

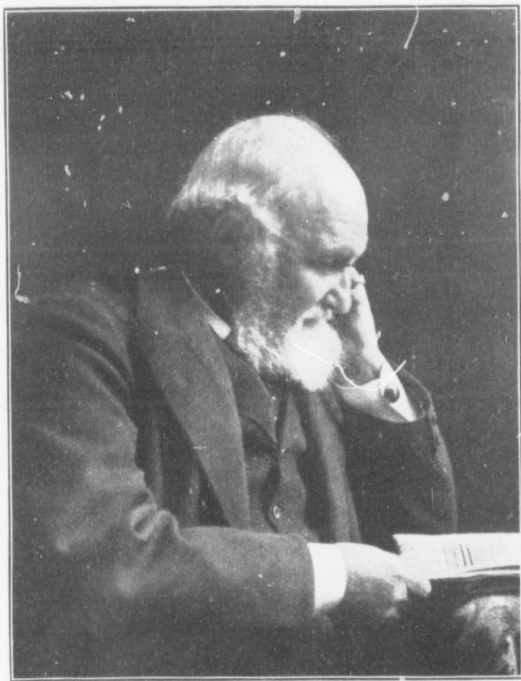


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1908

Souvenir
of the
Sixtieth Anniversary
of the
Admission to the Profession
of
William F. Lighthall
Doyen of the Notaries of Montreal

November 3rd, 1908



WILLIAM FRANCIS LIGHTHALL

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Reply

To Address of the Notaries of Montreal upon the Occasion

ESTEEMED CONFRERES AND GENTLEMEN :

For many years past I have attended very few public demonstrations, and I assure you it is with diffidence that I appear before you and respond to your kind address and felicitations upon the Sixtieth Anniversary, the *noces de diamant*, of my admission to our honorable profession. I return you my heartfelt thanks. I also return thanks to a beneficent Providence for thus prolonging my life to an advanced age, permitting me to see this jubilee occasion.

I miss from among us this evening, especially, one who cheered, with her presence, my semi-centennial jubilee, and whose smile, if Divine Providence had spared her to be here to-night, would have delighted my heart.

I do not agree with a Canadian writer, the late Sheriff Chauveau, who, in one of his novels, said that "as to the choice of a profession in Quebec there were only three to choose from: Doctor, Advocate, and Notaire, and the last

was *trop bête*”; I consider it on the contrary as one of the most distinguished and honorable. The welfare and prosperity of the people of the Province and the secrets of its families are in their Notaries’ keeping; some of our ablest Premiers, Cabinet Ministers, Judges, and our most brilliant Litterateurs, Municipal Magnates, and Legal Authors have adorned its ranks. It has had a long history, and membership in it formerly carried *noblesse*. The late Chief Justice Meredith once remarked to me that he knew of no profession with so many scattered members, which had so few “black sheep” in it, and the late Honorable Louis Archambault—whose sons ornament the other professions—when a younger son passed as a Notary, said he “wanted at least one *honest man* in the family.” But chief among all its recommendations, to my mind, is that it affords a career in which a man may feel that he is of the utmost usefulness: useful to society, to the world of commerce, and to the happiness and tranquillity of families.

Now, a few words of reminiscence. And first, on the state of the profession in the Province, when I was a notarial student, prior to its first organization into Boards. I was indentured for five years. My patron was the late Mr. J. H. Jobin, whose office was in one of the old French houses on Ste-Therese Street. I also studied with Mr. Gibb. The only qualification then required for admission to study was what was called a liberal education, the essential of which was only to know well what we now style “the 3 R’s.” There was no examination, oral or written. Still, any kind of a good education then was the privilege of but a limited class, and

there was a great deal of reading of excellent books. And when the examination for admission to practice came, the student took two of his notarial friends as practitioners for his examination, which consisted of a few oral questions, before a Judge of the Superior Court, who invariably passed the student, and he was then commissioned by the Governor. It was over half a century earlier that the notarial profession had been separated from the Bar.

