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MEN OF THE DAY



GEORGE AIREY KIRKPATRICK

GEORGE AIREY KIRKPATRICK.

Fortunately for the country there has always existed in the Canadian House of Commons a number of gentlemen who, without aspiring to greatness among their colleagues, or pretending to gifts of oratory in set parliamentary speeches, have exercised a controlling influence in public affairs. They are men who enter the political arena as the natural sphere for their exertions. They assume its duties and responsibilities, less with a view to the gratification of personal ambition, than as a necessity arising from their position in the community and the interests which centre about them individually. The representative system, though much debased of recent years by the introduction of American methods in the selection and election of members of parliament, and though it be always liable to great abuses, opens an avenue, nevertheless, whereby men who otherwise would not care for politics may serve the State.

Such men form a saving remnant in times of political disaster, and, though the government they support and the party to which they are allied may make mistakes in policy, by the firmness of their convictions and the sedateness of their demeanour, correct the extravagance of their associates and bring order out of confusion.

To this class, the most conservative in the best sense of the word, and the most respectable in fact, among Canadian public men, the subject of this memoir belongs.

Among the ancient families of Scotland none can claim a more remote antiquity of origin than the Kirkpatricks of Closeburn. It will be remembered that when the Emperor Napoleon III announced his marriage engagement with Eugénie, Countess de Montijo, antiquarians and genealogists established her claims to royal descent from the ancient Kings of Scotland, through the Kirkpatricks.

In the street of San Juan de Dios, in Malaga, we learn from a

biographer of the Empress, there was, in the early part of the present century, a wealthy, intelligent and attractive family residing in one of the most stately mansions. The master of the house was an opulent merchant from England, William Kirkpatrick, a Scotchman by birth. He had been the English consul at Malaga, and had married a young lady of Malaga, of remarkable beauty both of form and feature, Francisca Gravisne, the daughter of one of the ancient Spanish families.

They had three daughters, all of whom inherited the beauty, grace and vivacity of their mother, blended with the strong sense and solid virtues of their father. The eldest of these daughters, Maria, was a young lady of extraordinary beauty. Blended Celtic and Spanish blood flowed in her veins and glowed in her cheeks. Her exquisitely moulded form is represented to have been perfect. This lady married a Spanish nobleman, Cipriano Palafox, Count de Theba, who had joined the army of Napoleon, in the endeavour to liberate Spain from the despotism of the Bourbons. This marriage secured for the beautiful and accomplished Maria Kirkpatrick all the advantages which rank and wealth could confer. Her husband, Count Theba, soon received additional wealth and honor, inheriting from a deceased brother the title and estates of the Count de Montijo. He carried his lovely bride to Madrid, where she was presented at court. There her extraordinary gifts of mind and person won the friendship of the Queen, Maria Christina, who made her first lady of honor. Eugénie, afterwards Empress of the French, was her daughter.

Such were the fortunes of the Spanish branch of the family, as far as it is necessary for the purposes of this memoir to trace them.

A curious fact, however, will not escape the attention of the reflective reader. It is that, after a lapse of centuries, many migrations and vicissitudes of fortune, a lady, in whose veins flowed the blood of the ancient Kings of Scotland, should ascend the imperial throne of France. Constitutional changes, wars, revolutions, had swept away many thrones only to restore royal honors at last to the lost scion of a disinherited royal house.

William Kirkpatrick, grandfather of the Empress Eugénie, was naturally proud of his family descent, and took a deep interest in other branches of the family. In a letter to the grandfather of the subject of this sketch accompanying a present of fruit from Malaga, he signed himself as a cousin.

Thomas Kirkpatrick, Q.C., father of the Hon. George Airey Kirkpatrick, was born in the county of Dublin, Ireland. He was the son of Alexander Kirkpatrick, of Coolmine House, in that county, who represented the Irish branch of the Kirkpatricks of Closeburn. Coming to Canada in early life, he established himself at Kingston where he married a daughter of the late Alexander Fisher, Judge of the Midland District, and the son of a United Empire Loyalist, who settled at Hay Bay, Adolphustown, near Kingston, at the time of the American revolution.

Thomas Kirkpatrick represented Frontenac in the House of Commons from Confederation, in 1867, to the time of his death, which occurred in March, 1870.

