


LIFE OF  
HON. SIR JAMES R. GOWAN  
K.C.M.G.

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**Life of**  
**Sir James Gowan**

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*J. BROWN*

LIFE OF  
**Hon. Sir James Robert Gowan**

K.C.M.G., LL.D.,  
Senator of Canada

BY HIS NEPHEW  
**HENRY H. ARDAGH**  
Barrister-at-Law

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## PREFACE.

If it is, as I believe, wise and patriotic to preserve a record of the lives of men, whose private character and public services have been such as to afford an example and inspiration to others, especially in a young country in the formative stage; no apology is needed for giving some account of a life so full of activity and usefulness as that of Sir James Robert Gowan,—Judge and Senator.

I would, however, scarcely have undertaken such a work, had I not already been somewhat familiar with the subject, having on several occasions written sketches of notable incidents in my Uncle's career; moreover, it pleased my good Uncle to make me his literary executor, bequeathing to me all his manuscripts, letters and private papers.

These sketches, revised and enlarged, appeared in a small volume in 1894, edited by A. H. U. Colquhoun, B.A., which has greatly facilitated the preparation of the present work.

I hope that the relatives and friends of Sir James Gowan, for whom the following pages have been especially written, will find interest and pleasure in their perusal.

H. H. ARDAGH.

“Ardraven,” Barrie.

1911.





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## CHAPTER I.

### EARLY LIFE.

James Robert Gowan\* was born at Cahore in the County of Wexford, Ireland, on the 22nd December, 1815. He was the third son of Henry Hatton Gowan and Elizabeth, youngest daughter of Robert Burkitt, who was descended from a well-known Lancashire family. The Gowan lineage is of high antiquity in Irish annals.†

James, as a child, gave promise of a rare intellect which his mother, a woman of strong character, and who was well read in the best literature of the day, did much to cultivate. At an early age he could recite long passages from Pope, Thomson, Goldsmith and other poets, now but seldom read; and, when he was past ninety years of age, he often entertained his friends by reciting, most impressively, what he had learned in youth; so indelibly had it been imprinted on his memory.

His brothers had died in infancy and, being the only son, he was somewhat over-indulged by his parents, and in after years suffered from that lack of careful training in youth, which, to one of his

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\* The HONOURABLE SIR JAMES ROBERT GOWAN, K.C.M.G., K.C., LL.D., Senator of Canada.

† The family history is given in appendix B.

strong will, high temper and proud disposition, was of such vital importance.

Young Gowan had the advantage of a sound education in Ireland, completed under the Rev. Dr. Burnett of Dublin, a well-known educationalist of the day. In his sixteenth year he began studying medicine under his uncle, Dr. Robert Burkitt, but the condition of Ireland about that time became so unsettled, and life and property so insecure, that his parents determined to try their fortunes in the New World, and disposing of their property, emigrated with their three children to Canada in the Spring of 1832. The family sailed from New Ross in one of the small vessels of those days,\* but when about one thousand miles from land they encountered a violent storm, which carried away the masts and left them drifting helplessly in mid-ocean, where after some days they were providentially sighted by a Spanish galleon which supplied them with jury masts, and with the aid of these they were able to reach Waterford. Scarcely had the vessel entered the river when she was boarded by officers of the law, with a warrant to arrest on a charge of murder, some of the steerage passengers, who had hoped to escape to America. The Captain had suspected that these men were criminals and had kept secret the fact that he was returning to Ireland, fearing these desperate characters would have taken possession of the ship and, perhaps, murdered the crew

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\* Fuller particulars of the voyage will be found in Appendix B.



and passengers sooner than be taken back to suffer for their crimes. On arriving at Waterford a note was received on board from Mrs. Gowan's brother, Dr. Burkitt, inviting the family to stay at his house until the vessel should be repaired. After three weeks pleasantly spent at Dr. Burkitt's, the family again set sail for the New World, much against the wishes of their relatives. When but a short distance down the river, James, while fishing from the side of the vessel, ran a fish-hook in his thumb and was sent back to his uncle to have it cut out; he had hardly got on board again when a favourable wind sprang up and they were once more at sea. After a long and stormy passage they arrived at length at Quebec, and immediately continued their journey to Little York, now Toronto.

Mr. Gowan, after spending some time looking for a desirable place to locate, finally decided to purchase a large property in the Township of Albion, about thirty miles from Toronto. James remained at home for nearly a year, when his father decided to have him educated for the law, in preference to the medical profession.\*

He was accordingly, on 12th December 1833, articled to the Hon. James Small, and throughout his whole course as a student was noted for

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\* James had a decided taste for surgery and medicine, and, while a law student in Toronto, he frequently attended the hospital to see important operations, and in after years he was a regular reader of medical journals, and found his knowledge in that direction of great service in his practice at the Bar.

diligence and strict attention to business, as the following extract from a letter written to his father by Mr. Small about this time clearly shows. "I am extremely happy to be able to say that I am highly satisfied with his general conduct, and his attention to the office is such as to be satisfactory to me and beneficial to himself. I have not the least doubt but that if he perseveres as he has commenced and avoids the company of the profligate young men of this place, he will prove an honour to his family and an ornament to society." He early attracted the attention of the late Sir John Beverley Robinson and the late Sir James Macaulay, two distinguished judges, who frequently showed their appreciation of him, and after his appointment to the Bench maintained these cordial relations throughout their lives.

James Gowan had decided literary tastes and frequently contributed to the current newspapers; "The Palladium" owned and conducted by an able writer named Fothergill; "The Patriot," owned by Robert Dalton, and "The Examiner," by Sir Francis Hincks. He also wrote articles for English legal journals. At this time there was no complete index to the Statute Law of Upper Canada, and young Gowan for his own use prepared an analytical index of the statutes, which he found of great service in Chambers. Later when a Commission was appointed to revise the Statute Law he placed his manuscript at the disposal of one of the Commissioners, Mr. John Hillyard Cameron.

While Mr. Gowan was a student in Toronto the Rebellion of 1837 broke out and he was one of the first to enroll his name and, with several other law students, formed "The Governor's Body-Guard" at the City Hall. He was present and took part in the fight at Gallows Hill under the late Mr. Clark Gamble, a prominent barrister, who commanded the left Division. The Militia was organized at this time, and amongst other independent companies was "The Bank Guard" composed largely of law and medical students (James Gowan among them), which supplied a regular nightly guard at the Bank of Upper Canada, a strongly built stone building—still standing—for here was deposited the money as well as the records of the Province. James Gowan afterwards held a commission as lieutenant in the Fourth North York Regiment of Militia, commanded by Charles Coxwell Small, clerk of the Crown. The musket and accoutrements he carried in the fight at Montgomery's Tavern he kept to the day of his death.

After the Rebellion, the Hon. James Small was retained to defend some fifty men implicated in the uprising, and young Gowan, as a student in the office, was brought into personal contact with them, and in after years he gave it as his opinion that most of these men desired only to make a demonstration against the Government of the day, and had no thought of committing treason. James Gowan was a Tory by family tradition, but the events of this period so modified his political views

that he became an advocate for "Responsible Government." The only active part, however, he seems to have taken in party politics was in the conduct of an election contest for the Hon. James E. Small, whose law partner he then was.

Mr. Gowan was called to the Bar in 1839, and entered at once into partnership with the Hon. James Small, Solicitor General, in whose office he had been a student. Mr. Small devoted himself largely to public life, so that much of the counsel work, and nearly all the general business of the firm, was thrown on Mr. Gowan; a very responsible position for a young man but twenty-three years of age. For about four years he stood this severe strain, and then he broke down completely. His intimate friend and medical adviser, Dr. John King, recommended him to try an out-door life as the best way to regain his health. Much sympathy was felt for Mr. Gowan, just entering on what appeared to be a brilliant career, and the Hon. Robert Baldwin, the Attorney General of the day, spontaneously offered him the judgeship of the District of Simcoe, which had just been set apart. As this gave him a prospect of the out-door life which had been recommended, Mr. Gowan accepted the office; although it meant diminished income. It proved to be a wise decision, for he rapidly regained his health and found abundant scope for his youthful energy. It was also fortunate, as it afterwards proved, for the district over which he was appointed chief Magistrate.

Mr. Gowan's commissions as Judge of the Courts, Civil and Criminal, bear date 17th January 1843.

The other officials appointed by the Government to the new District were: Benjamin W. Smith, Sheriff; Jonathan Lane, Clerk of the Court; William B. McVity, Clerk of the Peace; Moses Hayter, Jailer.

## CHAPTER II.

## JUDICIAL CAREER.

Upper Canada, now Ontario, the premier Province of the Dominion of Canada, was settled, largely, by United Empire Loyalists. These sturdy pioneers had abandoned their homes and possessions in the United States of America, after the War of Independence, and with brave hearts began life anew under British Institutions and the flag they loved so well. The population was further increased by hardy immigrants from the British Isles, who, with the advantages of a fertile soil and healthy climate, soon established themselves on the land and became prosperous. The laws of England, so far as applicable to the country, had been adopted as early as 1792, and on this solid foundation has been built the whole body of Canadian Jurisprudence.

The new District of Simcoe, to which Mr. Gowan was appointed judge, was the largest in the Province\* and embraced a territory which extended

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\* "The Constitution" of Toronto, in its issue of the 21st Jany. 1843, thus refers to the appointments of the new District "The new District of Simcoe is proclaimed. The appointments to the necessary offices are not yet gazetted but we are informed that Capt. Irving is to be the Warden and that Mr. Gowan, the partner of the Solicitor General, is to be the Judge of the District. We are very happy that the government have selected Mr. Gowan; he is a gentleman of unassuming and amiable manners, and we feel confident that every person who comes in contact with him will find him, in every relation, entitled to respect. As a Judge, we are fully confident that his aim will be to render justice to all, without favour or affection. We congratulate our friends in Simcoe upon the appointment of a person so well qualified in every point of view."

from within thirty miles of Lake Ontario northward some two hundred miles to the French River. The district had within it Lake Simcoe\* and bordered the eastern shores of Lake Huron; it contained nearly thirty townships, and much unsurveyed territory; including the Districts of Muskoka and Parry Sound, and the adjacent islands in Lakes Simcoe and Huron. Barrie was and is, the chief town and seat of the Courts and Public Offices of the District.

The settlements were scattered, connected only by forest roads almost impassable for vehicles, except in winter when the sleighing was fairly good; but the large area of fertile land gave ample promise for the future.

It is almost impossible for the younger generation, in the present day, to understand the marvellous change that has come over this District since that time. There were then only some four resident Ministers of the Church of England, not more than ten Public Schools and not a single High School, only one newspaper and no railways.

“Many of those still living will remember the old wooden and unsightly building which stood in the old church yard still to be seen on the hill east of

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\* The shores of Lake Simcoe were settled by many retired officers of the Navy and Army, who took up their land grants there. The whole region is singularly attractive and picturesque. Several of the townships of what is now South Simcoe were settled, largely, by immigrants from the British Isles, and in North Simcoe there was a large settlement of Gaelic speaking people from the Highlands of Scotland. To the north of Lake Huron, the settlers were chiefly French from Lower Canada.



the Court House. It stood there when the Rev. S. B. Ardagh, first rector of Barrie, took charge, and continued to be used by the worshippers of the Church of England for upwards of twenty years. Tradition has it that this church was erected by Admiral O'Brien (a relative of Col. O'Brien of Shanty Bay) or by his instrumentality, and this tradition exists at the present day.

“Mr. Ardagh had been sent out to Canada by the S.P.G. to undertake the incumbency of the Church at Shanty Bay, where, with his family he arrived on Friday 7th, October 1842. There being no parsonage at Barrie or any residence for a clergyman, Mr. Ardagh continued to reside at Shanty Bay for the remainder of his life, going into Barrie, a distance of six miles, whenever services were to be held there.

“At that time there were only three resident ministers in the district of Simcoe—the Rev. F. L. Osler, M.A., at Bond Head, father of Judge Osler; the Rev. Geo. Hallen at Penetanguishene, and the Rev. John McIntyre at the “Narrows”, as Orillia was then called. Later on the Rev. George Bourne, and after him the Rev. John Fletcher, father of R. J. Fletcher, County Clerk, was appointed travelling missionary.

“In the year 1851 the Rev. Garrett Nugent was appointed minister at Barrie and in 1855 the late Canon Morgan succeeded to that post.

“In the year 1864, the old wooden building spoken of, was abandoned for a new brick church, the



present one, in which service was performed for the first time on the 22nd December of that year.”\*

In this connection some interesting particulars are given in an address to the Grand Jury in 1888 by Judge Ardagh. “In the year 1841 the population of the Home District, which then included the present counties of York, Simcoe, Grey and Ontario, was not much over sixty four thousand, while in 1881 that of Simcoe alone was over seventy-six thousand. Then we had 16 post offices in the county, while the postage on a half-ounce letter to Toronto was  $4\frac{1}{2}d.$ , or 8 c., and to England  $1\frac{1}{4}d.$  or 28c. Now we have nearly 150 post offices, while the postage on the  $\frac{1}{2}$  oz. letter is only 3 c. to any place in Canada or the United States.” Running back in memory, the Judge recalled the fact that in 1844 there was only one member of the legal profession in Barrie, or in the County of Simcoe, a Mr. Harvey, who the following year was succeeded by the late Hon. James Patton. A year or two after the late John Strathy came to reside here, and about the year following H. B. Hopkins, the first County Attorney. While in 1872 when he (the Judge) was called to the position he now occupied, there were some 16 barristers in the county, and now double that number. Referring to the lapse of time, the Judge stated that of the fifty-five magistrates named with Judge (now Senator) Gowan in the commission of the peace

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\* “Northern Advance,” April 4th, 1907.

in July 1843, Judge Gowan and Mr. Lally were the sole survivors.