I was one of the early ones admitted by the Montreal Board—I think I am now the oldest; if not, I am the second oldest. In those days there were only the common schools of the country—and very poor ones at that—no higher or collegiate education (except very costly, for the clergy), no universities, no law lectures, no Civil Codes; we snatched our legal requirements as we best could, from *Le Parfait Notaire*, from *La Coûtume de Paris*, from Pothier, and from a mass of French and English authors and customs, as modified by legislative enactments, without any regular system of study. Yet I say with pride, that with all these disadvantages some Notaries, such as Girouard, the Lacostes, the Jobins, the Papineaus, and others whom I can name, have been justly eminent in their profession, and have been looked up to like the more recent Belanger, Leclerc, Pepin, Sirois, Perodeau, Marler, Fair, and others as authorities in their practice. One of our old judges has recalled that, in order to keep up with legal progress, I was accustomed to attend and take notes during the delivery of judgments, and was the only Notary to do so. I, however, make no pretensions for myself.

Allow me a word to junior confrères. You have all the means before you—codes, law lectures, university studies, and everything to equip you for an ancient, honorable, and noble profession, one highly esteemed in ancient times—before the bar existed—and let us not despise those ancient times, for in them most of the wisest laws were made. You have the honor, the prosperity, the fortunes of your clients in your hands, and innumerable matters of business, public as well as private. Then see that you honor our profession by advancing its every interest, rendering the city and country where you live better, more honest, and worthier of their high destination. “Be strong and quit you like men.”

As a former member for several years of the Provincial Board of Notaries, I think I have been of some use to the profession. It was at a meeting in 1876 that, in pursuit of a long-cherished project of mine to obtain university training for the profession, I moved a resolution to ask for a Notarial Professor in the Law Faculty of McGill University. I was on the Committee appointed to prosecute its object, and after many interviews with the authorities of McGill and Laval, and with several Judges, Deans of Law Faculties, and other eminent persons, during three years, my exertions were crowned with success. On attaining this end, Monsignor Hamel, Rector of Laval, declared “that success with McGill, meant success with Laval, at least in Montreal.” This result soon followed. Our students now reap the benefits, under our able Professors, Marler in McGill, and Perodeau in Laval.

Several other benefits might be mentioned, of advantage

to the profession, of which I have been the author or which have been suggested by me, or which I have assisted in procuring, notably in the Notarial Code and other matters, but of which I must forbear to make mention.

After my admission here in 1848, I commenced practice in Ormstown, my father having been formerly Registrar at Huntingdon, and afterwards Registrar of the Old County of Beauharnois, which was afterwards subdivided into the present Counties of Huntingdon, Chateauguay, and Beauharnois. There I acted as his deputy and married, afterward residing for a short time in Ste-Martine; till, in 1857, at the invitation of the Hon. Adam Ferrie's son, I went to Hamilton, Ontario, to study for the Bar of that Province, but did not complete the course. I was Deputy Registrar under Captain Stewart, Registrar of Hamilton, a brother-in-law of the late Premier, Sir Allan N. McNab, and there I obtained my appointment as Notary Public for Ontario from the Governor-General of Canada. I believe I am to-day the only Notary Public for both the Provinces of Quebec and Ontario. As I said, I did not complete my Ontario law course, but returned in 1859 to Montreal, where I have since resided and practised, and made so many personal friends among my fellow-citizens at large and my confrères of the grand old profession which I have followed these sixty years. It is a long period, but I regard its experiences with satisfaction, and not least the testimony tendered me here to-night, of the fellowship and friendship of my brethren.

Personal Notes

At my age I may be allowed to indulge on this occasion in some delvings into the past:

I was born in the old family mansion, at the City of Troy, New York, on the 30th October, 1827. My father was the late Douw Kittle Lighthall, great-grandson of an English cornet of dragoons, who had settled at Schenectady, and whose family, by intermarriages, were then counted among the old Dutch gentry. My mother was Agnes Schuyler, a daughter of Major Henry Ten Eyck Schuyler (favorite nephew of the celebrated General Philip Schuyler), and of Sarah Visscher, cousin of President Van Buren, and one of the heiresses of Lieutenant-General Garret Fisher of the British army. The old Dutch manorial noblesse then lived in considerable state there, and it is claimed for the Schuylers that they were the most historic family in all America. It may be interesting to say here that they were social friends and official enemies of the chivalrous Comte de Frontenac, and were the originators of the military plan by which Canada was taken. Among our family circle were the Patroon Van Rensselaer, President Martin Van Buren, the Van Cortlandts, DeLanceys, Sir Thomas Gage, Alexander Hamilton, and many others of the best New York families.