I happened to be in Kingston on the first day of the Dominion, July 1st, 1867, and, while witnessing the field day on Barrifield Common, held in honor of the inauguration of the Confederation, I had the pleasure of an introduction to Mr. Thomas Kirkpatrick. There were two regiments of British infantry, a detachment of Royal Artillery, and a detachment of Royal Engineers quartered at that time at Fort Henry, Fort Frederick, and the Tête du Pont Barracks. It was a glorious day, the people were joyous and enthusiastic, and the military display passed off with great brilliancy. That evening Mr. Kirkpatrick gave a dinner at his residence, where I had the gratification of meeting some of the leading men of the country and of laying the foundation of friendships which still continue. It was on that occasion that I first met the subject of this memoir. He was a young man then, remarkably handsome, with a figure of singular liteness, fully six feet high, straight as an arrow, and with a manner at once earnest, kindly and reposeful. In these characteristics he has not changed, save as years have mellowed and experience chastened the outward appearance of the man. He thus appears to me to have always been the same, and to have developed naturally on ancestral lines, as do certain plants which are the same in all climates and under all conditions, and which art may encourage to larger growth, but cannot alter in the slightest degree.

Dear old Kingston! How many sad and happy memories are associated with thy name! Memories that go back to the early days of childhood, to kindly friends long passed away, to gay military

pageants, and to a gallant ship, freighted with loving hearts that sailed away

"With sunlit prow and white sails spreading free,"

never to return. Kingston, that ranks third among the cities of Canada for the heroic interest attaching to its annals, may take rank with the first in the number of able and patriotic men it has given to the service of the country. To write their names would be to fill a page of this work, but they would be the names of men who have done honor to Canada in every walk of life.

Here, however, we have only to trace the record of one of Kingston's worthy sons. Typical we may regard him, not only of that loyalty of disposition, steadiness of purpose, and devotion to the duties of life, which distinguished his U. E. Loyalist ancestors who founded the Limestone City, but also of the manhood of the Province of Ontario, to the highest position in which his attainments, his services and the dignity of his character have raised him.

George Airey Kirkpatrick, fourth son of Thomas Kirkpatrick, was born at Kingston, September 13th, 1814, educated at the Grammar School of that city and the High School of St. John's, Lower Canada. He matriculated at Queen's College, Kingston, in 1857. After studying there for one session, he took honors in Greek, and then went to Trinity College, Dublin, where he took honors in mathematics and English, and graduated in December, 1861, as moderator and silver medalist in History, Literature and Political Economy.

The celebrated Historical Society of Trinity College, which a hundred years ago included among its members many distinguished men, and after the Union of Ireland with England was suppressed for a time by the authorities, on account of the fiery and revolutionary speeches made at its meetings, conferred a silver medal on him for proficiency in historical studies.

Thus prepared by a severe and conscientious academical career for the sterner schooling of the world, Mr. Kirkpatrick was well qualified to assume his place among the rising young men of Canada. He devoted himself to the study of the Law and was called to the Bar of Upper Canada at Hilary term, 1865. When his father died, in March, 1870, the conservatives of Frontenac called upon him as the one most fitted to represent them in the parliamentary seat thus made vacant. He accepted the nomination, and was elected to the House

of Commons in the April following. He sat continuously for Frontenac, till appointed Lieutenant-Governor for Ontario, in May 1892.

He was an able, conscientious and diligent member of Parliament and fully justified those friends who, on the death of his father, perceiving his marked abilities, and being anxious that they should be employed in the legislative sphere, urged him to accept the nomination. Each succeeding election demonstrated his popularity and the confidence reposed in him by his constituents. In parliament he manifested the same excellent qualities which had won for him distinction in college and success in private life. Among those about him he was soon regarded as one whose abilities fitted him for a place in the cabinet. That he did not attain that preferment was owing to the well-known policy of Sir John Macdonald, who never made changes in his cabinet, if he could avoid it, and who chose his colleagues as representing certain class interests, none of which Mr. Kirkpatrick ever cared to conciliate.

His standing in the House was recognized, however, by his election as Speaker, on the 8th of February, 1883. In that onerous position his personal dignity, courtesy of manner, impartiality, firmness and acute knowledge of parliamentary procedure, won universal commendation. He was the first Speaker of the House of Commons on whom the honor of a seat in Her Majesty's Privy Council for Canada was conferred. He was appointed a Queen's Counsel on October 11th, 1880, and in June, 1884, he received from his Alma Mater the degree of L.L.D.

Like all men of marked individuality of character, Mr. Kirkpatrick early in his parliamentary career disclosed the fact that he had an object and a purpose above the mere fulfillment of his routine duties.

In his practice as a lawyer, he had become painfully familiar with the wrongs endured and disabilities suffered by seamen on our inland waters, and he seized the earliest opportunity, after taking his seat, to institute a legal remedy therefor. In pursuance of this purpose he raised the question of giving to these seamen a lien for their wages, and making vessels liable for supplies. During several sessions the measure he had introduced embodying these provisions was defeated. But he adhered to it with unflinching persistency till the Mackenzie administration came into power, and Mr. Mackenzie promised that he would introduce a measure to give effect to his views.