An article in the *Barrie "Advance"*, under the heading "Looking Back Half a Century" gives some ancient history of Barrie and the County:—"The other day a friend called the attention of the 'Advance' to a copy of Fothergill's Royal Calendar for Upper Canada, published in Toronto in 1839,—48 years ago. In it are some interesting facts taking us back half a century to renew acquaintance with busy actors in Barrie and Simcoe County at that time. The 'Advance' was not aware before seeing this Royal Calendar that the Hon. Senator Gowan was once a military man, but the following proves it:—'Mr. J. R. Gowan was appointed ensign of 4th Regiment, North York, 22nd March, 1838,' and we understand he was appointed Lieutenant in 1840. As the Hon. Gentleman is ready to battle for the right in the Canadian Senate, he looks, even after the lapse of nearly half century, that if necessary he would burnish his armour and buckle on his sword for the defence of our Queen and this Dominion.

"S. M. Sanford was postmaster of Barrie. J. M. Hamilton was then postmaster at Penetanguishene. His son is now postmaster at Collingwood. G. Alley was postmaster at Orillia and I. Moore, of Coldwater. The following are recorded in the Royal Calendar as Justices of the Peace in the County of Simcoe at that time; George Lount, who was Registrar for the county, and whose son,

Samuel Lount still retains that position. Capt. William Laughton, who was the father of Mrs. (Doctor) Morton of Barrie; Capt. E. Lally, still hale and hearty, whose well known figure is seen on the streets from day to day. J. Wickham who lived on the Pentang Road, who was a Conservative of the Conservatives. J. Drinkwater, of Orillia. Lieut. G. Wilson, Medonte, father of the present township clerk. Col. E. O'Brien, father of Lt. Col. W. E. O'Brien, M.P., living on the old homestead at Shanty Bay. Capt. E. Steele, father of Mr. John Steele, now Division Court Clerk at Coldwater and formerly Reeve of Oro. T. McConkey, whose son now holds the important post of High Sheriff of the county. Capt. J. Moberly, whose son, Mr. George Moberly, Barrister, Collingwood, is one of the Railway Commission appointed by Parliament to collect evidence in connection with railway matters. M. J. Thompson, of Orillia, whose son was Reeve of Orillia last year, and now Mayor of that town. These references to the comparatively long ago in this county and the links which bind the past with present, cannot fail to be of interest to the older residents of the District."

The judicial duties, as well as large general powers *sui generis*, in this extensive District were in the hands of Judge Gowan, who presided over all the courts, both civil and criminal, and who was expected to co-operate in the oversight of educational matters, and to take a leading part in every move-

ment in public affairs pertaining to the moral and material welfare of the people of his District.

Mr. Gowan, in accepting the Judgeship, did not surrender his law business in Toronto, but continued to practice at the Bar as a member of the firm of Small, Gowan and Strathy—Mr. John Strathy, a Scotch lawyer, having entered the firm after Judge Gowan's appointment to the Bench. This counsel business necessitated frequent journeys to Toronto, besides a good deal in the way of legal drafting at home, but it lasted only about two years when, by legal enactment, judges were prevented from practising at the Bar.

Judge Gowan, immediately after his appointment, took up his residence in his District, and a little later his parents came to reside with him; his father having been appointed Deputy-Clerk of the Crown for the District, which office he held till the time of his death. The Judge began at once the organization of the new District, and sought the necessary co-operation of the local magistrates, but unfortunately he found them, for various reasons, antagonistic to the new order of things, and after frequent unsuccessful efforts at conciliation, the Judge placed his resignation in the hands of the Government, at the same time suggesting that if a new Commission of the Peace were appointed, containing names of the persons friendly to him, and on whose aid he could rely, he would be willing to continue in office. The Government accepted his suggestion, placing the responsi-

bility of the success of so drastic a measure upon him. A new Commission was issued to the Judge himself; Colonel Irving, District Warden; Captain Elmes Steele, R.N., and Member of Parliament representing a portion of the District and Mr. George Lount, Registrar of Deeds for the District. With the co-operation of these gentlemen, the Judge at once carried out his organization scheme, and within a few months all was in complete working order. He lost no time in visiting all parts of his extensive jurisdiction, and as became a pioneer Judge, availed himself of every opportunity to impress on the people the value of settled institutions and British Law, properly administered; and the necessity of their aiding the authorities in the discharge of their duties, and in inculcating obedience to the law as the great safeguard of life and property.

After the District had been fully organized and the legal and municipal institutions in good working order, on the Judge's recommendation, a new Commission of the Peace was issued, which contained the names of the magistrates, who had been superseded under the temporary Commission, as well as the names of new men of good standing in the community. The Judge took especial care to instruct these new men in the duties of their office so that they might not be at any disadvantage. Nearly all the old magistrates, before long, became reconciled to the new order of things, and took the oath under the new Commission. Sensible of

the Judge's efforts in the public interests the magistrates, sometime later, presented him with a gold snuff-box, on which the following inscription appears, "Presented to His Honour James Robert Gowan by the Magistrates of the District of Simcoe, who gratefully acknowledge his invaluable services in the judicial organization of this new District, and his uniform kindness to them personally."

About this time the Judge received the thanks of the Government for "arduous, judicious and efficient services in connection with the judicial and general organization of the District."

Some three years after his appointment, Judge Gowan wrote to a friend: "I have now a pretty full acquaintance with my surroundings, I like the work with all its labours and responsibilities, and there is now only plain sailing before me. My health is excellent, and I hope, please God, to do a grand work here, and build up a good record as a pioneer Judge."

The young Judge by this time had become well known throughout his District, had acquired the confidence of the leading inhabitants, and had overcome many discouraging obstacles. He was untiring and energetic, labouring under difficulties which have long since ceased to exist; travelling great distances on horseback as the only means of locomotion where no good roads existed, some of his courts being over a hundred miles apart. In winter travelling was often dangerous, not only from the character of the roads, but from



long exposure in very low temperatures, besides the danger arising from the want of good hotels, from ill-cooked food, badly ventilated rooms and damp beds. This was especially the case in the western part of his District, where the settlements were separated by wide stretches of forest, and only rude shelter could be obtained here and there. One of these, a log hut, about twenty feet square, was owned by an old man named Brock. This hut acted as a shelter to incoming settlers on their way west, and, on more than one occasion, the Judge found this small building so full of these wayfarers that they covered the floor at night, lying so closely together before a huge wood fire, that he was obliged to improvise a bed, supported by poles inserted between the logs of the wall; but with the temperature below zero outside, even this rude shelter was welcome. On several other occasions the Judge, unable to reach any house, had to bivouac in the snow, wrapped in buffalo robes, with his sleigh upturned as a shelter from the wind. Neither these, nor any other difficulties, prevented him from keeping his appointments. In portions of his jurisdiction a somewhat lawless condition existed, where settlers had been without any legal restraint, prior to the organization of the District; and it was necessary that he should be prepared to defend himself from attack, but on two occasions only was he compelled to use force; when his assailants were the sufferers. In an appendix will be found some "Incidents in the

Life of a Pioneer Judge," which throw an interesting light upon the conditions of life at this period in the outlying districts of Upper Canada. In these early days it was no uncommon thing for him, while on circuit, to be appealed to by settlers for advice in their local and family affairs, and many differences, which might have become open feuds, were happily settled by his wise counsels.

Judge Gowan, at the time of his appointment, had barely three years and six months standing at the Bar, and was the youngest man ever entrusted with Her Majesty's Commission as a Judge, either in Great Britain, or the Colonies. His youth however, gave him the advantage of that energy and vigour, which were so necessary to the proper discharge of duties extending over so large a jurisdiction.

He brought with him to Barrie a good library of general, as well as professional, books and had for many years the only law library in the District, which was always open to the use of members of the Profession.

Judge Gowan took an especial interest in the working of the "People's Court," and endeavoured from the first to familiarise the public with the advantage of the Division Courts in the speedy decision of small claims, and the Barrie "Magnet" 12th Feby. 1851, made eulogistic references to an exhaustive address given by the Judge on the Division Court Act at the first sitting of the Court since Parliament increased its jurisdiction.



In the year 1852, the townships of St. Vincent, Euphrasia, Collingwood, Artemesia and Osprey were detached from Simcoe to form part of the County of Grey and the following address was presented to Judge Gowan by the inhabitants; "We the undersigned inhabitants of St. Vincent Euphrasia, Collingwood and other townships within the precincts of the seventh division—believe we should not discharge our duty if we did not testify to the high estimation we have of the integrity and talent which you have uniformly displayed as Judge of the courts of this Division; and also, of the usefulness of the courts under your Honour's jurisdiction, in giving soundness to pecuniary transactions, confidence in commercial affairs, and a higher tone of moral feeling. . . . In taking leave of you, we beg to assure you that it is with mingled feelings of respect and regret,—Respect for you as an able and upright Judge, and regret that we have lost your valuable services."

In reply to this address, the Judge said, in part, as follows—"The testimony of his own conscience is ever the best support a Judge can receive in the discharge of his public duties; but to deserve the favourable opinion of intelligent, temperate and thinking men may well be an object of his desire, and though I feel it right to say that I am not over-solicitous of what men may say or think, so long as I keep myself according to the rules of justice; yet I must frankly add, that I feel highly gratified by your address, coming from a locality no longer

within the limits of my jurisdiction. I read with great satisfaction your emphatic testimony to the 'usefulness' of the court wherein I presided, from its first opening. In the exercise of my judicial functions I have always sought, in a brief explanation of the grounds of every judgment, to show forth the principles upon which it was founded, and to render the law and equity arising in the case, plain and intelligible for the information of all, so as, if possible, to give satisfaction to every reasonable mind; and that the administration of justice amongst you has 'given soundness to pecuniary transactions,' and 'confidence in commercial affairs,' is to be attributed to the excellence of those settled principles, and sound maxims of justice, by which our Courts of Judicature are governed and guided in investigating and deciding the various and complicated questions arising in the business affairs of men."

"The Barrie Herald" in its issue of 7th April 1852 has the following to say on the subject, "As public journalists, we feel it our duty to offer a word of comment on the foregoing; for although Judge Gowan has with justice enlarged upon the value of our Courts of Judicature, yet he has, we consider, but lightly dwelt upon the necessity for the careful and impartial administration of the law by those in whose hands this grave responsibility is entrusted. The machinery of the courts may be admirably adapted for the purpose had in view, yet unless there is sound practical judgment

in the working, their efficiency may be greatly impaired. From personal attendance, for a period of more than six years, upon many of the courts over which Judge Gowan presides, we are warranted in expressing our conviction, that to his integrity, ability and painstaking efforts, and not merely to the intrinsic value of the system itself, may be traced the existence of the order of things so fitly described in the address, as 'giving soundness to pecuniary transactions—confidence in commercial affairs—and a higher tone of moral feeling.'"

Judge Gowan had in his own hands the power of appointment and removal of the officers of the Courts, and he was singularly fortunate in obtaining reliable men to work under him, evidenced from the fact that, of over one hundred officers appointed by him, he found it necessary to remove but four.

Some years ago an Ex.M.P. referred to the Judge's appointments in the following words—"A matter which has deservedly long since obtained the approbation of thinking men of all parties in this community namely; the wise and just manner in which, for over a third of a century, the Judge has exercised the large patronage vested in his office. No less than eight of his officers were elected Reeves, and some of them re-elected again and again, and three served in the honourable office of Warden, with several others, chosen to fill the office of councillors in local municipalities;" and he might have added more than one elected to the Legislature.

“The Public Good” was ever Judge Gowan’s motto. In a paper issued by him to officers of his Division Courts, the following appears; “The letter of the statute makes the tenure of office for both clerk and bailiff during “the pleasure” of the Judge; but an office connected with the administration of justice ought to be upon a more certain tenure, and while willing and able to do the duties required of him, faithfully and discreetly, every officer should be able to feel assured that his position was secure. These, my early formed and known sentiments, need no repetition to convince officers that the exercise of my pleasure will not be bottomed on caprice. But I hold the power of removal as a trust, and may not decline to exercise it when inability, or misbehaviour in office is made to appear to my satisfaction. I reckon confidently on an energetic and diligent discharge of duty, a prompt and cheerful compliance with the various regulations, by which the full benefit of the courts may be secured to those who have occasion to use them.”

Judge Gowan may be said, in a certain sense, to have been exacting in the case of officers appointed by him, but he was just, and that he was revered by them to the end, is manifest by their final address to him on his retirement.

He secured also the unbounded confidence of litigants by always giving to each case, however inconsiderable the amount involved, his best consideration; explaining and vindicating the wisdom

of the law so as to satisfy all that justice was done. "It never depended on the humour of the Judge what character the law assumed." This feeling of confidence was conspicuous early in his judicial life.

Judge Gowan completed his quarter century on the Bench in 1868, and to mark the event, the Bar presented him with a life-sized portrait in oils of himself, in his official robes, accompanied by an address expressive of the "respect and esteem in which he was held by the profession." The address is dated 8th December, 1868. It read in part as follows:—"We feel that to your wise counsels and example are mainly due the existence of a Bar in this county, which will compare favorably with any in the Dominion, and that this result has been obtained without, in the smallest degree, fostering it at the expense of the public interest.

"We believe that to your firm and dignified administration of the laws is mainly to be attributed the comparative freedom from crime which, we rejoice to know, distinguishes the County of Simcoe, and the respect for law and order which pervades all classes of our community.

