



*M. D. Fraser Esq Kc*  
*Compliments of J. W. Purdom*

# HISTORY

of the Bar of the County  
of Middlesex



BY

HIS HONOR JUDGE HUGHES  
OF ST. THOMAS

AND

T. H. PURDOM, K.C.  
OF LONDON



AS GIVEN BEFORE THE MIDDLESEX  
HISTORICAL ASSOCIATION, LONDON

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# Preface



What Judge Hughes has written of the Early Bar of Middlesex and my continuation of it, is the result of a conversation between the then President of the Middlesex Historical Society and me. We both thought it very desirable that Judge Hughes should undertake the work because his memory enabled him to cover a greater number of years than anyone now living, and his associations and connections with the members of the Early Bar gave him a perfect knowledge of them all.

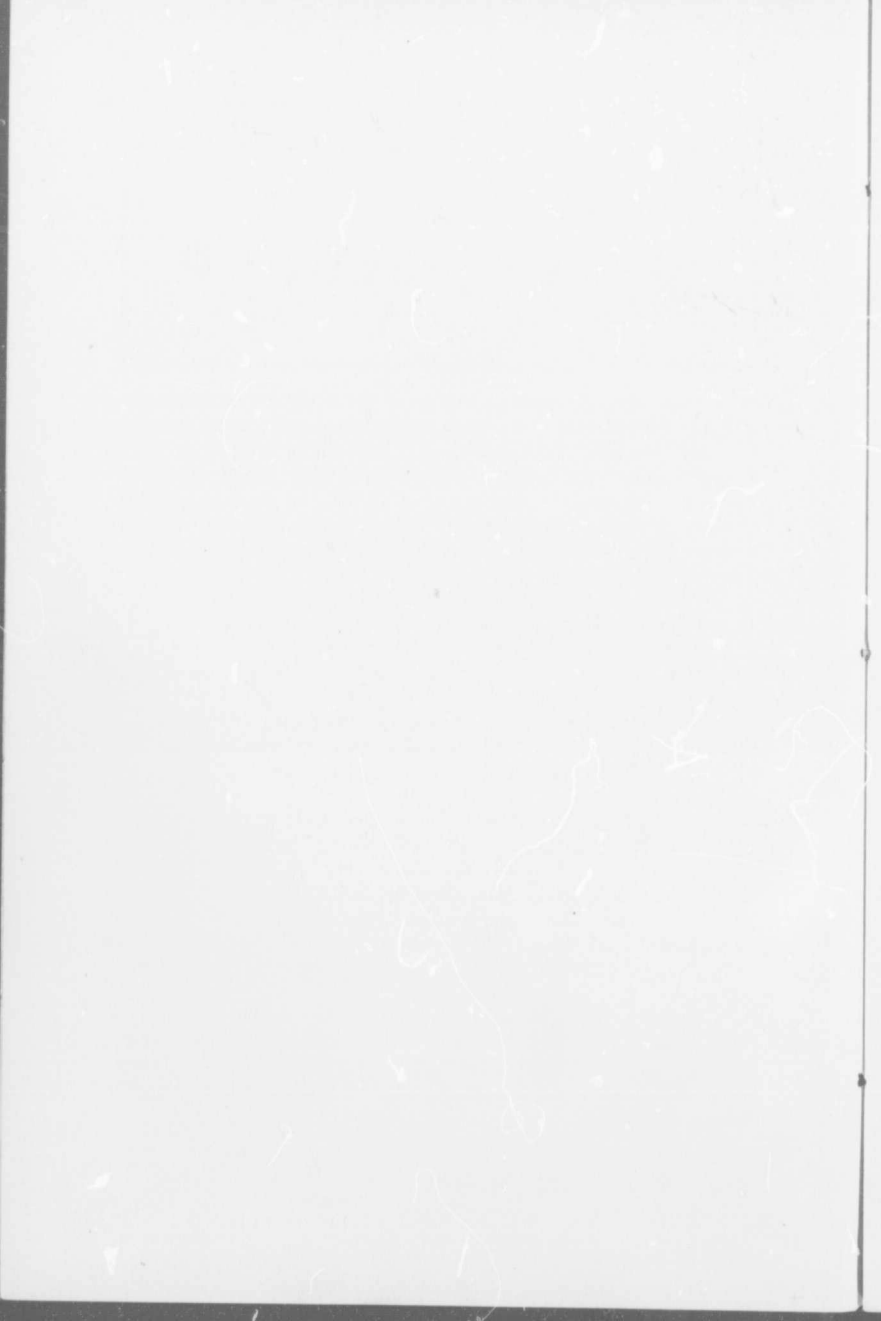
What I have written does not pretend to give any full reference to the Bar of to-day. It is better to leave that until a future time. I have made fuller references to those whose lives have closed. "Death's pale flag" has "advanced" too frequently among the members of the Bar, and while the usefulness of their lives is still fresh in our memories it is best to record the facts. If this is done from time to time it will serve a good purpose and preserve a record that will be interesting at least to the future members of the Bar of Middlesex.

These records should be as just and accurate as possible. The Middlesex Historical Society will welcome and preserve any additions, corrections or criticisms which may be offered. I have written almost entirely from memory, aided by a paper I wrote some years ago. There are, no doubt, facts left out which should be recorded, and there will be some errors. Whoever takes the subject up in the future will have the benefit of any information now supplied.

After these papers were read at the Historical Society they were published in *The Advertiser*, and it was suggested that they might as well be published in pamphlet form as a keepsake. If they serve to keep alive old faces and old memories the object sought will be attained.

T. H. PURDOM.

London, Ontario, April 24th, 1912.





HIS HONOR JUDGE HUGHES



THE UNIVERSITY OF CHICAGO

# The Early History of the Bar of Middlesex

By His Honor David J. Hughes, Judge of the County of Elgin, St. Thomas

I came to the London District in May, 1835, a lad, and was sent by my brother-in-law, the late John Wilson, who had adopted me, to the Grammar School, then taught by Mr. F. H. Wright, B.A., a graduate of Trinity College, Dublin. At that time, the late Mr. Ephraim J. Parke, Mr. Thomas Parke, jun., and Mr. Thomas Scatcherd, were fellow-pupils. The London district had for some years been very attractive to persons seeking homes, and caused some of the best agriculturalists and mechanics in the province, and many from the United States to settle in and about London. It was attractive for lawyers, as well as tradespeople. The territories now constituting the counties of Norfolk, Oxford, Huron, Perth, Bruce, Middlesex, Elgin and part of what is now the County of Brant, that is to say, the townships of Burford and Oakland, formed the London district.

## The Judicial Staff.

There was for this extensive territory only one Judge, one sheriff, one deputy-sheriff, one high constable, and several justices of the peace and necessary local constables. The clerk of the peace held also the office of clerk of the district court. The county treasurer held also the office of deputy clerk of the crown and pleas, and was sole issuer of marriage licenses. The district judge held also the office of inspector of tavern licenses, which owing to the loose way of granting licenses, was really a sinecure. The chairman was elected by the justices of court of general quarter sessions of the peace from among themselves. Besides their ordinary jurisdiction in criminal matters, they held and exercised peculiar jurisdiction on several subjects, such as the granting of licenses to innkeepers; matters of establishing new roads where the necessities of the country required, were referred to them. The granting of licenses to marry was referred to them. Ministers of what were denominated nonconformist churches were obliged to appear and perform certain acts and make certain proofs and to take the oath of allegiance to

the British crown and Government before they could legally perform the marriage ceremony. The taking of that oath was provided as a possible safeguard, because it was well known that itinerant preachers from the United States always insidiously endeavored (without exception) to sow seeds in the minds of their hearers of discontent with our monarchical system of government and hold up the transcendent superiority of democratic government. Such men were esteemed as more remarkable for their politics than for their piety.

## The Registration of Deeds.

There were four officers for the registration of deeds of real estate and wills of deceased persons affecting titles to lands, throughout the district, viz.: One at the township of Dunwich for Middlesex; one at Ingersoll for Oxford; one at Goderich for Huron, and one at Vittoria for Norfolk. In order to get the registry of a title it was necessary for an attesting witness to go personally to the office of the registrar, or to meet him elsewhere, to make the necessary proof of execution of an instrument before him. This system of red tape continued in vogue for some years after I became a student in 1837. If a deed were executed of lands in another county, the proof of execution might be, by affidavit, made there.

In the year A. D. 1835, when I went to live in London, a boy of 13 years, the following named members of the legal profession were residing in the London district, i. e., of barristers, viz.: Mr. John Stuart, at London; Mr. William Salmon, of Simcoe; Mr. Peter Papelle, of Vittoria and Mr. John Wilson (afterwards Judge Wilson), who although in 1834 not yet called to the bar was acting as counsel, by the courtesy of the court and members of the bar, in conducting his own cases; and the following were attorneys-at-law, but not barristers: William King Cornish, of London; Mr. Stuart Jones, of London; Mr. Edmund Burton, of Ingersoll; Mr. William Lassenohere, of Woodstock. At subsequent periods Mr. James Givins, of Toronto, a barrister, settled at St. Thomas; Mr. John



Strachan, of Toronto, a barrister, settled at Goderich; Mr. Robert Nichol, of Niagara, settled at Vienna; Mr. George Baxter, of Niagara, a barrister (afterwards judge of the county court of Welland county), settled at Vienna; Mr. Thomas D. Warren, an attorney, a native, settled in St. Thomas; Mr. James Stanton, of Toronto, a barrister, settled in St. Thomas; Mr. J. William Horton, of Brockville, a barrister, settled in London; Mr. Edward Horton, his brother, a barrister, settled in St. Thomas; Mr. Thomas Stewart, of London, a barrister, settled at Goderich; Mr. James Daniell, a barrister (afterwards judge of the county court of Prescott and Russell), settled in London. I cannot give the exact order of their establishing themselves according to dates, but my enumeration of names will be found pretty full.

#### Among the Law Students.

Those who were students at law while I was studying were Mr. Alexander Douglas McLean, stepson of Mr. Sheriff Hamilton, afterwards mayor of Chatham; Mr. John Stewart, formerly principal of the grammar school at Perth, a man in advanced years; Mr. Henry C. R. Becher, a young English gentleman, who came to Canada to seek his fortune; John Hamilton L. Askin, son of the clerk of the peace; Fred Cleverly, formerly a midshipman in the East India Company's service; Mr. James Shanly, the late master of the high court of justice and known as Lieut.-Col. Shanly, who was the son of Counselor Shanly, of the Irish bar, the last to be named whom memory serves me was Mr. George W. Burton, of Ingersoll, afterwards the Hon. Mr. Justice Burton, of the court of appeal. He commenced his legal career with his uncle, Mr. Edmund Burton, of Ingersoll, before named, and after being called to the bar became a partner in the eminent law firm in Hamilton of Burton & Bruce. Col. Shanly became the partner of Mr. Givins, which lasted until the removal of Judge Allen from office and the appointment of Mr. Givins as his successor. Mr. Givins was the gentleman to whose service in the profession I myself was articled, and I had charge of the work and practice of the office from the time I entered it for some years until my articles and services were transferred to Mr. Wilson, my brother-in-law, and subsequent partner, Mr. Becher and Mr. Shanly were articled to Mr. Wilson before me.

I cannot speak with confidence of a period anterior to the year 1834. I have it by tradition, that a court had

been held and justice administered at Turkey Point in the county of Norfolk, for some years anterior to the building of the courthouse at Vittoria. After the removal to Vittoria, Col. John Bostwick (afterwards of Port Stanley), had been in office either as sheriff or deputy, but Abraham A. Rapelje ultimately became sheriff, and Henry V. A. Rapelje, his son, was his deputy until after the removal of the district town from Vittoria to London.

The burning down of the courthouse at Vittoria caused the district town to be changed by act of Parliament. Before the courthouse at London was finished as it now stands, the building that is now the old Grammar School, was used for the court upstairs, and for the jail downstairs. The forming of a town in London was in embryo, and in the forest condition. There was no accommodation for suitors after the court had been established here.

#### Slept in Haylofts.

The jurors who attended the courts were obliged to get such accommodation as they could find anywhere, sometimes in a barn or hayloft, sometimes in the woods. They brought with them their provisions, including little mutchkins of whiskey, for those who drank whiskey. Tea and coffee were luxuries then, little used or obtainable. They had no jury rooms, and I have been told by a gentleman who had himself served on the jury, and who related this to me, that down near the end of Westminster bridge, at the north side of York street, there was a spring of deliciously pure cool water purling from under a widespreading basswood tree, which hung over, leaning towards the river, which shaded the place for a large distance. They used to bring their pork and bread, or sausages and bread, or cakes, or whatever they had to eat, and ate their meal there. Those who drank whiskey used to pour a little whiskey in the dammed-up spring and each one who wanted to drink whiskey and water with his lunch, would dip in his tin cup and take and drink what he wanted. All were welcome. This place was the only jury room, so to speak, where they would be in charge of a constable making up their verdict after every trial. At that time the jurors were not paid for their attendance at courts. They always travelled and lived at their own expense. Jurors were not paid for their attendance on the trial of criminal cases, and it was very hard upon the early settlers to hear legal cases controverted and to come in and spend a week or more during long trials at their own ex-

pense. It was found to be advantageous otherwise to many persons, as it brought strangers together and acted as an educator of the people. It was an expensive education for many, so that, except in civil cases, their services were unremunerative. They were paid for every district court case tried by them, \$1.50 that is a York-shilling apiece, and in superior court cases they were paid \$3.00, which was a quarter of a dollar apiece, no matter how long the trials lasted.

#### Held Verdict Until Paid.

A lawyer visiting the court here once was very much surprised to find, after the jurors had made up their minds and were waiting to render their verdict in a case, to observe they hesitated to deliver their finding, and were waiting for something. This the visiting lawyer was not accustomed to, as he came from another part of the country; he could not understand the halting process, which was new to him, so he asked why they did not deliver their verdict. The clerk said: "They are waiting for their pay," and on further explanation it was told that one of the lawyers was not to be trusted, so they insisted upon having their pay first. I was told also that the district judge got so accustomed to the practice and fallings of that particular lawyer, that he would not sign his name on the back of the record indicating the verdict, unless his fee of a dollar was handed up on the bench. The district court judge's sole remuneration for services at that time was by fees. This was all changed, however, afterwards, when a different set of lawyers settled in London, and the judges were barristers paid by salary. Owing to the lack of accommodations in the way of hotels, inns or taverns in the district town, the officers of the court, lawyers, and the judge, who had journeyed from what was called Long Point, but really Vittoria, where most of them still resided, used to stay at a very respectable and comfortable tavern outside the county town, situated on the Commissioners' road, in the township of Westminster, kept by Bartholomew Swartz, an old Polish soldier who had been with Napoleon at Moscow. It was one of the best hostleries in this part of the country, and the guests used to stay there over night and come to the village to hold the court during the day. It was the only comfortable or habitable place until hotels were erected, suitable for general public entertainment, the first of which was that of a Highland Scotchman, the late Peter McGregor, on the south side

of King street, facing the courthouse square. The next was that of Patrick McCann, who kept the Robinson Hall Hotel on the corner of Ridout and Dundas streets; the third the hotel of James McFadden, on the corner of King and Ridout streets, on the south side of King street.

#### Justices Untrustworthy.

At an early period it was found necessary to provide a tribunal for the collection of small debts, and a jurisdiction was created conferring authority upon justices of the peace to deal with such matters. But it was found that the justices of the peace were not content with what the law authorized, but must needs step beyond their proper bounds and commit acts of trespass, so those magistrates' courts were entirely abolished, and in substitution of them, commissioners were appointed, upon whom a limited jurisdiction was conferred. In the several prescribed and limited localities those small debt courts were called "Courts of Request." Some of the commissioners were lawyers, if they could be obtained. They had jurisdiction up to the value of \$10 on matters of debt or contract, but none as regards torts. Then the division courts as they exist now were substituted for the court of request. Circuits were prescribed to be settled by quarter sessions, to be presided over by a county judge or by a barrister, with extended jurisdiction, since which the administration of justice in all ordinary affairs has been brought nearer the people, and has given universal satisfaction by their domestic convenience.

Before, and at the time, indeed, for many years after I became a student-at-law, imprisonment for debt to the extent of \$40, was allowable. All that was necessary to procure a man's arrest for debt was for the creditor to make an affidavit setting forth what the claim was for, that it was due and unpaid and that the deponent was apprehensive that the debtor would leave this Province without paying the debt (it was not necessary to give any reasons for the "apprehension"). The result was that many debtors were imprisoned and kept in close confinement, unable to pay comparatively small sums of money. In amelioration of that condition a change in the law provided that the sheriff might take a bond with sureties conditioned that the debtor would not leave the walls of the jail, and that if he escaped, the sureties would pay the debt. Subsequently the "jail limits," as they were called, were extended to the boundaries of the town in which the courthouse

stood. If the debtor went beyond those limits, his bondsmen would be liable as for an escape. Several debtors, who were prisoners unable to pay comparatively small sums of money, or to find security, were shut up in insanitary cells, and obliged to support themselves. There was no provision for their getting rations from the county. The atmosphere of these cells was always close, stuffy and unwholesome.

#### The Tale of Two Prisoners.

I remember two prisoners in particular who had the walls of the jail for their limits, who had to place their several belongings and valuables on a table placed at the foot of the court-house stairs, to which they had called an auction sale, and one of them, acting as auctioneer, sold off their goods in order to furnish them with food. One of these was a medical doctor. The other was a man who had respectable connections, but he himself was not very respectable, so that his relatives did not seem to have much sympathy for him or his condition.

The district judge was not necessarily a lawyer, and as far as my knowledge of the early history of the district extends, the late James Mitchell, of Vittoria, was the first district judge. He had been a fellow-student and chum at the University of St. Andrew's in Scotland with the late Bishop Strachan. They were educated together, immigrated to this country together, where both became in different parts of the province, teachers of classical schools. Mr. Mitchell at Vittoria and Mr. Strachan at Cornwall. Although both were Scotchmen of very much the same stamp, learned and extremely Scotch and determined, they were entirely different in their habits, tastes, and future walks in life. Judge Mitchell, in the prime of life, although not a lawyer, had a legal and judicial mind, as Mr. Strachan proved to have possessed. He was an upright, honest and exemplary man until he became incapacitated by infirmities.