Mr. Plimsoll won much renown in the Imperial parliament for his advocacy of sailors' rights, and his efforts to introduce reforms in the merchant marine of Great Britain. Less noisy, but with equal determination, Mr. Kirkpatrick urged the claims of Canadian lake sailors on the consideration of government and parliament.

At last his labors in the cause of justice to a class, who had few friends and no defenders among those who move the springs of legislation, were crowned with success.

In 1877, the Hon. Edward Blake, after consultation with Mr. Kirkpatrick, brought in the Maritime Court Act, which practically extended the Vice-Admiralty Court jurisdiction to the inland waters, and, in this way, the object Mr. Kirkpatrick had so much at heart, and so long advocated, was obtained.

In 1875, after Lord Dufferin had pardoned Riel, and Lepine, and O'Donoghue, without the advice of his ministers, Mr. Kirkpatrick laid upon the table of the House resolutions affirming that, under constitutional government, the Governor-General must act according to the "well-understood wishes" of the people, as expressed through their representatives, and that his ministers must be held responsible for his action.

The state of business and the rules of the House prevented Mr. Kirkpatrick moving these resolutions, but they had their effect. Correspondence took place between the Colonial Secretary and the government at Ottawa, which resulted in new instructions being issued to the Governor-General requiring him to take the advice of the Privy Council, or one of the ministers, before exercising the prerogative of pardoning.

The far-reaching consequences of Mr. Kirkpatrick's resolutions will be more clearly understood when we reflect that it was owing to this change in the wording of the Governor-General's instructions that Lord Dufferin's successor, the Marquis of Lorne, was compelled, much against his will, to consent to the dismissal of Lieutenant-Governor Letellier de St. Just.

During recent years Mr. Kirkpatrick interested himself in obtaining reciprocity in wrecking between the Dominion and the United States. After defeat in two sessions, he succeeded in carrying the Bill through the House of Commons, when it was defeated in the Senate. In this, however, as in the lake sailors' case, Mr. Kirk-

patrick finally succeeded in gaining his object, for, in 1892, the measure was taken up by the government and passed.

This brief outline of the more important incidents in the parliamentary career of Mr. Kirkpatrick gives but a faint idea of his public services during the twenty two years that he sat for Frontenac. To obtain a broader view we must recall the history of that period. It included several stormy epochs.

The year he entered parliament, 1870, the confederation of the British North American provinces was only three years old. Nations, like individuals, have the tribulations of infancy to pass through. They must learn the use of their faculties, and, in doing so, run those risks, encounter those trials, suffer from those errors and accidents which, though always painful and occasionally dangerous, are the means, wisely appointed by nature, for the development of their institutions and the strengthening of the national body, brain and nerve.

Our young Dominion was no exception to this rule. Although it was launched under the happiest auspices, with words of hope and cheers of encouragement, with a blessing from the mother-land and with the good will of its neighbors, it was not long before its trials began. The acquisition of the North-West Territories raised issues which even yet remain unsolved. The weird form of Louis Riel, with his primitively obstinate half-breeds loomed defiantly on the banks of the Red River. After the military expedition had done its work, and the authority of Canada was established in Rupert's Land, the scene of conflict was transferred to Ottawa. Then it was that the demagogues and the hot-heads made all the mischief of which they were capable. Fortunately for the country their capacity was not equal to their desires. There was mischief enough, however, and to still the troubled waters of popular wrath required wisdom, firmness and moderation.

Among the men looked to for the exercise of these qualities, and who really did exercise them with commanding success, was the young member for Frontenac. His equipoise of character and elevation above the passions of the hour were attributes which gave him a constantly widening influence, and the soundness of his judgment may be estimated by the fact that Edward Blake on many occasions sought his counsel and advice in matters of policy and legislation, although each was opposed to the other in party politics.

In "the time that tried men's souls," when the Pacific Scandal wrecked the government of Sir John Macdonald, and the Conservative party was overwhelmed with popular disapprobation, Mr. Kirkpatrick displayed the same qualities of calmness and firmness which distinguished him on previous trying occasions. He was one of the Old Guard who stood by the Old Chieftain in his day of disaster.

Mr. Kirkpatrick was not a frequent speech-maker in the House, but, when he did speak, he was accorded the closest attention. His language was always chaste. He had the faculty of always being able to choose the right word to express his meaning without hesitating, while the fluency of his speech and the elegant correctness of his diction showed he possessed, and could use, all the powers and graces of oratory.

