

# REMINISCENCES OF A LEGISLATURE

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IT is to me a matter of very real regret that the structural appearance of the Nova Scotia Legislative Chamber has been changed past all recognition. We should still be able to indicate the very spot where Howe stood when he moved his twelve famous resolutions, or when he delivered his "general reply." We should be able to point to the place from which young Haliburton—fresh from college—delivered his speech on Catholic Emancipation, a performance so masterly and so beautiful that it kindled even the dull soul of Beamish Murdock to something almost approaching eloquence. Douglas Jerrold describes a Tory who would not look at the new moon because of his veneration for the old; but, without going so far as this, I have a feeling that when old things have become precious to us because of their historical associations, a very strong case of necessity should be made out before their familiar forms are entirely obliterated. One must be utterly destitute of sentiment, if not of historic sense as well, if he is unable to appreciate the degree in which the memory of the past is vivified by the actual presence, or even the pictorial representation, of those material surroundings in which great events have occurred and bygone scenes have been enacted. We have exchanged all this for a doubtless commodious and comfortable little opera house, divested of all the historic links connecting us with the old Assembly room. So far as I know, not even a photograph or a ground plan has been preserved.

My first glimpse of the House of Assembly was gained from the people's gallery, where I listened to a debate on the momentous resolution that made the province a member of the Confederation. It was an occasion that called for a speech of one kind or another from everyone in the House, and there were members who had never in their lives undertaken such a task as to put three sentences together in consecutive form. I heard of one honourable gentleman who paid ten dollars for a speech, the rate being apparently a dollar per line. But there were not even then many such commissions to be had. The Provincial Secretary of the day was Dr. Tupper, whom I did not hear speak either then or at any other time. Howe,

of course, was not there, for he was engaged in the imperial service as fishery commissioner. In those days it was a cheap and hackneyed quip to ring the changes upon the profession of the member for Cumberland, and—among other turns given to this joke—Howe described his great opponent as a midwife. The title was frankly accepted by the doctor, who gloried in his profession, and who gave notice to his assailant that he meant to practice it in a parliamentary as well as a medical sense until he should have “succeeded in delivering this House of a fishery commissioner”.

I have often wondered whether it is possible to remember things that have never taken place. If it is, I shall not vouch for the accuracy of the reminiscence I am about to relate in connection with this debate. There was a member of the House who was afterwards a senator of the Dominion, one of the original batch created in 1867. He made a quite considerable speech on the resolutions, concluding solemnly with some such sentence as this:—

Mr. Speaker, if I were on my dying bed and my last hour had come, and, sir, if in all the solemnity of such an occasion I should be asked to say whether this Confederation scheme was for the benefit or for the injury of this country, I should place my hand upon my heart and say with perfect confidence and integrity, “I do not know.”

The suspense with which the oracle had been awaited, and the fidelity with which the oracular model was followed, caused a shout of laughter shared by all save one. The Leader of the House did not join in the hilarity, whether because he thought one of his followers was making a fool of himself, or because he had too grave and serious a business on hand. In any case he remained impassive as the Sphinx.

At that time the departmental members of the Government were Annand, Vail, Wilkins, and Robertson. Annand was in the Legislative Council, but doubtless could have had a seat in the House if he had not been flying for higher game. He had made an heroic fight against Dr. Tupper in Cumberland County for a place in the Dominion House of Commons, and had been defeated by fewer than a hundred votes. Vail was Provincial Secretary, and Wilkins was attorney general, the former representing Digby and the latter Pictou. The Leader of the Opposition was Hiram Blanchard, who had been returned for Inverness, and his lonely follower was Pineo from Cumberland. As proprietor of *The Morning Chronicle* Annand must in any case have held a very commanding position. But, apart from his ownership of the leading organ of the dominant party, he must necessarily have taken a foremost place in the group

of comparatively new men brought to the front by the electoral triumph of the opponents of Confederation, for the recognised leaders of the old parties had largely espoused the Unionist cause. At a later date Annand's supremacy was not so complete.

