officer commanded that part of the garrison which was composed of his countrymen, and which consisted of about two thousand five hundred men, including the New York Rangers, the three troops of Georgian horse, and a few others. On the arrival of the attacking forces, on the 4th September, 1779, the French commander sent the Count de Noailles into the town, under a flag of truce, to demand its unconditional surrender. The reply of the valiant old Hessian deserves to be written in letters of gold. It was in these words:—"The king, my master, do pay "these men to fight, and by Gott they shall fight." And, as an historical fact, they did fight, and that most gallantly too; defended the place successfully against four or five times their numbers, hurling back the invader and finally driving the hostile fleet and army from the town, which after repeated assaults they could not take.

James William Johnston was born in the island of Jamaica, on the 29th August, 1792, and at an early age was sent to Scotland for education. For that purpose he was placed under the care of doctor Duncan, the founder of Savings Banks Institutions, and whose name will long be honored on that account. It is believed that he went to Scotland with his father on the occasion of his visit in 1802, being at that time in the eleventh year of his age. He seems to have remained under the tuition of Duncan until about the period of his father's death, when he was called to return, not to his home in Jamaica,* but to Nova Scotia, where he arrived in the spring of 1808, having nearly completed his sixteenth year. His sister Eliza, as the reader already knows, had married Thomas Ritchie, M. P. P. for Annapolis, during the preceding year, and to him young Johnston his brother-in-law was articled as a student-at-law soon after

*I am not quite certain of this. It seems probable that he would first have visited his mother in Jamaica, and I am inclined to believe that he did so, and that he was sent to his brother-in-law, Ritchie, from thence.

his arrival. In the same year which witnessed his departure from Jamaica, his brother Lewis, having obtained his diploma in Edinburgh, returned to the island and began the practice of his profession, and at this time also his brother John was studying law in the office of a Mr. Munro, in Kingston. As James did not attain to his majority until 1813, he was not admitted to the Bar until that year. He commenced the practice of his profession at Kentville, in King's County, but some time after he removed to Annapolis, where he continued to practice for some years. He afterward selected the capital as presenting a better field for ultimate success in his profession; perhaps he had begun to feel the consciousness of the latent powers he possessed, and which lacked opportunity and *opposition* only, to develop them into brilliant activity. Here he soon began to make his presence felt in the courts. His unflinching integrity, untiring industry, fertility of resource in the management of causes, his thorough knowledge of the law, and the occasional bursts of eloquence manifested in his addresses to juries on important occasions, soon elevated him to a first place at the Bar, and gained for him the ear and the respect of the Judges; and the lapse of each succeeding year witnessed an augmentation in the volume of his practice, and an increase to his growing fame. His name soon became associated, as Counsel, with every cause of importance tried in the capital, or on the circuits which he usually travelled. Such a person could scarcely fail to attract the notice of those having in charge the administration of the public affairs; therefore, on the 29th July, 1834, he was selected to fill the post of Solicitor-general, an appointment which was then made by the Crown. He was at the same time created a member of the Legislative Council, which then also exercised Executive powers. From his seat at this Board he witnessed and watched the movement,—then just beginning,—to effect a radical change in the system of colonial government.

That he was strongly opposed to the introduction of violent and ill-considered changes, his writings and speeches abundantly testify; but that he was inimical to such changes as would operate beneficially upon the country, by enlarging the liberty of the subject

without endangering the rights of the Crown, cannot be truly asserted. His motto in these matters was *festina lente*—hasten slowly. Let the New succeed the Old by a series of gradual displacements; do not tear down till you have decided *how* and *what* to rebuild; retain what has been proved of use; reform abuses when they are known to exist; “prove all things and hold fast that which is good.”

He was one of the delegates appointed by this province, in 1838, to meet Lord Durham, the newly appointed Governor-general, at Quebec, to confer with him touching the measures required to restore harmony to the disturbed political relations of the British American Colonies. At the close of the conference the Nova Scotia delegates, on the 22nd of September, presented an Address to that gentleman, which it is believed was the work of Mr. Johnston, from which the following extracts are made:—

“The duties of the mission with which we have been entrusted by the Lieutenant-governor of Nova Scotia, and the frankness of communication permitted by your Lordship, have brought us into acquaintance with your Lordship’s feelings and views in relation to British North America, and irresistibly impressed our minds with the conviction that your Lordship cherishes an ardent desire to elevate the Colonies committed to your government, and enters into conceptions calculated to render that desire effective.”

“In a review of the short period of the government under your Lordship’s personal direction, we behold your Lordship with that feeling so congenial to Englishmen, which turns with repugnance from the shedding of blood on the scaffold, blending justice with mercy; while returning tranquility had already rewarded an administration conducted without the sacrifice of one human life; and we were aware that improved laws and institutions were in preparation, which, under a government firm, mild, and impartial, gave to the future the reasonable prospect of restored confidence and renovated prosperity.”

Mrs. Johnston,—from whose manuscript we have before quoted,—states that her son was much pleased with Lord Durham and his visit to Quebec on this occasion, and that he augured favorable results from the action of that gentleman in Canadian affairs.

On the 28th April, 1841, he was made Attorney and Advocate General, and on the 26th May following he was gazetted Procurator in the Court of Vice Admiralty for the province. It should be stated here that on the severance of the Executive from the Legislative Council, in January, 1838, he was re-appointed a member of both these Councils. In order to make plain the circumstances under which it became, or seemed to become, desirable for Mr. Johnston to seek a seat in the popular branch of the Legislature, it is necessary to refer to the political condition of the province at this period. The generation of to-day have but a faint perception of the fermentation which preceded and attended the remodelling and reconstruction of our Colonial constitutions. In Quebec and Ontario, or Upper and Lower Canada as they were then called, the excitement culminated in open rebellion against the Crown, and the cause of the Reformers was stained with blood. In this province, through the commendable patience and moderation of the leaders of both the great parties, better results were finally gained without resort to such deplorable means. Perhaps they were insensibly controlled by a large and thoughtful body of men, not organized as a Party however, whose loyal disposition and dislike of change from mere love of novelty, rendered it both *unwise* and *unsafe* for the extremists to press their notions too urgently or too far. This moderate, unorganized party were not averse to reasonable changes in the mode of administration of public affair,—to such changes as would increase the liberties of the subject without diminishing the rights and powers vested in the Sovereign. It may be said, as a general truth, to have been led by the clergy, who, to their honor be it said, in public and in private, without regard to denominational distinctions, used all their influence on the side of mutual moderation and forbearance.

So heated had become the partizanship of the extremists of both the parties, that reason and persuasion lost their powers, argument led to no beneficial result, and conversation on political subjects but too frequently led to personal incrimination and insult. Families hitherto socially united became estranged from each other, and even the members of the same family, having taken different sides on the

topics agitating the public mind, severed all friendly intercourse, and in some cases unhappily became the inveterate enemies of each other.