After the completion of the new brick courthouse, which still stands on its original foundation, with a new front, in London, some of the officials removed from the county of Norfolk to the newly-constituted county town. Neither the judge nor the sheriff changed their places of residence. Among those who did so were Mr. John Harris, the district treasurer. He had been previous to his appointment to office, a non-commissioned (a warrant) officer in the royal navy, employed on a government vessel in the sur-

vey of the Canadian lakes; after the war of 1812-1815, under command and direction of Capt. Bayfield and Owen, of H. M. R. N. Mr. John Baptiste Askin (who had formerly been a clerk during the war of 1812-1815 in the commissariat service), removed with his family to London.

#### Opinion of Mr. Askin.

He was by birth an Indian half-breed. His father was a white man and his mother was a squaw. He was himself an Indian, in his temper tastes and habits. He was outwardly of quite gentlemanly bearing, but inwardly conceited, proud, jealous and selfish and envious—all Indian. He had had the privileges and advantages of having mixed in the society of gentlemen. He had no taste for the society of his equals or immediate superiors, and was, true to his instincts, unsuccessfully imitative. He was the clerk of the peace and clerk of the county court. To him and his office belonged many, several and separate functions, and many that were assumed. The sceptre he swayed for many years among ignorant surroundings was supreme and absolute, until municipal institutions were established for every district of the province. These proved his bane, and upset his sway; and, what was worse, curtailed his income. Mr. James Hamilton, who had been, in fact, it was discovered that besides having been paid the fees prescribed by law, he had been paid an annual salary of \$1,200, for which there was no authority. When municipal institutions called district councils were established in this Province, which were presided over by wardens appointed by the Government, a thorough investigation was made by the late Hon. John Wilson, who had been appointed to that office for the London district, into the expenditures connected with the administration of justice, and he found that considerable sums of money had been paid out of the county funds, for which there had been no authority. In the discharge of his duty, he called the attention of the district council to the facts and figures. The same subject had been brought before the court of general quarter sessions of the peace by Mr. John Burwell, a member of the court. However, right or wrong, Mr. Askin took the actions of both these gentlemen as personally hostile, and as an affront in fact, an unpardonable offence which he never forgave. Even after the death of Mr. Wilson, although he had shaken hands with him in token of his forgiveness, whilst alive, he abused him after he was in his grave. He was, as

I have said, all Indian — who never buries the tomahawk.

#### Appointed Only Favorites.

Under the irresponsible system of government which existed at the time, i. e., before municipal institutions were introduced, Mr. Askin, a strong supporter of it, had been in the habit of recommending men for the commission of the peace, although he was only the clerk of the court of which they were to become members. This gave offence to many, because no person, however respectable or suited by education and character for the office of justice of the peace, could be or expect to be appointed, of whom Mr. J. B. Askin did not approve and recommend.

Mr. Henry Van Allen Rapelje, the deputy sheriff, removed to London and conducted the office in the name of his father. Upon the subsequent setting off the county of Norfolk as a separate judicial district, he was appointed the sheriff of that county and a merchant at St. Thomas, was appointed sheriff of Middlesex in A. D. 1837. Mr. Samuel Park, the jailer, removed to London. He was the son of a Mr. Park who had been the jailer at Vittoria and had died there. Mr. William King Cornish, who had acted as deputy to the clerk of the peace at Vittoria, removed to London, and subsequently became an attorney-at-law there.

Owing to the infirmities of the district judge, who had latterly removed to London and lived there for some years, and was very much afflicted with rheumatism, it was found necessary to appoint a junior judge. A representation was made to that effect to the Government, and Mr. William Young, of Caradoc, an English attorney by profession, but not a barrister, was appointed for the administration of justice. Mr. Young was a very austere and strongly set-up, stiff Englishman, who had held a good position in England, but lost it through fast living. He had neither knowledge nor sympathy with the affairs of this country, but was a fairly good lawyer, a highly respectable man in his way, but a good deal of a wreck, who had lost his health and temper; so that ultimately he became really less fit physically to discharge all the duties than the senior judge was. He conducted the court with decorum. When on the bench he could and did act the part of a gentleman.

#### Swore "Like a Trooper."

When off the bench he could be arrogant and offensive, and swear, in the fashionable style, common in the per-

iod of King George the Fourth like a trooper. In plain language, he could be blasphemously profane when he was stirred to a period of anger. After the entire failure of bodily health, his mental strength was exhausted and he died, unlamented, and was soon forgotten. The senior judge, in consequence, temporarily assumed the judicial functions, so that the administration of justice in the district court became somewhat ludicrous through the advanced age and consequent incapacity of Judge Mitchell.

I remember a case in which a witness bearing the name of Barnard Mackleroy was called to give evidence on behalf of one of the suitors, when the lawyer conducting the case asked the judge to take down the evidence the witness was giving. The judge had not been taking any notes at all.

"Will your honor please take that down?"

"Yes, Mr. Givins, I will take that down." With that he began fumbling with his pen in his book.

"Now, will your honor be pleased to read what you have taken down?"

"Yes, Mr. Givins, I have taken down that the witness says Barnard Mackleroy is dead."

"But your honor, the witness is Barnard Mackleroy."

"I cannot help that. If the witness chooses to swear that he is dead, I cannot help it."

So the case proceeded.

When it came to the judge's charge, he said:

"Gentlemen of the jury, you have heard the evidence, and I have not. The fact is, I am a little deaf in my left ear—(the jurors sat on that side)—but, gentlemen of the jury, I must tell you that if you think the evidence adduced on the part of the plaintiff is the more satisfactory, it will be your duty to find a verdict for the plaintiff for such damages as you think him justly entitled to, but if, on the contrary, gentlemen, you think the evidence adduced on the part of the defence preponderates, and is the more convincing, it is my duty as an upright and just judge to tell you that, regardless of consequences, it is your duty to find a verdict for the defendant."

"Your honor, is that the charge?"

"Yes, Mr. Givins, that is the charge."

"Short and sweet, your honor."

Following the death of Judge Young it became impossible for Judge Mitchell to continue long in the exercise of the judicial functions, as he was found to be totally incapacitated, and he returned to his home at Vittoria, or

its neighborhood, where he died, and had in his younger days spent a useful life, very much respected.

The next in order on the local bench was Mr. Roland Williams, a West Indian solicitor (not barrister), a good lawyer and a very respectable and justly-respected gentleman. He did not remove to or reside in London, but continued living on his farm in the Township of Westminster, a few miles from St. Thomas, to which place we were obliged to go in case we required to make a chamber application, which, of course, involved delay and expense, for which there was no recompense in the way of adequate fees or disbursements. Mr. Williams, however, before long became a confirmed invalid, and died after only a few years of judicial service.

After the death of Judge Williams, an English barrister by the name of Henry Allen was appointed. He was a man who had difficulty of speech and was totally unfit to deal with the people. He had come to this country from one of the West India islands. He could not comprehend our condition or mode of living, was unacquainted with business affairs and local conditions, so that the administration of justice in his hands was inefficient and gave very great dissatisfaction. He was petulant in his temper and overbearing as well. I was told by a clerk of the division court that on one occasion the judge, owing to the state of the roads, was very late in reaching Fingal, where he should have been presiding in the division court.

#### Referred Cases to Clerk.

The tired suitors had such confidence in the clerk, who was not a lawyer, but a very clever, upright and good businessman, that they referred their cases to the clerk. When the judge arrived he found all the cases disposed of. The clerk made known to the judge that he had relieved him from all his trouble, assured him he was sorry the judge had come so far through such bad roads, that the parties had waited long for his arrival and had agreed to his disposing of the cases by arbitration and that every case had been settled. The judge hearing this, threw himself into a rage and dared the clerk, on pain of dismissal, ever to do such a thing again. The clerk thought he was rendering a service which turned out to be very offensive to his honor.

A complaint was subsequently made of his entire unfitness to the Government, and he was removed from office of judge of the district court, but

retained his office of judge of the surrogate court. He tried an action of Trover for a stag, which the plaintiff claimed as his property. After the case had been in contention, spun out for a long time, and only discussed by the lawyers, who all understood what kind of animal a "stag" was, the judge, when he came to charge the jury, said the case must be dismissed because a stag was what was known as a wild animal, *Free Naturae* (imagining that the suit was brought for possession of a male red deer), that if it left one man's woods the latter could claim it, any claim to it and if it went to another man's woods the later could claim it. The lawyers had difficulty in explaining the difference between what was locally called a "stag" and a "wild deer," but he did not see it. However, the jury dealt with it properly, all of which, and much more such, showed his total ignorance of the affairs of the country in which every county judge ought to be well versed. His inefficiency and incapability to adapt himself to the exigencies of the office were so manifest that a complaint was made to the Government and Judge Allen was removed from the office of judge of the county court.

#### Succeeded by Mr. Givins.

After his removal Mr. James Givins (who was then a barrister of some ten years' standing at the bar) was appointed his successor as judge of the county court. Mr. Allen still retained the judgeship of the surrogate court. Judge Givins was an able man and a well-read lawyer, but like many others he failed in the prompt and apt application of legal principles to present needs, which gave hesitation and uncertainty as to his decisions. When he had made up his mind it was by no means certain that he was right, but he "stuck to it" all the same because he thought he was right. He was not a success, nor entirely unsuccessful, as a judge. He was not long in the office when he died and was soon forgotten.

After Mr. Givins died Judge Small was appointed and was the immediate predecessor of the late Judge William Elliott. He was the Hon. James Edward Small, who had been the Solicitor-General, a member of the Baldwin Ministry, and a politician. He was a man who was a better judge of a good dinner than he was of law, and was more particular about getting his meal in the middle of the day (no matter at what stage the trial of a case before him might be) than he was in the proper discharge of his duties—his dinner and its accompaniment of

brandy and water, were all of supreme importance. He was a man who boasted, if it could be conceived that a lawyer, much less a judge would confess such a thing, that he had never read the Common Law Procedure Act and did not intend to. His administrations in the division courts consisted largely in talking all the time himself and being very impatient of hearing others. More than that, some of his clerks of the division courts were not faithful in paying over the moneys they had collected, and the judge was not willing to listen to any complaints against them; he rather shielded them. I have myself gone all the way to the division court at Delaware to complain, and was met by the judge with every obstruction. I neither got justice, not even a hearing, nor did I get my client's money, after which I never expected justice and did not care ever to appear before him. I know that Mr. Becher had the same feeling.

#### Appointed Local Master.

After the reconstruction of the court of chancery I was myself appointed local master, but because it involved the necessity of my giving up practice, I resigned, Col. Shanly was appointed in my place and continued in the office until his death. I do not think it necessary to speak of any members of the profession (within 50 years) other than those I have mentioned, because they all belong to modern history which would be better spoken of by others. I went to practice at Woodstock in the year 1842, about the time James Daniels, Thomas Scatterd, Ephraim J. Parke, Hugh Richardson, Samuel Barker, and William O. Street, all younger men than myself, became members of the profession and members of the London Bar, or students-at-law in London.

In a subsequent period after the counties of Norfolk, Oxford and Huron were set off into separate judicial districts, two of the judges were not lawyers. In Huron the district judge was an English barrister who had never practiced. He was a better judge of a roast turkey and well-cooked beefsteak and a glass of sherry than he was of either law or justice. The judge at Woodstock was a retired English banker, an exceedingly dull man. The judge in Norfolk was a man of good common sense, a business man, but not a lawyer; well suited to deal with the ordinary affairs among the early settlers of this country. In arguing a case before the judge at Woodstock it was found that the producing and reading out to him of a law book, no matter how inap-

plicable the subject, it always made weight for a successful, favorable decision.

What is now the county of Elgin still formed part of the county of Middlesex. What are now the Counties of Perth and Bruce were then within the judicial district of Huron. After the establishment of a branch of the Bank of Upper Canada in London in the year 1835, Mr. James Givins, who was a lawyer practicing in St. Thomas, came to London to live, having been appointed the notary and solicitor of the bank. It was the first and only bank in London for many years. There was a Mr. McKenzie who was practicing law in St. Thomas; he remained there only a short time. Mr. John Strachan was practicing law at Goderich and Mr. Gideon Acland, a barrister, went to and practiced in St. Thomas from 1835 to 1840. He was one of the best commercial lawyers that then existed in the district. He was not appreciated in St. Thomas owing to family relations and preferences for inferior men who were there before him. He subsequently removed to London where he only remained a short time, for he died soon after.

#### A Writer to the Signet.

A Mr. Thomas Kier, who had been a writer to the Signet in Scotland, removed to London from Dundas, where he had studied law in the office of the Hon. William Notman for a year. He was entirely unsuited for practice. He was more a literary man than a lawyer. He could write political articles well. He was clever and well educated but not at all temperate in his habits. The other lawyers used to say with forcefulness that a Scotch lawyer who came to Canada to practice, instead of being admitted to the profession after only one year's study of our system of procedure, should serve five years longer in order to forget his Scotch peculiarities and glossary of words and learn our legal vernacular. A similar case existed at Goderich, where a Mr. Haldane purported to practice but was never admitted to the bar. He was a Scotch lawyer, a writer to the Signet, a name given to an important body of lawyers in Scotland. It was curious to sit down and hear his peculiar law expressions, so that one really needed a glossary of Scotch law to be able to understand what they meant. I had the opportunity of meeting him on one occasion and his language kept my mind on the stretch in order to reach his meaning.

#### Practice and Pleadings.

I have passed through five separate

amendments and practice of law in my long connection with the legal profession. The first involved long and unmeaning counts in declarations which did not necessarily disclose what an action was brought to recover. There were different forms of action for every remedy sought. The action on the case for torts; the action on the case of promises, called *assumpsit*; the action of debt for the recovery of money; the action of *replevin* for the recovery of goods or cattle or chattels, and for damages for their detention; the action of *detinue* for the recovery of chattels in specie; the action of trespass for the recovery of damages for injury to persons or property, real or personal; the action of trover for the recovery of a chattel and the action called a *feigned issue* for the purpose of trying the right of property or possession of chattel claimed by someone else. These proceedings were not necessarily inaugurated by a writ or summons or by petition or by direct application to the court or a judge. The mysteries of procedure sanctioned by long practice and ingenuity of those engaged as legal agents (winked at by the court) were barriers to suitors, obtaining their rights except through the agency of men well versed in the mazes and trodden paths of procedure, established by the ingenuity of men whose interests it was to confine their avenues of justice to their own profit and intervention. To give a few instances of this system: The first process in ordinary actions was by a writ of *capias ad respondendum* (directed to the sheriff), ballable and non-ballable. The sheriff, when this writ was placed in his hands, was supposed to take the defendant and bring him before the court; in ballable cases to arrest him by his body and keep him safely until he should give security for his due appearance and readiness to answer the action. In non-ballable cases the sheriff was furnished with copies of the writ to be served personally upon the defendant, having indorsed upon the copy notice to the defendant for the purport and purpose of the service. If the defendant appeared he did so by entering a written appearance in the court. If he failed to do so the plaintiff might enter one for him and the proceedings to follow would be taken by the plaintiff's attorney, which it would take too long to detail here. In the action of *replevin* the writ ordered the sheriff to receive the goods, similar to the present procedure. The action of ejectment was commenced without a writ or summons, which contained a fallacious

which set forth a claim by a supposititious defendant. The suit by *interpleader* was commenced by the stating of a supposititious wager between two persons as to ownership of the goods claimed by the real plaintiff. The action of trover was by the declaration of the loss of a chattel which came to the possession of the defendant by finding, and that the defendant wrongfully deprived the owner of the chattel, claiming full damages for the detention. This system was only gradually changed—by new rules of procedure, subsequently by the common law procedure act, and ultimately by the fusion of law and equity and an entire upsetting of all old methods, as it exists at this day.

#### A Curious Anomaly.

A curious anomaly was introduced by statute, which provided for the joining in one action of the maker and indorser of a bill of exchange or promissory note. It had been held that they could not be joined in one action, because the contract of each of those parties was not identical—that of the maker of a note, or the acceptor or indorser of a bill of exchange being positive, and that of the drawer or indorser as only conditional. To remedy this, the best the legislators could devise was to prescribe that a declaration containing "the common money counts," as they were termed, be filed and served on the defendant, having attached to them a copy of the instrument upon which the action was founded, and that without the slightest reference to the bill or note. To remedy this, someone more ingenious than the past, who had labored with the subject, planned the form which is now used for joining all parties.

Besides giving the history as to the personnel of the members of the legal profession, I have extended a statement of some of my recollections of the past connected with the administration of law and of legal procedure.

According to the provisions of an imperial statute (which is easy of reference), all negroes and lands owned in the colonies of Great Britain were declared to be goods and chattels for the payment of debts. Taking advantage of that provision, a judgement and execution were obtained against the owner of the Township of Moulton, in the new County of Haldimand (then in the District of Niagara), and the whole township was advertised and sold en bloc after ten days' notice of sale; purchased by Henry John Moulton, a lawyer, of Toronto, and his title, under the sale and the proper construction of the statute was held to be valid. Af-

ter which a provincial law was passed that required an execution against goods to be first issued so as to make the debt and costs out of the chattel estate, falling which and upon the debtor's return, inoarsed "Nona Bona" for the whole, or in part only, could an execution against lands be issued, after which that execution would have to remain in the sheriff's hands for twelve months, and the lands described and published in the Upper Canada Gazette and in a local paper, for three months before the lands could be sold.