But it was not in the wordy conflicts of the parliamentary arena that he appeared to the best advantage, though he had a somewhat sarcastic way of putting his points, terribly annoying to those on whom he brought his powers to bear. But, speaking on questions of higher moment, and to audiences not swayed by political feeling, he was always bright and effective.

At the centenary celebration of the foundation of Upper Canada, he made a brilliant speech dealing with the history of the province, in which he proclaimed the sentiment of loyalty in these memorable words:—"Let us all endeavour to learn something of the early history of our country, that we may know the value of the glorious legacy bequeathed us by our forefathers. When we think of the trials, the privations, the sorrows they endured, the battles they fought, the enemies they overcame, the obstacles they surmounted, our hearts should swell with pride and gratitude. Then, when we think of the progress of the country, and look around this immense province of Ontario, beholding its prosperity, its literature, science, art, manufacturies, its thousands of happy homes, we should, indeed, be thankful for the blessings we enjoy. We are not only a prosperous and contented people, but a God-fearing people. Any one who travels over this country, sees upon every hill-top churches with their spires pointing heavenward, telling the people of God's love for man. Then remembering the heroic deeds of our ancestors, let us be thankful that Canada to-day remains true to the flag such men upheld. Let every one, man, woman, and child, determine

“ that, as far as in us lies, we will endeavour to keep this country true to the old flag.”

It was not, however, by patriotic speeches alone that Mr. Kirkpatrick demonstrated his loyalty. At the time of the Trent affair he volunteered as a private in the militia, and continued in the active force, rising step by step to the rank of Lieutenant-Colonel. At the close of the American civil war, when the Fenians gathered along the frontier for the invasion of Canada, he went into active service at the town of Cornwall, as Adjutant of the 13th Battalion, Prince of Wales Own Rifles. He served at the front till the danger was passed and the troops were called home. As may be supposed, he has throughout his career taken a deep interest in militia affairs. He was elected president of the Dominion Rifle Association, and also commanded the Wimbledon rifle team in 1876. In parliament he was ever foremost in advocating the cause of the Volunteers.

In his business life Mr. Kirkpatrick has been no less fortunate than in the more public spheres of activity, through which we have followed him. He has acted the part of the faithful steward. Born to good fortune, he has increased it by a wisely directed enterprise, principally identifying himself with the larger industries of his native city, Kingston, the advancement of which he has always had at heart. His name stands foremost among the founders of many of its most important works. He was also a director of the Kingston and Pembroke Railway; president of the Kingston Waterworks Company, and president of the Canadian Locomotive Works at Kingston. He has held the offices of secretary and chairman of the Board of Trustees of the Collegiate Institute of the same city, having been connected with that body since 1870.

In May, 1892, he was appointed Lieutenant-Governor of Ontario, on the death of Sir Alexander Campbell, and assumed the duties of his office on the 30th of that month. Perhaps the best proof I could give of the estimation in which he is held, and the satisfaction which his appointment gave, would be to quote what the veteran Liberal Premier of Ontario, Sir Oliver Mowat, said when he received the news:—“ I consider it the best choice the government could have made. I am sure Lieutenant-Governor Kirkpatrick will be acceptable to all parties, and I am glad the choice has fallen upon him. I was intimately acquainted with his father, a genial honorable man, and

“a man of considerable ability, who had the confidence of everyone..
 “As for his son, I have been acquainted with since he came to the
 “bar. Kingston, my native place, has now had the honor of giving
 “two lieutenant-governors to Ontario. A better governor than Sir
 “Alexander Campbell there never was, and I have no doubt, at the
 “close of Mr. Kirkpatrick’s term, the same will be said truly of him
 “also.”

With this encomium our memoir might fittingly close. Little, indeed, remains to be added. In his private life Mr. Kirkpatrick has always given an example of those virtues which sanctify and adorn the character of the man, apart from those public virtues which win respect and honor from the world. Strict as the most rigid code of ethics could demand in all the relations of life, he possessed that happy disposition which, preserving him from folly on the one hand, led him, step by step, to the highest distinction of his native province.

Mr. Kirkpatrick was twice married. His first wife was Frances Jane, daughter of the late Hon. John Macaulay, who died in January, 1877. The lady who now presides at Government House, Toronto, is Isabella, daughter of the Hon. D. L. Macpherson. Possessed of queenly beauty, no less gifted in mind than in person, the amiability of her nature singularly qualifies her for a position where the most serene womanly tact is required in the management of the highest social functions. Under her influence Government House is more popular than it has been for years, and society at the provincial Capital has the advantage of seeing at its head a gracious lady endowed with every quality desirable in one occupying that exalted position.