No man knew better than Mr. Johnston that in this condition of the body politic there was great danger that Reform might degenerate into disorganization, and that ill-considered measures might be adopted, not only subversive of the existing form of government, but destructive to the best interests of the people themselves, who, notwithstanding all that may be said to the contrary, always received his warmest sympathies, and whose welfare he most sincerely desired. In evidence of this we quote a passage or two from his celebrated Mason Hall speech, delivered in March, 1840.

"I do not attend here to sustain any party or any peculiar line of politics, but to vindicate the bodies to which I belong from imputations which have been cast upon them. I am not here to court applause on the one side or the other. Ever since I came into public life—not on my own solicitations but because I was called to it and thought it my duty to respond to the call—I have endeavored to occupy a position, which left me not without a hope of being useful. . . . The province is not my birth-place, but it is the birth-place of my children, and my honor and interests are all bound up in Nova Scotia.

"Mr. Howe uttered a sentiment which was cheered by you, and heartily do I respond to it. He said that he wanted to see the institutions of the country such that the poorest boy might see the highest situations within his reach by means of intelligence and integrity, and with my whole heart I say amen. . . . Although I hold office I am a dissenter, and I am one who holds no high tory principles, and never did. When I was offered a seat in the Council, from choice I refrained from it, and continued to do so while it was a matter of choice, and only consented to accept when it appeared to be my duty, and I felt that as a Crown officer and Dissenter that my influence might be directed for the public good."

In relation to Responsible government he said:—"I do not oppose it on the main principle, if I oppose it at all. It means, as I

"understand the subject, the assimilation of the government of the province to the government of the mother country, and the power of the House of Assembly to that of the House of Commons. I am not speaking as a partizan; I am addressing you sincerely, on your dearest interests, in which a false step may lead to great evils. If the new system were the blessing spoken of,—if it included a sound constitution and wholesome institutions well administered, it would be desirable; but be cautious how you make changes."

These extracts ought to convince the most skeptical that Mr. Johnston was any thing but the stereotyped tory that it was the fashion, in certain circles, at that time, to regard him.

The period now approached when, at the earnest solicitation of many and influential friends, he reluctantly assented to seek a seat in the Assembly; and he at once resolved to appeal to the county where a large portion of his youthful days had been spent in acquiring a knowledge of the profession, to which he had already become an honor and an ornament; besides, in Annapolis he was a freeholder, and therefore possessed of the qualification required of a candidate under the system then prevailing.

The writer well remembers the clamor that ensued when the announcement was made that he intended to contest the seat for the county against the late member, Mr. S. B. Chipman. The Reformers immediately raised the cry of "lawyer" and "non-resident," and to influence the vote of Churchmen, they were reminded that he was an apostate from that Church; and the Baptists were told that, though he had attached himself to their communion, he was an interested convert, and insincere in his professions. Political parties were not then so distinctly defined as they became a little later on, and the canvas began under any but favorable circumstances. His own denomination,—the Baptists,—were divided, and a majority of them opposed him with much bitterness and determination; but it must in fairness be added that those of them who gave him their support manifested an equal warmth and earnestness in their endeavors to secure his return. The election took place under the old system, and the polling continued for several days. At the close of

each succeeding day, while the scene of voting was in the western sections of the county, Mr. Johnston continued to lead the poll, with constantly augmented majorities. This was a favorable symptom of the final result; but it was well known that he must bring to the east such a majority as could not be reached by his opponent, whose strength was known to be in that direction. In consequence of this his election was virtually assured before the voting was transferred to Lawrencetown, where Mr. Chipman resided, who, finding success on his side hopeless, resigned the contest, leaving his antagonist to be returned by a majority of several hundreds—or, to be more precise, by a majority of three hundred and seventy-seven votes. This, his first election, took place in 1843. He was then fifty-one years of age, and had been thirty years in the active practice of his profession.

Among the measures introduced by Mr. Johnston and passed by this Assembly none, in public utility, equalled that usually known as the "Simultaneous Polling Act," under the provisions of which the counties were divided into convenient districts or wards, in which the polling was to take place on the same day. By this means large gatherings of the electors were rendered impossible, and in consequence much of the noise, drunkenness, fighting and other indecorums, which, too often, marked these events in previous years, were avoided or materially lessened, and much valuable time conserved to the electors themselves. This bill became law on the 17th day of March, 1847, and with a few modifications is the same under which our elections are still held.

The law was reduced to practice with eminent success in the same year in which it was passed. The Assembly having been dissolved by lapse of time, writs were issued for calling a new one, and Mr. Johnston announced himself a candidate a second time. He was opposed by Mr. Samuel B. Chipman, who, not daunted by his former defeat, became the standard bearer of the Liberal party, and went to the polls with what he declared a fair prospect of success. The canvas had been,—as was usually the case in the county, a very thorough and animated one, but the termination of the contest

proved that the popularity of his adversary had not been diminished, as he gained the seat by a majority of two hundred and sixty-seven votes, and his colleagues were returned for the townships of Annapolis and Granville.

The elections throughout the province generally, however, had been adverse to the Conservatives, who resigned and gave place to a Liberal administration. Mr. Johnston being chosen as the leader of the Opposition, he continued to act in that capacity for the ten following years, during which his brilliant qualities were as conspicuously exhibited as they could have been as the leader of a government. The last session of this Assembly witnessed a series of stormy debates on a variety of subjects,—Railways, Elective Councils, Tariff, etc.,—in all of which he took a leading part. He opposed the passage of a bill for the creating a Franchise based on Assessment, and declaimed earnestly and eloquently against it, declaring that its provisions were fraught with evils that would prove of great injury to the province, through the manipulation of the assessment rolls, by dishonest assessors, for party political purposes. On the Tariff question he spoke in these words*: “That as this “was the last session of the House, he had concluded on second “thought not to introduce a Resolution which he had just prepared, “but which he would read as propounding his views on the subject “before the House. He had been very much struck with an ex- “pression in the Speech of the President of the United States that “it was the true policy of that large commercial nation to lay their “duties so as to answer the double purpose of revenue and protec- “tion of home industry. *This he believed was our true policy.* Could “we indeed enjoy free trade in its proper sense, he had no doubt it “would be best for Nova Scotia; but so long as the United States “of America laid our exports under burdensome and almost pro- “hibitory duties, it was absurd to talk of free trade. Between the “altered policy of England and the determination of the United

*The reader will perhaps be surprised to find that Mr. Johnston so clearly stated and endorsed the “National Policy” of to-day, nearly thirty years ago, yet the Speech and Resolution above quoted are clear proofs of the fact.