#### Trial by Jury.

In civil as well as criminal cases it was the rule to have trial by jury, except in cases of common assault and petty trespasses, and for sums above the jurisdiction of the courts of requests. After an interlocutory judgment in the court of Queen's bench or district court, where there was consequently no defence set up, it was necessary for a jury to assess the "damages." The non-payment of a debt or breach of contract was held to entitle to damages. I knew one lawyer (who was, as a matter of court etiquette, obliged to wear his gown and bands), who was never known to address a jury except in the matter of obtaining an assessment of damages for non-payment of promissory notes, upon whose verdict judgment and execution would not be obtained until after commencement of the next law term of the court. There was no summary reference of such "damages." The legislature (after a long struggle on the subject of invading the palladium of our liberties i. e., trial by jury), and substituting a summary trial (as had taken a change in the law in England), passed a law for the trial of petty trespasses and common assaults by justices of the peace.

The prognostications of the opponents of the change were in many cases poorly fulfilled by ignorant and malignant magistrates, exceeding their jurisdiction in regard to these subjects. I have known of many such perversions myself, but an appeal to the general sessions of the peace had for the most part provided against justice, and I could furnish numerous instances of the ludicrous figures which some magistrates have cut in the assumed jurisdiction on these subjects.

#### No Penitentiary Then.

As to criminal law procedure, I need say very little. There was no penitentiary for convicts, nothing between the common jail and the stocks, except the pillory and the stocks, or sending them to Van Diemen's Land, which was very expensive and circuit-

ous. I recollect that at the corner of the courthouse square (the northeast corner), there stood a common stocks and pillory, and I remember seeing a man once sitting in the stocks as punishment for stealing silver spoons, but I think the pillory was never used. It was not used in my time, certainly. Both were afterwards abolished by statute. As a partial remedy for the expense of transportation, a law was passed providing banishment from the country of persons convicted of aggravated offences, not capital, with a penal clause attached, declaring that if a convict returned from banishment it would be a capital felony. I knew the case of one old man, over sixty years of age, who, having returned from banishment, was arrested and tried, and upon conviction was sentenced to death. However, the sentence was commuted to imprisonment in the penitentiary, which had then been completed, for the rest of his life. It is but fair to surmise that his punishment of banishment had the effect of helping to people the United States with so many "smart men," as are to be found there, for they had no other country to adopt as their future home. It may not be known to many at the present time, and is therefore a fact worthy of note, that prisoners were not allowed full defence in my early days. Counsel could not address the jury in defence of the prisoner. I recollect that in the old courthouse, three courts-martial sat for the trial of grave offences. The first was for that of the so-called patriots who invaded this Province during the troubles arising out of the rebellion of 1837. It was a militia court-martial, presided over by Col. John Bostwick, of Port Stanley. The second was a militia court-martial for the trial of Lieut.-Col. Craig, of Caradoc, which was adjourned and never reassembled. The third was a general court-martial consisting of officers of the army, presided over by Lieut.-Col. Love, of the Royal Eighty-fifth Regiment, for the trial of Major O'Connor, of her Majesty's Eighty-fifth Regiment, which ended in his being cruelly and most unjustly dismissed from the service of the Queen.

#### The General Quarter Sessions.

The Honorable John Sandfield MacDonald (an upright and able lawyer, an enlightened, honest politician and statesman, one of the best we ever have had since the retirement of the Hon. Robert Baldwin (from public life), when attorney-general and premier of the Ontario Government, introduced and caused to be enacted many valu-



able and economic changes in the law.

(a) The doing away with sessions of the peace being held quarterly, and abolishing recorders' courts in cities.

(b) The providing for the summary and hastening the trial of prisoners unable to procure bail; giving them the right to be tried immediately by the county judge without a jury. We all know the successful result of that provision, which has been accepted by persons accused of crime in thousands of cases, to the manifest saving of expense and more prompt administration of justice.

(c) This provision was not acceptable to lawyers, who aimed at personal display before a court and jury. I remember an instance of aggravated assault, which the depositions before me unfolded, in which it was shown that a woman had cruelly and repeatedly whipped an adopted little girl and maimed and marked her body with wales. The county attorney, an exceedingly indolent and careless official, had not taken the proper course of his duty by sending over the depositions, but indifferently and perfunctorily charged the woman in his formal statement with common assault, which at most would have resulted in an imprisonment for twelve months. The lawyer, not seeing his advantage, instead of reading the depositions and recommending his client to plead guilty of common assault, as charged, demanded a trial by jury, so that his client was remanded. Meanwhile, I called down the county attorney for his remissness, and told him to read the deposition, which he did, so that

at the general session he charged the woman with the proper offence, i. e., aggravated assault. The proofs adduced exposed one of the grossest cases of inhuman cruelty inflicted that I ever heard. The prisoner was convicted and sentenced to an imprisonment of five years in the penitentiary. The next resort was to the Government, without avail.

#### Unsympathetic Judges.

Those who have been "sat upon" by judges are sore, and sure to remember the difficulties of standing before grimness in the faces of those who have no sympathy with beginners. I have felt all this myself. The late Chief Justice Draper was not grim, because he smiled. When he sat upon the bench, delighted at an opportunity to display his learning and skillful instincts and taste for niceties, he used to smile at an opportunity. When he smiled the profession used to say he meant mischief, which was fatal to someone.

That same judge non-suited me in a quitam action because my proof was not technically in accordance with my pleading—refused to amend—and I lost what was intended to recover penalties for several gross and oppressive acts of usury, which a statute then in force was intended to punish and provide remedies. Upon his declaring a non-suit, the judge smiled, a complete Draperian smile, peculiar to the man, who seemed to derive comfort from what was disappointment and pain to me, a young and ambitious lawyer.



# The Old Court House



Reproduced from The London Advertiser.

("Ye'll no mend a broken nest by dabbin' at it."—  
Scotch proverb.)

Hard by the mighty "Forks," on sandy bluff,  
An ancient Castle meets the astonish view,  
Where Justice holdeth mortals by the scruff  
Of their uneasy necks. Their cattiffs chew  
The bitter eud of knowledge come too late  
And on the wrong side of Justitia's gate.

And in the rear of this forensic Hall,  
A grim and dubious Cavern doth abide  
Within whose aged and repellant wall  
Bolts, bars, and shackles mock at and deride  
The human thirst for freedom. Piteous sight  
Where even the raiment may be termed a "fright."

The humble turnips and the sober ont  
Do not revive the spirit sadly tried—  
Man is a man, and not a billy-goat,  
Whatever ancient statute may provide,  
High cost of Living? Lo, the Gubernator  
Hath solved the same by aid of "cold per'ator."

In days of yore the quaking neophyte,  
From Bayly's school hath clomb the ancient stair,  
Seen the Judicial Head-Piece, reversed sight,  
And breathed with him the thick and stuffy air;  
Marking with chalky cheek the appointed Pound  
Where stands the Malefactors 'cuffed and bound.

He hears the Constable, with nasal wheeze,  
Be-summon Silence to the solemn reeze—  
The boy's teeth rattle and his quiv'ring knees  
Are shaken by the Law's Majestic Mien—  
Enrich with reminiscences of snuff,  
And fine old port and other fragrant stuff.

Now comes the Great One—Royal Counsel hight—  
Lo, on his arm a crimson Bag he bears;  
To some he nods in condescension light—  
Some he transfixes with his stoniest stares.  
Then rubs his lenses to peruse the shaf  
Of mighty folios—Lawyers call a Brief.

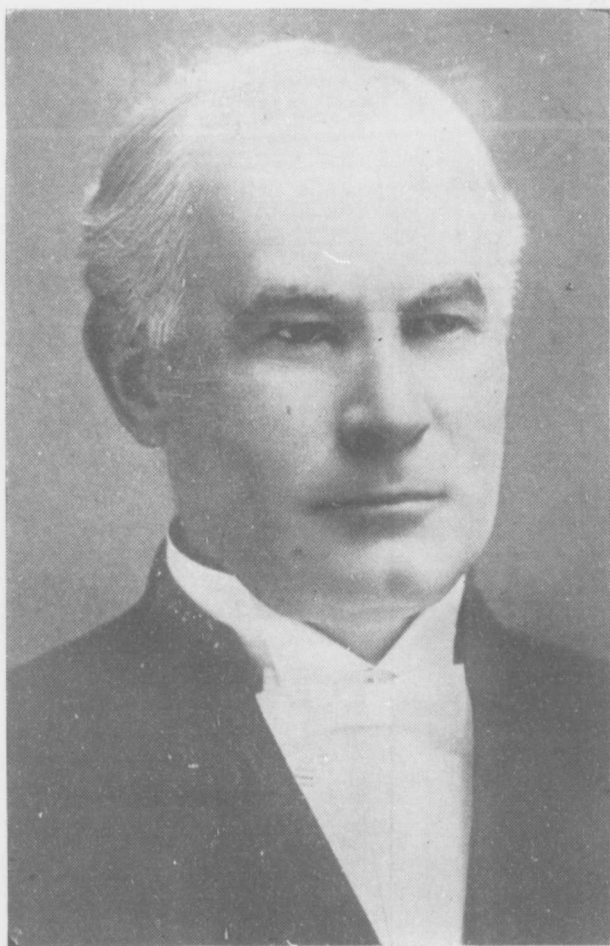
And now the humble Witness, scant of speech,  
Is set on high to show himself an Ass,  
Being cross-examined by a cruel Leech,  
Like insect under magnifying glass.  
In vain he mops his brow, Reason hath flown  
And all his friends and kinsfolk him disown.

Ay, what 'wit—combats (as Ben Jonson said)  
This Packing-case, yeleft a Court, hath seen  
When they (now lying with the honored Dead),  
Like nimble fencers flashed their weapons keen,  
When the perspiring crowd admired and wondered  
As forky lightnings flew and Giants thunder'd.

But, when the Judge assumed the FATAL CAP  
When every Javelin man had ceased his cry,  
And the High Constable with solemn rap  
Bade conversation cease, no human eye  
Could gaze unmoved on Culprit shorn of bliss  
And face to face with soulless Nemesis.

Old Tower of London dim and awful tales  
Are in the keeping of thy time-worn walls—  
Of bloody deeds of women's horseless walls,  
Of Passion's rage, and Human Nature's fails;  
Unchanging Record of the vanisht years;  
A silent Cenotaph of mortal tears.

—CROSSKEYS.



T. H. PURDOM, K.C.

# A Later History of the Bar of Middlesex

BY T. H. PURDOM, K.C.

The history of the legal bar of Middlesex could have been written by no other living man as accurately as by his honor Judge Hughes, and all will feel very grateful to him for it. Judge Hughes is 93 years of age. He spent considerable time in its preparation. His mind is as clear as ever, and no one would have supposed, by the ready and cheerful assent he gave to prepare the paper, that it involved so much real hard work. It is an additional proof that any work the mind goes with is easy.

The bar of Middlesex, although for many years the second largest in the province, has been like a large family, each member knowing every other member, and entering more or less into his life. It has always had among its members many strong men who would have taken a foremost place at the bar in any English-speaking centre of the world.

Judge Hughes has brought us down to comparatively recent days, to days so recent that we might apply the words of the family meeting:

"We are all here?"

Even they—the dead—though dead, so dear,

Fond memory, to her duty true,  
Brings back their faded forms to view,  
How lifelike through the mist of years  
Each well-remembered face appears."

## The Early Bar.

The most prominent members of the early bar were John Wilson, H. C. R. Becher and William Horton, and a little later Thomas Scatcherd, E. Jones Parke, Wm. Elliot, James Daniel, D. M. Thompson, Edward W. Harris, George B. Harris, John FitzJohn Harris, William Kinz Cornish, and Patrick G. Norris.

Among the early lawyers John Wilson is assigned first place. He was a man of trenchant, keen, common sense. He was the leader of the bar until his appointment to the bench as a judge of the court of common pleas in 1863. He died in 1869. His forte was with the jury, and Canada has produced few who would be considered his equal. Col. Prince on one side,

and John Wilson on the other, were sure to bring out an interesting fight. He spared no pains to inform himself. On one occasion when engaged in a case about a steam engine, he went to Leonard's foundry and studied the construction of a steam engine so thoroughly that he knew as much as any of the witnesses, and was well qualified to examine them. H. C. R. Becher was the next most prominent member of the bar, and he and Mr. Wilson frequently opposed each other, Mr. Wilson being considered the stronger man. I remember well Judge Wilson's funeral in 1869. It was the last occasion on which the members of the bar appeared in their robes. It was not alone as a member of the bar that Mr. Wilson was prominent. He represented London first as a Conservative, but changed his views, became a Reformer on the Rebellion Losses bill, and was elected as a Reformer. Surely a man who could accomplish that "owned the town," and had the full confidence of the people of all shades of politics. He is reported to have made a slip that he was compelled to pay for. In one of his speeches in the House, he said, "Irishmen were not fit to carry firearms," and the Irishmen forgot to forgive him. Not many years after he became one of the judges of the court of common pleas, and filled the position satisfactorily till his death in 1869. I studied with Mr. E. J. Parke, who had been a student in Mr. Wilson's office and knew him well. He entertained for Mr. Wilson the highest respect, and for his ability and integrity the greatest admiration. One circumstance is worth mentioning. Mr. Parke met Mr. Wilson on King street in Toronto after his appointment to the bench. He knew Mr. Wilson had indorsed notes for the accommodation of some friend and lost in the neighborhood of ten thousand dollars. They spoke of the loss, and Mr. Parke remarked, "I suppose that will be your last accommodation indorsement." but Mr. Wilson replied with some emphasis that he hoped it would not be. He was apparently generous, large-hearted, able and honest, with a full share of



Hon. John Wilson,  
Judge C. P.



H. C. R. Becher, Q. C.



Thomas Scatcherd,  
Q.C., M.P.



Sir William Meredith,  
Chief Justice, C. P.



Hon. Hugh MacMahon,  
Judge C. P.



Judge Daniel,  
L'Original.



Judge Edward Elliott,  
Co. Middlesex.



E. Jones Parke, Q. C.

common sense, and did much to direct the administration of justice in London, and to form among the lawyers of his day a spirit of fairness and manliness in their dealings with each other that has survived to the present time.

#### The Only Queen's Counsel.

Henry C. R. Becher was also a very able man. For a long time he was the only queen's counsel in London, and conducted the crown business at every court at London until his retirement. He was a ready, fluent speaker. He died in England in July, 1885. Three generations became members of the Middlesex bar. His son, Henry Becher, and his grandson, Campbell Becher. Henry Becher was one of the most handsome men in London. He died a comparatively young man. He was a member of the firm of Becher, Street & Becher, and was in 1885—the year his father died—mayor of the city of London.

Henry C. R. Becher, like Mr. Wilson, was a politician. He ran for East Middlesex against Mr. Craik and Mr. Frank Cornish. In a letter sent by Mr. Becher to the press, he declares his intention to "Save the riding from Grit clutches whether Mr. Cornish retires or not." The result was: Craik, 1,025; Becher, 855; Cornish, 349. Mr. Becher contested the Mahabide division, consisting of the city of London, East Middlesex, East Elgin and West Elgin, for representation in the Legislative Council or Senate. The election, which occurred in September, 1862, was preceded by months of hard work, open air meetings and open voting. The late Archie McKeellar took an active part in both English and Gaelic. Mr. Becher's opponent was the late Senator Leonard. Mr. Becher made a costly slip, like Mr. Wilson with the firearms, when following Mr. Leonard at one of the meetings. While he admitted Mr. Leonard's many excellent qualities and services, he pointed out how absurd it would be to elect him, and referring to the fact that he made plow points, wound up by saying: "Let him stick to his plow points." Leonard retorted: "Let him stick to his law points." Both points stuck, and the issue largely was law points against plow points, resulting in a majority for Leonard of 230 in a total vote of 7,874. Leonard's friends in St. Thomas celebrated the victory by flying the Union Jack on a pole surmounted by a plow point.

It should be noted here that John Wilson and H. C. R. Becher were among the first to erect handsome residences surrounded by beautiful grounds in London. They still both hold a first place.

William Horton was a contemporary of Mr. Wilson and Mr. Becher. He was a careful lawyer, of much prominence and ability. It was unfortunate for him that the recorder's

court was established and he became recorder. This interrupted his practice, and on the abolition of the court he was unable to again secure it. Mr. Horton took an active part in politics, and was one of the leading Conservatives who followed Colonel Walker out of the Conservative ranks. He, too, erected a fine residence in Westminster and lived to a good old age.

These three constitute the most prominent men of the late thirties and forties. There were also, I think, Mr. Stewart (called "Four Eyes"), and Mr. William King Cornish, father of Frank Cornish.

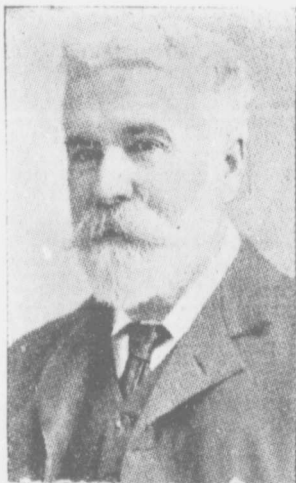
#### During the Forties and Fifties.

During the forties were added many good men—William Elliot, afterwards judge, the firm being Elliot & Cooper; Col. James Shanley, afterwards master in chancery; Thomas Scatterd, afterwards member for North Middlesex; E. Jones Parke, afterwards police magistrate; David M. Thomson, who retired and lived in Strathroy; James Daniel, who became judge of L'Orignal; David J. Hughes, who was a brother-in-law of Judge Wilson, and afterwards judge of the county court of the County of Elgin; Patrick G. Norris and Philip MacKenzie, associated in partnership with John Wilson for some time.

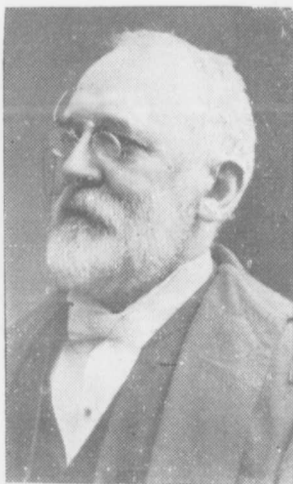
#### Judge Elliott.