A certain amiable old gentleman, who represented the county of Cape Breton and had been made a member of the Government without portfolio, did not quite understand the principle of cabinet solidarity, and undertook to champion a cause that was in conflict with the settled programme of the Administration. Annand, who was a rather strict disciplinarian, brought the old gentleman sharply to book, saying that if this sort of thing were to continue, either he or the member from Sydney would have to leave the Government. "Well", said Mr. Fergusson in a very kindly and conciliatory tone, "We shall all be very sorry to lose you, Mr. Annand".

Whatever may have been his merits in leadership and management of the party, Annand had no gifts whatever as a speaker. His voice was poor and thin, his manner was halting, but he knew what he was talking about, and probably always meant to say what he did say. Whether he always meant what he said, is perhaps a slightly different question. I know not whether or to what extent he wrote his own editorials. During all the years I had any knowledge of the *Chronicle* he certainly did not need to write them. They were written for the most part by Foley, an exceedingly clever and talented journalist, with a very distinct vein of Irish humour. He was succeeded by Walsh and by Thomas Chalmers Garvie, the latter of whom was one of the most brilliant writers in the province. His article on General Lee was really a classic, so beautiful that on the anniversary of the hero's death the proprietor of the *Chronicle* took the unusual step of republishing it. This was highly appreciated by the little colony of exiles from the Confederacy, who had found a hospitable home in Halifax. Yet another member of the Garvie family was still more distinguished. He was never, so far as I am aware, an editorial writer for the *Chronicle*. But when he was studying law at Lincoln's Inn, he contributed a series of letters which were regarded as among the most clever and delightful that had appeared in the public prints of that day.

It is a great pity that no one has ever collected his scattered writings and lectures, so easily accessible in the newspapers of that period. It would be a reflection on the public taste to suppose that they would not repay the outlay of a publisher. Among them would be found a beautiful and masterly oration on the centenary of Sir Walter Scott's birth—well worth a place beside a kindred effort, the splendid speech of Joseph Howe at the tercentary cele-

bration of the birth of Shakespeare. Sir William Young presided and delivered the introductory address, but was very neatly twitted by the chief orator of the day for inordinate and ill-advised prolixity. Garvie's speech was of exquisite grace, perhaps indeed a little overladen with ornament. I well recall the impression made by the few brief and strong sentences in which a vote of thanks was proposed by George M. Grant. They made us feel as if in a rather suffocating atmosphere a window had been opened, and a cool invigorating draft of fresh air had blown in upon us.

On Garvie's return from England he opened an office as a barrister and attorney, but his heart was not in his profession. His desire was for a political career. His aspirations gave no small trouble to the governing powers, one Minister making no secret of the wish that Garvie had never re-crossed the ocean to disturb the settled course of the political machinery. He contested a bye-election for the local Legislature some time before the last year of the first post-Confederation parliament, but was beaten by P. C. Hill. An election petition followed, which—according to the evil practice of those early days—was tried by a committee of the House of Assembly. Martin I. Wilkins was chairman of the committee, and its proceedings dragged their slow length along through the greater part of the session.

It was a very noisy sort of trial, as might have been expected with the late William A. Johnstone on one side and Robert Morton on the other. The former had an exceedingly rasping voice and an aggressive manner, the latter had a provoking wit and exceptional gifts in cross-examination. The tribunal did not preserve the decorum of a regular court of justice. Objections to evidence, arguments and counter-arguments on objections, were almost as inexhaustible and interminable as the debates at Ottawa on the Manitoba School Question or on the naval policy of the Laurier Government. Among the members of the committee was an Acadian Frenchman, who probably did not understand much of what was taking place, and to whom the endless wranglings of counsel were a sore trial. He gave vent to his feelings, when he could stand it no longer, in a passionate and pathetic outburst:—

I hears dis nize all de day, and I hears dis nize all de nights.

The result was of course a foregone conclusion. But it was decently delayed until practically the end of the session, and a general election was at hand, so that it did not make much difference that Hill was unseated. The Government was reconstructed in the recess, and Garvie became a member of the Legislature for Halifax

as Commissioner of Works and Mines. His constitution was frail. The labours and hardships attending two contested elections and a controverted election trial had no doubt made serious and excessive demands upon his limited physical resources. He was ill when the House assembled, and unfit for the discharge of parliamentary duties. But, as the debate on the Address went on, a remark was made by the member for King's which Garvie construed as a challenge and which brought him at once to his feet. Woodworth had taunted the Government with sitting like dumb dogs without a word of reply to attacks, although they had "dragged from his sick bed the honourable Commissioner of Works and Mines to answer the speeches of the Opposition." The effect was electrical, and the scene that followed was memorable.