The cause of our coming to Canada was certain private events arising out of the reception in the family of the large fortune of General Fisher. Part of this fortune is still represented by the beautiful Manor house of the Seignory of Lacolle, "Rockcliffe Wood," erected by my grandmother,

Mrs. Schuyler, about 1825, and yet surrounded by a large park and about 1200 acres of fine farm lands. The family were the *Seigneurs usufruitiers, avec les droits honorifiques*, and in part *co-Seigneurs propriétaires*. I at one time was co-Seigneur for a short time, owning one-sixteenth interest. General Fisher had distinguished himself principally in the West Indies campaign of 1794, under General Sir Charles Grey, the forefather of the present Governor-General of Canada, with whom he acted as Military Secretary, as well as Commander of Brigade.

Shortly after my birth, in 1828, my father was induced to remove from Troy to Huntingdon, in the Province of Quebec, a new centre in what was almost a wilderness. The place was then known as Bowronville. There he took charge of certain family possessions and entered into business as a merchant, with a view of developing the point, which he succeeded to some extent in doing. In 1835 he was appointed Registrar of the County, having been first Postmaster at Huntingdon (from about 1830 to 1843). In all the neighboring country and townships he became very popular, being a man of kind manners and progressive views, so that from Huntingdon to Georgetown, and from Lacolle to the St. Lawrence, along the frontier, his name was a household word. In 1842 he was appointed Registrar of the old County of Beauharnois (which then comprehended the present three Counties of Huntingdon, Chateauguay, and Beauharnois), and on his removal to Ormstown in course of time I acted as his deputy. Later I became a notarial student in Montreal. I completed my studies under the late J. H. Jobin, Esq.,

Notary, of Montreal, on the 30th October, 1848. On the 3rd of November, 1848, having passed the Board of Notaries for the District of Montreal, I was commissioned to practice as a Notary for Lower Canada, now the Province of Quebec. [To those of my friends who do not live in this Province it is necessary to remark that our profession is a division of practice of the law, and has practically nothing to do with the office called "Notary" in countries governed by English law, but resembles the English solicitor, and is the same as the *Notaire* in France.] Upon my admission, I commenced to practice in Ormstown (and Ste-Martine for a short time), and in 1857 removed to Hamilton, Ontario, with a view of studying for the Bar of Ontario. The death of my prospective partner broke up the plan, and I acted as deputy in the Hamilton Registry Office for some time. After having been commissioned as Notary Public for Upper Canada, I returned to Montreal, in April, 1859, where I have since resided, and resumed practice as a Notary for Quebec.

During and since my residence in Hamilton I advocated, and afterwards succeeded through the press in obtaining, amendments to the registry law of Ontario, especially such as the registry by deposit of duplicate deeds in lieu of by memorial; simplification of attesting deeds for registry; and the allowing of authentic copies of notarial deeds passed in Quebec to be registered without further attestation, etc., etc. My improvements have since been introduced throughout all the rest of Canada.

I was married on the 28th of September, 1854, to Miss Margaret Wright, daughter of Captain Henry Wright, then

of Ormstown, and of Janet Rutherford, and grand-daughter of Major James Wright (a McIntyre of that ilk), the first commissioned officer among the British population on the Chateauguay, who served ably in the war of 1812. Mrs. Lighthall passed away on the 4th June, 1901, a good, kind, and loving wife and mother, greatly lamented and missed. Our family has consisted of five children, two of whom died in childhood, leaving (1) William Douw, now King's Counsel, (2) Katherine Margaret, and (3) George Rutherford, Notary, all well known in Westmount and Montreal. My son George has been my professional partner for over twenty-five years. On the 30th of October of this year (1908) I attained my 81st year of age, and on the 3rd of November, 1908, the 60th year of my Notaryship, being, as far as the City of Montreal is concerned, the *Doyen* of the profession, a position which I regard with pride. My rank of seniority of the whole of the profession of about 800 practising members in the Province is seventh.