William Elliot practiced for many years in London, first in the firm of Elliot & Cooper, and afterwards with his son-in-law, James H. Fraser, as Elliot & Fraser. Mr. Elliot was appointed judge of the county court in 1869. He was very genial, and while he maintained the dignity of his position, by his easy grace of manner made the youngest student feel at home in his presence. I well remember when quite young being sent over to the judge's chambers for an order of some kind. While waiting for a chance to ask for the order, Charles Hutchinson, the county crown attorney, came in, and was followed by a constable and a boy I knew handcuffed. The boy, seeing me, said "Hello, Tom," and I replied, "Hello, Charley." The boy was charged with horse stealing, and in a minute or two was taken out again, some day being fixed for the trial. I explained to the judge who he was. He was a good average boy, and was no more a criminal than the late Bishop Baldwin. I had played cricket with him many a time, and I was much pleased when I heard afterwards how kindly Judge Elliot dealt with him.

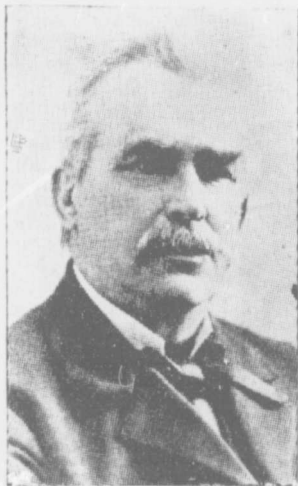
Judge Elliot while in practice was one of the leading members of the bar, a good speaker and an easy, graceful writer. He sometimes delivered lectures, as did Judge Wilson. Lecturing was popular at that time, and the Mechanics' Institute provided



Verschoye Cronyn, K.C.



J. H. Flock, K.C.



Hon. David Mills,  
Judge Supreme Court.



Harry Becher,  
Mayor

courses of lectures. During Judge Elliot's time as county judge he held the respect and confidence of the bar. He lived to a good old age, 93 years. He died on Sept. 28, 1905. As a mark of respect to his memory, the bar of Middlesex procured an oil portrait of him, the first to be placed in the Middlesex courthouse. Much sympathy was felt for him when his son, Skiffington Connor Elliot, was killed at Duck Lake in June, 1885. Hume Elliot, K. C., is another son, in practice here.

#### Oil Portraits Suggested.

I hope to see portraits added of all members of the Middlesex bar who were elevated to the bench. The list already numbers the Hon. David Mills, judge of the supreme court of Canada; the Hon. John Wilson, Sir William R. Meredith, the Hon. Hugh MacMahon, the Hon. W. P. R. Street, the Hon. Richard Martin Meredith, and the Hon. James Magee, in the superior courts. Vice-Chancellor Ferguson studied for four years in Mr. Worthington's office; and James Daniel, judge of L'Orignal; David J. Hughes, judge of Elgin; William Elliot, judge of Middlesex; Duncan MacMillan, judge of Haldimand; William W. Fitzgerald, judge of Welland; Alexander D. Hardy, judge of Brant; Archibald Bell, judge of Kent; John A. MacKenzie, judge of Lambton, studied in London; Thomas Talbot Macbeth, judge of Middlesex in the county court. I almost feel as if Judge Davis, who, although practicing in Sarnia, was junior judge of Middlesex for some years, while Judge Elliot was senior judge, belongs to the list. He, like his senior, never failed to act with perfect impartiality and held the respect of the legal profession.

#### THOMAS SCATCERD.

Let us leave the bench for a while and take up one who, had he been a judge, would in sedate, quiet, unperturbed dignity, have been "the noblest Roman of them all." Thomas Scaterd, the name itself seems to imply the man. He studied in the office of William Horton from 1842 to 1847, and in that year completed his studies in the office of Duggan & Duggan, Toronto. He formed in 1848 a partnership with E. Jones Parke, the firm being Parke & Scaterd, at London. I do not think Mr. Scaterd had a partner after 1852 until 1861, when the firm of Scaterd & Meredith was formed. It may be fairly said to have taken the place at the bar of Middlesex formerly occupied by John Wilson. I have referred to the fact that John Wilson, in all his personal and professional dealings, was scrupulously honorable, and so much respected by every member of the bar that honorable dealing one with the other became habitual. My own memory does not take me that far back, but it does to the time when the firm of Scaterd & Meredith

was regarded in the same way. Mr. Scaterd was city solicitor, and had a large clientele.

I take from the notice in The London Advertiser published after his death, the following:

"His father, Mr. John Scaterd—who emigrated to Canada in 1821—was elected to represent the important riding of West Middlesex in the Parliament of United Canada, but, dying soon after, was succeeded in the representation by his son Thomas. Upon the redistribution of the county for electoral purposes, he was invited to contest the north riding, which he did successfully in 1867, and carried the constituency by acclamation in 1872, and again at the last general election in 1874.

"Mr. Scaterd's political affinities were with what is known as the Reform party, but he had the goodwill of all parties. He was not an extremist in anything, but held a well-balanced judgment upon all affairs. Within the walls of Parliament no one has been more respected, and his name has often been advanced as that of one whose patriotism and services entitled him to a seat in the Government of the country. He was always a hard worker on important committees, and as chairman of the committee of the whole during some sessions past won general approval by his assiduity, his fairness and thorough knowledge of affairs brought under notice. Though he could not be said to be a leading speaker in the House, yet, when he did rise to his feet, he had always something important to say that was worth listening to, and his eloquence, though unadorned, was none the less convincing. In his efforts before juries, he displayed the faculty of keeping his knowledge within the comprehension of those whom he was called upon to address, and by the simplicity of his style and sincerity of purpose, attained the position of a favorite pleader at the London bar. In his social capacity he was much esteemed. Everybody had a good word for Mr. Scaterd, and though in his professional, as his political, capacity, he was obliged to come in adverse contact with many interests, he has passed away without leaving an enemy behind him. Among the principal features in his character which contributed to his success, was a perfect trustworthiness in all his transactions, a probity and candor which were never found lacking. His decease in the 63rd year of his age, is deeply regretted by a very large circle of friends, and will leave a painful gap in that community of citizenship which dates in London from the day of small things up to the present prosperous condition of affairs."

This extract from The London Advertiser seems so accurately, as others have led me to understand it, to sum up Mr.





F. E. Cornish  
Mayor.



R. Bayly, K. C.



F. Love,  
Police Magistrate.



T. R. Slaght, K. C.  
Crown Attorney, Simeoe.



J. B. McKillop,  
County Crown Attorney.



Judge Macbeth



John Macpherson



E. Meredith, K. C.

Scatcherd's life as a lawyer, a member of Parliament, and a man, that little need be added. My best recollection of him in court was in a breach of promise case, in which he, with Mr. W. R. Meredith, was acting for the plaintiff, and the late Hon. Matthew Crooks Cameron was acting for the defence. The plaintiff's case consisted principally in reading letters—and when the Hon. Matthew Crooks Cameron addressed the jury, he claimed that the plaintiff's parents were much to blame, that whenever the young man called, the family withdrew, and he was left alone in the parlor, and that, said Cameron, raising his voice a little, "was like putting cream within the whiskers of a cat." Mr. Scatcherd obtained a small verdict.

He died on the 15th of April, 1876. I have read over the names of the members of the bar present at the meeting of the bar called after his death, and find that there were 27 present, seven of whom are living, and twenty dead.

#### E. JONES PARKE.

Fittingly at this point reference may be made to Mr. Scatcherd's first partner and lifelong friend, E. Jones Parke. Wherever I have given expression to an opinion of those with whom I was either little acquainted, or not acquainted at all, I have spoken from recollection of conversations, either with Mr. Parke, or Mr. John B. Givins, son of the late Judge Givins, both of whom gave me much more information than I can recollect with sufficient accuracy to set down.

I studied with Mr. Parke, and my recollection goes back to the month of March, 1869. I knew Mr. S. H. Graydon well when a boy, before I entered Mr. Parke's office. He had also studied with Mr. Parke and frequently called to see him. He told me I would find Mr. Parke very agreeable, a very able man, and a perfect letter-writer. Often afterwards, when I noticed Mr. Parke writing a letter, or preparing anything carefully, I thought of Mr. Graydon's opinion, and how accurate it was. Mr. Parke was the eldest son of the late Hon. Thomas Parke, who was surveyor-general in the Baldwin-LaFontaine administration, until the office was abolished in 1844. There were four sons, all lawyers; Ephraim Jones Parke; Thos. Parke, of Kingston; Edwin D. Parke, of London, and Harold R. Parke, now of Fort Saskatchewan. The late Vice-Chancellor Robertson, who in 1835 attended the Grammar School at London, where Thomas Scatcherd, E. J. Parke, Thomas Parke, John and Edward Harris, and Verschoyle Cronyn, were also in attendance, told me Thomas Parke was the ablest lawyer he ever knew. "In the days of special pleading, if Thomas Parke settled a pleading, no one else need look at it." Edward D. Parke studied with E. J. Parke, and died before I entered the

office. John J. Brown, John R. Dixon, and S. H. Graydon, who had all studied in Mr. Parke's office, and frequently dropped in, all agreed that the two men best posted in chancery practice in London were Edward D. Parke and W. R. Meredith. To these should have been added James Magee, W. P. R. Street, and George P. Land. I saw Mr. H. R. Parke at Fort Saskatchewan a few months ago. He is the only one now living.

Mr. Parke commenced practice in Woodstock in 1846, and continued until 1852, when he returned to London. I think all his life he favored corporations as clients. I remember on the walls of the office old bills of the People's Building Society, Charles Monserat, president, and Fosket B. Beddome, treasurer. Not long after, the London and Port Stanley Railway was incorporated, Mr. Parke was solicitor, until the road was leased in 1872. He organized the Dominion Savings and Investment Society in 1872, and of the seventeen names appearing on the declaration of incorporation, only two are living, Sir William Meredith and Major Thomas Beattie. He also, with myself and the Hon. David Mills, organized the Northern Life Assurance Company. He was solicitor for the county of Middlesex from 1869 until his death, and for many years before I knew him, solicitor for Western Ontario for the Commercial Bank and afterwards of the Merchants' Bank of Canada.

I believe in his early days he frequently appeared in court, and during Sandfield Macdonald's time acted as crown counsel. Mr. William Horton and Mr. George P. Land both told me if he had continued he would have been a very successful counsel. He told me during his later years that the reason he ceased to appear in court was an opinion he had formed that his heart was weak. He added, of course, "I was mistaken, or I would not have lived till the present time."

Mr. Parke studied during the first three years in the office of Sir John A. Macdonald in Kingston, and though always a consistent Reformer, he entertained a very high regard for Sir John Macdonald, and always spoke of him in the kindest way, as he did also of Mr. John Wilson, in whose office he completed his studies. Mr. Parke had a splendid legal intellect, easily among the first half-dozen I have known, it is to be regretted that he did not go into court. I believe diffidence prevented him. Mr. Scatcherd and he were both consistent Reformers and close friends. Taking a walk after Mr. Scatcherd's first session of Parliament, he asked Mr. Scatcherd how he liked it. His reply was, "They're not so big when you get close to them." Mr. Parke and Mr. Scatcherd were both about the same age. Mr. Scatcherd died at the age of 53, and Mr. Parke died suddenly in the office



David Glass, K. C.  
Mayor.



Sir Geo. Gibbons, K. C.



S. H. Graydon,  
Mayor.



Hon. R. M. Meredith,  
Judge Ct. Appeal.



J. C. Judd, K. C.  
Police Magistrate.



Benjamin Cronyn,  
Mayor.



Hon. W. P. R. Street,  
Judge K. B.



John Macbeth  
Deputy Clerk Crown.

on the 13th day of November, 1899, at the age of 76. I missed him very much, and often find myself trying to decide what he would do under the circumstances I am considering.

#### JUDGE DANIEL.

One afternoon I went into Mr. Parke's room. He introduced me to an active man with long white hair, Judge Daniel, of L'Original. He had practiced law in London in the fifties and sixties. He ran for mayor against Frank Cornish and was defeated. He told me he had, when a school trustee, had the Union School grounds levelled, and seemed quite pleased when I told him they were as level as a billiard table. I understand Mr. Daniel was a good lawyer, and a very companionable man. Judge Daniel's brother, William, was his partner. William Daniel died some years ago.

#### D. M. THOMPSON.

Another of the same time frequently visited Mr. Parke, David Margrave Thompson, who has retired from practice and lived on a farm near Strathroy. He was over six feet and straight as an arrow. I was told by a lady that when a young man, with his black hair, and tall, erect, well-proportioned form, he was the handsomest man she ever saw. She referred to his appearance at a ball held in the city hall.

#### HARRIS & MAGEE.

The firm of Harris Bros., which consisted of three brothers, Edward W. Harris, George B. Harris, and John Fitzjohn Harris, was one of the most important offices. They had a large solicitors' practice, and several influential English clients. John F. Harris died while quite young, and the firm of Harris Bros. was continued for some years, and until Mr. Justice Magee was called to the bar, when the name was changed to Harris & Magee. The firm organized the Ontario Loan and Debenture Company in 1871, and was instrumental in bringing the Molsons Bank to London. They always had a large number of students, and the office was like a beehive. Mr. Magee possessed the goodwill of all the students to a remarkable degree, not only those who studied in the office of Harris & Magee, but of the whole city. He was a very hard worker. The firm changed many times, Harris & Magee, Harris, Magee, Campbell & McNab. Mr. Harris retired, and the firm became Magee & McKillop, and Magee, McKillop, Greenlees & Murphy, when Mr. Magee was appointed a judge of the chancery division of the high court of justice. The appointment was very popular in London, where Mr. Magee's knowledge of law and his natural disposition and character are appreciated.

#### VERSCHOYLE CRONYN.

Mr. Verschoyle Cronyn has pursued his way quietly. He was called to the bar in 1857. The Huron and Erie may be said to be his monument. He organized it in 1862, and through its uninterrupted success and growth his has been the chief guiding hand. He was the first white child born in London. He commenced practice in 1857, and afterwards took his brother, Benjamin Cronyn, into partnership, the firm being Cronyn & Cronyn. Later, John Martin joined the firm, and it became Cronyn & Martin, and later Cronyn, Martin & Kew. Mr. Kew went to California, and Mr. Martin to Toronto, and Mr. Betts joined Mr. Cronyn, making the firm Cronyn & Betts. Mr. Cronyn's son, Hume Cronyn, was a member of the firm for some years, and latterly Mr. Thomas Coleridge, making the firm Cronyn & Betts & Coleridge. The firm, with the Huron and Erie, the Canada Trust Company, the Bank of Commerce, and other corporations, have always had, if not the best, one of the best solicitors' practices in London. Mr. Cronyn was also the organizer and chief owner for many years of the original London Street Railway, when horses supplied the electricity. When the present company was formed he sold out to them.

#### J. H. FLOCK, K. C.

One of the most unique members of the bar of Middlesex, in fact, the father of the bar, is Mr. James H. Flock, K. C., Mr. Flock was called to the bar in 1856, so that he comes in between those classed with Mr. Scatcherd and Mr. Parke, and those classed with Sir William Meredith, Edmund Meredith and James Magee. He stands alone, unless Mr. Verschoyle Cronyn and Mr. Richard Bayly might be said to keep him company. Mr. Flock is an extremely safe, careful lawyer. He has had many good clients, steady and firm in their allegiance to him, but circumstances which he could not control took some of them away. Long ago I expected to see him occupy a seat on the bench. He would have been a conscientious able, careful judge. Politically he was with the party most in power—the Conservative party. He helped them on the stump when he could and rendered good service. He was one of those most influential in building the London, Huron and Bruce Railway, and was its solicitor until the Grand Trunk acquired it. It has been London's best feeder. He held, too, for some time, the solicitorship of the London Street Railway and the St. Lawrence Bank. His son, Edward W. M. Flock, is his partner, the firm being Flock & Flock.

#### RICHARD BAYLY, K. C.

Richard Bayly, K. C., has lived an even, quiet, successful life. He is the head of the firm of Bayly & Bayly. He was called



E. T. Essery, K.C., LL.B.



W. H. Bartram



F. P. Betts, K. C.



J. M. McEvoy, B. A.



Jared Vining, B. A.



F. E. Perrin, B. A.



G. N. Weekes



Hume Elliot, K. C.

to the bar in 1857, his son, Richard A. Bayly, being his partner. Mr. Bayly has been regarded all his professional life as one of London's best lawyers. He is well-read and has sound judgment. His personal integrity is above reproach. He was solicitor for the Agricultural Loan Company until its amalgamation with the Ontario Loan and Debenture Company. No member of the bar possesses today the undivided respect of the bar as a whole to a greater extent than Mr. Bayly. He was, before the fusion of law and equity, considered an "all-round lawyer," and maintains that position to the present day. As counsel he acted for the Grand Trunk in some important cases. He was for many years an active school trustee, and this was his only experience of public life. He was twice elected a bencher of the Law Society, and once refused an appointment as county judge.

He has always been a lover of outdoor sports, particularly cricket, and although over 50 years in practice at the bar, he is still healthy, and enjoys regularly long walks into the country. He has associated with him in practice his son, Richard A. Bayly. It is understood that the firm of Bayly & Bayly and Mr. A. O. Jeffery are to be amalgamated under the name of Bayly & Jeffery. This is due to the amalgamation of the Agricultural Loan Company and the Ontario Loan and Debenture Company.

I have referred to the early lawyers and those of a later date becoming members of the bar in the forties and early fifties. It will be seen that although the bar was not numerous it possessed several very able men—the most prominent place by common consent, I believe, would be given to Mr. Wilson.

From that day until the present time the most prominent place, I believe, would be given to Sir William Meredith. He studied in the office of Thomas Scatcherd, was called to the bar in 1861, and the partnership of Scatcherd & Meredith was formed. To Mr. Meredith is due the credit of establishing the law library. He was a bencher of the Law Society, member of the Legislature and leader of the Opposition in the House. In 1872 he was elected to represent London in the Legislature.