If fortune has been kind to the Lieutenant-Governor, he has not been undeserving of her favors. A career so well ordered, so full of good-citizenship, so uniformly successful, offers much to the contemplation of those who would grasp the meaning of life, which--

“Like every other blessing,
 Derives its value from its use alone.”

To set a good example before his fellow-men, to walk uprightly, perform his duties faithfully, is all that is required of a man. This, in brief, is the story of the life of him concerning whom this memoir has been written.

CARROLL RYAN.

Montreal, Sept. 12th, 1892.

Kingston
August 1872

Dear Sir

I have much
pleasure in complying
with your request.
With kind regards to
Madame

Believe me

Yours respectfully,

George Kirkpatrick

L. H. Fache' Esq
Montreal.

MEN OF THE DAY



SIR ALEXANDRE LACOSTE

SIR ALEXANDRE LACOSTE

Chief Justice of the province of Quebec, knighted by the Queen last 24th of May, after having been Legislative Councillor, member of the Senate, afterwards President of that assembly, the highest in the land, senior partner of one of our leading legal firms ; these are the principal events that have marked, to the present day, the career of Sir Alexandre Lacoste, and before he has attained his fiftieth year. While engaged in these different stages of public service, triumphs and honours have been his, sufficient to satisfy the ambition of three ordinary men. We must recognize in this a master-mind and one of those strong individualities which command success, and open avenues conducting to the foremost rank, in whatever station they may happen to be placed.

On his entrance into active life, possessed only of his talent, relying solely on his own energy, Mr. Lacoste saw two ways opening before him : the bar and politics. At the beginning, it was expedient that he should make his mark in the former, since it is agreed that, in our own times, the bar furnishes to its members the key which opens a number of careers ; but once his position well established therein, politics would raise him in his profession. What conflict must inevitably have taken place within him at this critical starting-point in his career, we are not skilled enough in psychology to divine. Doubtless political life, with its intoxicating lure of power, which conceals from those afar off the disgust which a closer contact too often brings, drew him with considerable force. But, on the other hand, his profession also held him. To a lawyer who fancies himself a master in legal lore, on quitting the walls of his university, it may be an arid thing enough, but to an elevated understanding it is full of attraction. The philosophy of the law enables one to perceive at a glance the principles that uphold society ; that connected series of first causes coming from

wisdom and experience and without which as a foundation nothing of stability can ever be raised. Viewed from such a height, the law takes on some aspects unfamiliar to the vulgar.

It is thus a profession calculated to satisfy even the most fastidious, the most restless spirits. On the other hand, the bar holds out less brilliant prospects than politics, but it keeps its word better in what it does promise, offering guarantees of permanence not often found on the wreck-strewn ocean of political life. It is also not a consideration of the least importance, when one has family responsibilities, that the future be assured. Mr. Lacoste decided for his profession, giving to politics such time and attention as his duties as a citizen might allow. This was, however, no inconsiderable portion, and permitted him to render some signal services to the Conservative cause. Mr. Lacoste is endowed by nature with talents and special aptitudes which might well have led him to anticipate in politics the distinction that has just come so early in his legal career.

On the completion of a brilliant school course at Montreal College, he commenced the study of the law at Laval University. During the three years he spent there, his professors did not see any student bending oftener over the old authors, who are the sources of our law, than the young Lacoste. He was not one of those young men too often seen in universities, whom street demonstrations and smoking attract more than do their lessons in law or medicine, and who become later on a dread to the cause of their clients, and a menace to the health of their patients.

While watching him thus laying the foundations of that knowledge of the law which was to become larger as the years went by, we are led to the inference that Mr. Lacoste does not belong to that class who are easily contented with what they have already achieved, but that he possesses a mind of untiring activity. Knowledge is, for him, an ever-widening horizon towards the utmost limits of which he feels himself constrained to press, even though these limits are beyond attainment.

On entering the legal firm of LeBlanc and Cassidy, he was filled with ardor to rise step by step, by slow degrees, to a high place in the courts of justice, where he, afterwards, at a single bound, reached the highest eminence.

With all his ability, Mr. Lacoste owes something to heredity,

coming, as he does, from a family of lawyers. His father, a well-known notary, enjoyed a local reputation which spread over all the southern bank of the St-Lawrence, from Sorel to Beauharnois. He was the leading legal spirit of his time, in Lower Canada, his rival, Mr. Girouard, father of the present member for Two-Mountains, enjoying an equal eminence to the north of Montreal as he did to the south.

An elder brother of Judge Lacoste also walked in the steps of his father, and, at the age of thirty, distinguished himself before the Montreal Bar, where his legal attainments were held in high esteem by Sir Hippolyte Lafontaine.