“States to adhere to her distinctive system, the Colonies were crushed and crippled, and it was now time for Nova Scotia to protect, as far as she has the power, the products of her soil and the industry of her inhabitants. The Resolution is as follows:— Resolved,—‘That the policy required is that the duties levied for the purpose of revenue should be regulated by such a tariff as will afford for us a high practical encouragement to the productions and industries of the country.’”

To the policy of constructing the Nova Scotia railways by the government, as public works, he offered a most able and strenuous opposition, declaring himself favorable to the method of granting subventions to such companies as might be willing to undertake to build them,—a policy which, though not adopted at that time, has since been recognized as more conducive to the public interests and general welfare. During this session it was that he moved resolutions affirming the propriety of making the Legislative Council an elective body, which he enforced in a logical and forcible speech, which had a considerable effect upon the public opinion of the country in favor of such a measure.

The general election of 1851 found Mr. Johnston soliciting the suffrages of the people of Annapolis, and for a third time he was opposed by the Liberals in the person of their old champion, Mr. S. B. Chipman, who, with a hopefulness we cannot but admire, and with a courage undaunted by defeat, prepared once more to conquer the success so long denied to him. But the fates were still unpropitious, and his opponent was returned by a majority of two hundred and seventy-five votes. The elections, however, still left Mr. Johnston without a plurality of votes in the new Assembly, and he was forced to continue his services to the country as the leader of an increased and vigorous Opposition.

The railway question was the “burning” one of the day. The government had declared in favor of the policy of building it as a public work,—a policy which Mr. Johnston, as we have before stated, opposed with all his powers. In his first speech upon the subject, on the 3rd day of February, 1852, in replying to some state-

ments made by a member for King's county, he addressed the House as follows:—"The honorable gentleman complains of my inflexibility of character; that may be one of my characteristics, and, if so, I am afraid it is rather too late to commence the work of amendment in this particular. However, I am not disposed to regret its possession, and certainly there is no subject to which I can look back with more contentment, and upon which I feel less inclined to alter my course of action, than the subject of the railway. I have heretofore expressed, in no measured terms, my belief that the execution of this work by government would prove injurious to the welfare of the province." This struggle, so far as it related to the adoption of a policy, ended for a time in forcing the government to accept the Facility Bills of the opposition. Mr. Annand, in his "Public Speeches and Letters," vol. ii. page 152, says:—"The House, though there was a clear majority to sustain the government, became equally divided and brought to a dead lock on the railway question. . . . Mr. Howe abandoned the field, offering to pass the Facility Bills required by the Opposition." This legislation did not, however, have the effect Mr. Johnston had hoped for and expected, as no company was organized under it, during the time limited for that purpose, and the government policy was, in consequence, revived in 1854. However, he had the gratification of knowing that his measure of success had met the approval and secured the plaudits of a very large proportion of the people of the province, who had learned to regard with pleasure these eloquent and untiring attacks made by him upon an administration which, to them seemed determined, at all risks, to saddle the province with a railway debt that might not only embarrass but possibly ruin the finances of the country.

The Temperance question had recently come to the front, and at this time attracted and demanded the attention of all classes of the people. Early in the third decade of the century societies began to be formed in several of the counties, by individuals who were willing to subscribe a pledge of partial abstinence from the use of alcoholic liquors; but it soon came to be felt that nothing short of total ab-

stinence could successfully and entirely abate the evils which grew out of the abuse of these stimulants, and therefore the doctrine of "tea-totalism," as it was called, supplanted those of partial abstinence, and out of the new opinions various organizations were rapidly evolved, having the common object of overcoming, and so far as possible of eradicating, the evils resulting from the vice of drunkenness. The founders of these bodies had adopted the principle of "moral suasion" as the means of accomplishing their ends. Nothing could be more reasonable than this doctrine; nothing could be more humane than the desire, by such means, to reclaim the drunkard and restore him to society, and much good was done by the movement while this method of action remained the chief plank in the temperance platform.

Heretofore the liquor traffic had been controlled by license laws, of a more or less restrictive character; but it did not require much acumen on the part of the leaders of the temperance men to draw the only logical sequence, from certain premises which they had adopted, as being fundamentally sound and true, after they had entered upon the second phase of their movement. They declared that not the abuse only, but the use of alcohol in all its forms, as a beverage, were, though not equally afflictive in their effects, yet in a moral sense they contended they were equally sinful, dangerous, and to be avoided; in fact they went further and denounced the moderate drinker as a greater criminal than the absolute drunkard. If the traffic in "strong drink" was the source of the evils to be abated was, in itself an evil, no government could license it without sin, nor delegate the power to others to do so without the same offence. Therefore, to be consistent, the license laws should be abolished; and in their place they proposed to enact a law prohibiting the manufacture, importation, sale and use of all spirituous liquors, or in other words to substitute "legal suasion" for "moral suasion."

Mr. Johnston was a tee-totaller from choice before these movements had commenced, and there can be but little doubt he had watched the different phases it had assumed, and the many changes

which they had undergone, in the course of their developement, with great interest, if not, at all times, with unalloyed pleasure. No man could be more desirous to mitigate or remove the evils caused by the abuse of stimulants than he, but few men saw the whole field of battle and knew the positions of the combatants, the weak and the strong points in the ranks of both armies, and the ultimate effects of victory or defeat so clearly as he. It had long been a maxim with him that it was a blunder to make laws in advance of public opinion; that laws, to be effectual, should be the result of a call from the educated opinion of a majority of the people whose welfare or interests they are intended to secure. The writer speaks from a personal knowledge when he affirms these opinions as a part of Mr. Johnston's political creed, for he had heard him declare them on more than one occasion. Said a lady of fine culture, and an enthusiastic friend of the free school system, to him,—“I think, sir, you do very wrong not to pass an education act giving the people free schools. You say that you are convinced that a new system, such as I advocate, based on the assessment of all, that the schools may be free and open to all, would be a boon and a blessing to Nova Scotia, and yet you decline to (or do not) move in the matter, now that you have the power.* How is this?” Mr. Johnston's reply was characteristic, and was nearly as follows: “It appears to me there are some elements in your proposition which you entirely overlook. Are the people prepared to tax themselves to secure the advantages afforded by free schools? Would not the more wealthy among the rural population object to their taxes being increased in order that their poorer neighbors might have their burdens lessened? Would not those who had, at a very considerable expense paid from their own resources for the education of their children object to a change which would involve their continued taxation for the benefit of those who possessed nothing to tax? When the first of these questions can be

* Mr. Johnston was then (1858 or 1859) the leader of the Government.

The conversation above referred to took place at an evening social party at the house of a mutual friend, in Bridgetown.