"The profession have long felt that some public recognition of your extended and valuable services on the Bench, and your kindly spirit towards themselves, was due to you, and we now beg your acceptance at our hands, of this life-sized painting of yourself, in your official chair and robes, as a mark of the respect and esteem in which you are

held by us; and while making it, as we do, your own private property, we ask the favor, that it may for a time be permitted to hang in the court-room, so that all may have the opportunity of seeing it, and learning that the profession have paid tribute to your worth."

The "Examiner" of the 17th Dec. 1868, gives the following account of what took place on this occasion:—"An interesting episode in the opening of the Courts—Just after His Honour Judge Gowan had opened the Courts last Tuesday morning, a somewhat unusual and interesting spectacle, in a court-room, was presented, when the Grand Jury had been empanelled and the learned Judge had concluded his charge, Mr. D'Arcy Boulton, the senior member of the Bar, arose from his seat and read the address," above referred to.

"At the moment Mr. Boulton made mention of the portrait, the rolling up of a curtain on the wall of the court-room presented to the view of a very large concourse of ladies and gentlemen, who had assembled to witness the proceedings, an exceedingly well executed and life-like full-sized portrait of the Judge, bordered by a rich and elegantly gilt frame. The effect was electrical, and all eyes turned to 'look on this picture and on that,' for the juxta-position of the original and the counterpart exhibited the artist's skill in transferring the human form to canvas. There the two were face to face, and all admitted that the transfer was perfect." It was painted by Mr. Benoni Irwin, a









native of Newmarket, now a resident of Toronto. "Without mentioning the names of the numerous fair ladies who adorned the gallery of the court room, or those of the throng who filled the seats outside the Bar, we content ourselves with giving the names of those within the magic circle, and here they are:—Rev. S. B. Ardagh, M.A., Rector of Barrie; Rev. M. Fraser, Presbyterian Church, Barrie. Barristers—John J. Stephens, Owen Sound; Wm. Boys; Wm. Lount, M.P.; Wm. O'Brien; James C. Morrow; J. Cotter, County Attorney; D. McCarthy sen.; and jr.; D'Arcy Boulton; Wm. D. Ardagh; Thomas T. A. Boys; John Strathy; John Ardagh; Wm. McL. Stevenson; H. D. Stewart; J. W. H. Wilson; Geo. Moberly; Charles Gamon; Mark Scanlon; H. B. Robertson;—Thos. D. McConkey, M.P.; W. C. Little, M.P.; John Kean, Warden of Simcoe; H. R. A. Boys, Co. Treas.; R. T. Banting, Co. Clerk; H. Creswick, Co. Surveyor; Geo. Watson, Mayor of Collingwood; John Ross; Andrew Graham; Wm. McClain; Wm. Rutledge; Thomas Atkins; David Soules; George Sneath; George Warnica; R. Smith (Bank of Toronto); George Davis; F. Stevens, and John Macbeth."

The "Law Journal" of Toronto, alluded to the Presentation in the following manner, "It is with feelings of no ordinary pleasure that we record a very interesting ceremony that took place in Barrie immediately after the opening of the Courts on Tuesday 10th inst. We allude to the presentation

to His Hon. Judge Gowan of an address, by the united Bar and practitioners of the County, as a mark of their respect and esteem for his many eminent and kindly qualities. The address was beautifully engrossed on vellum, and was accompanied by a life-sized portrait in oil of the learned Judge.

“With the sentiments expressed in the address we most heartily concur, and congratulate the practitioners of Simcoe that they have such an excellent Judge at their head, and that they know how to appreciate his worth. We are the more pleased, as this gives us a legitimate opportunity of expressing our own sense of the very many obligations we are under to Judge Gowan for the valuable advice and assistance he has never failed to give us, when appealed to for the purpose, in the conduct of this Journal, and of which we have largely availed ourselves.

“The high stand Judge Gowan has always taken with reference to the dignity of the Bench, and his strict and regular administration of the law, has been remarked beyond the precincts of his own courts, and would serve as an example for others to imitate.

“The learned Judge in an impressive and eloquent manner replied to the address, and concluded thus:—‘It was right that I should endeavour to discharge every duty faithfully and fearlessly; to create confidence in, and to secure to suitors the full benefit of, the several courts over which I

preside, and to impress the public with the feeling of respect, never withheld from a Court of Justice, however limited its sphere, where order and decorum obtain. . . . At the age of twenty-five I entered with ardour on a work I liked, and though this Judicial District was then, as now, the largest in Upper Canada, I felt equal to the labour; and I am able to say, through God's goodness to me, that during a period of twenty-six years, I have never been absent from the Superior Courts over which I preside, and, as to the Division Courts (except when on other duties at the instance of the Government) fifty days would cover all the occasions when a deputy acted for me. I have, I may be pardoned for saying, undergone labours and exposure of the most trying kind, as most of you know; but few are aware that those labours have left me with a seriously impaired constitution; yet I trust there is still in me some years of work, and nowhere could I be so happy in living and acting as amongst those whom I have known and valued so long.

“And now gentlemen need I say that I will preserve as a precious possession the address with which you have honoured me. Your valuable gift will long after I have passed away, show the first Judge of this District as he looked after a quarter of a century of work. I would that it could portray with equal fidelity how deeply he was touched by this generous mark of your regard; how much invigorated for fresh exertion to try to deserve all

that your kindness has associated with his name."

The following is taken from the "Examiner" 18th Feby. 1869:—"Our respected County Judge, we should say, cannot receive the ancient idea that a man's virtues and good qualities are only discovered after his death as a truism, for the way in which his have been acknowledged of late must be highly gratifying to him. Only a short time since he was complimented by the legal fraternity of this county in the presentation of what we have already characterized as a very life like portrait, and now the members of the County Council, as a body, do him honour by expressing their appreciation of his worth and their respect for him as a man. The absence from home of his Honour at the time the Council were about adjourning, precluded the possibility of that body waiting upon him to present the address which follows;—but a committee consisting of the Warden, Ex-Warden, Councillors W. C. Little, M.P., P. D. Kelly and John Hogg performed that duty:—

"To His Honour James Robert Gowan, Judge, County of Simcoe.

"We, the Warden and Council of the Corporation of the County of Simcoe, in council assembled, are desirous of showing our lively appreciation of those services so assiduously performed in your judicial capacity, extending over the lengthened period of a quarter of a century. Representing, as we do, the various municipalities, we are cognisant as to the public feeling entertained towards

your Honour, and assure you that the same sentiment of esteem and high respect that animates the Council towards your person are equally shared in by the people at large, whether located in the oldest or latest settlements of this county. We felicitate your Honour on the comparatively good health you still enjoy, and pray the great Dispenser of all human events to continue to endue you with the same energy and mental ability so happily displayed in the high position where you have hitherto been placed."

"Signed on behalf of the Council of the Corporation of the County of Simcoe.

W. D. ARDAGH, Warden.

W. T. BANTING,

Co. Clerk, Co. Simcoe.

Council Hall, Barrie, Feby. 11th, 1869."

Judge Gowan then made the following reply:—

"MR. WARDEN AND GENTLEMEN,

"I should be the most insensible of men if I did not feel deeply this very unexpected expression from the Council of the Corporation of this great and populous county. I am unable to reply in fitting terms to the manifestations of kindness and confidence in the address with which I am honoured from the representatives of the people, amongst whom I have lived and laboured so long.

“Between the Council and the Magisterial Body with whom certain of my duties connect me the most friendly relations have ever prevailed; and with the many points where the powers of each in some measure clash, my ever present desire to secure harmony and accord, has always been gratified. With men with less intelligence; with men animated with a contentious spirit, this state of things would have been scarcely possible, and I feel proud that herein as in other particulars we contrast favorably with other localities where a jealous and encroaching spirit has sway.

“You are good enough to speak of my duties as assiduously performed. It is gratifying to me to find that you think they have been, for I have tried at least to be diligent and exact in my duties and I would add that from the first the cordial assistance of the officers from the several courts and the valuable co-operation of the Profession have largely aided every effort to give increased value to the tribunals over which I preside. None know better than you how trying these duties were. Many a time in each year a ride of more than seventy miles in the day was necessary to meet court engagements, and this for miles through unbroken forests, and it was no unusual circumstance in former years to find from four hundred to six hundred cases to be disposed of at a single court. The country is now well and in many cases thickly settled; the forest is fast disappearing and labour is everywhere spreading out the



green fields; the means of communication are marvellously improved but this county large as it is has not been reduced. Although the number of cases in the courts is less than formerly, the business is still large, the county standing amongst the foremost in this particular, indeed ranking third in Upper Canada, and taking the long period from 1855 to '67 one of the only four counties that returned a surplus in fees to the revenue funds after paying all the expenses of the civil Courts' establishment. The spontaneous testimony of so many leading gentlemen of the county is indeed valuable, and when I am assured that the same sentiments of esteem and respect that animate your body towards me are equally shared in by the people at large throughout the county, I am filled with thankfulness that my efforts, feeble and imperfect though they have been, to live and act as became my position, are highly esteemed.

“The position of a County Judge in Upper Canada is not without influence, and it is one of responsibility and great trust. It is a position also of difficulty and anxiety, calling for wakeful attention not merely to duties to be done, but to all that may be looked for in one occupying a high and honourable position in the locality.

“From the moment of his appointment a judicial officer has the benefit of that confidence which is the inheritance of every British Judge of whatever grade, and in no way to lessen its value to those who come after him, is a sacred trust. If I

am able at the close of my labours to say that I have not diminished this inheritance, or weakened this *prestige*, I shall feel that the praise is alone due to Almighty God, from whom only is strength and sufficiency for any good work.

“Let me ask you Mr. Warden and Gentlemen to communicate to the Council the feelings which I have so imperfectly expressed. The address just handed to me shows that the most humble effort to deserve the respect and confidence of the community may meet an unsought reward, where happily as in my case a servant of the Crown has found his home amongst public men of generous instincts, and who understand and appreciate the judicial position, its anxieties, its trials and its restraints.”

In the following year Judge Gowan was appointed Chairman of a Board of five judges created by an act of the Ontario Legislature to frame rules for the practice and proceedings of the Division Courts for the whole Province. He continued to hold this position until his retirement in 1883; and after his retirement, he was re-appointed Chairman by the Government, the office being tenable by a retired judge.

Some years previously, with the increase of population, expanding business transactions, and the duties of the higher courts demanding more time, it became necessary to appoint a Deputy Judge to take the Division Courts in the outlying portions of the District; and in 1858 Mr. William



D. Ardagh was appointed to that office, and acted as occasion required, without emolument. In replying to a public address about that date, Judge Gowan made the following reference to the appointment; "It is a matter of great satisfaction to know that on occasions when I cannot myself take a court, a sworn officer, Mr. Ardagh, the deputy judge, takes my place; of whose general aptitude for the office I entertain the most favourable opinion." Mr. Ardagh afterwards entered public life, and was elected to the Provincial Parliament; subsequently, he became Deputy Attorney General for Manitoba, and later, a judge of that Province.

By the year 1872 the work had so increased that a permanent Assistant Judge became necessary, and Mr. John A. Ardagh was appointed Junior Judge of the District. Mr. Ardagh's appointment was an excellent one. He was a graduate of Trinity College, Toronto, with a good standing at the Bar, had the vigour of youth, and was well fitted to undertake circuit work; moreover, he was a sound lawyer and by his careful and conscientious consideration of every case that came before him, he won the confidence and respect of all, without distinction of creed or class; this feeling grew with the years and when Judge Gowan retired in 1883, Judge Ardagh was universally acknowledged to be a worthy successor to the position of Senior Judge, which office he still holds.

During the whole time Judge Gowan was on the Bench, he took occasion in his addresses to Grand

Juries to deal in an instructive way, critical and suggestive, not only with questions of jurisprudence, but also with a variety of kindred topics of general interest. The review of recent legislation was generally a prominent feature of these addresses; and many were the comments from time to time in the public press, such as the following; "His utterances always command respect." . . . "His opinions are of great weight, and will doubtless have influence in the discussion of the subject in Parliament." . . . "Judge Gowan always makes a number of sensible and very timely remarks." Some of the Judge's addresses were elaborate compositions. One is now before the writer, in the form of a re-publication, with notes by the late Hon. James Patton, Q.C., under the title of "The Canadian Constable's Assistant". It is really a treatise on the numerous and important duties of Peace Officers: a compendium of the law on the subject.

In the year 1883 Judge Gowan unexpectedly retired from the judicial office, after forty-one years service on the Bench. He had refused, more than once, higher preferment in the profession. His age and uncertain health demanded repose, and, after so many years of hard work, it cannot be said that his retirement was in any sense premature; and he had the satisfaction of knowing that his Excellency, The Governor General, in his communication to him upon the subject, made the statement that he appreciated his "faithful, effi-

cient and impartial conduct during his long term of judicial service." Judge Gowan could probably have gone on without remark or complaint, doing such work as uncertain health permitted, but he evidently felt that it was not consistent with a proper sense of duty to retain office, when unable to give the full measure of service he had been accustomed to perform. His retirement took the public, the Bar, and even many of his intimate friends, by surprise. The first public announcement was made in the early part of October, and a few extracts from the public journals may serve to show the feeling that prevailed.

"The Canada Law Journal" said:—"As we go to press we notice the retirement of his Hon. James Robert Gowan . . . those only, and the circle of these is no limited one, who know of his learning, his large and ripened experience, and his great service to the country in numberless ways, can measure the loss this will be to the Bench, of which he was *facile princeps*. . . . Judge Gowan occupies as strong a position in the hearts of his friends and acquaintances, from his high personal character, as from his judicial excellence. A kind thoughtfulness for others, and a benevolent disposition, endeared him to the community in which he has heretofore passed his long and useful life. Spotless purity, entire freedom from undue influence, and an earnest desire to do justice, have characterised him as a judge. Great force of character, combined with cordiality and courtesy of demeanour,

and a high consideration for the performance of his duties, have distinguished him as a citizen. . . . He takes with him into his well-earned retirement, the best wishes of a large circle of friends, and admirers, for his future health and happiness; and we trust that, in some way or another, the country may still have the benefit of his ripe experience. His career is a brilliant example to those who occupy similar positions of trust and dignity; to emulate which will be a duty, and to equal which will indeed be difficult."