If he had lived under the old regime of the French monarchy, Sir Alexandre Lacoste would have belonged to its "noblesse de robe." The influence of the surroundings amid which his youth was passed would have done much of itself to secure for him a high position.

For a long time modern science saw fit to deny hereditary phenomena, but fathers trusting to the accumulated truths of experience elected to place their sons in the same paths wherein they had themselves achieved distinction, considering that, in thus keeping up family tradition, there was a better chance of success than in taking up new pursuits. Science, to-day, in changing her stand on this subject, has fallen into the error of exaggeration, seeing everywhere the transmission of virtues and, above all, of defects from one generation to another.

Mr. Lacoste's physique is intensely characteristic of the man himself; the massive head well-poised on the broad shoulders denotes physical force united to intellectual power. Everything about Mr. Lacoste shows a well-balanced mind where, like the great juriconsults of all time, the imagination is held in in firm subjection to the judgment. He has made use of these fine natural faculties in assimilating the substance of what has been laid down by the masters of French law; this he has made his own by imprinting on it the stamp of his personality. It is a curious study to watch him penetrate into the arcana of the law, where he is completely at home, and there rendering clear to his auditors that which, without the light so vividly projected on it, would have remained obscure. This is for him but child's play, in such a manner are the principles of the law and their results classified and fixed in his thoughts. Owing to the mental

training he has imposed upon himself, his mind takes in the whole of any matter that comes before him, and he can give his decision upon it, before leaving the bench, without fear of having dismissed a cause without due deliberation and comprehension.

During his twenty-eight years of professional practice, he has been engaged, in one way or another, in all the most important cases of appeal before the highest court in the Empire, and has been almost invariably successful. The judiciary committee of the Privy Council, which conducts its proceedings in a manner almost antique in its simplicity, has always deeply impressed him. Before judges so elevated in character, in knowledge so profound, anything embarrassing in procedure, anything having the appearance of intimidation, the employment of high flown eloquence, would be manifestly out of place.

A simple rehearsal of facts, a conversation in which the judges themselves often take part for the purpose of obtaining more ample explanations on some obscure point to be discussed with the lawyers, a deliberation with the parties and, when a cause has been heard after this method, the court is ready to pronounce judgment *audience tenante*. This mode of procedure so simple throughout, recalling, as it does, the good old times when St. Louis dispensed justice under the oaks of Vincennes, is pleased Mr. Lacoste, who would like to see it held in honour in the high Canadian Courts.

His name is connected with one cause of more than ordinary interest; the case of commercial corporations. The Chapleau government had put a tax on financial institutions, assurance companies and the industrial associations of the province. The latter refused to conform to the law, on the ground that the provincial law was not constitutional because it imposed an indirect tax, usurping, in so doing, the prerogative of the Federal Parliament. Mr. Lacoste, in the name of the Quebec government, established, by the aid of strong arguments supported by the highest authorities, that that impost was indeed a direct tax, and succeeded in impressing his views on all the courts before which this *cause célèbre* was carried.

Many persons still living in Montreal will remember the old legal firm of LeBlanc and Cassidy, the offices of which stood at the corner of Craig and St-Gabriel streets. It was under the auspices of these two well-known lawyers that Mr. Lacoste made his professional

début. One of these partners, Mr. Cassidy, an estimable but slightly eccentric gentleman, having gained a certain share of success at the bar, thirsted for public life, a sphere for which nature had not fitted him. He cut the most comical figure possible in the House, at Quebec, where he sat during one parliament. Occasionally, when the flame of discussion, stirred up by party spirit, broke out in the House of Assembly, Mr. Cassidy threw himself into the *mêlée*, and calling in turn upon the Ministerialists and the Opposition, he taxed the combattants with exaggeration, demanding from his friends, the Liberals, that they should relinquish a portion of their claims, supplicating the Conservatives not to abuse their power, straining himself to the utmost to effect a reconciliation on the ground of mutual concessions. It can be readily understood that Mr. Cassidy, the advocate whose duty it had been to reconcile a host of disputants, to save them the trouble and expense of law suits, found his tactics work far otherwise in the House, where his *rôle* as arbiter and amicable compromiser failed to find appreciation. Needless to add, the sceptre of this novel sort of Neptune never quite succeeded in lulling the political temper.

When the man of moderate views cannot find sufficient exercise for his peculiar bent of mind in conciliating individuals more disposed to strangle each other than to embrace, then, and not till then, let him betake himself, with some hope of success, to readjust the difficulties that arise in political organizations. How many times has not the senior partner of Mr. Cassidy and of his successor, Mr. Lacoste, rendered good service to his political friends in exhorting them to moderation, in constraining them by his own attitude and by his counsels to avoid such errors in policy as were sure to be fatal to them.