His career as a politician was very creditable. Although he never attained office it must be remembered he opposed a stonewall in Sir Oliver Mowat, who stands easily first among provincial politicians since confederation. It must not be supposed that his influence was not exercised, and had its effect for good during the whole time he was in the House. It was commonly remarked that Sir Oliver Mowat was more conservative than Sir Wil-

liam Meredith. His elevation to the bench and his removal from London took him out of the lives of Londoners to a large extent, but his influence with Sir James Whitney will ultimately be the power that will decide the Government to give to the Western University such aid as is its just right and such aid as will enable it to take a first place among the universities of America. Sir William Meredith's desire will be to do all that he believes to be right for London. The Hon. R. M. Meredith is chancellor of the Western University, very enthusiastic and anxious to do all he can to put the Western on a firm footing, and if he can get Sir William to "concur" success will be in sight.

#### The Law School.

Sir William R. Meredith was with Hon. David Mills active in forming the London Law School in 1885, and a bencher of the law society at the time the Law School was established at Osgoode Hall. It was the establishment of the Law School at London which led to the establishment of the Law School at Osgoode Hall, which completely changed the training of lawyers. Whether the new system is better than the old, it is difficult to determine. Training in an office part of the time should be very beneficial, and the lectures and teaching at the school backed up by study, should be more effective than the old way.

There are those who believe it would be in the public interest as well as the interest of the legal profession if the course was shortened to three years, so that many would take the course without any intention of following it for a livelihood. It is argued that very many do this at the various law schools in the United States. It is a great advantage to them in whatever business they take up.

Some color is lent to this theory by the fact that trust companies perform the work formerly attended to in solicitors' offices that the charter obtained by a trust company in effect is: "You are authorized to act as a solicitor except that you cannot conduct litigation." The present Minister of Finance is a member of the bar, and was manager of the National Trust Company. The Hon. F. Osler has assumed the presidency of the Toronto General Trusts Company. J. J. Warren is president of The Trusts and Guarantee Company. Hume Cronyn is manager of The Canada Trust Company, and there are others filling responsible offices in connection with trust companies, who obtained their training in law offices. Mr. Nathaniel Mills is manager of The Fidelity



J. H. Fraser, K. C.



P. H. Bartlett



M. D. Fraser, K. C.



A. O. Jeffery, K.C., LL.B.



F. F. Harper



Andrew Greenlees, B.A.



W. G. R. Bartram



Percy Moore, K. C.

Trusts Company. Mr. Morden, of Belleville, has recently joined one of the Toronto companies.

Then change constantly goes on in the practice of law. I have referred in another place to changes caused by the fusion of law and equity. The changes in practice, civil and criminal, and add to these the changes made by large corporations, and the lawyer of today is not dealing with the same class of questions as he did 25 years ago. In large cities some lawyers are promoters almost entirely, some are engaged in forming combinations of smaller businesses into one. The lawyer is today a more important factor in business of all kinds than he was. Hence there is much reason for the belief that if the course was not too long many would take the course for the benefit it would be in any business in which the student might engage.

It is not necessary here to discuss this subject further. Time and necessity and the changes being wrought in law by law will settle the result.

#### A Law Faculty Suggested.

Add to these considerations the effect of the Medical School on the medical profession of London. They cover Western Ontario and have a standing over all Canada. So would it be with the legal profession. It would probably again become the second strongest bar in Ontario.

#### Becher, Barker & Street.

Another leading law office was that of Becher, Barker & Street, afterwards Becher, Street & Becher. I have already referred to Mr. H. C. R. Becher. Samuel Barker was an alderman in 1872 when, the lease of the London and Port Stanley Railway was negotiated, and drew the lease. He soon after removed to Hamilton, became solicitor for the Great Western Railway Company, and later still member at Ottawa for Hamilton. W. P. R. Street continued with Mr. Becher's son, Henry Becher, as head of the firm of Street & Becher. There was complete satisfaction with his appointment as a judge of the queen's bench division of the high court, and how satisfactorily he filled the position was attested on all hand. There is a touch of pathos in his reply to Mr. Parke when he congratulated him on his appointment: "If my father were only alive." Doubtless it would have given his father great pleasure to know that his son had succeeded, and the remark shows that the son's heart was in the right place.

I have referred to the early lawyers, Mr. Wilson, Mr. Becher and Mr. Horton—those who followed later Mr. Scatch-

erd, Mr. Parke, Mr. Harris, Mr. V. Cronyn, a little later and almost with them came many others.

#### Warren Rock.

Warren Rock will be well remembered by many throughout the country. His forte was public speaking and wholly as a jury lawyer. He was a nervous, sensitive man, a ready speaker, with a clear, strong voice. He was equally at home with a jury and on the stump. He came to London about 1867, and practiced most of the time alone. In his practice he never knew what a day might bring forth. His clients were the general public, attracted to him by his power as a public speaker. Many students were articulated to him, among them George C. Gibbons, John Noble, Francis Love, Thomas R. Slaght, now county crown attorney of Simcoe, Patrick Mulhern, Thomas T. Macbeth (now judge), James B. McKillop, W. K. Cunningham, John Macpherson, and others. The only partner Mr. Rock ever had was Talbot Macbeth, now county judge of Middlesex, the firm being Rock & Macbeth, at the time of Mr. Rock's death. Mr. Rock died suddenly of heart disease in the year 1883, a comparatively young man, 52 years of age. He had made his mark at the bar, and his death was universally regretted.

#### Leaders in Criminal Law.

At the court house at London many noted criminal cases have been tried.

During the period which we are considering the leading criminal lawyers were Frank Cornish, Edmund Meredith, David Glass, Hugh MacMahon, and sometimes Warren Rock and W. R. Meredith.

#### Frank Cornish.

Frank Cornish occupied a place all his own in the history of London. His father, William King Cornish, was both a doctor and a lawyer. Frank Cornish defended many criminal cases. One of the stories told of him was that being called over to the jail by some one accused of a crime he named three hundred dollars as his fee for conducting the defence; the accused said he couldn't afford that much. Wouldn't he let him off with one hundred. Cornish replied, "No, I can never defend anyone properly unless I believe he is innocent, and it will take three hundred dollars to make me believe you are innocent." He was a ready, off-hand, fluent speaker, and in his defences was very ably and efficiently helped by his partner, A. J. B. (Jack) Macdonald.

It was probably as mayor of London that Cornish was best known through-





Harry S. Blackburn



A. B. Cox



C. G. Jarvis



Richard A. Bayly



E. H. Johnston, B. A.



W. C. Fitzgerald.



Geo. C. Gunn



U. A. Buchner

out Ontario. He was mayor during the years 1861, 1862, 1863 and 1864, when London was known as the Rowdy City. He drove through the city hall arcade on one occasion, just for the fun of it. I understand, sitting as a police magistrate he fined himself the next morning. He must have had considerable personal magnetism, because he always had a large personal following.

A disturbance he created at the Te-cumseh House when a military ball was being held there ultimately led to the withdrawal of the troops from London. He was finally defeated for mayor by David Glass.

In politics, as a Conservative, he ran against Becher and Craik, in East Middlesex, and was defeated and as a Reformer he ran against Sir John Carling and was defeated. He removed to Winnipeg, became mayor of that city, and died there.

#### David Glass.

David Glass, who had defeated Frank Cornish for the mayoralty in 1865, entered professional life a little late. He had been mayor in 1858, and was also mayor in 1865 and 1866. He studied in the office of J. H. Flock, K.C. He was a good speaker, with a splendid personal appearance. With an earlier start and better earlier advantages anything would have been open to him. David Glass conducted the defence in several important criminal cases and had a good general practice. He organized the Agricultural Loan Company, and later the English Loan Company. He removed to Winnipeg, became city solicitor and Speaker of the Local Legislature.

Mr. Glass later removed to Spokane, Washington, where he prospered. He travelled round the world during his later years, died at a good old age, and was buried at London.

In practice he had as a partner H. H. Coyne, who died when quite a young man. Later W. W. Fitzgerald, afterwards judge, and later his son, Chester Glass, who reversed his father's order of travelling. When quite young he took a tour round the world and wrote a very readable book of his travels. Mr. Chester Glass inherited and acquired a very considerable fortune and spends most of his time in New York.

David Glass, as a Conservative, carried East Middlesex. He voted against Sir John A. Macdonald on the Pacific scandal, delivered the leading speech for the bolters, and after the defeat of Sir John Macdonald's Government ran for the same riding as a Reformer and carried it by a small majority. The Hon. Edward Blake spoke on his behalf in the city hall, saying he was

not the man when the smoke of the battle had cleared away to forget the man who had contributed so much to the victory.

#### S. H. Graydon.

Mr. S. H. Graydon had a good solicitor's practice and was prominent in the municipal life of London. He was one of the best mayors London ever had, occupying that position during the years 1869 and 1870, and during the visit of the Duke of Connaught. I think the strongest feature of his character was his loyalty to his friends. His sons, Mr. N. P. Graydon and Mr. Marshall Graydon, are continuing the practice he founded. After the death of Mr. Francis Love, police magistrate, Mr. Marshall Graydon acted as police magistrate, and during the short time he acted demonstrated his capacity and won the approbation of everyone.

#### Duncan McMillan.

Duncan McMillan was one of those who mixed law and politics. He represented East Middlesex for some time in the Commons. He and Mr. John Taylor had a good practice for some years, which after Mr. Taylor's death Mr. McMillan continued alone. He was appointed judge of the county court of the County of Haldimand. He did not object to a joke at his own expense. When asked how he liked the position he replied: "Oh, very well. There is nothing to do and I don't know anyone more competent to do it."

#### Edmund Meredith.

Edmund Meredith as a young man in the late sixties was coming into prominence, more in criminal law than any other branch. He was destined before long to have a free field and was becoming well fitted for it. He had the advantage of the family personal appearance, influence and prestige. He made the most of it and before many years had passed occupied a first place. He conducted the defence in many serious criminal cases. He rarely acted in either common law or chancery cases. No doubt the reason was that his partner, Richard M. Meredith, took this branch of the firm's business and worked like a beaver.

Edmund Meredith tried public life, both municipal and political. He was mayor of London during the years 1882 and 1883, and escaped being the member for North Middlesex in the Local Legislature by sixteen. At present his partner is his son, W. R. Meredith. Mr. J. C. Judd recently left the firm to become police magistrate. E. R. Cameron to become registrar of the supreme court at Ottawa, and R. M. Meredith to take his seat on the bench



J. H. A. Beattie,  
Mayor



Thomas Scandrett



Skeffington Connor Elliot  
Son of Judge Elliot



Judge Davis



Judge William Elliot



Andrew Chisholm



E. W. M. Flock



Alexander Purdom

at Toronto. Edmund Meredith has been the head of the firm for over 40 years.

#### Hugh MacMahon.

Hugh MacMahon came to London from Brantford in the year 1869. He opened an office on Talbot street, in partnership with George C. Gibbons, the firm being MacMahon & Gibbons. Before long they removed to the corner of Richmond and Dundas streets, and had the largest practice in commercial law in the city. Mr. MacMahon was credited with having done more than any other man to defeat the Sanfield Macdonald Government. Mr. MacMahon's first case of importance in London was the defence of a man accused of selling or using a second time tickets of admission to the Western Fair. He was a prominent force in the political life of London, and opposed Sir John Carling on one occasion, but was defeated. The firm prospered for years continuously, taking in first as an additional partner Mr. George McNab, and later Mr. Patrick Mulkern, the firm being MacMahon, Gibbons, McNab & Mulkern. A split occurred about the year 1881, when Mr. MacMahon formed a new partnership, MacMahon, Boulbee, Dickson & Jeffery. Mr. Boulbee went to the Northwest, Thornley Dickson practiced afterwards successfully for some years, and died in New York City, and Mr. Albert Jeffery joined his brother, assuming the solicitorship of the Ontario Loan and Debenture Company. Mr. MacMahon, not long after the new partnership was formed, removed to Toronto, later to Winnipeg, and when appointed to a seat on the Bench in the Common Pleas Division of the High Court of Justice, he was practicing in Toronto. He died there a year ago at a good age. He was one of the best judges on the bench. As a lawyer he had defended some of the Donnelly murderers, and as a judge he tried the celebrated Birchall case. The New York reporters, commenting on the trial, said he conducted it with the dignity and impartiality of a Canadian judge. His place at the bar was a good one and on the bench even better. Mr. Gibbons formed a new partnership with Mr. McNab and Mr. Mulkern, and a new partner, Mr. Fred Harper. The firm being Gibbons, McNab, Mulkern & Harper. Mr. McNab's unfortunate and untimely death in June, 1895, was deeply regretted by every member of the bar. He had not a single enemy. Patrick Mulkern stepped up to take the active management laid down by Mr. McNab, but not many years sep-

arated them. He was one of the most genial practitioners in London. The firm remained Gibbons & Harper, until Mr. Gibbons' son, George S. Gibbons, was called to the bar, when it was made Gibbons, Harper & Gibbons. The firm has had a large, continuously successful commercial practice. George C. Gibbons has been for twenty-five years an active factor in the political life of London, taking the Liberal side. He was a supporter and personal friend of the Hon. C. S. Hyman. He was appointed chairman of the Deep Waterways Commission, and arranged a settlement of several important points of dispute or discussion between Canada and the United States. For this he received the honor of knighthood, being the first lawyer in active practice in London to be so honored. Sir William R. Meredith received the honor after he became chief justice of the common pleas division of the high court. After the honor had been conferred, and after the scope of the commission's powers had been enlarged and defined, and Sir George again appointed chairman, the voters on the 21st of September last voted against the Government of Sir Wilfrid Laurier, and Sir George Gibbons resigned his office. He never quit active practice in London. He organized the London and Western Trusts Company in London, which will likely long remain a monument of his energy and activity.

#### Changes in the Administration of Justice.

There have been changes in the administration of justice which mark distinct periods. They were intended as reforms, but whether they were or not may be open to question. One of these was the fusion of law and equity. There had been the common law bar and the equity bar. The common law bar, including within its members those known as criminal lawyers and jury lawyers.

The court of chancery (or equity), was established because it was found that wrongs sometimes existed for which the common law did not provide an adequate remedy, and it may be said that the foundation of the court of chancery was the broad principle that there was no wrong without a remedy. All jury cases and all criminal cases were common law cases. The court of chancery, as it existed prior to the so-called fusion of law and equity had been established in 1849.

From 1849 until 1881, when the act was passed to create the fusion of law and equity there were two, if not three,



T. G. Meredith, K. C.



J. W. G. Winnett



Thos. Luscombe

Hon. James Magee,  
Judge Ct. Appeal.Judge Fitzgerald,  
Welland.

E. G. Fisher



J. H. Campbell



P. McPhillips

distinct divisions at the bar. The common law and the equity bar and those who acted almost exclusively in criminal cases. I remember a conversation with Mr. James Griffith, who was until his death in the office of Mr. John Macbeth, deputy clerk of the crown, in which Mr. Griffith claimed, and mentioned names of members of the Toronto bar, to prove his assertion, that all the leading members of the equity bar were Reformers in politics and all the leading members of the common law bar were Conservatives. His argument was that common law practice tended to make a man a Conservative and equity practice to make him a reformer. It is quite certain that a man might be successful as an equity lawyer and fail as a common law lawyer, and he might excel in criminal law and be useless in either of the other two.

It is not difficult to imagine how repulsive it may have been to the equity judges to try criminal cases and with what misgivings a common law judge would try equity cases. The fusion has been accomplished so far as the trial of cases is concerned for thirty years, but I doubt if it has been accomplished in fact. I should say there were lawyers known as "all-round lawyers," and these were more apt to be found in the country than in Toronto.

Another law which I think had a far-reaching effect on the administration of justice and on the bar, was the establishment of the county judges' criminal court, and giving the prisoner the option of electing whether he would be tried by a judge or a jury.

Before this law came into force there were necessarily a greater number of cases tried at the assizes. They were not the serious cases, but they brought to the front as criminal lawyers a larger number of men.

Another law which influenced the bar in the same direction was the option given the judge to strike out the jury notice if he thought the case could be more conveniently tried by a judge than by a jury.

The joint effect of these changes has been to dispense with a share of the eloquence formerly enjoyed by the juries. It is doubtful if the bar of Middlesex can claim today as many good speakers as it could thirty years ago. Thirty years ago it had William R. Meredith, Richard M. Meredith, Frank Cornish, Warren Rock, James H. Flock, Richard Bayley, David Glass, Hugh MacMahon, Edmund Meredith, E. T. Essery, John Taylor, James Magee and Duncan McMillan, and others.

Today of the above it still has James

H. Flock, Richard Bayley, Edmund Meredith and E. T. Essery, and to them might be added Sir George Gibbons, F. P. Betts, Jared Vining, John M. McEvoy, T. G. Meredith, Finlay Perrin, Marshall Graydon, Hume Elliott, John M. Gunn, Nelson Weeks, J. F. Faulds P. H. Bartlett and others, and as all are known to you I leave it to you to decide whether the bar of Middlesex today in speaking ability holds its own with the bar of thirty years ago.

In numbers it is diminishing. Is it diminishing in any other respect?

#### Hon. David Mills,

The Honorable David Mills had a connection with the bar of Middlesex that entitles him to a first place among its members. He was called to the bar late in life, and after he had secured a leading place in political life, and had been minister of the Interior in the MacKenzie Government. He came to London in 1882 as editor-in-chief of the London Advertiser, and practiced in the firms of Parke, Mills & Purdom, and Mills & Weekes. He was a graduate of the University of Ann Arbor in Michigan. Here he obtained his views of legal education, and was probably more than anyone else responsible for the establishment of the law school at London, with which I have already dealt. Sir William R. Meredith and others joined him. It was while he was a member of the bar of Middlesex he was associated with Sir Oliver Mowat in contesting the several questions that arose between the Dominion and the Province. What he gained for the Province cannot be estimated. The following comment appeared when he was appointed to the supreme court bench:

"The appointment of the Hon. David Mills, K. C., P. C., Minister of Justice, to be one of the justices of the supreme court of Canada, should give complete satisfaction to the bench and bar. No better appointment could have been made. It is not, however, without a tinge of sadness that we bid farewell to him as an active factor in political life, and as one whose motives and judgments were safe guides to follow.