Another paper said:—"He has been longer on the Bench than any other judge in the Dominion, and has made a very honourable record. His services have been recognized by magistrates, lawyers, and the public generally; and he enjoys the respect and esteem, not only of his brother judges and the members of the Government,—but of all with whom his duties have brought him in contact. We know of no occupant of the Bench who, by long service and faithful discharge of his duties, has so richly earned retirement as has Judge Gowan."

We might multiply quotations in this connection, for the subject was very generally noticed by the public press, and all without exception spoke in eulogistic terms of Judge Gowan's varied services during his long career. At the Court next after the Judge's resignation the Grand Jury for the county made the following presentment:—"This being the first Grand Jury that has met since the retirement of Judge Gowan, we cannot

allow the opportunity to pass without expressing our high sense of the long and faithful service he has rendered in this county. . . . We take peculiar pleasure, being in a sense representatives of the people, in placing on record our high sense of the great esteem and respect in which Judge Gowan has always been held, and in doing this we know that we are voicing the unanimous sentiments of all. Judge Gowan has many happy causes for gratification in looking over his long judicial career, and we think it will not be least among them to know that he always carries with him the good will and highest esteem of the people with whom he has been so long identified."

He was revered by the profession. Many of his Bar he had known from childhood, and they were justly proud of his high repute. It might well be supposed that his retirement would elicit expression from this quarter. At a meeting of the Bar called on the occasion it was resolved to present the Judge with a suitable address, and a testimonial in the form of a piece of plate. The Officers of the Courts also determined to present an address; as well as the County officials. These several addresses, each in itself a fine specimen of the illuminating art, were all presented to the Judge on the same occasion, the very day before he left home for a visit to England.

The public journals fully reported the proceedings, and we give a condensed account from the several reports.

The presentations were made in the large Council Chamber, at Barrie, in the afternoon of the 5th day of October, 1883. A large assembly of ladies and gentlemen were present to witness the ceremony, besides those who took part in it. The occasion was the formal expression of farewell on the part of barristers, solicitors, officials, and Division Court officers of the county, to His Honor Judge Gowan, on his retirement from judicial life and temporary departure from Canada. It was a ceremony fraught with much food for reflection. It was a tribute to a life of many years of judicial energy and perseverance, at a time when the institutions of civilization in this part of Canada were only inceptive. It was more than that—it was the crystallized recognition of scholarly distinction in the Judiciary of the Dominion of Canada. No one acquainted with the history of the subject of these words can accuse us of fulsomness, in saying that the natural and acquired ability of Judge Gowan has left an indelible impression on the Judicial history of Canada; and that his name as a jurist will continue to hold an important place in the annals of this country. About 3 o'clock, His Honour, accompanied by Wm. Lount, Esq., Q.C., entered the Chamber and was ushered to a seat immediately in front of the Bench, the Bar greeting his entrance by rising. The Crier of the Courts commanded "silence," and Mr. Lount proceeded to read the following Address, the members of the Bar standing;



“His Honour James R. Gowan, etc., etc.,—

“We, the practising barristers and solicitors of the Judicial District of Simcoe, cannot allow the occasion of your retirement from the judicial Bench to pass without testifying, however inadequately, to the high esteem in which we hold you, and our regret that the relations so long existing between us, are about to be severed.

“The benefits derived by this county during the last forty-one years from your high attainments and administrative ability, have been incalculable. Courts have been organized; the legal business has been conducted with precision and decorum; and the judgments you have given in the vast number of cases that have come before you have been luminous, dignified and impartial. Nor can we forget that some of the most important enactments on our Statute Book owe their development and moulding into shape to the sagacious advice you were at all times willing to afford when called on by the rulers of the State.

“And not to this place alone have your services been beneficial, for your system of organization,

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NOTE.—Judge Gowan was a personal friend of the late Lord Cairns, and visited at “Lindesfarne” in the winter of 1883. In a letter from that great and good man to a near relative of my Uncle, dated “Lindesfarne,” 18th April, 1884, he thus speaks of the Judge's long services: “I read the very graceful address presented to Judge Gowan on his retirement from the Bench, and his most interesting answer. The term of his occupation of the Bench is most remarkable. I doubt if there has been its equal in this country, and I rejoice and wonder at it the more when I see his eye undimmed, his natural force unabated. I will have the opportunity of calling to see the testimonial in London.”



and the example of your courts, have spread beyond our borders, and have had marked influence in every county of the Province. But space will not permit us to enlarge on this, otherwise we should be led into a general reference to the affairs of the Province, and possibly of the whole Dominion, so great has been the influence of your abilities and industry in various directions during your term of office.

“To us you have ever been courteous, considerate and kind; to your discouragement of all that is unworthy by your inspiring sense of honour, we attribute the high standing we have attained, and we feel assured that the tradition of your career will be long remembered, not only by the generation now living but by those who may come after us.

“We accordingly contemplate, with affectionate concern, the withdrawal from us of one to whom we owe so much.

“We trust, however, that your intended sojourn in a more genial climate will produce every good result, and that under the care of an all-disposing God your return to us may be the commencement of a new era in your life, and you may be enabled to pursue it with continued usefulness.

“That you may be sometimes reminded of the cordial relations that existed for so many years between yourself and the Bar of the County of Simcoe we desire to present you with a piece of plate, which we know you will value, not for its intrinsic worth, but for the feelings that prompted the gift.”

The address was handed by Mr. Lount to Judge Gowan, who read the following reply:—

Mr. Lount and Gentlemen,—

“I thank you with all my heart for the kind address with which you have honoured me. I wish I could feel that I fully deserve all you say. Ever sensible of my many deficiencies, I tried to make up for them by a laborious assiduity and exactitude in fulfilling every known duty, to the utmost of my ability. It is the only merit I can claim, and I am by no means sure that I could have done much had I been without the stimulous which the learned and energetic Bar always gives to the Bench. And now, in retiring from the accustomed scene of my labours and severing the relations that have connected us for so many years, the sadness, to me, is soothed by the regrets expressed; and the approving testimony you bear to my humble services is the best award any public servant could desire.

“When I recall the state of things as they were when I first set foot here, and the wonderful improvements that have since 1843 been effected in our legal, municipal, and educational systems, the increased facilities for travel, and the marvellous progress and prosperity of the country at large, there is open to me a wide and pleasant field for observation, upon which I should like to dwell, but it is not possible to do so at present. This I may say, however, in no particular is progress so marked as in the growth of the Bar, here and else-

where, in numbers, in influence and trained knowledge.

“The rapid flight of time is brought before me when I remember of the present large Bar several of the seniors were school boys when I was appointed to the judicial office, and several others were born since my first court was held in the District. It has been my great good fortune to be surrounded and aided in the discharge of my official duties by those whom I have known from their childhood and never, in a single instance, has anything disturbed the pleasant relations between the Bench and Bar in this Judicial District. You can understand then how warmly I reciprocate all you can possibly feel towards me. I well know that the industry and ability of the Bar has smoothed many a difficulty for me in the way of judicial investigation, and it is exceedingly gratifying to me to recall the high professional tone which always prevailed, and could always be safely confided in, being grounded on convictions of duty, and a nice sense of honour—securing a liberality in practise beneficial to clients, and speeding the disposal of matter really in dispute between litigants. I am proud to know that this Bar is conspicuous in the Province for the ability of its members, the number that have attained high positions in their own peculiar field, as well as in public life, who have ably served the public in the courts and elsewhere, with all the honesty, zeal and courage, which have secured to our honourable profession its high stand-

ing amongst an educated and most intelligent people, very tenacious of their rights —such is the simple fact; and if, indeed, I have in any degree impressed upon the profession my views of their honourable and responsible duties, I feel thankful indeed. I may repeat what I said on an occasion similar to the present, that I felt that it was right that I should endeavour to discharge every duty, faithfully and fearlessly, to create confidence and to secure to suitors the full benefit of the several courts over which I presided and to impress the public with a feeling of respect never withheld from a Court of Justice, however limited its sphere, where order and decorum obtain; that from the first I felt that this could best be done with the aid of an educated and honourable Bar who could feel with me that we were all Ministers of Justice—all equally striving for the same great end. What I said fifteen years ago I can emphatically repeat that from the profession in this county I have always received the greatest aid in the discharge of my judicial duties, and it is to your cordial co-operation and support I am indebted for a measure of success that, unassisted and unsupported I could scarcely have obtained. In gladly according to the Bar every privilege they could fairly claim, in fostering a right feeling in their intercourse with each other, in publicly combating prejudices against them, I have ever felt that I was strictly within the line of duty; but I think you will acquit me of the weakness which fails to look for the inherent

merits of a case in admiration for the skill and zeal of counsel.

“The kind consideration you have always shown me I have every confidence you will extend to my successors. It is a consolation to me to know that my learned brother Judge Ardagh takes my place; educated in the country and with an experience of some ten years on the Bench, the profession and the public will not lose by the change. You all know Mr. Boys, who will be the Junior Judge, and his very honourable position at the Bar. With two such worthy men on the Bench of this judicial district, both in the prime of life, the profession and the public, I repeat, will gain by my retirement.

“Though giving up active duty, I shall still consider myself, in a sense, with harness on my back, being empowered still to take occasional duty; and I may mention that the Government of Ontario continues me in the position of Chairman of the Board of Judges.

“Let me say one word as to my retirement. As you are aware, this is the largest judicial district in the Province, having a population, not very long since, equal to that of Manitoba and British Columbia together. The duties are very onerous, requiring the services of at least two active men to perform properly with the promptitude demanded in the various duties made incident to the Judge's office; and I felt the time had come when in justice to the public and my brother judges, I should make way for a younger man. My age and uncertain

health demanded more repose than I could properly ask, or take, and so I sought retirement, and, after forty-one years of hard work it cannot be said that my appeal to be relieved was in any sense premature. Indeed I have the satisfaction of knowing that His Excellency appreciates, as he is pleased to communicate, my 'faithful, efficient and impartial conduct during my long term of judicial service.' You are good enough to refer to other work I have been engaged in—I did try to be of some use outside my official engagements, when employed in matters of public interest and concern. It was my duty to render such willing aid as was required of me, by those who were anxious to promote all that was good and safe in the improvement of the law and its administration, and who were in the high position which enabled them to give effect to their desires. And should I return, as I trust I shall, with restored health, I hope to find some opening for usefulness, for I feel that I am not without a residuum of energy, and I could not well live an idle life.

"I would fain say more and with all the warmth that words can convey, but you will know how much I am occupied, as I leave for England tomorrow, and how disturbing are necessary preparations, and will excuse my imperfect expression of thanks. I should, indeed, be insensate if I were not touched deeply by your kindness. I may well feel honoured by this last mark of your regard, by the more than kind words you have addressed to



me. I am deeply grateful—but not content with words, you have thought it right to order a piece of plate to be presented to me; I can but accept your gift at such time as you think proper to give it. I did not need it to deepen the impression your generous testimony has made upon me. Whatever it may be, I shall prize it as my most valued possession, more to me than any other honour that could be conferred, for you use it to set the seal, as it were, to what you in your spontaneous kindness have said. It is not the only token I have had from the profession of their regard and I should feel humbled to the very dust, if I had not aspired from the first to accomplish some of the good, that in your partial judgment you couple with my poor efforts.

“I would thank you, once again, for the unbroken attention, respect and kindness of years, and my earnest prayer is, that God may bestow upon you, and those dear to you, His richest blessings here, and an eternal life beyond.

“I bid you an affectionate farewell.”

After a brief interval, the High Sheriff, at the head of the County officials, approached to where His Honour was standing, surrounded by the Bar, and read the following Address:—

“His Honour James R. Gowan, etc., etc.,—

“We, the undersigned officials of the County of Simcoe, having heard, with sincere regret, that your Honour has resigned your judicial office, a position that you have so ably and honourably



filled for upwards of forty-one years, to the entire satisfaction of all classes of the community, cannot allow your Honour to withdraw from your official position without an expression of unfeigned sorrow at the severance from us of a gentleman with whom we have been so long officially connected, and whose wise counsels were always beneficial to us in the discharge of our multifarious and often perplexing duties.

“We cannot but remember the early days, when your official duties required you to travel what was then a wilderness, but what has since been converted into peaceful homesteads, peopled by a law-loving and law-abiding community, and we are not saying too much when we say that the law and order for which this county is noted is, in a great measure, attributable to your Honour’s wise and firm but gentle administration of justice.

“We trust that yourself and Mrs. Gowan may have a pleasant tour and return before long to the county in which so many of your best years have been passed.

“We feel satisfied, notwithstanding your retirement from the Bench, that your matured knowledge will not be lost to the country, but that, in some shape, the community will yet receive the benefit of the vast amount of experience that you have acquired during so long and active a public life.”