The temperament of the Gaul has left a strong impress on the Canadian race. It is to this we owe in questions affecting nationality or religion, or which are likely merely to reach our personal interests, the tendency we possess to split into factions so easily. We said elsewhere that the contact into which we have been brought with the English had modified our manner of seeing and of judging on a variety of subjects, that it was often easier for us to come to an understanding on matters of business with an Englishman than with a Frenchman. Although our manner of thinking has departed somewhat from the French idea, there yet remains in us much of the old spirit of our

ancestors. Scratch a Canadian, and you will very soon find the Frenchman underneath. Cast a glance over the political history of the last fifteen years, and count the number of upheavels of which you will not find an equivalent among our Ontario neighbours or those of the Maritime Provinces. These *coups d'Etat*, these popular upheavels are essentially French.

Mr. Lacoste, with his sound judgment, with his fixed ideas which forbade him to indulge alike in the ideal and Utopian, saw the danger of being carried away by such mistaken policy. He has done his best to keep it in check, to apply the curb of moderation, and with success. We remember the flutter in the Conservative party caused by the refusal of Lord Lorne to dismiss Governor Letellier. A portion of the Conservative deputation of Ottawa went off in anger against Sir John and his French colleagues. The mal-contents of the *Maison bleue* said that all was broken up, that everything was ruined. Mr. Lacoste undertook to bring them to their senses, to show them how unreasonable was their demand, pleaded the cause of Messrs. Masson, Baby and Langevin, to whom they ought not to refuse their confidence, urging delay to the end that their chief might be allowed the means of testing their faith and sincerity, relying firmly on the position taken by Mr. Chapleau, opposite to that taken by them, and erring more in the form than in the substance from the point of view most conducive to the interests of the Conservative party.

Repeatedly has this sentiment of loyalty brought himself the thankless office of moderator, very wearying to one so devoted, and quite as barren of honour as it is destitute of reward. In 1874 yet another signal service was rendered by him to his friends. This was in connection with the Tanneries affair. Let us here refer briefly to that singular episode. The Ouimet government had exchanged a piece of ground at the Tanneries for the Leduc farm, situated at a greater distance from the city. The opponents of the government would have it, that this transaction was a speculation by which certain friends of the Conservative party should profit. The *Montreal Gazette* denounced the whole affair, and Mr. Irvine resigned his portfolio. This double thunder-clap bursting in the midst of a party that the Pacific scandal, had rendered distrustful, spread consternation in the ranks. There was no one to hold the party together; Mr. Ouimet and his colleagues being absent and the *Rouge* journals publishing

inflammatory articles, it required nothing further to make them determine on a complete rout. When an army is thus dispersed, it is lost, if some energetic man does not come forward promptly to take command and lead it back to camp. Mr. Lacoste understood the danger that his party ran. Taking some friends into his confidence, he represented to them the necessity for instant action and for finding a rallying-point, in order to lead back the dismayed fugitives. The formulation of this scheme was but the work of an evening. He pointed out also, as a solution of the difficulties of the situation, the retirement of Mr. Ouimet, who had for supporters only Messrs. Archambault and Chapeau, Messrs. Robertson, Ross, and Fortin having resigned their portfolios, and Mr. de Boucherville to replace him. This very practical proposition soon got under way and assumed tangible form. Some days later, the de Boucherville cabinet replaced the Ouimet administration. It was a service that sought no recognition, that which Mr. Lacoste had performed, but it was of as great importance to his party as a life-buoy thrown out to a drowning man.

In 1881, he was called by the Chapeau government to the Legislative Council. Upon this, certain friends of his, out of pure good will, no doubt, did so much violence to their feelings as to predict for him complete failure, these worthies, avowing that he was too good a lawyer to be of the stuff out of which politicians are made. His first speech, however, delivered on the occasion of the sale of the North Shore Railway, put these false prophets to confusion. This speech won for him a high place in the Council, and established his influence beyond cavil. He raised himself by the force of argument, the logic of carefully collected facts, to a level with the foremost legislators of our time. This address testified to an extensive knowledge of administrative law, and of those established principles which should inspire our provincial politics.