"Whatever name Mr. Mills may make for himself as a judge he will always hold a first place among the statesmen of Canada.

"The highest position Mr. Mills has yet occupied is that which he leaves to take a seat on the bench of the supreme court, the position of Minister of Justice. Mr. Mills has given



Sheriff Hamilton



Sheriff Cameron



Sheriff Glass



R. L. Taylor

C. A. Kingston,  
California.

High Constable Schram



Alex. Stuart, K. C.



D. C. Macdonald

perfect satisfaction in that office, notwithstanding the fact that his early years were not spent in the active practice of the profession of the law. Mr. Mills' mind is naturally an accurate legal mind; and that, coupled with his long parliamentary experience, and his splendid memory, more than compensate for the lack of early practice.

"It was very fitting that Mr. Mills should succeed Sir Oliver Mowat as Minister of Justice, and that Sir Oliver Mowat should strongly desire that he should be his successor. Mr. Mills has for many years been recognized as the ablest constitutional lawyer in Canada; and when Sir Oliver Mowat was engaged in contesting the several great questions that arose between the Dominion of Canada and the Province of Ontario, it was only natural that he should look to him for help. In these questions, Mr. Mills found work that exactly suited him—opportunity for the expenditure of industrious energy, for painstaking research, for sound reasoning, for the application of those principles of law which had been his life's study. The Hon. Sir Oliver Mowat appreciated this, and was not slow to acknowledge the value of Mr. Mills' thoughtfulness, knowledge and ability in these great contests. As a lawyer, therefore, Mr. Mills took the highest rank. It is quite probable, we think, that Mr. Mills would succeed to a greater extent with great questions like those referred to than he would in the settlement of the ordinary affairs of life. He is a sound lawyer, but should be described rather as a jurist than a lawyer. Canada has had many good lawyers, but few jurists, and none, we think, superior to Mr. Mills.

"The appointment of Mr. Mills will strengthen the supreme court. He possesses all the qualities necessary to make a good judge in an eminent degree. He has had experience in active practice, but more in parliamentary life. He threw his whole energies into the contests on behalf of the province, and their success has been his greatest legal achievement; greater, we think, than even his administration of the Department of Justice at Ottawa; and that alone would have entitled him to take a seat on the bench of the highest court in Canada. His endeavor there will be as throughout his life it has been, to do his duty honestly and fearlessly, to interpret and administer the law so that the result will be justice. He will be especially valuable whenever any questions of international or con-

stitutional law arise, as that subject is one in which he possesses a knowledge possessed by few.

"It is generally supposed that a position on the bench does not require as hard work as Mr. Mills has been accustomed to. We hope this is so for no man has more honestly earned a comparative rest than Mr. Mills. Our hope is that he may live long to adorn the exalted position to which he has been appointed, and we know he will maintain the highest ideals of the bench and rank among Canada's greatest judges and jurists. Canada will lose the services of one of its best and most thoughtful statesmen, and gain an able and upright judge."

Mr. Mills was a member of the Supreme Court of Canada until May 8, 1903, when he died very suddenly. He had fulfilled all expectations. His natural gifts were great. He improved and perfected these by increasing study. His great ability and knowledge, coupled with his pure, upright and noble life, fitted him well for the many exalted positions he occupied during his lifetime, including those of member of the bar, member of the House of Commons of Canada, Minister of the Interior, Leader of the Senate, Minister of Justice for Canada, and Justice of the Supreme Court of Canada. His life was a distinguished one, and will have a beneficial influence for all time. He was unquestionably one of Canada's great men. Two of his sons became members of the bar, Walter Mills, K. C., of Ridgeway, and David Mills, who practiced at Port Arthur, and died there.

Necessarily in dealing with the men of the past I have in several instances referred to those of the present, and for obvious reasons it is not desirable that as long a reference should be made to those at present engaged in active practice. Their records are being written and at a later day a better and more complete statement will be appropriate.

I have referred to the early bar, those of a later date, and in several instances coming down to the present time, with special comment for those who seemed to me to have taken a leading part in their day, and to have brought credit to the bar of Middlesex. Each of these has projected his influence into the years that followed his active life and it continues until the present time.

In the references made so far I have not tried to exhaust the list and do not intend to do so. I will try to repeat as little as possible and to take up the bar of today as a whole. Some special references must still be made:





Philip MacKenzie



W. C. L. Gill, Registrar.

J. B. Askin,  
Clerk of PeaceCol. Shanly,  
Master-in-Chancery.T. E. Parke,  
Ontario, California.R. K. Cowan,  
Master-in-ChanceryCharles Macdonald,  
Clerk H. C. J. Yukon.

Campbell Becher

**Fraser & Moore.**

Elliott & Cooper, Elliott & Fraser, and now "Fraser & Moore," date a long way back.

I have referred to Judge Elliot, James H. Fraser, K. C., who was a son-in-law of Judge Elliot, had the faculty of making clients, and there is probably no firm in London that has continuously held as large a number of individual clients. The stream throughout all changes has remained constant. They are one of the ideal solicitors' offices, attending strictly and faithfully to their duties. The result has been a deserved success. Mr. James H. Fraser represented London in the Dominion House in the years 1873 and 1874, and died on the 28th of July, 1884. Martin Fraser, another brother, was a member of the firm for some years in the eighties and died a young man. He was, I understand, like his brother, James H. Fraser, an excellent horseman. The firm is at present composed of M. D. Fraser, K. C., and Percy Moore, K. C. The character formed in the early days by the firm has been uniformly maintained. They have easily one of the best solicitors' practices in London. M. D. Fraser has always taken a great interest in everything relating to the welfare of the legal profession. The late Chief Justice Armour, who was chief justice when Judge Street was a member of that court, inquired if London had any more lawyers like Judge Street, that it could furnish for the bench. The name of David Fraser was given him, and he replied, "Yes, I believe Fraser would do well." Percy Moore, K. C., unlike Mr. M. D. Fraser, has been an active politician, and has recently entered municipal life as an alderman. Mr. Moore has for a number of years continuously been the secretary of the Conservative Association.

**E. T. ESSERY, K. C., LL.B.**

Mr. Essery was a student in the office of Cornish & Macdonald, and was called to the bar in 1876. Mr. Essery's best successes have been as a platform speaker. He is free, energetic, off-hand. He practiced in partnership with the late Thomas Partridge for several years and afterwards alone. He has always taken an active interest in municipal and political questions. He was a candidate for the Local Legislature, but was defeated by Thomas Hobbs. He was twice elected mayor of London, in the years 1893 and 1894. Mr. Essery has a very keen appreciation of humor and I can quite understand how as a student he took part in the following story, which he has given me:

**Mr. Essery's Story.**

About six weeks after I was articulated to Mr. F. E. Cornish he handed me the papers in four division court suits, and said: "The Delaware Division Court will be held tomorrow morning. You go over to Mr. W. Horton's office at 8, and ride out with him and Tom Clegg." I said: "What's the use of sending me. I haven't had a case and know nothing about the cases handed me?" Mr. Cornish said: "See the parties and do the best you can." The next morning Mr. Horton, Mr. Clegg and I started for Delaware. We stopped at the Ivy Green and other places on the road out. It was suggested that the Hon. Judge Small might not be in a proper condition to come out and that on such occasions the junior always acted as judge, and I was expected to preside and instructions were given me at once, after getting there, I declined and nothing more was said until we arrived at the village. Then Mr. Clegg jumped out of the rig, took off his overcoat, handed it to Squire Bullen, the clerk, and told him he was to act as judge. The overcoat was carried into the town hall, Judge Clegg took a seat on the bench, and the court was properly opened and the first case called. The plaintiff entered the witness stand and the judge asked who was for the defence. I answered, turning to the plaintiff, Mr. Clegg said: "What's this case about?" and he started to explain. "How dare you bring me such a trumpery claim," said Mr. Clegg. "Verdict for defendant, with costs." "I had won my first case. The next case belonged to Mr. Clegg, and he announced that I was acting for his client, and believing that my side was entitled to a verdict, he helped me to get it. Then he gave Mr. Horton a lift or two and when the parties were having it out themselves he decided after the style of a police magistrate. The court did not last long, and then the senior members of the bar went over to the tavern and I slipped out to watch events. Coming down the road to the village was the real judge and his wife and my hair commenced to stand up again. The clerk had been over to his son's store and just reached the town hall when Mr. Small drove up. "Good morning, Squire," said the judge. "Is there much to be done?" The squire answered that the court was over. "You're a damned liar," said the judge. "I'm not out of the buggy yet." Then the clerk explained and the judge ordered the cases to be brought up at the next court and proclaimed to the crowd that he would take Mr. Clegg's gown away and the judge started in to do it. When the matter came up

at Osgoode Hall, Messrs. F. E. Cornish, Wm. Horton, the late Judge D. Macmillan, A. J. B. Macdonald, C. D. Holmes and several other barristers from London attended before the benchers on Mr. Clegg's behalf and I was informed that I was a necessary witness and went along. After considerable skirmishing at the hall Macdonald and Macmillan came to me and said that the late Mr. Justice John Wilson was the only stumbling block in the way and as he and my father were friends, and I had been at the court, they thought I had better go to his chambers and intercede for Mr. Clegg. They showed me the door and I started for the interview. After some time I was admitted and asked the party who let me in if I could see His Lordship Mr. Justice Wilson. His Lordship came into the room. He knew me as well as any other boy in London, but he asked who I was. I told him and asked him to be merciful to Mr. Clegg and then His Lordship pitched in. He told me, amongst other things, that I was the scoundrel who had caused all the trouble, and that he would advise the Law Society to get rid of me, or I would bring all the other lawyers in London to ruin the same as I had Mr. Clegg, and whilst this was taking place I found out afterwards all the London lawyers were in the next room and that the judge was aware that I was being sent in to receive a dressing. Afterwards the benchers heard the case. They were stern, but merciful and reprimanded Mr. Clegg, after he had promised to be on his good behavior and make good the expense caused by his sudden promotion. I was called in during the proceedings, and endeavored to help Mr. Clegg, and was told that if I had exercised due caution the thing might never have happened and then Mr. Horton indorsed the statement and told the benchers he thought the lesson I had received would be useful in after life.

**W. W. Fitzgerald**, who was associated for several years with David Glass, under the name of Glass & Fitzgerald, reversed the name of the firm by taking into partnership Mr. Charles T. Glass, son of the late Sheriff Glass, the firm name being Fitzgerald & Glass. This partnership was successful until Mr. Fitzgerald accepted the appointment of judge of the county court of Welland. W. W. Fitzgerald was not "flashy," but of the solid, reliable type, both as a lawyer and a judge. He acceptably filled the position of judge of the County of Welland until his death. He had one son, Mr. Chester Fitzgerald, practicing law at Vancouver, B. C.

#### **Andrew Greenlees, B. A.**

Mr. Greenlees studied in the office of Cronyn & Martin and entered into partnership in 1870 with Benjamin Cronyn. The firm were solicitors for the Canadian Loan Company, the Federal Bank, the Ontario Investment Association and a good general clientele. The course of practice was smooth and even. Mr. Cronyn took part in municipal life and was mayor in the years 1874 and 1875. The failures of the Federal Bank and the Ontario Investment Association in 1887 led to the dissolution of the partnership. Mr. Greenlees entered into partnership with Mr. Magee, the firm being Magee, Greenlees & Thomas, Wolferstan Thomas being the third partner. This partnership lasted successfully for some time and after Mr. Magee's acceptance of the crown attorneyship Mr. Greenlees practiced alone, and has continued to do so up to the present time. The bar of Middlesex has never had among its members one more steady-going and reliable, genial and uniformly kind, uniting ability above the average with the highest integrity. Mr. Greenlees's son has recently become a member of the bar, entering into the firm of Winnett & Greenlees.

**J. W. G. Winnett**, head of the firm of Winnett & Greenlees, is one of the young, active members of the bar whose future promises to be bright, if activity and the most careful attention to his clients' interests, coupled with more than average abilities, will win success.

#### **McKillop & Murphy.**

J. B. McKillop has been so long connected with the office of crown attorney that he is to the manor born. He commenced with Charles Hutchinson, and a great part of the work was his. Then James Magee was appointed and still a great part of the work was his, and after Mr. Magee's elevation to the bench, Mr. McKillop was appointed. With his previous experience and ability, no better appointment could have been made. I know of more than one instance where his sound common sense has been very valuable. Thomas J. Murphy is a splendid partner. In addition to the crown business, the firm hold much of the old general practice of Harris & Magee, to which many new clients have been added. J. B. McKillop is a director of the Canada Trust Company, and T. J. Murphy is a governor of the Western University. He has written a series of very able and valuable letters to the press.

**Meredith & Fisher** is a continuation of the firm of Scatcherd & Meredith, T. G. Meredith, K. C., being the fourth member of his family to be connected with that firm, either as partner or student. It required ability more than ordinary to take the place vacated by W. R. Meredith, when he removed to Toronto, but it is admitted that T. G. Meredith has stood the ordeal well. The firm are city solicitors, a position becoming more important every year. The system in Scotland may ultimately be adopted in Ontario. The city clerk in Scotland is city solicitor, and the real working head of the corporation. In addition they are solicitors for the Bank of Montreal, and many large estates, and still hold a very large general clientele. Mr. Meredith is president of The Huron & Erie Loan and Savings Company, and the Canada Trust Company. He has frequently declined the nomination of the Conservative party to represent London in the Commons. He has associated with him Mr. R. G. Fisher and Mr. R. M. C. Toote.

#### **Hellmuth, Ivey & Dromgole.**

This firm is inseparably connected in the public mind with the London Street Railway. If anything was needed to catch that idea, the want was supplied one day during the street railway strike, when I. F. Hellmuth rounded the corner of Dundas and Richmond streets on board a street car with the chief of police, not knowing when a shower of rocks might be his welcome. Since then, and after winning his spurs at the bar in London, Mr. Hellmuth removed to Toronto, joining the firm of Kingsmill, Hellmuth, Symonds & Torrance. Here he has made good. The remaining members of the firm are experienced men. Mr. Ivey has given special attention to the street railway business and to commercial law. Mr. Dromgole is a very able assistant, and takes part in education, both as a member of the Separate School Board and as one of the governors of the Western University.

#### **John M. McEvoy.**

John M. McEvoy is the son of A. M. McEvoy, county treasurer. I remember when Mr. McEvoy was appointed county treasurer. The usual bond guaranteeing faithful service was required, and twenty or thirty of the substantial farmers of West Middlesex were collected together in the county engineer's office to execute the bond. It would have made a good subject for a painting by G. A. Reid, the artist, similar to the noted picture "Mortgaging the Homestead."

John M. McEvoy was a very successful student at Toronto University. He was for three years under the Hon. David Mills, who lectured on "Public International Law," "Constitutional" and "Colonial Law." He was Mr. Mills' assistant, and was also under Vice-Chancellor Proudfoot, who lectured on "History of English Law." Mr. McEvoy lectured himself on "Constitutional History," "Political Philosophy and Jurisprudence," and was examiner on these subjects for about ten years.

There is probably no member of the bar who appears oftener in court and in important, hard-fought trials. It is hard to say, if the distinction between law and equity had continued till the present time, which branch would have claimed him, but I am inclined to think he would have been numbered among the "All-round lawyers." Perhaps his most important defence has been the Sifton murder trial. He is assisted in his work by Ethel Scatcherd and Andrew Chisholm. Mr. Scatcherd retains many of his father's old clients, and Mr. Chisholm has successfully managed some very large claims on behalf of Indians. As Mr. McEvoy is still a young man much may yet be looked for. Mr. McEvoy's practice differs from almost every other office in this respect, as made it himself. He owes nothing to anyone who preceded him.

#### **Blackburn & Weekes.**

Mr. G. N. Weekes commenced practice in partnership with the Hon. David Mills, but for many years has been in the firm of Blackburn & Weekes. Mr. Weekes takes a great deal of interest in education, and has been one of the best school trustees London ever had. The firm are both reliable lawyers, and do not let the side issues cause them to neglect any business intrusted to them. Indirectly, their office is a continuation of the old Hecher, Barker & Street office. Before Mr. Weekes entered the firm, Mr. A. B. Cox was a member, the firm being Blackburn & Cox. All will remember in what universal respect Mr. A. B. Cox was held and how genuine was the sorrow felt by all at his death, which occurred on May 1, 1901.

#### **Jarvis & Vining.**

Jarvis & Vining have the very highest standing among the younger members of the bar. Both possess more than average ability and are thoroughly trustworthy. Jared Vining has few, if any, equals on the stump. He thoroughly masters his subject and delivers his speeches with energy

and force. It is likely he will be elected in the future to represent East Middlesex, either in the Commons or Legislature. The firm recently conducted the case of *Parsons vs. the City of London*, with reference to the sale of the city hall, and it was quite apparent with what care and accuracy the case was prepared. Few cases ever come to trial trisling with as many points.

#### A. O. Jeffery, LL. B. and Edgar Jeffery

Whether any office might be regarded as the legitimate successor of the firm of *Harris & Magee*, is doubtful. A. O. Jeffery and Edgar Jeffery retain the important solicitorships of the Ontario Loan and Debenture Company and the London Life, and add many general clients. Mr. Albert Jeffery commenced practice in partnership with Mr. Charles Hutchinson, afterwards joining the firm of *MacMahon, Dickson, Boulbee & Jeffery*, an later L.L.E. firm of *Harris & Magee*. Edgar Jeffery has been associated with his brother during the time he has been practicing. Recently an amalgamation of the Ontario Loan and Debenture Company has been formed with the Agricultural Loan Company, and the firms of *Bayly & Bayly*, and A. O. Jeffery are to be joined under the name of *Bayly & Jeffery*.