To this address, the Judge’s reply was as follows:

“Mr. Sheriff and Gentlemen,—

“While it is a source of deep and sincere gratification to me to receive from you an address conveying such kindly expressions of appreciation and regard, I cannot conceal from you that such an occasion as this produces within me feelings of sincere regret, for I know that our association together, as public servants, now practically ceases—an association that has been fraught with pleasant recollections of the work in which we were engaged. If I was able to be of use to you in any way, it is so long since, and the occasions were so infrequent, that I had forgotten it; and now, no one familiar with the efficient manner in which your duties are performed, could suppose that you need aid or suggestion from anyone. I am happy to acknowledge your courteous and unremitting kindness to me personally, and the great satisfaction I have had in my necessary official intercourse with you for many years. It is well when public officers, who are in close and intimate relation of duty, are able to work harmoniously together.— It is satisfactory to themselves. It is a benefit to the public. That satisfaction I have shared without a single drawback, and am bold to say nowhere have the public been more faithfully and zealously served than in this extensive and populous jurisdiction. The very best officers are liable to have their acts misunderstood and their services under-rated, and they are sometimes called to stand upon their defence. I cannot recollect, however, a single instance

in which a well-grounded complaint against any one of you came under my notice, and I am glad to bear testimony to the faithful, careful and discreet way in which your duties were ever performed.

“I can say, without flattery, that our officials stand in knowledge, character and ability, second to none in the Province. If God grant that I return with renewed health, I hope to find congenial work of some kind for the good of our country, and possibly I may at times put on my old harness, and I am sure I should enjoy, as in the past, our communion of work; but the strong motive for work that I had in the past will not be there, for I feel that my object has now been attained, and my able successors will well and faithfully carry on the work that, as chief magistrate, I inaugurated, and which has been brought to so fair a state of completeness through the very efficient help that has been accorded me.

“I need not allude, in detail, to the many kind things you have said of me in your address. You have given me something by which to remember you in the days to come, when I shall not meet you in daily converse; but partings are sad, and I do not feel equal to more extended remarks.

“I thank you for myself and my wife, for your kind wish in reference to our journey. I will only add that each of you possesses my warm regard, and that I part from you, I hope, only for a short time, with earnest wishes for your well-being, in both

your official and private lives. I bid you a warm farewell."

Mr. Adam Dudgeon, Mayor of Collingwood, and Clerk of the Fourth Division Court, then advanced to the table followed by a large number of the officers present, and read the following address to His Honour:

"We, the Officers of the Division Courts of the County of Simcoe, feel that, after so many years of official and personal intercourse with you, it would be impossible for us to permit the occasion of your retirement from active service to pass without giving some formal expression to our sentiments. We regret very deeply that you have found it necessary to resign the position of Senior Judge of the county, which you have so worthily and acceptably filled for so long a period. We desire to express our gratitude to you for the many acts of kindness and attention which we have received at your hands in the direction of our official duties. We have never sought advice or instruction from you in vain, but we have always found you to be ready and willing to assist us in every way to perform our duties, and full of solicitude for the best interests of both officers and suitors. The relations between a judge and his subordinate officers are not always of the most friendly description, and it gives us unfeigned satisfaction to be able to bear our unanimous testimony to the unvarying kindness and courteous consideration with which you have at all times treated the Division Court officials

of the county. We are firmly of opinion that a great part of the success which has attended the administration of justice in the 'People's Court' of this county is owing to your jealous care and supervision, and to the signal ability with which you have conducted their affairs. As a very slight token of our esteem and regard, we cordially beg your acceptance of the accompanying small gift (a handsome gold-headed cane, on which was engraved His Honour's name, etc.), and it is our earnest hope that your future life may be fully laden with all possible happiness and comfort."

In reply His Honour expressed his regret that the intimation of this address and presentation came too late for him to write his reply, but his thanks, he said, were none the less hearty and sincere. He had appointed over one-hundred subordinate officials (only four of whom he had occasion to remove), and many of whom had since been appointed to responsible positions in the county and province. He had looked only to personal fitness in all his appointments. The law was, however, now changed, and all such appointments were vested in the Government of the day, and although they had, of course, a much more limited field to select from, he hoped the best available men would be chosen to fill the subordinate Division Court offices, as had been the case in the late appointments. Formerly, those who held these offices received large fees, but now their emoluments were reduced to the lowest living point. But he

hoped the law would be so amended as to supplement these fees by a small salary. His Honour concluded by again thanking them for the good wishes expressed in the address just read, and the accompanying beautiful present.

The piece of plate referred to in the address from the Bar, Mr. Lount explained, could not be procured in time.\* It was subsequently obtained in England from "The Goldsmith and Silversmith Manufacturing Company," Regent Street, London, and is a very beautiful work of art. It is in the form of a silver centre-piece, designed in the Greco-Roman style of art. From a handsome triangular base, richly decorated with shields, enriched with the maple leaf and bearing the Arms of Canada and of the Province of Ontario, as well as a design from the Arms of the Law Society of Ontario, and the recipient's own Arms, spring three columns supporting a canopy, under which stands a majestic figure of Justice. From the centre of the canopy spring three richly wrought branches and a centre stem each supporting glass dishes for fruit and flowers. On one of the shields is the inscription: "Presented by the Bar of the Judicial District of Simcoe, to His Honour Judge Gowan, on the occasion of his retirement from the Bench, as a mark of

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\* The Bar was fortunate enough to secure the valuable aid of James Hore, Esq., of Drinagh, Dulwich, England, himself a retired judge of the Indian Bench, in carrying out their intention in respect to the testimonial, and that gentleman, who was a connection of Judge Gowan, most kindly in their behalf, arranged with the manufacturers as to the design and execution.



their appreciation of long and valued public services and as a token of their personal esteem and regard. Barrie, 16th October, 1883."

The cane presented by the Division Court officers was unique, of its kind, the finest that could be procured in the country, and the solid gold head bore the following inscription; "Presented to His Honour Judge Gowan, on his retiring from the Bench, by the Division Court officers, County of Simcoe."

After the ceremony had closed, the Judge received the warm greeting of his friends, and bade good-bye to those present.

The whole scene was touching and interesting; it was the severing of a connection of over forty years, with the spontaneous testimony, of those best capable of forming an opinion, to a well-spent

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. In referring to Judge Gowan's career in Canada, a prominent Dublin journal, "The Irish Times," thus concludes a leading article: "We recognize in the life-work and brilliant success of our brother Irishman, another proof that in the Colonial field Irish success often eclipses that of men of every other nationality, and earns for our people a higher regard in the world. Judge Gowan's scholarship and literary skill, added to his legal qualities, have rendered him one of the most accomplished jurists of Canada throughout many years."

A leading local journal, referring to Judge Gowan at this time happily said: "No man in the length and breadth of the land was better known. The "old Judge" as he was familiarly called, has been a prominent figure for half a century, the venerated Chief Magistrate of two generations. His high legal attainments and keen perceptive faculties were not alone appreciated by the Bar, the whole country understood and valued his great industry and ability, another instance of vigor and intelligence of the Celtic race. Like Lord Brougham, with wealth of legal lore he possessed also a highly cultivated mind, and did his part amongst us in the advancement of learning, science and art, at once the true patron of the student and a most distinguished judge."



life—to the employment, continuous and persevering, of rare abilities in the faithful discharge of duty—to abundant and successful effort to promote the public good.

The Judge left for England the day after the presentation of the addresses. The first meeting of Simcoe Municipal Council took place at Barrie, the following month. This “House of Representatives,” composed of over fifty Reeves and Deputy-Reeves, elected by the several municipalities, in council unanimously expressed their regret at Judge Gowan’s retirement, and determined that an address from their body should follow him to England, and that the Council should otherwise mark their high estimation of the Judge. Finally, it was determined that his likeness should be procured and hung in the Council Chamber in the Court House, where the session of the Council is held, and where, when the civil and criminal business of the courts was occasionally divided, Judge Gowan usually sat.\*

Not long after, the Address, in album form, bound in high art style, and richly and beautifully illuminated, followed the Judge to the Old Country, and it must have been more than gratifying to him, a stranger and sojourner in the “Old Land”, to receive this token of remembrance from his far-off home.

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\* “The deputation appointed to pronounce upon the fidelity of the likeness consisted of His Worship the Warden; Colonel Banting, County Clerk; O. J. Phelps, Esq., M.P.P.; G. P. McKay, Esq., M.P.P.; Charles Drury, Esq., M.P.P.; Henry H. Hammell, Esq., M.P.P.; William Lount, Esq., Q.C.

The address from the Warden and Members of the Council, after referring to the Judge's retirement, declared "they could not allow the event to pass without giving some expression of their very high appreciation, not only of the many kindly services willingly rendered them during that lengthened period, but of the great interest at all times taken by you in public affairs of the county, and more particularly of the assistance given in bringing the Municipal Laws of the Province to their present state of great efficiency, and also in the consolidation and revision of the general laws of this Province. And the members of this council have always felt a just pride in the knowledge of having one to refer to in any matter of importance, and one so willing to give his best assistance at all times.

"When a man has given the best years of his life to the service of his country—and particularly in such an arduous position as you occupied for many years, in the earlier days, after your appointment as Judge, when the country was sparsely settled, and the roads often next to impassable, and even the common comforts of life not attainable—the least those who enjoy the fruits of your labour can do, is in some way to recognize those services.

"The County Council, as a very small recognition of your services to that body, have determined to place a well executed and framed likeness of your Honour in the Council Chamber over the

seat you have so long honourably and efficiently filled; and they trust you will approve of this simple tribute to your worth, not only as a public man, but as a citizen of this county, in the spirit in which it is done.

“We cannot close this address without wishing yourself and Mrs. Gowan all the health, happiness and prosperity that it is possible for any of us to enjoy in this life; and long may you both be spared in God’s good providence to enjoy the wide-spread reputation you have so well and faithfully earned by a long life of hard and continuous work.”

The Judge’s reply was subsequently laid before the Council, and appears in the minutes of the following session. It is as follows:—

“To the Worshipful Warden and Members of the County Council of the County of Simcoe,—

GENTLEMEN,—Your address has followed me to the ‘Old Land’, far away from the dear home where so many years of my life were spent amongst you all. Such unexpected kindness touches me deeply and no language can convey my sincere appreciation of your approving testimony.

“The governing body in the largest and most prosperous county in Ontario, and I might add in the Dominion, representing not merely its municipal powers, but its intelligence, its agricultural, commercial, manufacturing and professional interests, I may well feel honoured in having received such an address from gentlemen whose position commands respect for their testimony; and, al-

though there may be an element of personal kindness in your action, I trust I may regard it as a deliberate expression of opinion that I have not been wanting in an earnest endeavour to discharge my duty faithfully, that I have not been unmindful that it became me to assist, according to my opportunities, in all that was calculated to promote the solid good of those amongst whom my lot was cast.

“I certainly have from the first been somewhat familiar with our District Councils, and although I recognized imperfection in the new scheme, I never faltered in the conviction that the advantages of safe self-government would ultimately be abundantly manifest. I was not mistaken. We can now fairly claim that we possess the most perfect system of municipal government enjoyed by any country and have proved that an intelligent and educated people may be safely entrusted with the management of important matters demanding local administration—matters that would but retard and embarrass the proceedings of the higher legislative bodies, if, indeed, they were there able to secure the attention they deserve.

“The large powers you possess could, however, as I think we feel, only be safely entrusted to fit and capable agents, and you will agree with me that our excellent school system has played an important part in producing the state of perfection in working to which our municipal system has attained. The very small aid I have been able to

give towards the safe development, would have had no practical result, if the public men who, from time to time, shaped legislation, had not themselves earnestly desired to make our municipal law what it is; or if the County Councils lacked the discretion and intelligence for the due performance of their important and responsible duties.

“I have always been proud of the high position of your body amongst the Councils of the Province, and not one of them has furnished more conspicuous evidence of the educating value of such bodies in fitting men for the higher duties of representatives of the people in the Legislature.

“In many respects our county stands foremost, and having watched its progress from the primitive condition of a new settlement, I am filled with admiration of the patient industry and intelligent energy that have accomplished so much in a period of forty-one years. You know that at first we had barely passable road-ways through the woods; that farming operations were conducted in a very imperfect way; that commerce and manufactures were scarcely in the bud; that the few schools which existed were imperfectly served and ill-regulated, while the municipal system was a recent creation, and, moreover, that ready submission to the law of the land was *not* universal. Many of you will remember the time when this state of things prevailed, and will know what a contrast presents itself as you now look around you—the whole country accessible by excellent roads, and more

than that, netted all over with rail-roads, agriculture in its various aspects carried on intelligently by an educated farming community, free public schools, with efficient teachers under a uniform system, within easy access of all, the laws everywhere respected and cheerfully obeyed, and last, though not least, our municipal system permeating every part with its healthy influences—yes, when you look around you, you cannot help feeling that ours is a happy and honourable position, and must bless God every day that your lot is cast in a free country, where there is work for all, where honest labour meets its appropriate reward, and where any deserving man in the community may aspire to the highest place and the largest power for serving his country.

“If we have contentions and some acerbity of feelings at times, I fear they are inseparable from our form of party government; but I do earnestly hope that, whatever divergence may exist in matters of political concern, all will continue to be united in the effort to maintain the prosperous and honourable position in which the County of Simcoe now stands.

“The particular mode in which you have been pleased to recognize my desire to be useful is very grateful to my feelings, and I thank you sincerely for the honour you have done me in placing my likeness in your Council Chamber, and in voting me your kind address in such beautiful form.



“Mrs. Gowan cordially thanks you for including her in your kind wishes, which we both warmly reciprocate.

“My earnest wish is that wisdom may direct all your deliberations and strengthen you in every effort for the public good; above all, I desire that each of you, individually, may possess the blessing which maketh rich and addeth no sorrow with it.

Believe me, most faithfully yours,

JAS. ROBERT GOWAN.

Kensington House, Bournemouth,  
Hants, England, February 2, 1884.”

The Judge's likeness extremely well-executed now occupies the place of honour mentioned in the address of the Council.

The following are extracts from some of the letters received by Judge Gowan on the occasion of his retirement from the Bench.

From the Minister of Justice, Sir Alex. Campbell, 21st, Sept.