In 1884, he entered the Senate, where he studied the functions which that assembly ought to fill in our institutions. From his point of view, it ought to widen its sphere of action and give to its operations an importance which should have the effect of silencing its detractors. Why, for instance, should not the Senate bring a keener scrutiny to bear upon the work of the Commons? It is only too true, unfortunately, that in the hurry and press of the work of legislation in the House, the encroachment of the central government

on the provincial ones is shown at every turn. These violations of the constitution escape attention, until a day arrives when the application of some *ultra vires* clause of the law reveals its existence. This is what he understood to be the chief function of the Senate : that our highest legislative body should form a court of revision, whose vigilance should be untiring. Also, inasmuch as he made part of that body, he examined with patriotic anxiety the laws of the Commons, in order to confine them within constitutional limits. Such a task was most pleasing to him, as being so well adapted to his peculiar abilities. In this congenial occupation, he spent one day after another, while the government was about to tear him from his profession and from political life in order to confer upon him the succession to Sir A. Dorion, or rather, we should say, to force him to accept it. Those who beheld Mr. Lacoste when the announcement was made will bear us out as to the correctness of this expression. With a heavy heart he left his law office, that was so dear to him. Never judge mounted the steps of the bench with so much reluctance and never preferment offered so little attraction to him whom all deemed worthy to receive it.

Sir Alexandre Lacoste came to the supreme magistracy of our Province comparatively young. The judicial world may congratulate itself on having the benefit of his useful labours for the greater number of years in consequence. Friends of his assure us that the Presidency of the Court of Appeal is far from exhausting all his activity. If this be so, we may be permitted to express a hope that will find an echo in the minds of all who appreciate his high intellectual acquirements. Let us hope that he will enrich our legal libraries with contributions calculated to benefit the bar and public interests. Probably, in so doing, we are but reflecting his intentions, for his love of work, his respect for traditional usage, incline him to follow in the footsteps of that old French magistracy of which ours is the offspring, and which has bequeathed us those works, monuments of learning and of language, in a style so elevated. This is our sole desire ; he has all the remainder of his time for his new obligations. In the position which he now occupies, he has already begun to shine. To lofty spirits high duties fitly appertain, and in the discharge of them character is ennobled.

We regret that the scope of this biography does not permit us to do more than touch upon the literary ability of Sir Alexandre Lacoste.

It may suffice for our purpose to quote here a portion of his remarks on the death of the Duke of Clarence :

“ It is our bounden duty, to-day, to express the profound sorrow with which we have heard of the death of Prince Albert Victor, heir presumptive to the Crown of England.

“ We join with all our hearts in the deep mourning in which our gracious Sovereign, the Prince and Princess of Wales, all the members of the royal family, and the betrothed of the illustrious deceased, are plunged, and we desire to convey to them most respectfully our sympathy and condolence.

“ Placed by his birth in a wholly exceptional position, after having undergone such trials and labors as were inseparable from a preparation for a life such as that which opened before him, the Prince, arrived at the age of manhood, and just at the commencement of his career, and on the eve of his approaching marriage which promised so much happiness, found himself called upon to resign the glory of reigning over one of the most powerful nations on earth, and to endure the anguish of parting from her whom he had chosen to be the companion of his life.

“ But Death, indifferent to human happiness or misery, choosing its victims on the steps of the throne or in the cottage of the lowly, leaves everywhere the same painful void.

“ The pangs of bereavement are ever the same : the diadem may not hinder the eyes from weeping, nor the robe of royalty the heart from bleeding.

“ We trust that Providence may not refuse to these illustrious personages, in their affliction, the balm of consolation poured into the wounds of the least of His servants.”

It now only remains for us to speak of Mr. Lacoste in the intimacy of private life. This learned magistrate, who has spent his lifetime in the stern study of the law, is, in his own home, the kindest, gentlest and most accessible of men. There he throws off the legal luminary. In our Chief Justice at home, there is nothing that savors of posing for effect, much less of haughtiness of manner ; he has a horror of over-strained conventionality. As is not uncommon with cultured minds held mostly at high tension, he enjoys “ the little warfare ” of badinage, in which he sometimes allows the arrows of his wit to play mercilessly around his friends ; but these light

weapons do not much more than graze the skin and, like the lance of Achilles, heal whatever wounds they make.

He is much beloved by his family, who are all devoted to him. He finds his chief happiness in the domestic circle wherein reigns a patriarchal simplicity, which does not exclude the practice of hospitality as cordial as it is generous. There is in the man, at home and abroad, in the courts and in public life, a moral grandeur which inspires respect, without exacting it.

As magistrate and as citizen, we may apply with fitness to him that which d'Aguesseau, the Grand Chancellor, said of the magistrates whom he held up as models : "We have defined them when we have defined justice."

A. D. DECELLES.

Ottawa, June, 1892.

(Translated by Mrs. Carroll Ryan.)



Je dois me souvenir au plus
sûr de te revoir et être
Une preuve demandée le Con-
seil Privé m'oblige à
partir de suite pour Londres
Je te promets une longue
visite à mon retour, mais
parlons de passé.

Bien à toi

10 Mai 1849

A. Crosti.

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