“ answered in the affirmative, and the two remaining ones in the negative, by any considerable majority of the people, legislation will become safe, but not otherwise. To thrust this measure upon the people before they have been prepared for it would have the effect of deferring its adoption for a full generation. *To legislate in advance of public opinion is useless.* If, therefore, we would have this measure adopted, the people must be instructed as to its value; it must first be made a live question at the fireside of every community, in every debating club, and in every newspaper in the country before it will be safe to crystalize it into a law. It gives me great pleasure, madam, to find in you so earnest and clever an advocate; and let me assure you that you are doing a good work in a good cause, because you are striving to bring about that condition of public opinion which I so heartily desire to see, and without which no law can be made a boon or a blessing to the people.”

As in the educational so also in the temperance matter; and it is nearly certain that Mr. Johnston was not, at heart, a supporter of Prohibition by Law, and therefore did not very deeply regret his failure to place such a law upon our statute books. But to him and his colleague,—Avard Longley,—we were indebted for many improvements in the license laws, and in him the temperance fraternities always found a sincere friend, a wise counsellor and a firm supporter. As a host, on social or festal occasions, he is said to had few, if any equals. The following anecdote attests to the truth of this assertion. When premier, during the winter of 1858–9, and when the legislature was in session, he issued cards of invitation to a large number of guests, including all the members of the executive council. One of these,—who was a lover of wine and did not object to a “punch” when properly compounded,—on receiving his invitation rushed to one of his friends exclaiming—“ what shall I do? Johnston has invited me to one of his cold water parties. I hate these spiritless, unsocial and tiresome gatherings,— what shall I do, McD.” “ Do?” said his friend, “ why accept the invitation and go by all means; it would be both churlish and selfish

“to do otherwise.” Not being desirous of manifesting either these unamiable qualities, he accepted and went. The writer years afterward heard this guest’s estimate of the merits of this social gathering. Said he, “I never knew a man like him; I declare I had not been thirty minutes under his hospitable roof before the thought of wine and punch had entirely vanished from my mind. How this effect was brought about I do not know, but I observed that everybody present, like myself, seemed inspired and lifted out of self by his genial presence, which carried along with it an exhilaration almost electrical. He seemed by intuition to know the right thing to say, the right time to say it, and the proper person to whom to say it. The desire to please which animated him appeared to diffuse itself into every heart in the house, and a smile of satisfaction and pleasure irradiated every face in the large assembly. Stiffness and formality, and frivolity and vulgarity found no abiding place at his board, and the delightful evening ended only too soon for all of us, and for weeks, nay months, even years after, the remembrance of the pleasure I then experienced came to me like the memory of a pleasant dream, and I still recall it with a delight I cannot find words to express.”

The social side of his nature is very poetically portrayed by this anecdote, and though some readers may doubt that he possessed the power to thus interest and carry out of themselves, as it were, a miscellaneous company, such as was gathered in his rooms on that occasion, independent of the stimulation of wine or other excitants, esteemed as so generally necessary to produce geniality and a desire to please, yet there are many persons still living who would corroborate the truth of the statement from their own experience. It is true that it is a faculty not common among mankind, though it is equally true, that it does exist in some men, and he was one of them.

On the occasion of the general election in 1855, Mr. Johnston was opposed for the fourth and last time by his old antagonist Chipman, in spite of whose endeavours, however, he was again triumphantly returned as the county representative. The Liberals,

however, succeeded in gaining a majority in the new Assembly, though they were not destined to guide the ship of state much longer. Events originating in riots on the line of railway then in course of construction, led to a breach between the administration and its Roman Catholic supporters in the House, which finally culminated, during the second session, in an adverse vote which forced their resignation, when Mr. Johnston was called upon to form a new government, a task in which he was eminently successful,—he accepting the Attorney Generalship and the position of Leader. The heads of departments, and all whose acceptance of office made re-election necessary, went at once to their constituencies to seek an endorsement of their conduct, which in every case was cheerfully awarded. As to Mr. Johnston, he found a new Richmond in the field in the person of Mr. (late the honorable) William C. Whitman, to contest his return. But this gentleman did not prove a successful standard bearer, and the honorable Attorney General came back with an increased majority of votes.

One of the first acts of the new administration was to take measures toward an equitable settlement of the mines question. All the ungranted mines and minerals of the province had been formerly leased to the Duke of York, a younger brother of George IV., and this lease had been assigned or transferred to a London firm,—Rundell, Bridges and Rundell,—in consideration of certain moneys paid by them to the creditors of his Royal Highness; and these gentlemen formed a company afterwards known as the “General Mining Association,” for the purpose of opening and working the mines of Nova Scotia, which thus became a close monopoly during the continuance of the lease. Much dissatisfaction was caused among the people of the province by these operations. They contended that the King had exceeded his powers in granting this lease without the consent of their Legislature. In 1849, the Civil List Bill,—by which the estate of the Crown was vested in the provincial government,—became law; and it was claimed that no lease of the mines was any longer valid without colonial sanction. The mining business of the country was thus brought to a stand-still,

and the interests of all parties endangered. In the session of 1857, therefore, Mr. Johnston obtained power from the Legislature to appoint delegates to proceed to England, with a view to bring about, if possible, a compromise with the lessees, subject however to ratification or rejection by the Assembly. In consequence of this he, and Mr. Adams G. Archibald,—then a prominent member of the Opposition,—late lieutenant governor,—were chosen by the executive as such delegates. They went to London in June of that year, and succeeded in effecting an arrangement with the Association, which, while it secured their rights in the mines then opened and worked by them, conceded to Nova Scotia the ownership of all others. The terms of this agreement were laid before the Assembly at its next session, and after a lively and full discussion, the question to accept them was carried by a vote of *thirty-two* against *nineteen*, or by a majority of thirteen votes.

A more lucky event for Nova Scotia than the settlement of this vexed question never occurred in it in a financial point of view. If it had been delayed four years longer, the terms thus secured would have become impossible, and the province would have been forced to await the expiration of the lease for the recovery and resumption of its rights,—rights through which it even now derives nearly if not quite one-fifth of its revenues. In 1861, it will be remembered that the discovery of the existence of gold in this country was made, and as soon as the knowledge of this important fact had reached the ears of the lessees, they would, of course, have declined to entertain any terms whatever. It is but fair to state that the honor of this successful compromise does not belong exclusively to Mr. Johnston and the party which he led. Mr. Archibald, who was his co-delegate, and who was then a leading member of the Opposition, gave most valuable assistance in the negotiations which preceded and led to its final consummation. To the former, however, justly belongs the credit of having propounded the measure which made a settlement possible, and of having done so as soon as circumstances had placed him in a position to do so, and the highly beneficial results, which are so certainly felt in this hour of her history, will be readily acknowledged by every true son of Nova Scotia.