“I reported yesterday on your resignation, and the appointment of your successor, but Sir John (the Premier) added, with his own hand, some complimentary remarks to the Order-in-Council for transmission to His Excellency; need I say how heartily I approved. For over forty years the country has had the benefit of your faithful service in the honourable position you adorned, and



you have well earned your retirement. When the Order-in-Council returns from His Excellency I shall have the pleasure in transmitting to you some note of this exceptional expression."

The Premier of Canada, Sir John A. Macdonald, 28th, September.

"Your letter announcing your resignation reached here on the day I was leaving for Kingston to see my sister then supposed to be in great danger, I went to the Council, however, so as to sign the Order accepting your resignation. You will see there a just tribute to your long and faithful judicial service. So far as I know, this is the only instance in which such a testimonial has been given to any Judge of any court, but you have well earned the thanks of the Government and the community. I have pleasant recollections of our intimate personal relations for many years back, and a grateful sense of the great assistance you gave me in the preparation of matters both legislative and administrative. Relieved now from the cares of official life you will be better able to take care of your health. . . . I hope on your return next year to be able to see much of you, and perhaps engage you in some congenial work for the good of our country. . . ."

The Hon. J. H. Hagarty, Chief Justice of Ontario, 25th September.

"I have no shadow of doubt you have acted wisely in abandoning the duty which you have so effi-

cently performed for forty-one years. I wish that others had as fair a record and could as reasonably look forward to retire amidst sincere regrets, as will greet your resignation. I congratulate you that, unlike many others, you have not to cling to official duties because you cannot afford to abandon them. . . . All health and happiness in his well earned leisure to 'the friend of my better days.' "

The Hon. J. G. Spragge, Chief Justice of Appeal (formerly Chancellor) for Ontario, 2nd. October.

"You have certainly earned retirement, if long, faithful and efficient service can entitle any man to it; but I am sorry if impaired health had anything to do with your leaving the judicial seat which you have filled with honour for so many years. We are both veterans in the public service. You with a judicial life longer than mine. You retire with the regret of those you leave behind. . . . My friends tell me I should not be happy if I had not work to do. Perhaps so, but I would fain try, I fancy that you and I have resources enough to prevent our dying of *ennui*. I hope most sincerely that you may enjoy your *otium cum dignitate* for a long time, and that rest and change may restore you to vigorous health."

Chief Justice Sir Adam Wilson, 9th October.

"I see by the papers you have retired from the Bench after a service of the longest judicial term of anyone in any part of the Dominion, and I might safely allow a far more extended area. C.

J. Bowen was nominally on the Bench for fifty years, but for at least ten years before his death never sat; substantially, then, you are the longest holder of judicial rank that I know of, who has discharged the actual duties of his office during the whole period of his term. You have earned your retirement well and have earned it long ago, and all who know you will wish that you may long enjoy the repose you are so well entitled to. I am sure the methodical arrangements you had adopted and enforced from all your subordinate officers, had a very beneficial effect on them as well as others who saw its working and were brought into personal contact with yourself. . . . It is wonderful what the one man can do who has devoted himself to his work and understands what he is about. Your decisions were very rarely up in appeal, the best evidence that they were sound and satisfactory. I do not know if any of them have been over-ruled, and if they had, it would not be an infallible test of their soundness. And now, my dear Gowan, while bidding you farewell as a brother Judge, I hope we may ever continue our friendship."

Sir William B. Richards formerly Chief Justice of Ontario, afterwards Chief Justice of the Supreme Court of Canada. 5th November.

"I first learned here (New York) of your resignation of the position you have so long held with credit to yourself and advantage to the country. We hear a good deal of men dying in harness, and,

no doubt, many holding the judicial office have done so; after a man has worked as hard and as faithfully as you have done for more than forty years, he has the right to seek relaxation; if his health requires his giving up work so much the stronger reason for his doing so. You may properly feel proud, not only of your able and energetic discharge of judicial duty—well warranting the reputation you obtained for sound judgement and efficient service—but also of the voluntary and patriotic aid you were willing and able to lend public men in preparing and revising important measures of law reform, as I very well know. . . .”

The Hon. J. W. Gwynne, Justice of the Supreme Court of Canada, 26th. September.

“I congratulate you on your retirement into your well earned *otium cum dignitate* . . . . And so you are going to England; you will, I trust, not cut Canada altogether. I sincerely hope you will enjoy in improved health that leisure which your long and distinguished labours in discharge of your judicial duties so richly entitle you to. Few men can look back with equal satisfaction on the useful and varied labours of their life. Long, my dear friend, may you live to enjoy your retirement.”

The Hon. Sir Oliver Mowat, Attorney-General for Ontario, 27th September.

“I am extremely sorry you have felt occasion to resign your Judgeship. I do hope the rest will add to your life many additional years of comfort. I

will have great pleasure in continuing you on the Board of Judges and, perhaps, I may be selfish enough to ask your counsel and assistance occasionally in other matters. With thanks for your good offices in the past, and my best wishes for the happiness of you and yours, believe me, etc. . . . .”

Mr. Goldwin Smith D.C.L., 27th September.

. . . . “With the rest of your friends, and with all those among whom your long life of usefulness and honour has been passed, I shall deplore the necessity of your retirement from the Bench; yet I cannot doubt you have done right. An evening of rest and calm never was better earned by a long day of good work than it has been in your case. I have never heard any opinion than one on that subject. If party could let politicians listen to the voice of justice, the acceptance of your resignation as a judge would be followed, as soon as possible, by an offer of a place in the Senate.”

Sir Francis Hincks, the only survivor of the Baldwin-Lafontaine Government at the time of Mr. Gowan’s appointment, 13th October.

“I recollect both the Attorney and Solicitor-General being strongly for your appointment in 1842; the former (Hon. Robert Baldwin) speaking favourably of your legal fitness and sound judgment. I well remember his saying, though you were young, you would do credit to the judicial office. He was right, as your career has proved.”

## CHAPTER III.

## LAW REFORM AND CODIFICATION.

In respect to codification of both civil and criminal Law, Judge Gowan entertained strong opinions, which he endeavoured to impress on public men in authority in the interests of the country; and during his long friendship of over forty years with Sir John Macdonald, he had frequent opportunities of pressing consideration of these views upon that great man. Sir John quite recognized the deficiencies in our system of jurisprudence, and the imperfections in our Statute Law, but he considered that a Colony should move slowly and await action in the Mother-land, especially in the matter of codification, if on no other ground than that of expenditure, but he was always desirous to move in the lines of law reform and to keep pace with improvements from time to time enacted in England; and long before his death he said to Judge Gowan, "Have I not been breaking the ground in revision and consolidation, and following improvements at home?" A review of the legislation he fostered and promoted for some forty years, goes to show his desire for improvement on these lines.

Efforts at general revision of the Statutes had been made as early as 1840. A commission was issued to Chief Justice Robinson, Judge Macaulay,



Mr. W. H. Draper and Mr. J. H. Cameron, requiring them to examine and report on the Statute Law of Upper Canada, from 1791 to the date of the Union of Upper and Lower Canada in 1840. The Commission reported in 1843, giving a mere presentation of the public general statutes, but without any attempt at arrangement or consolidation

Nothing thorough was attempted until 1856, when at the instance of Sir John Macdonald, a commission was issued which made a report in April 1858.

This Commission was directed to Sir J. B. Macaulay, Adam Wilson (afterwards Sir Adam Wilson) D. B. Read, Q.C., and S. H. Strong (afterwards Sir Henry Strong). But in their report the Commission designated their work as in an inchoate state, and not in a condition to be laid before Parliament for action.

What was required, and indeed essential, was a complete, classified consolidation of the whole body of Statute Law in force in Upper Canada, in a shape suitable to be laid before Parliament for enactment, and Sir John Macdonald, who was anxious for a complete revision and consolidation, appealed to Sir James Macaulay to undertake the labour of preparing it, in shape for enactment. Sir James consented, but soon found the task too formidable to accomplish unaided, and in consequence requested the Government to ask Judge Gowan to aid him, stating that he entertained "a



high opinion of the qualifications and abilities of that gentleman."

The Government accordingly requested Judge Gowan's co-operation in the important work, and His Excellency's communication was followed by a personal one from Sir John Macdonald, earnestly urging Judge Gowan to act. He accepted the position and immediately proceeded to join Sir James Macaulay at Toronto, and from that time gave continuous and untiring attention to the work.

In January 1859 Sir James Macaulay made his report, and appended to it was the quarto volume of about eleven hundred pages, which contained the revised consolidation of the Statutes relating to Upper Canada, in form to be substituted by Parliament for the mass of statutes scattered through the Statute Books since 1792. It was a formidable work, well and skillfully done; a monument to the industry, care and ability of those who prepared it.

When submitted to Parliament it was accepted, without debate, as containing the body of the Statute Law applying exclusively to Upper Canada.

Sir James Macaulay bore strong testimony in his letters to the Premier and others, to the value of Judge Gowan's aid in the work. In his official report, after speaking of having solicited the assistance of Judge Gowan, and his consenting to act, he adds:—"He has attended from time to time, at great personal inconvenience, and we have together gone over all the public general Statutes relating to Upper Canada, and also all that portion

of the joint work of consolidation, which belongs to the Upper Canada commission. I have found Judge Gowan animated with the most lively interest in the successful issue of a work, the importance of which he fully appreciates, and I have been greatly assisted by his able co-operation. His knowledge of the statutes, and his familiar acquaintance with the details and practical working of some of the most important, as respects their general and constant use, has enabled me to correct various inaccuracies and to adopt many material amendments. A comparison of the consolidation in its present state, with the form in which it was originally reported, will show the additions and alterations that have been made, including of course, the Acts of last session."

Time has confirmed the judgement of that learned jurist, Sir James Macaulay, when he said:—"I have every confidence that a good work has been achieved, and a desirable basis for future legislation laid. For the able services rendered by Judge Gowan, the Government, the Legislature and the public, as well as myself, are indebted to him."

Judge Gowan again in 1868 and 1869, at the instance of his friend the Premier, lent willing aid in preparing several Bills submitted by Sir John Macdonald to make the Criminal Law uniform throughout Canada. These bills embodied a consolidation of the Criminal Law in force in the several confederated Provinces of the Dominion, with valuable additions and improvements in procedure

and otherwise, and became law in force all over the Dominion. They appear in the Statutes of 1869 covering nearly three hundred pages.

The work was one of great difficulty, for although the Criminal Law in all the Provinces was founded on the Criminal Law of England, many amendments had been enacted, from time to time, by the various Provincial Legislatures, and there existed a great lack of uniformity. The draftsmen embodied not merely the Provincial and Dominion Legislation up to the time, but also a large number of Imperial enactments, either as they stood, or altered to suit the conditions of the country; and even took some valuable statutory provisions from the colony of Victoria, and from the United States of America, besides adding many entirely new clauses. The work, therefore, was not a mere revision and consolidation, but a recast of the whole body of the criminal law, improved and adapted to the new conditions of the country—a work of immense value.

No doubt it was the design of that great statesman, Sir John Macdonald, to prepare the ground leading to codification in Canada, and the late Sir John Thompson must have found the work of 1869, as well as previous consolidations carried out under Sir John Macdonald's auspices, of incalculable value in facilitating the preparation of the great measure of criminal law codification which he was able to place on the Statute Book, "The Criminal

Code," which will couple his name with the achievement of a great and important reform.

Judge Gowan's part in this great work of 1869 had no official recognition; it was voluntarily and gratuitously rendered at the instance of the Prime Minister, as on previous occasions.

Some seven years later, when Sir Oliver Mowat, Premier of Ontario, in 1876, determined on the consolidation of the Statute Law of that Province, Judge Gowan was appointed, with other Judges, on a commission issued for the purpose, and rendered zealous and efficient aid. His appointment was thus commented on by the *Law Journal*:—"We are glad to learn that His Hon. Judge Gowan is on the commission for consolidating the Statutes of Ontario. Probably no man in Canada could be found who is more familiar with the Statute Book, and the experience gained by him when on the commission for the consolidation of the Statutes of Old Canada will be of the greatest benefit. We congratulate Mr. Mowat on securing his services."

For this important service he received the thanks of the Government of Ontario, which presented him with one of the gold medals struck to commemorate the event. This was a valuable and beautiful work of art and a well deserved acknowledgement, for in this, as in other matters referred to, his was a work of love—entirely gratuitous.

Parliamentary law drafting in England is done by official draftsmen and paid experts, but neither

in the Old Province of Upper Canada, nor in Canada after the union of the Upper and Lower Provinces, nor yet in the Dominion after confederation, until recently, was it so done. In the absence of such official aid, Ministers had to prepare their measures unaided, or with such outside assistance from competent persons as could be obtained gratuitously, there being no legal provision for their payment. It was here the special aptitude of Judge Gowan for such work came into play as early as 1842, and his voluntary services in Parliamentary drafting extended over nearly the whole period of his judicial life.

The Hon. Robert Baldwin, the Attorney-General, had come to know Judge Gowan's ability in this way, and he employed him in drafting a measure respecting Municipal Government, and in drafting or revising a number of measures promoted by that gentleman.

Mr. Dent, in his "Canadian Portrait Gallery," published in 1880, makes the following reference to the fact:—"His skill, as a legal draftsman, was such that Mr. Baldwin, who at the time of Judge Gowan's appointment was Attorney-General for Upper Canada, availed himself of his services in preparing various important measures, which were afterwards submitted to Parliament. This was a remarkably high compliment for a young man of twenty-five to receive; but there was no doubt the compliment was well merited, for the measures so prepared were models of compact statutory legislation, and gained

no inconsiderable *éclat* for the Administration. The example set by Mr. Baldwin, has since been followed by other Attorneys-General; and Judge Gowan has thus made a decided mark upon our Canadian Legislation and Jurisprudence."