Garvie's speech will bear reading even at this late day, and in the abominable nonpareil in which the reports of the House were printed. The brilliancy of its wit, the sting of its sarcasm, the intensity of its invective, the indignant repudiation of "disloyalty" attributed to the opponents of Confederation, the wealth of historical illustration and literary allusion,—all make it one of the finest pieces of parliamentary oratory ever heard in a House whose walls reverberated to eloquence higher than was heard in any other colonial Legislature since the days of the American revolution. The close of the speech was the signal for applause not from the members of the House alone, but from the crowds that packed the galleries, and even from the habitués of the lobby who no doubt knew that they were committing a deadly breach of decorum. The sergeant-at-arms was, of course, greatly scandalized, but the poor man did his best. Besides being sergeant-at-arms, he was the correspondent and—if I am not mistaken—the proprietor of a county newspaper, to which he sent a rapturous account of the performance. "In vain", he wrote, "the Speaker cried 'Order!' In vain I shouted 'Order!'" It was indeed a great triumph for the brilliant parliamentary débutant, but it was dearly won. It was his first and his last parliamentary effort. He was never again seen in the Assembly, and he died soon afterwards, not the first in a singularly talented family of brothers to succumb to a too early death.

Garvie had been a successful teacher and a very popular lecturer before he entered, somewhat late in life, upon his studies at Lincoln's Inn. After his return from England he was associated with the late E. M. McDonald in establishing the *Citizen* newspaper, which afterwards became—under the name of *The Echo*—an evening edition of *The Morning Chronicle*. He had the reputation of a wit, and some of his bright sayings are still remembered. His opponents

in the general election were P. C. Hill and M. B. Daly (afterwards Sir Malachy), and at one of his meetings he spoke of chasing them "up Hill and down Daly". In the trying days that came upon the anti-Confederation party after the break with Howe, there were numerous caucuses to discuss a programme. Once they met in a well-known Insurance Office, which Garvie declared to be a most appropriate resort for those "in quest of a policy".

An incident related to me by Mr. Fielding illustrates his sagacity and good judgment. At one of the meetings in a remote country settlement a handful of electors were gathered together to hear a discussion of the political issues by himself and the late Governor Jones. Garvie spoke as if his political life depended upon the votes of the little group of electors present. He was witty and humorous, eloquent and elaborate, poetical and pathetic by turns. Every art of the orator was called into requisition, and the speech would have been good enough for nomination day at the capital. On his return from the meeting Jones expostulated with his friend for taking so much out of himself at such a gathering. Was it not like casting pearls before swine? "Perhaps so", said Garvie, "but did you not notice among those present an old minister of the Presbyterian Church?" He was right. The old, well-known, and influential pastor of the churches at Laurencetown and Porter's Lake, whose opinion was worth more than that of any baker's dozen of ordinary listeners, was in the audience, and it was for the sake of old Mr. Stewart that the speaker made such large drafts upon his limited physical powers and his boundless intellectual resources. With such genius and such judgment he must have gone far as a public man, and have added lustre to the already shining record of the province as a member of the Confederation.

About the same time an effort was made to transfer the trial of election petitions to the courts of justice. Few would now dispute the propriety of such a step. When it was first proposed in England, there were those even among the judges who feared that the atmosphere of party politics might be brought into the courts, and that public confidence in the impartiality of the tribunals might thus be impaired. It would be too much to say that political bias—or even something worse than an honest political bias—has never affected the result of a controverted election trial by colonial judges. But, whatever allowances must be made for human infirmities, it must be conceded that—with very few and almost negligible exceptions—the courts in dealing with such matters have been as free from political partizanship as in their ordinary every-day work. It may be worth while to notice the kind of objections raised in the

Legislature of this province, and for this purpose I select one of the most picturesque and interesting figures in the House at that time,—Thomas F. Morrison, of Londonderry.