On the 16th day of February, 1856, the Attorney General,—Young,—in a speech of great eloquence, moved a resolution pledging the Assembly to provide the sum of one hundred and fifty guineas, to be expended in the purchase of a sword, to be presented to Sir William Fenwick Williams, “as a mark of the high esteem in which his character as a man and a soldier, and more especially his heroic courage and constancy in the defence of Kars, are held by the Legislature of his native province.” This resolution was seconded by Mr. Johnston in a speech equally eloquent and appropriate, in which among other things he said :—

“It has been the singular fortune of Nova Scotians,—when we consider the comparatively small population of our country,—to mark with pride, and view with unmingled satisfaction, the achievements of their fellow countrymen abroad; and although we may have been called to mourn their loss, we have mourned them as heroes who have fallen covered with glory; we have mourned them, but there has been a pride of country in our sorrow, for they have braved danger and met death with an undaunted front and unwavering courage. Thus have we felt the loss of Welsford and Parker, to many of us known familiarly. This resolution acknowledges the merits of General Williams, the hero of Kars. We are not called upon to mourn him as numbered with the dead, for though we have occasion for sorrow when we reflect that, from circumstances over which he had no control, he with his gallant band, has fallen into the hands of the enemy. But we find him only a victim to a misfortune, which, if indomitable courage and consummate skill had been able to avert, would never have overtaken him. . . . I regard the achievements and position of General Williams as unapproached and unequalled in the history of the present war. Many have exhibited an heroic courage not to be surpassed, but he has united to the bravery of the man the skill and military capacity of the distinguished leader. His professional skill in perfecting the defence of Kars may be best judged by its terrible effectiveness on the day of assault; his talents in organizing and inspiring troops have the highest testimony

“in the spectacle of defeated, dispirited and ill-disciplined bands
“winning laurels that veterans might envy, and achieving a triumph
“in the defence of Kars that will go down immortalised to posterity,
“a defence carried on and sustained by no mere animal courage
“but with cool, unalterable determination, united with provident
“precaution and conducted with admirable skill. In reading the
“history of that memorable day, as contained in the graphic and
“eloquent despatch of General Williams, which may well compare
“with many of the classic accounts of ancient battles, one cannot
“fail to be impressed with a sense of his genius and ability. . . .
“Under these circumstances we are paying to him no vain compli-
“ment, no empty honor in passing this resolution,—we are paying
“that tribute which as Nova Scotians, and the descendants of Eng-
“lishmen, we feel due to a native of our province whose achieve-
“ments abroad have been characterized by a courage so exalted, a
“fortitude so invincible, and an ability so great. We are paying
“this compliment to one who, though compelled to yield to a dire
“necessity against which neither strength, nor courage, nor intellect
“can contend, is yet covered with glory, and who is endeared but
“the more to the hearts and sympathies of all true Britons, and we
“are but claiming for our own province a share of his glory by
“claiming him as our own.”

In the session of the following year, 1857, the “Catholic Question,” as it was then generally called, was ventilated in the Assembly. The discussion arose upon a Resolution, involving a want of confidence in the Liberal ministry, which was moved by Mr. Johnston in amendment to the address in reply to the speech from the throne. The debate occupied about fourteen days, and was characterized by the exhibition of great ability and eloquence by speakers on both sides, as well as by considerable acrimony and warmth. Mr. Johnston’s speech, on this occasion, occupied parts of three several days, and was perhaps the ablest effort of his political life. For close reasoning, spontaneous retort, elegance of diction, and eloquence in delivery, it must always hold a foremost place in the records of such literature. To quote the whole speech would be out

of place in this Memoir, but we cannot refuse to insert its eloquent peroration, which was intended as a summary of the points made in it. He said :—

“ If any doubt could exist as to the imbecility of the government last winter, there is no room to doubt their weakness now. Rebuked, threatened, ridiculed before the whole people by two of their own officers,—the Chief Railway Commissioner and the Queen’s Printer,—they meekly submitted. At the dictates of these two insubordinates, aided by some followers in this House, they are willing to purchase *leave to live* by the unworthy sacrifice of a political supporter, on the poor pretence of an alleged offence of the same nature, but far less aggravated in degree, than that perpetrated by those two government officials and dictators. Outraged by their conduct a portion of their firmest supporters, they now insult their understanding by charging them with dishonor in allying themselves with Protestant Conservatives of liberal principles and practices, and demanding that they shall remain bound to Protestant Liberals who have abandoned in their practice the liberal principles which they professed.

“ We are taunted on the alliance of Conservatives and Catholics as if one or both were tainted with political leprosy. Sir, we are men, and as *men* entitled to meet on the broad ground of a common humanity, for our platform is, Equality of Civil and Religious Freedom. As *Christians*, I trust we are wise enough and virtuous enough to know how to enjoy civil freedom and political privileges without the sacrifice, on either side, of religious independence, a blessing without which the name of civil liberty were but a mockery. As *citizens* we unite in valuing the free institutions of our country, and in the determination to uphold them, as they exist in Nova Scotia, with inflexible integrity; and I trust neither of us can claim precedence in the loyalty and reverence we bear our beloved sovereign as the head of the empire, or in the love we cherish towards her as the brightest example of all that adorns, elevates and ennobles her sex.

“ The loyalty of Irishmen has been questioned. I dare not

“assume the duty of their vindication when Erin’s own sons have so often fulfilled that office with an eloquence peculiarly their own, and which I can never reach. I may, however, be permitted to say, that it does seem harsh and ungrateful that any imputation like this should be ventured so recently after the names of Alma, Inkerman, and Sebastopol have been added to the scroll where Britain’s glories have been inscribed. While yet un mouldered lie, amid the heights and precipices and ravines of those now historic scenes, commingling in the same graves, the remains of Irishmen with those of their fellow countrymen,—men who together met the common enemy, and when the battle fiercely raged, and death reigned rampant over the field, indiscriminating, reaped the abundant harvest,—knew no rivalry but who *foremost* should reach the deadliest strife, who *first* should pour forth his life in his country’s service! Heroic men! in their life attesting, and sealing in death, the noble truth though they learned it not from the classic page—*“Dulce et decorum est pro patria mori.”*”

The speech from which the foregoing extracts are made was a very remarkable one in more ways than one. It inculcated and defended principles that lie at the very foundations of civil and religious freedom, and showed, in an unmistakeable manner, the true sentiments of the man. He desired entire liberty of thought and speech as the inalienable right and privilege of all classes and creeds of his fellow men, subject only to the requirements of that bulwark and defence of liberty, the Law. He proclaimed the possibility of the union of adverse political parties, for a common political purpose, without the necessary sacrifice of religious principle or opinion, and affirmed the duty, as well as the necessity, of such occasional combinations. In withering terms he denounced the intolerable tyranny of religious bigotry, and asserted the right of his Roman Catholic brothers,—subject only to the limitations which bounded his own rights,—to speak, and think, and act as freely as he himself spoke, or thought, or acted.