In 1852, Judge Gowan was appointed by the Crown one of five judges to frame rules and regulations for all the Division Courts. The Chairman of this Board was Judge S. B. Harrison, who was Secretary of State in the Government under which Mr. Gowan had been appointed judge. In 1857, certain judges of the Superior Court were delegated by statute, to settle a tariff of fees for the profession as well as the officers of the courts, and Judge Gowan was associated with them. In 1858, courts were established by statute similar to the English Court of Probate, and with its powers touching wills and administration, as well as the power of appointing guardians for infants and caring for their estates. A commission of three representative judges was appointed by the Crown to carry out the provisions of the law, and was empowered to make rules and orders carrying the law into full and beneficial effect. The Judges named were Chancellor Spragge, Judge Burns and Judge Gowan. The new law had been prepared for the Premier, the late Sir John Macdonald, by Judge Gowan, and it was left to him to draft the necessary orders, rules and forms, and to frame the tariff of fees. His draft was accepted by the other



Judges, and was confirmed by Act of Parliament in the following year.

Sir William Richards, when Attorney-General, cheerfully rendered testimony to the "voluntary and patriotic aid Judge Gowan was willing and able to lend public men in preparing and revising important measures of law reform," In 1863, on Sir William's first appearance, as chief Justice of Ontario, in Mr. Gowan's District, the Grand Jury, in their presentment, referred to the several beneficial measures he—Sir William—had placed upon the Statute Book; in acknowledging which, he stated that he was indebted to Judge Gowan, and he felt called upon to say that the country was mainly indebted to Judge Gowan, with whom the suggestion had originated, and he had reason to believe that other Attorneys-General had availed themselves of the suggestions and assistance of this same indefatigable authority on important measures of law reform.

The Hon. John Sandfield Macdonald, Attorney-General and Premier of Ontario, was another public man who frequently sought Judge Gowan's advice and assistance in measures relating to the courts, and civil and criminal administration. He had conceived the idea of "fusing law and equity," and his Government issued a commission to enquire into the condition of the courts with that in view. Judge Gowan was a member of this commission. The other members were Sir Adam Wilson, chairman, Chancellor Strong and Judges Gwynne



and Paterson, but after considerable work had been done, the commission was superseded before reporting, owing to a change of Government.

Sandfield Macdonald had placed upon the Statute Book some valuable measures; his Act for the speedy trial of criminal offences without a jury, was one of the most important. This Act, however, proved unworkable owing to want of provision for uniformity of procedure, and Judge Gowan was invited by the Attorney-General to confer with him in the matter. A course of action was suggested by the Judge, which was approved, and it was entrusted to the Judge himself to carry out. The result was to make the County Judge's Criminal Courts most successful in disposing of a large part of the criminal business of the country with speed and economy, thus fully justifying its original design.

The following extract from a *brochure* on the "Office and Duties of the Ontario County Judge" published in 1876 will give some idea of the nature and operation of "The County Judge's Criminal Courts" and the large amount of work they performed even at that early date:—"A Criminal Court has recently been established in every county in Ontario. It is a tribunal invested with new and most important powers, namely; without a jury, to hear and determine, with some exceptions, all indictable offences—felonies and misdemeanors—known to the law, save offences punishable with death; but with a right election to prisoners to be

tried by a jury, if they so desire. A very large number of criminal cases are disposed of yearly in these courts, thus greatly reducing the work of the higher criminal courts, as well as the cost of the administration of justice, and, moreover, saving time and money to both grand and petit jurors, as well as to litigants having business at these courts. As the County Judge's Criminal Court is constantly in session, and indeed has power to meet even while the Grand Jury is in session, the accused, if not guilty, is speedily released; if guilty, prompt punishment follows the crime." The work of these courts is promoted by a local Crown Prosecutor, an officer appointed under the admirable system introduced by Sir John Macdonald, of which we shall speak presently.

Judge Gowan enjoyed a warm friendship with Sir John A. Macdonald for about forty years, and constantly worked for him in the preparation of his legal reforms, frequently staying at his residence at the seat of government before each session of Parliament, engaged in the preparation of measures for the improvement of the law and its administration, intended for submission at the following session.

To give even an outline of Sir John Macdonald's law measures would occupy far more space than can be given here, but among the most important drafted by Judge Gowan (several of them his own suggestion) may be mentioned; The Crown Prose-

cutor System\*; The Assimilation of the law of Probate and Administration to that of England; The Improvement and Extension of the Local Court system; and The Common Law Procedure Act. The last named had been suggested by Chief Justice Draper, and the Bill was the joint work of that gentleman and Judge Gowan.

Sir John Macdonald, on many occasions, bore witness, both to his colleagues and to the public, to the value of the aid rendered to him by his friend Judge Gowan. In a letter to the Judge dated 10th, July 1890, he said:—"When I consider all that you have done in the way of legislation for all Canada, and especially for Ontario, I come to the conclusion they both owe you a large debt of gratitude. I, for one, can never forget all you did for me." And as far back as 1866, when entertained by the Law Society of Upper Canada; in the course of a speech made on that occasion,

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\* This Bill introduced by Sir John Macdonald provided for the appointment by the Crown in every county of a permanent resident officer, designated "The County Crown Attorney" a barrister at law of a certain standing, to aid in the local administration of justice. It was one of the most sweeping measures ever passed in Canada respecting the administration of criminal law, and at once accomplished a most beneficial change in the prosecution of crime, and that without trenching upon existing rights. The system has now been long in operation, and, if judged by the results, has amply justified the foresight and wisdom of the great Statesman by whom it was introduced and promoted. Under it the department charged with the administration of justice was at once supplied with confidential agents in every county. The detection, pursuit and punishment of criminals was no longer a matter of haphazard, or left to the individual sufferer, but was confided to trained professional men always *en rapport* with the chief law officers of the Crown.

after paying a tribute to the memory of the late Sir James Macaulay, and acknowledging the assistance he received from Chief Justice Draper, "an able legal draftsman"; Sir John paid a handsome compliment to Judge Gowan "to whom, next to Sir James Macaulay and Chief Justice Draper, I owe a debt of gratitude for assistance," and referring to various enactments said "if you refer to these you will recognize the careful and legal mind and hand of my friend Judge Gowan." As remarked by a graceful writer, "Judge Gowan was a pioneer Judge, he is yet an erudite lawyer and a leading mind in all great law reforms."\*

Some seventeen years later, in a letter to Sir John Rose, Bart., at one time High Commissioner for Canada, Sir John Macdonald showed his abiding appreciation of Judge Gowan's services:—following is an extract: "He is an old and valued friend of mine, and has just retired from his judgeship, after a service of some forty years. During his incumbency he has worked earnestly with the work of legislation and in the improvement of our laws, both civil and criminal, besides helping me while Attorney-General for Upper Canada, and Minister of Justice. He has been engaged in the consolidation of the Statutes of Canada and Ontario. In fact he has worked steadily on the improvement of our laws for years; and he might, had he been so disposed, have gone on the Queen's Bench, or Common Pleas, but he preferred his

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\* N. F. Davin in "The Irishman in Canada."

comfortable and beautiful home at Barrie and his learned leisure. It was fortunate for the country that he did so, for he has had time to prepare laws, as well as to administer them, which he could not have done had he accepted such promotion."

What Sir John Macdonald said and wrote was not merely the expression of a public man acknowledging public and personal service rendered; the most confidential relations existed between the two men, and that entirely unselfish in character; for Judge Gowan neither sought nor expected favours of any kind from the minister, and had, indeed, declined the highest judicial preferment when offered to him, as mentioned by Sir John.

Sir John Thompson in the House of Commons, in the session of 1892, in his speech on The Criminal Code, thus referred to Judge Gowan:—"The attention of Parliament and the public has been directed to the Grand Jury question very forcibly by a member of the other branch of Parliament; a member to whom I am sure both Houses owe a great debt of gratitude for the pains and the care and the attention he has devoted to legislation, during many years of a useful and honourable life. I refer to Senator Gowan."

In the organization of the municipal system of Ontario, the Judge took a great interest, and was rightly said to have largely contributed to its efficient working.

In this connection it will be interesting to quote from Dr. Bourinot's work "Local Government in

Canada," The learned author quotes from a letter written to him by Judge Gowan touching the progress and successful working of Municipal Institutions as established in the Province of Ontario, as follows:—"I have been familiar with our modern Municipal system since it was instituted, and, with the exception of the first statute passed in 1841, had something to do with the preparation and criticism of nearly every amending Act up to the time of Mr. John Sandfield Macdonald's Administration. I was rather opposed to the measure of decentralization—the establishment of Township Councils—which did not work at all well at first. Many of the men selected for some time thereafter had neither the education nor the experience to enable them to work advantageously under the Law, and as respects County Councils, though the number of members was large, their proceedings were in effect shaped and directed by a very few leading men. All that is changed, and the new generation are for the most part trained very fairly in the work of deliberative bodies, first as School Trustees, then in the town and township councils. Above all other things, our excellent school system has diffused the benefits of a sound education and given the new men enlarged views. Without these advantages the Municipal Institutions of Ontario, with their large powers, and the indisposition of men of means to take part in them, would have been ere this a curse to the country. The County Councils are now practically schools in which the men are



graduated in procedure and debate, and taught something of the art of self-government. It is largely from these bodies that aspirants for the House of Commons and Legislative Assembly come. I can remember that in my own county some eight men in this class have, in the course of years, presented themselves for the former body and of these five were elected, and that nine men have been returned out of twelve candidates who offered for the local Legislature. I take some credit to myself for an effort from the first to inspire the body in my own county with a respect for the position. I endeavoured to impress on them my views of the advantage of doing things decently and in order, especially the value of well defined rules of procedure and the importance of a strict adherence to them, and of being governed, in matters not fully defined, by the usages of Parliament. Even in the matter of externals, the County Council of my county has shown a proper spirit, for some forty years ago the Warden assumed gown and cocked hat while in the chair, a usage kept up by all these officials ever since.

“The result of the establishment of local government in Ontario has exceeded my most sanguine expectations. I have on several occasions listened to debates in the County Council conducted with considerable ability, and with as much decorum as one finds in the highest deliberative bodies in the country. The County Council sitting in Barrie is the largest body of the kind in Canada, numbering



some sixty Reeves and Deputy Reeves, and the proportion of fair debaters is quite up to any Legislature I know of. But the number is now too great, that arises from the rapid increase in the population of many municipalities. As good and perhaps better work might be done with half the number. The time is fast approaching when the number must be limited, but it is difficult to settle the proper basis of representation, so marked is the difference in the populations of the several townships and towns.

“Taking it all in all, however, Municipal Government in Ontario is a success, there is nothing elsewhere equal to our system. It has its evils; amongst them the mode of assessment by officers appointed in and acting for each locality. “Log-rolling” is not unusual when the assessment of the county comes to be equalized. But on the whole, I repeat, the system has turned out well, on account of the diffusion of education and the general distribution of property, not to speak of the race of British blood which has developed it. These causes, together with annual elections, have been the great safe-guards for the due execution of the large powers conferred on the Municipal Bodies.”

## CHAPTER IV.

## EXTRA-JUDICIAL SERVICES.

On two occasions Judge Gowan was selected for extra-ordinary judicial service. First:—in the year 1862 in respect to a matter of much public interest. For some years there had been disputes between the Government and the Contractors for the erection of the Parliament Buildings in Ottawa, involving a very large sum; and it was finally arranged that the matter should be settled by arbitration; a Government Engineer Mr. Page, acting for the Government, and the late Mr. F. W. Cumberland, C.E., for the Contractors. It was agreed that the third arbitrator should be an Ontario Judge. Judge Gowan was the first named, and both sides at once accepted him. The parties were represented by some of the ablest counsel in the Country; the Hon. Stephen Richards, Q.C., and the Hon. R. W. Scott, Q.C. (now Senator), for the Crown; and Mr. Thomas Galt, Q.C. (afterwards Sir Thomas Galt, C.J.), for the Contractors. After a lengthy enquiry, the matter was brought to a close by an unanimous decision, and it was admitted on all hands that Judge Gowan, who presided, conducted the proceedings with singular patience and ability. The award so made was not attacked from any quarter.