In his earlier days he had been a sea captain, and many of the best metaphors in his rhetoric had the flavour of the salt sea. His voice had doubtless been improved by long and constant use amid the roaring of the winds and the swelling of the waves, so we need not wonder that he was almost better known by the soubriquet of "Rolling Billows" than by his patronymic and baptismal designations. He was a rough diamond, a man of genuine ability, and of great natural though uncultured eloquence. When Hill proposed to transfer the trial of election petitions from a committee of the Assembly to a judge of the Supreme Court, Morrison was horrified. The judges had all, as it happened, been in favour of Confederation. With the sympathy of the whole House, Morrison protested that it would be impossible for an anti-Confederation member to get fair play from a tribunal so constituted. He looked for a travesty of justice. The proposal amounted to a denial of trial by jury, and a prostitution of the sacred majesty of justice to the purposes of partizanship. His peroration was a tremendous burst, apostrophising the Spirit of Reason, the Genius of Liberty, the Spirit of Patriotism! There may be some readers of this *Review* who recall the explosion in the printing office of the Halifax *Reporter*, when the steam boiler shot up through the roof, and—after ascending some hundreds of feet—fell to the ground near the Province Building. Various causes were assigned for the accident, but the solution that interested the public most was that suggested by the late John Tobin. The printers, he said, had been trying to set up in type "one of Tom Morrison's shouts". Here is a specimen:—

Therefore I say, sir, that if any evilly disposed persons come forward and make such an oath before the judge who is irresponsible as far as Nova Scotia is concerned, it is in the power of that judge to decide the seat of the sitting member to be vacant; and, sir, I hope and trust that no such bill as that will ever pass this House, to take away from this House the power of trying its members, and put it into the hands of an irresponsible party whom this House cannot control. Why, sir, do the people think for a moment of the intention of this bill? Who ever heard of such a thing? I never did, certainly. To leave the whole control of the parliament of Nova Scotia in the hands of an irresponsible party! Oh, sir, I would raise my voice and call upon the Spirit of Reason. Spirit of Reason, where art thou? Hast thou fled from these benches, and allowed despotism and lunacy to reign in thy stead? Genius of Liberty, whither hast thou fled? Fleest thou to the dark recesses of the mountain's brow, there to hide thy head until

this storm of despotism passes over, or liest thou beneath the caverns of the dark blue wave, to shield thy breast from the murderous stroke of the assassin's dagger wielded by the hand of a would-be British Parliament? Spirit of Patriotism, where art thou? Hast thou fled and left thy post to the despotism of aliens? On behalf of the people of Nova Scotia, I ask thee—Spirit of Reason— I invoke thee—Genius of Liberty—I implore thee—Spirit of Patriotism—come back to your post and expatiate upon the despotic conduct of the men who try to force such a bill through parliament. . . . . Sir, three score and three years have furrowed this brow and whitened these locks, which admonish me that the sands in the glass of time are well nigh run down as far as I am concerned. As far as my individual and personal interests go, it is of little consequence to me what bill you pass. But I must not forget that I am one of the representatives of the people of Nova Scotia. . . . Sir, it is my fervent wish that when I turn my eyes for the last time to behold the light of the sun in the firmament of Heaven, I will see her shining upon trial by jury and an independent parliament in Nova Scotia.

It may be interesting to learn that these eloquent periods really expressed the sentiments of the greater part of the House of Assembly. There were only four votes in favour of the second reading of the bill.

The attorney-general of that day was Martin I. Wilkins. Like his brother, the judge, he was an exceedingly interesting character, by far the most interesting in the House of Assembly. He resembled his brother in being physically a large man, and of fine classical attainments. Martin Wilkins had been educated at King's College in the palmy days when that was the only institution of higher learning in the province. In some notable personal characteristics—besides his figure—he recalled that gallant knight whom Shakespeare has immortalized in *The Merry Wives of Windsor*. His face was broad like the harvest moon, and it seemed to grow broader from the ample forehead all the way down to the expansive jaw. He was broad of shoulders, growing broader still from the chest downwards. The whole structure was based upon two huge pillars, which seemed specially fitted to support so great a weight.