After an elaborate and eloquent reply by Mr. Howe, a division of the House was called, when Mr. Johnston had the gratification to find that he had carried a majority with him against the govern-

ment, which resigned during the next day. He then, at the command of the Lieutenant Governor, assumed the task of forming an administration, which he succeeded in doing—himself accepting the place of Attorney General and leader. This, of course, voided his seat in the Assembly, and he at once appealed to his constituents for re-election, when Mr. (late the honorable) William C. Whitman entered the lists of opposition, and a short but sharp canvas ensued, the final result being the casting of 1774 votes for the new Attorney General, against 1379 for his opponent, giving the handsome majority of 395 votes, the largest he had ever obtained in the county. This side contest, as it may be styled, marks the vigor and determination of the men then composing the Liberal party in the county. No defeat, no repetition of defeat, could induce them to let their great antagonist take his seat in the Assembly without having his right thereto contested. Mr. Whitman, it had been supposed, would prove a stronger contestant than Mr. Chipman had been, but in this hope they were disappointed by the issue of the contest, but by no means disheartened, as after events will show.

Among the last speeches made by Mr. Johnston in the Assembly was one on the question of a "Union of the Colonies," or to be more exact, on the "Union of the Maritime Colonies," in which he eloquently set forth his views on the general subject, a few extracts from which will not be considered out of place here.

"I may say that it has been among the first objects of my ambition, as a public man, to secure a union of these colonies. This aspiration arose from the conviction that it was essentially necessary for the purpose of raising us up and giving us a position. I know that, divided as we are, small in extent and population, we must continue to occupy a very inferior position among the communities of peoples. Now, it was not from any ambitious motives that I deprecated our condition; not from any motive of power on behalf of the community with which I might be associated. I felt that the position we occupied was unfavorable to the elevation of the body politic, and that it was antagonistic to the development of anything like a large and generous and ennobled public sentiment. We cannot but feel that in a small community, where

“public measures amount to matters of small general moment,—
 “where parties are brought into personal collision so closely, and
 “personal interests and feelings are necessarily made prominent
 “objects and motives of action, it is impossible there can be that
 “unanimity of feeling, that enlargement of view, that elevation of
 “purpose which is so desirable in every country. Therefore it was
 “that I, as an inhabitant of this country, the home of myself and
 “my children after me, felt that my first duty was to endeavour to
 “create this enlargement and elevation of public sentiment by ex-
 “tending the sphere of political action, which could only be done by
 “a Union of the British North American Provinces,—of the Queen’s
 “subjects on this side of the Atlantic.”

After comparing the political condition of the Colonies with that of the United States, he said :—“In early life I held strong democratic sentiments, for, strange to say, though I have been called a leading Tory in Nova Scotia, I was in my youth actuated by the Whig principles of English statesmen. I was early captivated, as many young men are, with the illusions of a Republic,—of a Republic that was working out the great problem they had taken in hand ; but reflection and observation have gradually sobered down this sentiment, and I feel that, however valuable a republic may be for giving energy to individual action, it is wanting in that power of elevation and nobility of sentiment, and responsibility of action which can alone raise nations to that high-toned condition which we desire to see, and our minds figure before us, as the objects of our aspirations. I trust that that portion of this continent over which the British flag is waving, will continue to possess perfect freedom of action, with all the elevation and refinement which proceed from connection with monarchical and aristocratic institutions.” . . . Returning to the subject of a union he concluded a most eloquent speech in these words :—“I would wish to see such a union as would unite all the parts into a homogeneous*

*He appears to have used the word “homogeneous” as more expressive of a Legislative than a Federal Union. In this same speech he said :—“I have never favored a Union of the Provinces by way of Federation, for it did not appear to tend to the great object we had in view.”

“whole, and make a people worthy of the source from whence they sprung, and perpetuate to all time to come, the character, name, honor, and institutions of that great country of which we are proud to form a part.”

In the same year, and during the railway discussion which then took place, Mr. Johnston, in urging the necessity for the construction of the great Intercolonial Railway, as a means to Union, spoke thus:—“I look upon the question in a broad light; I consider it in its national aspects. The aspiration of my heart has always been for the Union of these Provinces. I believe that it is the duty of every man in Nova Scotia, who desires to raise his own position as well as that of his country, to do his utmost to bring that union about. I look upon the Intercolonial Railway independent of its commercial advantages.” In this same debate he paid so warm and just a compliment to his constituents that it deserves to be recorded here. He was defending himself against the charge of inconsistency in proposing to build the Pictou railway as a government work,—a policy which it was said was distasteful to the county he represented, a fact of which it had been supposed he was forgetful. He said:—“It may seem a strange position for me to occupy; to bring forward this measure and state the reasons which induce me to do so. I feel in doing so I am promoting the interests of the people of Nova Scotia; and I feel I am promoting them in the most beneficial way that is practicable; and if any man imagines for a moment that in advocating this measure, I have lost sight of the peculiar claims that bind me to the western portion of the province, he utterly misunderstands my character, and fails to appreciate my motives. Do I forget the interests of my own constituents? Do I forget the claims of the people of Annapolis upon me?—of that constituency that through twenty years without fail and without wavering has rendered me its confidence, and a large proportion of those who compose it more than their confidence,—their personal affection, respect and esteem? Forget *their* interests! No; ‘let my right hand forget its cunning and my tongue cleave to the roof of my mouth,’ before I forget the interests of that constituency.”

Mr. Johnston's political career was now rapidly drawing to a close. During thirty years he had devoted the energies of the best years of his life to the public service,—namely, from his appointment to the Solicitor Generalship, in 1834, to his resignation of the Attorney Generalship and leadership of the government, in 1864. During this period, he had served as Solicitor General from 1834 to 1841, when he was made Attorney General, in which capacity he acted from 1841 to 1848, and again from 1857 to 1864. Twenty out of these thirty years he was the representative of the county, and between 1834, the date of his first election to the Assembly, he ran no less than *eight* elections, all of which, save the last, were contested, and he never lost one of them. The reader has already been told of the persistency with which the Liberal party in the county opposed his return; and in justice to its leaders it should be here stated that they did not oppose his final election only because it had become generally understood that he was shortly to be provided for by a seat on the bench of the Supreme Court, as Judge in Equity, as soon after the meeting of the new Assembly as the necessary legislation could be made in reference thereto. During the session of 1863-4 an Act was passed authorizing the appointment of an additional Judge in that Court, to have special jurisdiction in all matters pertaining to Equity proceedings which had formerly been vested in the Court of Chancery, so called, in a Judge styled the Master of the Rolls, the title of the new Judge to be "Judge in Equity." To this position the subject of this memoir was appointed on the 11th day of May, 1864, and he held the place during the remaining period of his life—about ten years. It is a well recognized fact that he was in this capacity an able, painstaking and efficient officer. The writer is not competent, not being a lawyer, to estimate from a legal point of view, the value of the judgments delivered by him; but he has been informed by those whose practice was chiefly in the Equity branch of the judicial service, that they were marked by their general soundness and great ability, as well as by a care involving great research and labor; and that but few, if any, of his decisions had been reversed or modified on appeal

to other Courts. This is high praise, when it is remembered that he had nearly completed his seventy-second year at the time he took his seat on the bench, and that his health, never very strong at its best, was preserved from utter wreck only by a rigid system of temperance, regularity of habit, and general self-denial.