**William H. Bartram** studied in the office of Mr. Phil. Worthington, in Windsor for a time, came to London, entered the office of C. C. Abbot, and later with Elliot & Fraser. He was called to the bar in 1871, and immediately entered into partnership with the late Charles Hutchinson. He later formed a partnership with the late Francis Love, but for over thirty years past has been practicing alone. Mr. Bartram was a very successful student, taking high rank among the students of his time. His son, Mr. W. G. R. Bartram, has been a few years in practice, and is attracting a good clientele. Mr. W. H. Bartram has taken a leading part in the past in municipal life in London West. He was reeve for several years of London West and a member of the county council. He saw active service during the Fenian Raid, being in the Windsor Garrison Artillery under Col. Worthington. E. A. Lancaster, M. P. for Lincoln in the House of Commons, was for four years a student with Mr. Bartram.

**Edward H. Johnston, B. A.**, is one of the soundest of the young members of the bar. He commenced practice about twenty years ago, and had from the start a good connection. He is the youngest son of the late Alexander

Johnston, who for many years was a member and chairman of the board of school trustees. Mr. Johnston was a good student, and each year of practice is making him better. He became a member of the city council this year, and is proving to be one of the most thoughtful members of the board. There is no position at the bar or in municipal or political life which Mr. Johnston need hesitate to aspire to.

**M. P. McDonagh** came to London about fifteen years ago from Perth, and has established a good practice. He is very careful and attentive. His clients' interests do not suffer from neglect. The probability is that Mr. McDonagh's practice will continue to grow in the coming years.

**John Macpherson and Finley E. Perrin** compose this firm, the head of which, while he was in practice, was Judge Macleth who in reality succeeded Warren Rock. The present firm retain much of the old practice and are adding new clients. Both members of the firm are young men, equipped well for the work they undertake. It has been the subject of remark that Mr. Perrin does not appear oftener in court than he does, being a ready and effective speaker. It is probable that he, like many others, believes there is a proper age to commence and that that time has not yet been reached. Both members of the firm are old-time members of the Baconian Club, which has given so many good members to the bar.

#### Buchner & Gunn.

There is no member of the bar who more sincerely desires that good will should exist and the best of spirit prevail among the members of the bar than Urban A. Buchner. Two years ago with this object in view he arranged the Middlesex Bar dinner, and again last month. These dinners brought out the fact that there is hereditarily even in humor. Hume Elliott made one of the best speeches and reminded some of the older members of his father, John Gunn on both occasions combined wit with good sense and polished sentences. Mr. Buchner will not rust out. His danger is in the opposite direction. It might almost be said that he was engaged in active practice while still a student. Since then he has certainly been in active practice, and taken his full share of close, hard work.

**W. C. Fitzgerald** has been credited with the establishment of the head office of the Woodmen of the World at London. This is a very creditable fact. Mr. Fitzgerald is head of the

firm of Fitzgerald & Fitzgerald, his partner, Mr. W. E. Fitzgerald, conducting a branch office at Watford. The firm have very extensive connections, both in Middlesex and Lambton.

**J. H. A. Beattie** is one of the younger members who has secured municipal honors, having been mayor of the city during the years 1910 and 1911. Mr. Beattie studied with Meredith & Fisher, and after several years' service as secretary of the Church Society resumed practice. Mr. Beattie has a good connection and is a careful, reliable solicitor.

**D. H. Tennent** has associated with him J. H. Campbell, the firm being Tennant & Campbell. They have made a specialty of real estate, and are well-known throughout Western Ontario. Many of the largest real estate deals pass through their hands.

**J. F. Faulds** has during his practice in London conducted the plaintiff's case in many actions for damages. He is a ready and effective jury lawyer.

**T. W. Scandrett** was first a member of the firm of Scandrett & Proudfoot, afterwards he was a member of the firm of Stuart & Scandrett. Mr. Stuart went to Edmonton and Mr. Scandrett continued the practice alone. He has the best of connections, and with his steady, careful attention to his clients' interests, is securing a good practice. He has at present associated with him Mr. P. H. Bartlett, who is one of the best speakers at the bar and on the stump. He combines the lawyer with the politician and has an acquaintance throughout Middlesex that is probably as extensive as that of any member of the bar.

#### Members Outside of London.

Strathroy has been for many years the second place in the County of Middlesex. R. C. Scatcherd practiced there for a number of years and succeeded his brother, Thomas Scatcherd, as member of North Middlesex. Ethel Scatcherd, son of Thomas Scatcherd, practiced at Strathroy for some years after the death of his uncle, R. C. Scatcherd. He subsequently removed to London, where he is at present engaged in practice. John Cameron was a prominent practitioner for thirty years. He died about ten years ago. Few assizes were held in London while Mr. Cameron was practicing in Strathroy that he was not engaged in several cases. W. P. Laird, H. C. Pope, H. T. W. Ellis, now of Windsor, and Edward Stonehouse, afterwards of Brampton, all practiced at Strathroy. The firms at present there are E. Traver and Ross & Bixel, Mr. D. C. Ross being also the member for North Middlesex.

Glencoe comes next. J. C. Elliott and W. D. Moss, both practice there. Mr. J. C. Elliott is the member of the Legislature for West Middlesex, and W. D. Moss was warden of the county last year. Alexander Stuart and Harry Blackburn also practiced there for a time.

At Lucan W. MacDermid, one of the best lawyers in Western Ontario, has been located for over thirty years. Bayly & Bayly have a branch office there and Jarvis & Vining have a branch office at Thorndale.

At Parkhill Mr. A. A. MacTavish is police magistrate, and has a good general practice.

There, too, is Kenneth Coodman, K. C., well-known and respected throughout Western Ontario as a careful, accurate lawyer, and a man of the highest integrity.

#### The Police Magistrates.

London has had three police magistrates—E. Jones Burke until 1899, Francis Love from 1899 until 1911, and Joseph C. Judd, the present police magistrate.

Mr. Love studied in the office of Donald Guthrie, K. C., in Guelph; Elliot & Fraser, London, and most of the time with Warren Rock, K. C. After his call to the bar he entered into partnership with W. H. Bartram and later with R. H. Dignan, the present registrar. The firm of Love & Dignan were well known. Their practice was about evenly divided between civil and criminal law, and few lawyers were known to as many people individually as the late Police Magistrate Frank Love. This was due to the faculty he possessed in an eminent degree of making friends, and to his love of fun. He was not acting long as police magistrate until everyone admitted how well he was performing his duties. He knew the regular and occasional visitors to the police court better than any man in London, and they knew him and respected him, too, as the incident which occurred shortly after his appointment shows. He was crossing the park on his way to the police court when he met one of the occasional visitors, who congratulated him on his appointment, and added: "I'll keep sober, Frank, sure. I wouldn't like to be fined by you for being drunk." Not many are able to understand the good in the bad or the bad in the good as well as he was. He was a very rapid reader, and readily acquired a good knowledge, when quite a young man, of law. This was put into constant practice both while a student and when in practice. He became police magistrate in 1899, and filled the office with rare ability until his death on Jan. 4, 1911. Mr. Love had been both an alderman and school trustee. When he ran for alderman he headed the poll in old No.

3 ward and polled the largest vote ever polled.

Joseph C. Judd, the present police magistrate, has had a good general experience in every branch of law, and is likely for many years to come to fill the position. It is becoming yearly more important. As the city grows and legislation heaps more work on the magistrate, he will have plenty to do. Mr. Judd studied with Meredith & Meredith and entered the firm twenty years ago. He has been associated with Edmund Meredith, R. M. Meredith, W. R. Meredith, and E. R. Cameron. He was mayor of the city in the years 1896 and 1897, and alderman for several years. He has been hospital trustee, and is now treasurer of the London Health Association. With his knowledge and experience, and his desire to do the right, he will be an important and valuable citizen during the remainder of his life.

#### The Absent Members.

It has been said that no one should remain in the place in which he was brought up to practice law or carry on business, the reason given being that you can never know your true level until you measure yourself with strangers. There may be some truth in it, but it is hard to determine either before or after which would have been best, because we know what is—we do not know what might have been.

Take those who remained at home and compare their success with those who left home, and what would the result be? I confess a trip through the Northwest at the present time rather favors the idea of change. Those who sought Winnipeg succeeded. Peter Mackenzie is crown attorney at Saskatoon, Edward Emery is the leader at Edmonton, and Alex. Stuart is getting well established there, too. At Calgary, Mr. Carson is a member of the firm Mr. A. H. Clarke, of Windsor, goes to take the head of. Here, too, is Major Duncan Stuart, where his brother, Judge Stuart, practiced. At Moose Jaw, William Grayson and Seaborn Taylor and Pope are rated among the wealthy men of the west, while at Regina Avery Casey takes a first place. Out further west, Mr. McDonald, and Mr. Cowan, at Vancouver, are holding their own, Mr. Cowan representing Vancouver in the House of Commons. We need not confine ourselves to the Northwest. Toronto took Sir William R. Meredith, the Hon. Hugh MacMahon, Edward Meek, Thomas Reid, E. W. J. Owens, Newton Rowell, Basil W. Essery, and F. H. Greenlees, while in several parts of the United States good success has been reached. Thornley Dickson and J. F. Cryer in New York, A. E. W. Peterson in Chicago, John S. Macbeth in Denver, Harry Drought in San Antonio, Texas. That they have all succeeded is cause for satisfaction, and perhaps the

conclusion should be that each one is his own best judge.

There are many who remained and who should be mentioned among those who commenced practice in the sixties and earlier. Thomas Partridge, who was an alderman for very many years, and practiced alone and in partnership with E. T. Essery; C. C. Abbott, who subsequently practiced in Montreal. Richard Bayly, the late James H. Fraser, W. R. Meredith, E. D. Parke, Warren Rock, Hugh MacMahon, Henry Decher, Benjamin Cronyn, Charles F. Goodhue, Henry Whately, Thomas Clegg, John J. Brown, John Taylor, M. D. Fraser, John Martin, H. E. Nelles, W. P. R. Street, John R. Dixon, William Nash, James Magee, Edmund Meredith, George C. Gibbons, W. W. Fitzgerald, A. J. B. Macdonald, W. L. Lawason, E. S. Collett and R. R. Brough.

The next division might be taken in the seventies. It numbers Judge R. M. Meredith, George McNab, Andrew Greenlees, W. H. Bartram, Thomas Clegg, Francis Love, T. H. Purdon, W. G. Murdoch (who removed to Toronto), James Parkes (now of New York), A. D. Cameron (afterwards of Hamilton), C. S. Seager, the late Patrick Mulken, Talbot Macbeth, Chester Glass, T. G. Meredith, I. F. Hellmyth, George M. Cox and the late W. J. Clarke. It is possible I have omitted many names here, particularly of those who have removed or died. I can recall Geo. P. Land, who practiced in partnership with Mr. Thomas O'Brien, and who was particularly well up in chancery practice; Mr. T. T. Irving; Thomas Lawson, who removed to California; Michael Kew, who also removed to California; Wm. Grayson, also W. H. Culver and F. R. Howard; Thornley Dickson, New York; A. F. Boutbee, B. C. McCann, David Wilson, Mr. A. W. Aytoun, Finlay Meade-King, and Reed, T. W. Lawlor, G. W. Mars, George Moorhead, Wolferstan Thomas, E. R. Cameron (now registrar of the supreme court at Ottawa), A. D. Hardy (now judge at Brantford), W. Fitzgerald (now inspector of insurance at Ottawa), C. A. Kingston (until recently city clerk), A. A. McTavish (of Parkhill).

The home stretch, or fifth division, contains a long list of good lawyers: E. W. Scatcherd, F. P. Betts, A. O. Jeffery, John S. Macbeth, J. B. McKillop, George R. Sanderson (now of Des Moines, Iowa), D. H. Tennent, F. F. Harper, John Macpherson, Thomas E. Parke (now in California), David Mills, Robert L. Taylor, C. H. Ivey, T. H. Luscombe, N. P. Graydon, Marshall Graydon, C. G. Jarvis, Jared Vining, H. B. Elliot, R. K. Cowan, W. A. Proudfoot, R. A. Bayly, J. E. Moore, Alexander Purdon, A. B. Cox, E. Weld, R. M. C. Tothie, P. McPhillips, M. Sheppard, J. C. Judd, A. G. Chisholm, R. G. Fisher, J. M. McEvoy, F. E. Perrin,

J. F. Faulds, E. H. Johnston, Morwood & Casey, Thomas Coieridge, W. G. R. Bartram, T. J. Murphy, E. W. M. Flock, Hume Cronyn, Campbell Becher, Stuart & Gunn, W. J. Weekes, W. C. Fitzgerald, Edgar Jeffery, John Tytler (now of Toronto), H. P. Drought (now of San Antonio, Texas), W. R. Meredith, F. H. Greenlees, D. A. McDonald, J. H. Campbell, Basil W. Essery, M. P. McDonagh, S. F. Griffith, Tennent & Campbell, P. H. Bartlett, T. W. Scandrett, J. H. A. Beattie, and Herbert Macbeth (who was for several years secretary of the Law Society at Osgoode Hall).

#### The Officials.

The History of the bar of Middlesex would be very incomplete without a reference to the officials. Col. James Shanly, master in chancery, comes first. He was colonel of the London Field Battery, known as "Shanly's Battery," because he was so long its colonel. The author of "Irishmen in Canada" says: "The Shanly family is an old Celtic one, which has been known for centuries in the County of Leitrim, and the family characteristics are traceable to the proud, kindly, Celtic blood." His father was a member of the Irish bar, Col. Shanly studied with the late Judge Wilson, and was the first master in chancery at London, an office which he held until March 10, 1897, when he died. The bar of Middlesex out of respect to his memory attended his funeral in a body.

I never heard the integrity of Col. Shanly questioned. I was told he was paying for accommodation indorsements all his life. He discharged the duties of his office very conscientiously, and with a dignity coupled with kindness rarely met with.

During the greater part of Col. Shanly's term of office was another official of the court, Deputy Clerk of the Crown and Pleas John Macbeth, who stood equally high in the estimation of the bar for unimpeachable integrity. I do not think anyone ever attempted to get John Macbeth to do what he should not do, and yet he was obliging in the extreme. Mr. Macbeth was born in 1826 in the Red River Settlement, studied in the office of H. C. R. Becher, was appointed in 1860 deputy clerk of the crown, and filled the position till his death on Jan. 15, 1889.

Col. Shanly and Col. Macbeth were splendid types of court officials all over Ontario. When you look back at the records of those who have held office in Middlesex in connection with the administration of justice, it strengthens your faith in Col. Shanly and Col. Macbeth. I have referred to W. C. McGill, who also studied in Mr. Becher's office, could not be improved on. He knew every title in London, and if there was a mistake in it he would save you the trouble of finding

it out by pointing it out to you. Hubert Dignan is filling the office now perfectly.

In the county registry office, James Ferguson, Col. Walker, John Waters and Joseph E. Marshall, although always relying on and having good deputies, were themselves competent officials. John Waters would rather take too little than too much in fees.

Of our sheriffs I do not remember Sheriff Hamilton, but William Glass, with his deputy, Samuel Glass, performed their duty faultlessly, and the present Sheriff Cameron and his deputy, Mr. Watterworth, could not be improved on.

When we cross the hall into the crown attorney's office, we are probably in the office the most difficult to fill of any. Charles Hutchinson was a man of acknowledged ability, and he held the office for a long time, assisted by several deputies, Hutchinson & Bartram, Hutchinson & Jeffery, Hutchinson & McKillop. After Mr. Hutchinson's death, James Magee was appointed, and the firm became Magee & McKillop & Murphy. On Mr. Magee's elevation to the bench, Mr. McKillop was appointed. Each of these three men deserve much credit for their faithfulness in office.

The county crown attorney has often a tough nut to crack. The tendency of the office may be to harden the heart, but I know of more than one instance where the county crown attorney has, by a merciful commonsense view, performed good service to the community.

The only official to whom I have not referred is Ed Weld, deputy clerk of the crown, and his assistant, Mr. J. H. Flock. The greatest praise I can give them, and it's the truth, is that they are following closely in Mr. Macbeth's footsteps. Mr. Flock's carefulness is very apparent, and very valuable to the legal profession, who appreciate it very much.

I had almost forgotten Col. Shanly's successor, R. K. Cowan. The fusion of law and equity plays a part here, and I assume the office will not be abolished. As long as Mr. Cowan fills it, as he has done, there will be universal satisfaction. Mr. Cowan has united carefulness and capacity in the discharge of his duties, with a very genial disposition, that never fails to oblige when he can.

I had almost left out the division court clerks, but it would be a mistake to do so. J. C. Meredith was a splendid clerk. W. J. McIntosh and J. W. McIntosh, assisted by Andrew Dale, are as exact, careful, painstaking businessmen as I ever had anything to do with.

Apart from triumphs in the courts of law, there are many monuments which the members of the legal profession have left, and will leave behind them, testifying to the advantages a community derives from an enterprising and somewhat aggressive legal profession. It is too much



the custom to look only at the work of lawyers as seen in the courts, but the work in court forms in reality only a small percentage of the actual work performed by lawyers. It might also be said with much truth that some of the ablest lawyers rarely if ever appeared in court, and some of these occupied honored positions on the superior court bench, notably Mr. Featherston Osler, appointed from the bar of Toronto, who recently retired from the court of appeal to become president of the Toronto General Trusts Company; the late Mr. Justice Burton, of the court of appeal, appointed from the bar of Hamilton, and the late Mr. Justice Street, of the queen's bench division of the high court of justice, appointed from the bar of London.

I do not wish to lessen the importance of the work in court. I hope it will always maintain justly and for good cause the existing high opinion the people have of it. I hope the custom which is claimed to be prevalent in the United States, of jockeying for judges, will not find a foothold in Canada, and that the administration of justice will remain as pure as any human institution can be.