I was told a story of one of his early encounters in the first session of the Legislature after the union of the provinces. The Leader of the Opposition had in the course of his remarks referred to the fiscal changes involved in the inauguration of the new régime, and had embellished his discourse with some allusions to Balaam's ass. Wilkins followed him, and—after dealing with various points in his speech—concluded with a peroration that gives a fair idea of Martin when in his best vein:—



Having answered all that I consider noteworthy in the speech of the honourable member for Inverness, I will not occupy time in running over the whole farrago of the honourable member's speeches. The honourable gentleman gave us a little of everything, from Moses down to refined sugar and molasses, and at the last he came to Balaam's ass. The history of that extraordinary animal has been recorded on the inspired page, like all other sacred history, for the edification and improvement of future asses. She was a very curious ass. She was the first speaking ass on record. We have had a great many speaking asses since her time, but this one possessed two characteristics peculiar to herself. First, she knew when to stop. In the next place, her speech was pithy, logical, and—what is more—it was short, and I think it would be much to the benefit of audiences in general if all the speaking asses of the present day would model themselves on the example of the celebrated ass of Balaam.

The attorney-general was an exceedingly correct speaker, one of the most correct I think that I have ever heard. He never used a note, however long or complicated the argument that he was developing. He never hesitated for a word, and never repeated himself. Good orators, says Shakespeare, when they are out, will spit. Wilkins was never "out". His speeches could be reported, and were reported, exactly as he spoke them. His manner was slow and deliberate, never rising to passion, and never descending to commonplace. This does not mean that they were always very wise,—far from it. The man who could suggest that, when delegation after delegation had failed to prevent the passing or secure the repeal of the British North America Act, the trick could be done by simply bringing an action on an unstamped promissory note, and obtaining a decision of the Privy Council that it was a good note of hand in spite of non-compliance with the Federal Stamp Act, must be pronounced either a humbug or a fool. The late John W. Ritchie was the author of a mordant comment upon him. When the issue of Confederation was agitating the country, a pamphlet from the pen of Wilkins appeared over the signature "Lazarus", although why this odd *nom-de-plume* was chosen I have never been able to guess. Perhaps it was considered appropriate to the resurrection from the political dead among whom Wilkins had been lying for some years. Ritchie happened to be in S. L. Shannon's office in consultation about the time when the "Lazarus" pamphlet appeared, and was asked what he thought about it. "Do you know what I think of Martin Wilkins?" he replied; "I think he is the smartest man in the province of Nova Scotia, and the biggest fool". Unutterable reflections are suggested to some of us by the thought that this could be said of one who afterwards held the distinguished office of attorney-general.

Wilkins had a remarkable gift of sarcasm. It was displayed to perfection in one speech which it was my privilege to hear, but of which no record has been preserved. He was essentially a kind-hearted man, and consented at once to the earnest prayer of his victim that the report should be suppressed. Truth to tell, it was a succession of galling personalities, such as would hardly be permitted in the encounters of the present day, but they were dressed up with such exquisitely biting wit that I know of nothing to compare with his speech, unless it may be Stevenson's scarification of the slanderer of Father Damien, or Dr. Johnson's famous letter to Lord Chesterfield with its ironical description of the functions of a patron.

There was a member of the House who used to bob up every other afternoon for a fortnight, with a three hours attack on the attorney-general in reference to his administration of the department of Crown Lands. These attacks continued from day to day without eliciting any reply, until at last Annand advised his attorney-general that people were beginning to think he had no satisfactory reply to make. "Very well", said Martin; "I will deal with the matter tomorrow".

The morrow was eagerly awaited, and when the time came it was evident that something unusual was about to happen. The venerable gentlemen from the other end of the building were present in force, and a long array of bald or grey heads appeared above the high red bench. The lobby was filled with privileged auditors who had evidently got wind of the treat that was in store for them. When the order of the day was called, the attorney-general rose in his place and quietly began his reply to the pugnacious assailant who had been worrying him for the previous fortnight. In satirical reference to a number of incidents supposed to have occurred in the dealings of his assailant, he described him as "a dealer in deals", who obeyed the apostolic injunction to look not only upon his own things, but also upon the things of others, and who if a stray deal happened to be floating down the river with an unknown or even a well known owner would promptly annex it to his own raft. It was current gossip that the member referred to had on one occasion levied on a corpse for a debt he had been unable to recover in his debtor's lifetime. Apropos of this, Wilkins described the method adopted by the King of Dahomey for conveying a message to his brother in Hades, when he called a messenger before him, delivered his communication, and sent the messenger to the land of shadows by blowing out his brains. The speaker concluded with a vivid description of an Arabian courser careering like the wind over the

desert, but annoyed in his flight by the sting of a mosquito. What does he do? "He simply dashes out his brains", said Martin, "with a single hair of his tail. Unfortunately for me, I am unable to adopt the same expedient with the honourable member, for two good and sufficient reasons. In the first place, I have not the tail of a horse; and in the second place, the honourable member has not the brains of a mosquito."