Before closing an account of the services of Mr. Johnston's political life, it will not be out of place to note some of its salient points, as indicative of the principles which guided him, as a politician, in relation to the people whose friend he undoubtedly was. Among his earliest public utterances,—his celebrated "Mason Hall" speech, portions of which have been before quoted,—is to be found the keynote which regulated his political creed, namely, the utmost latitude of freedom and self-government of the people, consistent with the acknowledged constitutional rights and privileges of the crown, whose especial servant he then was. Hasty and unconsidered changes in the political *status quo* of the colony he opposed, not because they were intended to enlarge the powers of the commons, but because they might, in the end, prove detrimental to them, and at the same time diminish those of the Sovereign, in such a manner as to develop an anarchy fatal alike to the rights and privileges of both. In that speech he seems to have spoken as an independent rather than as a party politician, and to his wise suggestions and slowness of movement, the people of this province are largely indebted for the gradual and safe development of those changes in the mode of the administration of its public affairs, then and long since known as Responsible Government. It was in this way the introduction of the new system here was not attended by the severe strain,—amounting to open revolution and bloodshed,—which witnessed the attempt to introduce it into the provinces of Upper and Lower Canada, and to no man more than to Mr. Johnston are we indebted for the wise counsel and moderation which led to so happy a result.

An incident which occurred in the earlier life of the subject of this memoir, and which took place shortly after his domiciliation in the capital, remains to be mentioned, as illustrating the sensitive-

ness of his nature and his personal courage. It may be alleged that, as the present generation are mostly uninformed regarding it, good taste on the part of his biographer should suppress it; but as it really forms an item of the data on which only a full and true estimate of his character can be based, he believes he would fail fully to discharge the duty he has undertaken, if he should place it entirely aside; besides, the leading facts concerning it have been communicated to him by a lady, not only connected with the family by marriage, but by consanguinity also.

Shortly after his removal to Halifax, with a view to pursue his professional avocations in that city, he became a partner of the late honorable Simon Bradstreet Robie, then Solicitor General. In a trial which took place about this time (the exact date is not given), some words having been used by Mr. Charles Rufus Fairbanks, who was employed by the adverse side in a case then on trial, which were supposed to reflect in an improper manner upon Mr. Johnston, that gentleman at once demanded an apology, or, as an alternative, the satisfaction, under the rules of the *duello*, of a hostile meeting. The apology was not given, and, in consequence, the *rencontre* took place. The scene of the duel was in or near the garden at the corner of Spring Garden road and Park street. The late Judge Hill, then a barrister, was second to Mr. Johnston, and the late John Lawson acted in a like capacity for Mr. Fairbanks. The preliminaries having been satisfactorily arranged by these gentlemen, the signal to fire was given, when both discharged their weapons. Mr. Johnston received his adversary's shot unharmed, but "hit" his antagonist in the heel, severing the *tendo-achilles*, from the injury to which he was lamed for life. The combatants, to the credit of both be it said, became afterwards (during the lifetime of Fairbanks, who deceased first,) warm and sincere friends. I do not know that it has been elsewhere stated that, on the promotion of Mr. Fairbanks from the place of Solicitor General to the Mastership of the Rolls, in 1834, Mr. Johnston succeeded him as Solicitor General, but such was the fact.

As a lawyer he had few equals, either in a knowledge of the

principles of law, or in the practice of it as then administered, nor did any understand the value of that *finesse* and address sometimes found so useful to the interests of a client in the conduct of a "case." In 1843, if my memory does not deceive me, a series of short letters signed "Self-defence" appeared in the columns of the *Nova Scotian* newspaper, then a leading provincial weekly, and owned, edited, and published by the late Richard Nugent. In these letters the late Silas Livingstone Morse, barrister, of Bridgetown, and several other gentlemen, were severely lampooned, and Mr. Morse, being aggrieved, and perhaps injured, by the alleged libel, demanded the name of its author from the publisher, Nugent, at the same time informing him that, in case of a refusal, an action would be brought against him. The publisher refused to give up the name of the writer, and placed himself in the gap, and, in consequence, a declaration was immediately filed in the case of Morse *vs.* Nugent. The defendant, in order to exhibit his contempt of the proceedings taken against him, printed the declaration in the cause in his newspaper, with comments thereon,—a course hitherto, it is believed, quite unprecedented in the province. It was in the days of the old style of pleadings,—in which the writer as a law student became first acquainted with the words "demurrer," "rejoinder," and "replication," with the prefixes common to them. The plaintiff had issued not less than *seventy* writs of subpoena to as many gentlemen as witnesses on his behalf, thereby assuring himself of a multiplicity of testimony in support of his claims for damages,—and the time for the trial drew nigh. Mr. Johnston, who had been employed as counsel by Mr. Morse, was to arrive by coach, on the Monday preceding the Tuesday on which the Supreme Court was to meet, and receive the *brief* which had been made up for his guidance in the management of the "case." The coach arrived at Bridgetown on time; its passengers had an hour to dine before its departure for the county town, fifteen miles distant; the writer was in the office of the plaintiff, into which within ten minutes after arrival, came the "counsel" for the plaintiff in the cause "Morse *vs.* Nugent." He was in a hurry: was his brief ready, he asked; yes, was the reply,

here it is; is your declaration water-tight? said he; I am sure you can depend upon that, said Mr. Morse; the brief will present fortifications as to precedents on all doubtful points to your satisfaction, and I trust to that of the court, should any exceptions be taken to it; very good, said Mr. Johnston; I will look over the brief this evening; of course the cause cannot come on before Wednesday morning, and if you will leave it to me I will decide before then as to the best mode of proceeding with the trial. There are, you know, two courses open to us; we may examine all the witnesses you have summoned, or we may content ourselves with a couple of them only: the latter course would likely throw our adversary into confusion and give us an advantage; but we will talk this matter over to-night or to-morrow, and decide which course to adopt. A special jury was empanelled and duly sworn on the morning of Wednesday. Political controversy was at this time at white heat, and in consequence the Court House was crowded with an excited and *interested* audience. The libel complained of had had its origin in the political ferment, and it was attempted to give this celebrated trial a political complexion. Mr. Johnston arose to open the case before the jury, and his address occupied their undivided attention, and that of the onlookers, for the space of four hours. It was the first occasion on which it had fell to my lot to hear him address a jury, and it proved to be such an effort as I had never before witnessed in a court. His exposition of the law,—as it then stood,—bearing on the case, was marked by an intimate knowledge of the subject, as well as by much earnestness; his description of the injury done, or intended to be done, to the plaintiff, and its supposed destruction of his future prospects in life, was depicted with a melo-dramatic power seldom equalled by the ablest orators, and the peroration of his speech was characterized by all the force of true eloquence and a pathos that seemed to move the jury and the whole assembly alike, with emotions of sympathy for his client in spite of themselves.