I would like, too, that a just appreciation might be formed by the public of the benefits which they have derived from the bar of Middlesex, and which in no way enter into their estimates of the value of a high-minded and unpurchasable judiciary. Such are some of the monuments I have referred to. Let me mention a few. I remember being in the barristers' room at the courthouse on one occasion when someone asked: "How many loan companies are there in London?" The late B. B. Osler, who was attending the assizes, jocularly replied: "Hand me a law list—nearly every lawyer has one." There was more meaning in the answer than than now, because there were then more loan companies, but his reply hit a truth of much importance to London. Take the Huron and Erie, with its assisting company, the Canada Trust Company. They are the monuments of Verschoye Cronyn, K. C. Then came the Ontario Loan and Debenture Company, organized by Edward W. Harris, George B. Harris, and James Magee. The Dominion Savings and Investment Society, by E. Jones Parke. The Agricultural Loan and Savings Company, by Glass & Fitzgerald; the Canadian Savings and Loan Company, by Cronyn & Greenlees; the Equitable Loan Company, by W. R. Meredith; the Royal Standard, by MacMillan & Taylor; the Empire Loan Companies, the People's Loan Company and the London Loan Company were not originally organized by lawyers, but later were associated with Mr. A. O. Jeffery, Mr. W. J. Clarke and Mr. George McNab. To these may be added the Superior Loan Company, organized by H. E. Nelles and W. W. Fitzgerald,

and the London Freehold and Leasehold Land Benefit Building Society, organized by Mr. Henry Whately, and the English Loan Company, organized by Mr. David Glass and his son, Mr. Chester Glass.

The list is a tolerably long one, and following, as they did, one after another, during the space of a few years, they must have been considered necessary to fill a "long-felt want." I have purposely left out the Ontario Investment Association. It was not organized by any member of the bar, and was not strictly speaking a loan company.

The influences for good on the steady, healthy growth of London, commencing about the time of the formation of the second loan company, 1871, and continuing until the present time, cannot be estimated. How many buildings in London and Western Ontario, how many homes built and paid for, no one can tell. How many millions of British capital were brought to Western Ontario, how many thousands of dollars depositors received in interest for their deposits, more than they would have received from chartered banks, would be difficult to estimate. Taken altogether, the effect has only been good, and it is undoubtedly to the bar of Middlesex that the people's thanks are due. That the surviving companies are fewer in number may be cause for regret, but those retaining control more capital for investment than at any previous time. They are the Huron and Erie, the Ontario Loan and Debenture, the Dominion Savings, the London Loan, and the People's Loan.

Due to the same cause is the existence of three trust companies. The Canada Trust Company, organized by Cronyn & Betts, in connection with the Huron and Erie; the London and Western Trusts Company, organized by Gibbons, Harper & Gibbons, and the Fidelity Trusts Company of Ontario, organized in connection with the Dominion Savings by Purdom & Purdom. A movement is on foot among the associated loan companies of Toronto to give trust company powers to all loan companies. Whether trust company powers be given to loan companies or loan company powers to trust companies, they work well together and jointly would very much resemble the trust companies of the United States. The growth of Canada would be aided, not hindered, if the wish of the associated loan companies is complied with, and Canada's development will require all the aid it can get for many years to come. I have given as monuments, loan companies and trust companies.

A third class may be mentioned—life assurance companies, benefit societies and fire insurance companies.

The London Life Insurance Company was organized by Harris & Magee, and the late Mr. Joseph Jeffery, father of Jef-

fery & Jeffery, barristers. The Northern Life Assurance Company of Canada was organized by the Hon. David Mills, E. Jones Parke and T. H. Purdom. Both these companies are substantial, successful companies. Their future can be as great as the controllers desire to make them. They may expand to an unlimited extent.

Then it should not be forgotten that Dr. Oronhyatekha was a resident of London when the Independent Order of Foresters was formed, and W. W. Fitzgerald was associated with him. The doctor finally thought Toronto preferable, and the result appears to have justified his judgment. The Woodmen of the World was organized in London through the efforts of T. H. Luscombe and W. E. Fitzgerald, and appears to be making its way in public confidence.

D. C. ("Cammy") Macdonald, a brother of A. J. B. Macdonald, and a member of the bar, organized and successfully managed till his death the London Mutual Fire Insurance Company.

The Monarch Fire Insurance Company was the last-formed company. Its existence is due to J. B. McKillop, and it has already found its way to a place among the substantial, safe companies of Canada.

Leaving out of the reckoning the part lawyers have taken in the organization of the financial companies referred to, they would hold a very prominent place in other respects.

As builders, for instance, or, with delightful surroundings, the residences of the Hon. John Wilson, H. C. R. Becher, Q. C., William Horton, E. Jones Parke, Q. C., J. C. Meredith, W. R. Meredith, Geo. C. Gibbons, P. Mulhern, George McNab, George S. Gibbons, Benjamin Cronyn, Verschoyle Cronyn, Charles S. Goodhue, W. P. R. Street, Warren Rock, James Magee, Richard Bayly, Hugh MacMahon, William Elliot, J. H. Fraser, David Fraser, T. H. Luscombe, F. P. Betts, Judge Macbeth, and others, are very creditable and among London's best. The grounds surrounding the residences of Benjamin Cronyn, H. C. R. Becher, E. Jones Parke, Charles F. Goodhue, and the late Hon. John Wilson, deserve special mention, and the outlook from the residence being erected by Judge Macbeth will be among the best obtainable anywhere near London.

#### As Railway Builders.

The members of the bar have taken their full share in the building of railways.

The London and Port Stanley Railway was a municipal enterprise. One of its promoters, and solicitor for the company from 1856, when it was opened, until 1872, when it was leased, was E. Jones Parke.

The London, Huron and Bruce Railway has been the best railway investment London ever made. The city gave a bonus

of \$100,000 towards its construction. J. H. Flock, K. C., was one of its most active promoters, and its solicitor until it was acquired by the Grand Trunk.

The Southwestern Traction Company, now the London and Lake Erie Railway, and Transportation Company, London's only trolley line, was promoted actively by T. H. Luscombe.

The North Midland Railway, to run from Stratford to London via St. Marys, is also being actively promoted by Mr. Luscombe.

The first street railway (the horse-cars) was built and operated for many years by Mr. V. Cronyn, and until the new electric street railway was formed, Mr. J. H. Flock, K. C., was solicitor, during its whole existence.

Classifying the members of the bar is interesting.

It will be noticed that not often have two generations practiced, and only once, three—H. C. R. Becher, his son Henry Becher, and his grandson Campbell Becher. Those of two generations are Verschoyle Cronyn, and his son, Hume Cronyn; Thomas Scatterd and his son, Ethel Scatterd; Richard Bayly and his son, Richard A. Bayly; Edward D. Parke and his son, Thomas E. Parke; David Glass and his son, Chester Glass; Phillip Mackenzie and his son, Peter Mackenzie; J. H. Flock and his son, E. W. M. Flock; George C. Gibbons and his son, George S. Gibbons; Edmund Meredith and his son, W. R. Meredith; Andrew Greenlees, and his son, F. H. Greenlees; E. T. Essery and his son, Basil W. Essery; David Mills and his sons, David Mills and Walter Mills; W. H. Bartram and his son, W. G. R. Bartram, William Elliot and his sons, Hume B. Elliot and Skeffington Connor Elliot. Outside of London, two more may be added—Sir William Meredith and his son, John R. Meredith, and the Hon. James Magee and his son, Allan Angus Magee.

Two brothers have practiced—Parke & Bros., E. J. Parke and Edward D. Parke; Harris Bros., Edward W. Harris, George B. Harris and John Fitzjohn Harris; Edmund and R. M. Meredith; W. R. and T. G. Meredith; Verschoyle and Benjamin Cronyn; T. H. and Alexander Purdom; A. O. and Edgar Jeffery; George M. Cox and Beverly Cox; Judge Daniel and his brother, Wm. Daniel.

#### Judges.

Those who have left the bar for the bench are:

For the supreme court at Ottawa and minister of justice, the Hon. David Mills.

For the high court of justice at Toronto—The Hon. John Wilson, Chief Justice Sir William R. Meredith, Mr. Justice MacMahon, Mr. Justice Street, Mr. Justice Magee. I might mention that Vice-Chancel-

lor Ferguson studied for four years in the office of Mr. Worthington, and the last year with Henry Eccles in Toronto.

For the county court—Judge Givens, county of Middlesex; Judge William Elliot, county of Middlesex; Judge MacMillan, county of Haldimand; Judge Daniel, of L'Orignal; Judge Fitzgerald, of Welland; Judge Hughes, of St. Thomas; Judge Bell of Chatham; Judge Macbeth, county of Middlesex.

For the recorders' court—William Horton.

For police magistrate—E. J. Parke, as police magistrate of London; Francis Love, as police magistrate of London; Joseph C. Judd, as police magistrate of London; A. A. MacTavish, as police magistrate of Parkhill.

Those who received the honor of knighthood were: Sir William R. Meredith, chief justice of the common pleas division of the high court of justice; Sir George C. Gibbons, for services as chairman of the deep waterways commission.

Those who left the bar to follow other occupations are: E. S. Collett and David Wilson, for inland revenue; D. C. Macdonald, for fire insurance; W. Fitzgerald, to become superintendent of insurance at Ottawa; A. E. W. Peterson, to engage in business in Toronto; Nathaniel Mills, H. E. Nelles and Hume Cronyn, to become managers of loan companies; John Geary, to engage in business.

Those who left London to practice elsewhere are:

Sir William Meredith, in Toronto.  
Edward Meek, in Toronto.  
N. W. Rowell, in Toronto.  
E. W. J. Owens, in Toronto.  
Thomas Reid, in Toronto.  
W. A. Proudfoot, in Toronto.  
Basil W. Essery, in Toronto.  
F. H. Greenlees, in Toronto.  
George Moncrieff, in Petrolia.  
Phil T. Worthington, in Windsor.  
A. D. Cameron, in Hamilton, and later in Regina.

C. D. Holmes, Fargo, Dakota.  
Thomas Lawson, California.  
Harry Drought, San Antonio, Texas.  
Thomas E. Parke, Ontario, California.  
John Macbeth, Denver, Col.  
Harry Vivian, Winnipeg.  
W. H. Culver, Winnipeg.  
John R. Dixon, Winnipeg.  
Wm. H. Nash, Winnipeg.  
F. E. Cornish, Winnipeg.  
Glass & Glass, Winnipeg.  
Wm. Grayson, Moose Jaw.  
Seaborn Taylor and Pope, Moose Jaw.  
Avery Casey, Regina.  
Charles Carson, Calgary.  
Duncan Stuart, Calgary.  
Alex. Stuart, Edmonton.  
Edward Emery, Edmonton.  
Peter Mackenzie, Saskatoon.  
J. J. Blake, Vancouver.  
D. A. McDonald, Vancouver.

Fred Cryer, New York.  
Thornley Dickson, New York.  
Michael Kew, San Francisco.  
A. E. W. Peterson, Chicago.  
H. E. Nelles, Los Angeles.

Among those who may be said to have distinguished themselves as jury lawyers are John Wilson, H. C. R. Becher, William Horton, Frank Cornish, Warren Rock, David Glass, Edmund Meredith, W. R. Meredith, Thomas Scatterd, Hugh MacMahon, George C. Gibbons, John M. McEvoy, J. C. Judd, E. T. Essery, T. G. Meredith and others.

Those who had more than an average reputation at the equity bar were W. R. Meredith, James Magee, W. P. R. Street, Richard Bayly and R. M. Meredith; while in practice Edward D. Parke, Richard Bayly, R. M. Meredith, George P. Land, W. P. R. Street and John Martin. There are many hard-working, good, sound, all-round lawyers on the list; many there have been with good legal intellects who did not appear in court—such men as Verschoyle Cronyn, J. H. Flock, A. O. Jeffery, Talbot Macbeth, M. D. Fraser, E. J. Parke, Andrew Greenlees, Nelson Weekes, Harry Blackburn and others.

There is only one instance that I know where law was deserted for the pulpit, George M. Cox, who studied with Becher, Barker & Street, and the last year and a half with E. J. Parke, after being called to the bar, joined the firm of O'Connor, Cox & Ouellette, in Windsor, and later Harris, Magee & Cox, at Chatham and London, finally left the practice of law and was ordained as an Anglican clergyman. I spent with him all the time he was in Mr. Parke's office. Few men possess as genuine and keen a sense of humor, or take as frequent advantage of it to make life pleasant for himself and those with whom he comes in contact. I look back to the time spent with him as among the happiest of my life.

Among those who entered politics may be mentioned John Wilson, who represented London in the Commons; David Mills, Bothwell, and who was minister of the interior and minister of justice; Thomas Scatterd, North Middlesex; R. C. Scatterd, North Middlesex; David Glass, East Middlesex; Duncan MacMillan, East Middlesex; J. H. Fraser, London; W. R. Meredith, London, in the Legislature. From outside, after they left London: — Cowan, Vancouver; David Glass, Manitoba Legislature; Newton Rowell, in the Ontario Legislature, and E. W. J. Owens, in the Ontario Legislature; also Hon. J. B. Lucas and Ed Lancaster, in the Commons. Those who were candidates; H. C. R. Becher, Frank Cornish, James Magee, T. H. Purdom, Edmund Meredith, A. G. Chisholm, Hume Elliot, J. C. Judd, Hugh MacMahon and J. M. McEvoy. Mr. Jared Vining has never been a candidate,

but he is an excellent speaker on the stump, and has conducted several of the campaigns in East Middlesex in the Liberal interests.

The bar of Middlesex has always had a number of good platform speakers. One of them is credited, during a hotly-contested campaign, with quoting figures to prove every contention he made, from the blue-book, and keeping it up so long that the candidate whom he was opposing, and who was present at the meeting, was bewildered. He at last addressed the orator and said: "Mr. ———, will you kindly let me look at those figures?" "Gentlemen," was the reply, "I am reading from the blue-book." He held it up in view of the audience, then closing it, he handed it to the candidate, saying, "Find them for yourself," which he couldn't have done if he had hunted till the present time.

Already this paper is much longer than I expected. I think it can be fairly concluded that the bar of Middlesex, from its earliest days, has had among its members, strong men, men who would have taken a leading place anywhere, that through all changes it has maintained the right to be considered a strong bar; that from the days of small things, when the country was opening up and being settled, until the present time, when the city claims several millionaires, they adapted themselves to their surroundings and their influence was always for good. They took their full share in building up the city, and especially its railways and financial institutions. That these railways and financial institutions were great factors in making London a city of homes. They took their full share in the public life of the district, and either in municipal or political life made their influence felt. These who were honored by election, filled the position with credit, and those who received the distinction most prized by lawyers, an appointment to the bench, without exception discharged their duties with fidelity and ability. It enables us to subscribe to the statement, "Of law this much must be acknowledged, that her voice is the harmony of the world."

#### Cricket, and the Practice of Law, Are Both Manly Games.

It may not be known to many that the first cricket set was brought to this city from England by H. C. R. Becher. Several members of the bar were good cricketers. I can remember Judge Street as longstop, William Bayly, a brother of Richard Bayly, and a son-in-law of Judge Wilson, was always umpire. Then George B. Harris, John J. Brown, Harry Becher, R. M. Meredith, R. R. Brough and Frank Cronyn frequently played the game on the old cricket field surrounded by the stumps. The most enjoyable match I ever saw

there was when London played against Hamilton. Hamilton had a larger score than London in the first innings, London had taken its second innings, and the game would be called at a certain hour to enable the Hamilton eleven to go home. This left so many minutes to London to dispose of Hamilton, which it did within the time, and with quite a number of runs to spare, owing to the effective bowling of Henry Meredith. Those who do not consider cricket an interesting game should have seen that last innings. Of course, later there were other members of the bar who played cricket well. The matches on the Asylum grounds between the Sawbones and the Jawbones were always enjoyable. Bev. Cox usually captained the Jawbones and Dr. Williams the Sawbones. But cricket has almost entirely given place to baseball. In the earlier days of baseball several students and members of the bar were among the best, notably Frank Love, who was for several years a member of the old Tecumsehs, and a good cricketer as well.

Let me conclude by a reference to what is now a live question—a new city hall and courthouse.

I would like to be the architect of joint county and city buildings on the courthouse square. The statement that the members of the county council will not act reasonably, is, in my opinion, a libel. I knew the members of the county council for over twenty years well. Mr. Parke was county solicitor until his death. I frequently acted for him. The expenditures on the old courthouse are not worth considering.

The people of the Northwest shame us with their universities, schools, court-houses and Parliament buildings. The one that pleases the eye best is the Parliament buildings at Edmonton. Middlesex, the richest county in Ontario, should have public buildings in keeping with its place in Western Ontario. It is not hard to see in your mind's eye a stone building of classic architecture, the city hall at one end, the county buildings at the other, and in between the courthouse. Here provision could be made for all, for the county offices and magistrates' courts and registry offices, for the city offices, police court and every purpose needed. The courthouse could be perfect in every respect, making provision for the splendid library now being collected.

In this building, too, provision could be made for an art gallery. The only portrait the courthouse holds is that of the late Judge William Elliot. Provision could be easily made so that the portraits of all those who have occupied seats on the bench could be added and preserved. Respect for the administration of justice would be strengthened, and Middlesex

take its place as the centre of Western Ontario. The old city hall holds the portraits of many mayors in past years. This is as it should be. The county should preserve its wardens. The three are necessary together. The courthouse square is perfect for the purpose. So strongly do I believe in this that I would gladly accept the suggestion of one of the county councillors that the city be given a site on the courthouse square for its city hall. I would design a building for the three purposes named, and build only the part required by the city. It would not be long until the county would join in completing the whole building. That chance I would take. Even if they never joined, it is the best site for the city hall in London. The county councillors are right in refusing

to consider any other site. It is far superior to every other one named. I believe if properly approached they would join the city now in erecting joint buildings, and, if not, they would permit the city to erect its city hall, and at no distant date join in completing the buildings. Anyone who visits other cities, particularly in our Northwest and in the United States, cannot fail to see the great improvement in the architecture of public buildings. London's position is an excellent one. Western Ontario will some day be the most thickly settled part of America. Build in anticipation of that day an ornate, substantial building of classic architecture, perfect for its purposes, to which all can point with pride.