Whatever other virtues may have distinguished Wilkins, I fear that among them is not to be reckoned a very great degree of personal courage. During his early days in Windsor, it was considered the part of a gentleman to hold himself ready to respond on any fair challenge to a personal encounter. Joseph Howe, as we all know, felt himself compelled thus to present his body as a target to a curious and grotesque antagonist. Even so sincerely pious and devout a Christian as the late James W. Johnstone fought a duel with John E. Fairbanks. In like manner Wilkins was challenged, but he made no response. In vain his friends urged upon him the necessity for action, holding out among other persuasive inducements the fine repute for bravery that must reward him. "Yes, yes, I know all that", said Martin; "I will be a brave man, as you say, but then it may be that I would be a dead man".

It is known that he aspired to the position of Supreme Court judge. On the whole it is probably fortunate that this desire was not gratified. He was indeed a clever and an accomplished lawyer. When attorney-general he conducted the criminal prosecutions for the most part in person, though once when asked by the presiding judge who was looking after the interests of the Crown he answered—pointing to the prisoner's counsel—"I am prosecuting my Lord, with the assistance of this young gentleman". But, notwithstanding his legal ability, the chances are that he would have proved a rather eccentric judge. It was all for the best that he had to accept the offer of the prothonotary's office, in which as Howe said—with more wit, let us hope, than justice—it became his duty to swear other people to do what he had never been able to do himself, to tell the truth, the whole truth, and nothing but the truth.

My latest reminiscence represents him in the little inner office of the prothonotary, at the end of the outer long room in the hot days of July, with his bald head protected by a stiff square-home-made cap of foolscap paper, from which depended ringlets of the same material, which he would rattle from time to time to scare away the flies from his expansive neck. He was armed at the same time with a broad piece of elastic, and had acquired great proficiency in the art of snapping this with deadly effect upon the blue bottles

that crawled over his blotter. "Just as good sport", said he, "as hunting buffaloes, if you only think so." The greater part of his time while he was prothonotary was devoted to the composition of a theological treatise in which he demonstrated the error of orthodox notions about Hell. He never exactly liked to be discovered at this work, and whenever an intruder came upon him he would hurriedly cram the manuscript under his blotting pad. On one such occasion an official document unfortunately got mixed up with his pamphlet, and failed to come forth again when the pamphlet reappeared. The loss of this paper created a tremendous hubbub among the clerks in the outer office, one of whom bore the surname of his mother and possessed a remarkable share of his master's wit. After long researches and many recriminations the missing document was discovered and produced in triumph by the clerk. "Mr. Wilkins", said the latter, "I have found it." "You have, have you?" said Martin. "I suppose you found it just where you lost it." "Nothing of the kind, sir. I found it underneath your blotter, where you crammed it; and let me tell you, sir, that it would be a great deal better for you to be attending to your business as prothonotary than trying to knock Hell out of the Bible."

I love to recall my quaint memories of the sixties, some of them merely amusing, but some reminiscent of great figures in our provincial life. In rambling about the New England home of my forefathers, I have experienced the keenest delight in visiting the chamber where "Jim" Otis delivered his famous argument against general warrants, and in knowing that not only has the room itself remained unaltered for over a hundred years, but the very chairs and desks have been carefully preserved notwithstanding all the temptations presented by the necessities and demands of a great and growing city. Equally delightful is it to me to escape from the turmoil and bustle of Washington Street, and take refuge in the silence of Faneuil Hall, to know that in this sacred cradle of liberty—within those very walls—Wendell Phillips in the great days before the war held his vast audience spell-bound until the evening began to close down, and no one ventured to disturb the mighty flow of his eloquence by even bringing in candles while he denounced "the recreant American, the slanderer of the dead." Why have not our provincial statesmen been of the same mind with the men whose spirit has thus preserved the antiquities of the old Bay State?