Some of my groups of friends may feel interested in the following notes of several of my past activities, which I have amused my leisure in putting together:

1. Commissioned as Notary for the Province of Quebec, November 3rd, 1848.

2. Commissioned as Notary Public for the Province of Ontario, by the Right Hon. Sir Edmund B. Head, P. C., Governor-General of British North America and of the Province of Canada, dated at Toronto, 20th April, 1859.

(Memo.—I believe I am the only Notary practising in the

Province of Quebec, who is also a Notary for the Province of Ontario.)

3. Commissioner of Affidavits for Upper Canada. Commissioned by the Hon. William Henry Draper, C. B., Chief Justice, the Hons. Wm. Buell Richards and John Curran Morrison, Judges, dated at Toronto, 19th November, 1862.

4. Commissioned as Justice of the Peace for the District of Montreal, 16th February, 1871.

5. Member, in 1870, of the Board of Notaries, three terms for three years on the origination of the Notarial Board for the whole Province.

6. Masonic—Entered apprentice in Montreal Kilwinning Lodge of A. F. & A. M. of Canada, 27th February, 1860; 2nd Degree, April, 1860; and 3rd, 4th June, 1860. Was Treasurer for about two years till resignation was accepted 5th January, 1862.

(Memo.—I am the oldest living member of the Lodge.)

7. Independent Order of Foresters—I am the First Charter Member, and Senior Past Chief Ranger of Court Montreal, from about 9th February, 1891. Am also Past Deputy Supreme Chief Ranger, having been so appointed by Oronyhyatekha, S. C. R., 19th April, 1893. Am also Past High Councillor of Quebec, having been elected 28th August, 1895. Was the third member of the Order of about 345,000 members (and in Quebec of 33,450) who attained the allotted three-score and ten years, and to have drawn the whole of

the insurance, and on December 3rd, 1906, was forwarded by S. C. R. Oronyhyatekha on that occasion, as a souvenir, his silver medal with the good faith of the I. O. F., and his personal esteem as S. C. R. conveyed in his letter.

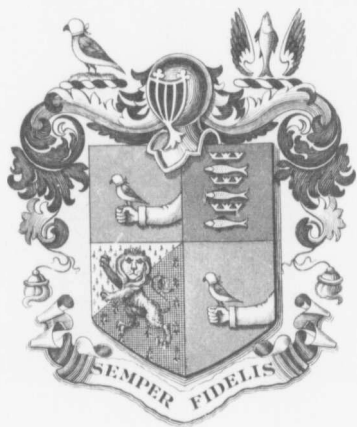
8. Church Membership—Was member of St. Gabriel Street Church soon after arrival in Montreal, in 1857 (Rev. A. F. Kemp, M.A., Minister). Was elected Ruling Elder 3rd February, 1861, and resigned 21st September, 1863, becoming member of Knox congregation on opening new church; till 1871 or 1872 (worshipping in Chalmers Church from its opening and organization till then); in 1874 I and my family joined the American Presbyterian Church, and am now a member.

9. Governor of Hospitals, etc.—

- (1.) Montreal General Hospital—On 1st December, 1874, was elected Governor, and still continue.
- (2.) Hospital for the Insane at Verdun—On 20th February, 1897, was elected Governor, and still continue.
- (3.) Western Hospital, Montreal—On 20th January, 1906, was elected Governor, and still continue.
- (4.) Protestant House of Refuge and Industry and Moore Home—Was elected Governor in 1904, and still continue.

10. Montreal Auxiliary of the British and Foreign Bible Society— Was elected member of the General Committee in January, 1867. Am now the oldest active member on its list. The Ormstown Branch was founded by my father in 1852. He was its first president, and I one of its original officers.

11. Politics—I have always studiously avoided taking any prominent part, but have several times been requested to accept nomination as an Alderman of the Centre and St. Lawrence Wards of Montreal, and for membership in Parliament for Chateauguay.



Schuyler Lighthouse.