On taking his seat, he directed the proper officer to call a witness, giving his name, who appeared, was duly sworn, and declared

he was the local agent, at Bridgetown, for the *Nova Scotian* newspaper, and a marked copy of that journal, containing the alleged libel, having been placed in his hands, he recognized it as one which he had delivered to a subscriber for, and on behalf of, the publisher, the defendant in this suit; and the late Lawrence O'Connor Doyle, then of Halifax, who was counsel for the defendant, having waived any cross-examination of the witness, another was called, who swore that the portion of the libel complained of, and which related to the plaintiff, had personal reference to him; and he was also allowed to leave the stand without cross-examination.

Two of the seventy witnesses had thus been disposed of, and it was suspected the defence relied on finding, through the cross-examinations of the remaining sixty-eight, the points on which to finally go to the jury, if not for entire acquittal, at least for mitigation in damages. The surprise of every one can therefore be better imagined than expressed when Mr. Johnston arose and said: "We rest here, my lord." To those who did not understand the significance of those words, it seemed as if the case of the plaintiff had broken down, and that they indicated a confession of defeat. All eyes were consequently turned toward the face of Doyle, which had before worn a very cheery and hopeful expression. The change seen there made it evident that disappointment and possibly defeat were more likely to perch on the banners of the defendant than on those of the plaintiff.

Doyle arose and addressed the jury in a twenty minute speech, in which he complained of the tactics employed by the other side, and of the injustice done to his client by not calling all the witnesses summoned. To which Mr. Johnston laughingly said: "Call them yourself, if you desire; they are at hand." They were not called, and a few hours afterward the jury found a verdict for \$440 for the plaintiff.

It has already been stated that the grandfather of Mr. Johnston was a medical man by profession, and that two of his sons were in Philadelphia pursuing their studies for the same profession when the Revolutionary war broke out. One of these sons,—William

Moreton Johnston, the father of the subject of this sketch,—seems to have had a true passion for that profession. The reader has been told of the bitter disappointment he felt when his eldest son,—Andrew,—declined to adopt it; he also knows that his second son, Lewis, was an M. D.; but what follows has hitherto not been known to the general public. I quote from a note before me, written by a lady, who vouches for the fact that, “his father intended him,—James William Johnston,—for the medical profession also; but as he could never overcome his repugnance to the sight of blood and surgical operations, on that account only was it abandoned for that of the law.” The same lady also states: “When in Edinburgh, “Mrs. Johnston,—the mother,—was recommended to engage the “services of the late lord Brougham, who was at that time a student “in straitened circumstances, as a tutor to her son; but having, on “enquiry, ascertained that his religious principles were not of an “orthodox character, she would not consent to the arrangement.” From this it would appear that her sense of the moral responsibility resting upon her in connection with her conduct toward her children, was very great; and it may be thought, by some, to have been unnecessarily so; but her instincts seem to have revolted at all forms of vice, whether relating to personal conduct, or to heterodoxy in religious belief, and may serve as an indication, perhaps as a key, to her inner character. One thing seems certain, that her children derived much of the intellectual ability and moral excellence for which they were distinguished from her who gave them birth.

A year before Mr. Johnston's decease he visited the south of France on account of the state of his health, which had become very much impaired. This course had been taken under medical advice, and it was hoped that a season of rest from laborious and exhaustive mental labor would so recuperate his physical system that the life of the “old man eloquent” would be spared to the public for a few years longer. But this was not to be.

The gentleman who for many years had been his great political antagonist,—Mr. Howe,—whose health was also in a shattered condition, was, shortly after, elevated to the gubernatorial chair of his

native province, an honor to which he was very justly entitled. He had occupied the position, however, for only a few months when he died. On the occurrence of this untoward event Mr. Johnston was selected by the Governor-general to succeed Mr. Howe, and on the receipt of the news of the appointment, in France, where he then was, he notified his acceptance of the position, and at once commenced his journey homeward, with somewhat improved health, and it was earnestly hoped that his life would be spared to assume the duties thus imposed on him; but on his return to England he suffered a relapse, which in a few weeks ended in his decease, at or near Brighton. The event caused deep grief and disappointment in the hearts of his many friends and admirers, who felt that he eminently deserved the honor which had been conferred upon him as a suitable crowning act, in recognition of his life-long and valuable services to the people of Nova Scotia.

My task is done. It only remains to add the following very just estimate of the character of the late Judge in Equity, which is extracted from a book bearing the title "Acadia College and Horton Academy." Dawson & Co., Montreal, 1881.

"A portraiture of more difficult execution is required to present "a just idea of the late Judge Johnston. In religious discussions "and questions, in the church, always the most modest and meekest "of men, he nevertheless was intellectually a giant. A most impressive sight it was to see this man with talents which at the bar "and in the legislative halls could hold men by the hour in speechless admiration, take his place in meetings of the church with the "manifest humility of one who felt himself 'less than the least.'

"In private and public life, by the natural bent of his mind as "well as training, Mr. Johnston was, in the best sense of the word, "a gentleman; meanness and falsehood were abhorrent to his nature, and his intercourse was marked by a delicate sense of propriety. His higher moral perceptions also were remarkable for "their strength and power. Give him the maintenance or defence "of a case in which, as against his client, justice was denied or "feebleness oppressed, and he was often known to fire and soar aloft

"in a manner truly wonderful. On such occasions he often sur-
 "passed himself, and all classes of men, unlettered and cultivated,
 "friends and antagonists, have equally expressed themselves with
 "admiration of his extraordinary power. Nor was this quick sense
 "of justice and right dependent on the excitement of courts or popu-
 "lar contests; private and intimate intercourse no less revealed this
 "trait in Mr. Johnston as an original element of his moral consti-
 "tution. To one knowing him sufficiently, and contrasting his
 "finely moulded character with the coarse natures of many men,
 "even in high position, how naturally and mournfully comes now
 "the exclamation—'when shall we look upon his like again?'"



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