“The Leader”, Toronto, in its issue of the 24th Aug., 1865, gives a short description of the Parliament Buildings at Ottawa, and makes reference to the arbitration proceedings, and to the circumstances which led up to them; a few extracts may not prove uninteresting:—“The Parliament Buildings at Ottawa are situate on Barrack Hill a high promontory over-looking the river, and commanding an extended view for miles around. The main building faces south, and on each side and lying further south are the two Departmental Buildings fronting each other. The Main buildings have a frontage of 500 feet and an extreme depth of 360 feet. Here are the two Chambers Upper and Lower, both of the same dimensions and style, the floor space 85 by 45 ft., the ceiling 45 ft. high. Around this Chamber and outside of it are galleries to seat 1500 people, with a special gallery for the press. The light comes in from the windows overlooking the galleries and from a skylight. The roof is supported by beautiful marble pillars, known as the Arnprior and Portage du Fort marbles; the large pillars being of the former and the small pillars of the latter, of which there are five or six on each large pillar. The marbles are of different colours and style, and present a very rich and ornamental appearance. The ceiling—as in fact all the ceilings of the buildings—is of panelled fine wood, leaving lights of stained glass with heraldic designs and figures of various kinds in the centre. At night it is intended to be lighted

by about 1200 gas jets outside of the sky window, thus shutting out the heat of the gas and offensive odour. The elevations are now being erected for the members chairs, fitted up at present for only the 130 members, but it may be arranged for at least 190 or 200 members. If the desks were left out, and benches merely, as it is in the British House of Commons, any reasonable number of members could be seated. My opinion is it would be a great boon to the public interest if members, desks were taken away, so that members could not attend to their private business while the House is discussing important public questions. The other rooms in this building that may be specially noticed are the picture gallery 75 ft. by 35 ft. and 30 ft. high. This room opens through a hall into the library, which is circular, being 90 ft. in diameter and 60 ft. in height, with stairs and galleries on the outside of the library proper, through which entrance may be made into the library book galleries. The library is separated from the main building by a passage way and is intended to be fire proof. This portion of the building is not to be finished this year and it may be will not for a year or two. Other rooms are the necessary rooms for the post office, telegraph office, committee rooms, Speaker's room, member's room and rooms for the general officers of both Houses. All the offices have separate entrances. The buildings are well supplied with gas, water and heat; the heating is by steam. The water is

pumped from the river to six tanks in the tower, about 100 feet high, each containing 8000 gallons. The most careful and complete system of ventilation has been adopted, air tubes being placed in the floor of the chambers through which the foul air is drawn downwards into large chimneys and thus carried out, a free and continual supply of fresh air taking its place. The buildings are composed of stone, the doors and windows being cut, the rest having a somewhat rough and uneven appearance. The architecture is principally Norman, with towers from 100 to 225 feet high. The buildings will afford a striking *ensemble* to the beholder when the *débris* is taken away. Having thus briefly described these magnificent structures, the question now presents itself as to whether they can be made ready in time for the meeting of Parliament; I believe they can. In fact the Departmental Buildings are almost finished. The general direction of the works is under Mr. Page, and if the Government instructs him to have them ready, his usual energy will accomplish the purpose.

“There is now going on here the sittings, in one of the Departmental buildings, of the Arbitration between the Government and the Contractors. To understand this subject it will be necessary to state a few facts. Originally the work was let by tender, but after the work was entered upon, under contract, an new idea struck somebody that the foundations should be sunk lower than origin-

ally contemplated at a cost, it was thought, of four thousand dollars; this was ordered to be done, and now it is said the cost has amounted to about two hundred and eighty thousand. So much for one calculation ! In some places it was found that the solid rock had to be excavated 18 ft. to get room enough under ground for the boilers and furnaces besides all the drains, air-ducts and other underground works too numerous to mention. This was ordered to be done, and the contractors had to do it. Then the Government stopped their work, and this is how the dispute arose. I must say I do not think the contractors are one whit to blame. They did as they were ordered by somebody, and by the time they got started above ground there was no contract, and so they have been going on by item work, and schedule of rates for some time. Hence the arbitration to settle disputes and find out how much is due to the contractors; and my opinion is that the contractors will come out at the large end of the horn. The claims extend from the commencement of the work in 1859, to the 1st Oct. 1860, and every item has had to be gone through, and every item has had to be proved, which has occupied about forty days of the sittings of the arbitrators, and will probably occupy at least thirty more. When all will be settled I leave longer heads than mine to determine. The chairman of the arbitration board is James R. Gowan, Esq., Judge of the County of Simcoe. The Government made a very excellent choice in naming Judge



Gowan, his practical knowledge of law, and his gentlemanly firmness, is of great service in the prosecution of the investigation."

The second occasion was in 1873, when grave charges were made in Parliament against Sir John Macdonald, and other Cabinet Ministers, in connection with the contract between the Government and the Canadian Pacific Railway Company—commonly called "the Pacific scandal." The matter was debated in Parliament, and evoked intense party bitterness and profound feeling throughout the country, and ended in the overthrow of the Macdonald Government. The Governor General, Lord Dufferin, acting under the advice of his ministers, issued a Royal Commission reciting the charges made, and directing an enquiry and report.

The Commission was directed to the Hon. C. D. Day, a retired Judge (formerly Solicitor General for Lower Canada), as chairman; to A. Pollette, and James R. Gowan, both Judges on the Bench, the former in Quebec, the latter in Ontario.

The action of the Governor General was seriously questioned by the Opposition press and he was charged with acting unconstitutionally; the leading "organs" made violent personal attacks both on the Governor and the members of the Commission. The Montreal "Herald" said, "As to Mr. Gowan, we are ready to award him the praise of being a highly respectable Magistrate. There is, however, one circumstance which makes his appointment exceedingly indecent; this is, his well-



known friendship for Sir John Macdonald. Another bitter Opposition journal has this to say: "Against the personal character of Judge Gowan, or against his impartiality in his official capacity no one can truly utter a word. We are sorry to find that Judge Gowan has committed himself to the business. He has been too prominent a defender of the Government to get credit for an honest course, or an impartial decision; it will bring nothing but suspicion and may end in losing that public confidence he has so long enjoyed."

Judge Gowan's appointment was challenged on the ground that he was a personal friend of Sir John Macdonald and as one looking for preferment on the Bench. It was afterwards known that he had on two different occasions previously declined such preferment.

The Governor General's despatch to Lord Kimberley, referring to the personnel of the Commission gives probably the true reason of Mr. Gowan's selection; that he was a "moderate reformer," had been thirty years on the Bench, during which time he had exhibited "the best qualities of a Judge," and, after mentioning several appointments and work performed by him, concludes with the observation, "he has been consulted by each successive Attorney-General for Upper Canada since 1842 on the subject of proposed changes in the criminal, municipal and other laws."

It is well known that Judge Gowan most unwillingly accepted the position. He recognized

that the Commission would become a "buffer" between the contending political parties and the Governor General; but he felt that it was his duty to the representative of the Sovereign, in the emergency, to act as confidential agent of the Crown in the enquiry.

The Commissioners although meeting with a good deal of obstruction, pursued the enquiry to the end, and reported the evidence taken before them. They were careful to make all communications directly to the Governor General; for they recognized their position as confidential agents of the Crown, and during the whole enquiry were in close communication with Lord Dufferin. The evidence taken before the Commissioners was used by both parties in the debates which followed in the House of Commons, and Judge Gowan had the satisfaction of knowing that the representative of the Sovereign fully appreciated his services under the Commission, as the following extract from a letter written by Lord Dufferin to the Judge, on the occasion of his nomination to the Senate, will show; "I shall always remember with pleasure my intercourse with you, and the firm and conscientious manner in which you discharged a distasteful duty under trying circumstances."

And some years later in a letter to a mutual friend in Canada Lord Dufferin made further allusions to this political period, "Thank you for what you tell me of my dear old friend Judge Gowan. I have the greatest respect and affection for him. A more

conscientious, honourable and high minded man does not exist, and I owe him a deep debt of gratitude for the part he played during a very critical period of my administration.”

The following is a short account of the so-called “Pacific Scandal” and the circumstances surrounding it. Taken from the public journals of the day: “Canada, during the year 1873, has been the theatre of events, political in their character, which have not only absorbed the attention of her own sons, but have drawn upon her the eyes of the world. When the year opened the Ministers of the Crown were anxiously endeavouring—in order to carry out that great project which Parliament had authorised, which was to unite the distant Provinces of the Dominion by an iron band—to bring about an amalgamation between the two companies which had received, from the last Parliament, Acts of incorporation for the purpose of constructing the Pacific Railroad. In this they failed through the differences between the Companies, and they had then no recourse but to fall back on the power given to them by Parliament of incorporating a distinct Company by letters patent. Directors were selected from all the Provinces and formed into a Board to which the charter was given, under certain restrictions, which effectually guarded against the admission of American control into the Company. Several of the Municipal Councils of Ontario, and the Manitoba Legislature, testified their gratification at the successful inauguration of the

Company by formally congratulating the Government.

The new Parliament met in March, when, after the re-election of Mr. James Cockburn to office of Speaker, Lord Dufferin delivered the speech from the Throne. The Opposition, did not venture to challenge a vote on the Address, and minor questions occupied the attention of Parliament until the beginning of April, when Mr. Huntington brought forward his memorable resolution on the subject of the Pacific Railway. The motion for a Committee of Enquiry was treated as one of non-confidence in the Ministry, and two days notice sufficed to bring to the Capital a large number of politicians from all parts of the country to listen to the animated debate which was anticipated. To their great disappointment, and to the surprise, probably, even of the leading members on both sides of the House, the division was taken without a single speech having been made, and the newly elected House of Commons expressed its confidence in the Government by giving it the majority of 31 in a house of 183 members. A few days afterwards Sir John Macdonald—having proved that he possessed the confidence of Parliament, but being anxious for a full investigation to take place into the charges made by the Opposition—himself moved for a Committee of Enquiry, which was afterwards selected by the House. It was generally considered essential that the witnesses should be sworn, and accordingly the Chairmen of the Com-

mittee, Mr. J. H. Cameron, introduced a Bill empowering all select committees to administer oaths to witnesses when so instructed by the House. Sir John Macdonald expressed his opinion that the measure was *ultra vires*, but offered no opposition to it, and, after considerable discussion, it finally passed both Houses and received the assent of His Excellency. It was not considered desirable to proceed with the enquiry during the absence in England of Sir George Cartier, Sir Hugh Allan and Mr. Abbott, three of the most important witnesses; the Committee therefore, asked leave of the House to adjourn until the second of July, when it was expected that those gentlemen would have returned. The members on the left of the Speaker opposed the adjournment, but it was carried by the same majority as that which sustained the Government on the first vote taken on the question, and the Committee adjourned accordingly. In moving for the appointment of the Committee the First Minister had promised that, if it required powers which Parliament could not give, a Royal Commission should issue to its members clothing them with necessary authority, and in order not to interfere with their responsibility to Parliament, ordering them to report to both Houses as well as to His Excellency. When it was announced just prior to the meeting of the Committee in July that the Queen had disallowed the Oaths Bill, her legal advisers having confirmed the opinion of the Minister of Justice that the measure was *ultra vires*, and that the Committee was con-

sequently unable to carry out the instructions of the House to take the evidence under oath, Sir John Macdonald renewed his offer of a Commission, but Messrs. Blake and Dorion, the two Opposition members of the Committee, rejected the offer, and it was resolved to further adjourn until the 13th Aug., to which day Parliament had in the meantime been adjourned, and to ask for further instructions from the House.

Just after the adjournment of the Committee in July, the Opposition newspapers published a letter from Mr. Geo. W. McMullen, who had been concerned with the Americans, who had failed in their endeavour to obtain an influence in the Pacific Railway Comapny; together with some communications which had been written by Sir Hugh Allan to Mr. McMullen and the Americans whom he represented, before the Government Company was formed. This correspondence created a considerable sensation which was intensified when a second epistle for Mr. McMullen appeared, accompanied by other letters of Sir Hugh Allan, and by what purported to be copies of certain telegrams from Sir John Macdonald to Mr. Abbott, acting for Sir Hugh Allan, these documents, without any explanation, and in the absence of other letters from Sir Hugh Allan to the same parties, seemed to give a colour to the charges against the Government, and the Opposition papers made use of the ex parte statements, which had been published, to urge that the Governor General should not pro-



rogue Parliament on 13th. Aug., according to the agreement, but should allow the House of Commons to discuss and decide the question. In the meantime, however, positive denials on oath of several of McMullen's statements were published by Sir Hugh Allan and others who were implicated, and Sir Francis Hincks and the Ministers also published contradictions.

Petitions against the projected prorogation were widely circulated, but they obtained few signatures. Towards the end of July, it was announced that His Excellency would issue a Commission to certain Judges to try the matters complained of.

On the 13th August the Committee met, and on the motion of Mr. Blake adjourned till the following day without reporting to Parliament. When the Speaker took the chair in the Commons, Mr. Mackenzie attempted to make a speech, but was interrupted by the arrival of Black Rod, who summoned the Commons to His Excellency's presence, when Parliament was prorogued.

A few days afterwards a Royal Commission was issued to Mr. Justice Day, Mr. Justice Polette, and Judge Gowan, three able jurists, authorising them to try the question at issue, to examine the witnesses under oath and to report to the Governor General and to Parliament.

The Commissioners speedily assembled, and on the 4th Sept., commenced to examine witnesses.

Mr. Huntington, Mr. McMullen, and others,



refused to appear before the Commission, but highly important evidence was nevertheless adduced, and the accusers of the Government claimed that the depositions of Sir John Macdonald and Sir Hugh Allan had proved their case. The charge against the Government, however, was wonderfully changed from this time. The accusation of being in league with the Americans and the allegation that the Government had "sold the charter" to Sir Hugh Allan were dropped, and the only charge now made was that the Government had spent money, subscribed by Sir Hugh Allan and others, in the elections of 1872, and thus "debauched the electors."

Parliament was summoned to meet on the 23rd. Oct. and a full house was present when His Excellency delivered the Speech from the Throne. The Address in reply was met by an amendment moved by Mr. Mackenzie which provoked a debate of seven days' duration. The galleries were crowded with spectators, seats on the floor were allotted to distinguished visitors from England, and the civilized world awaited the verdict of the Canadian Parliament. The debate in the House of Commons was one to be remembered. Speculation was rife during the fortnight that the session lasted as to how the vote would result, and what would be the majority, but all difficulties were solved on the 5th Nov. by Sir John Macdonald announcing the resignation of the Ministry. Mr. Mackenzie was immediately sent for, a new Government was formed,

and Parliament was formally prorogued on the 7th. Nov.

The Hon. George Brodrick, Warden of Merton, who was in Canada at that time, in a letter to the London "Times" treats "the Pacific Scandal" episode from an Englishman's point of view, and in an impartial spirit. The following extracts from his letter will give an idea how the affair appeared to an onlooker, in public life, in the Old Country; "Considering how great had been the irritation produced and how sedulously it had been fomented by newspaper writers, the debate in Parliament was on the whole characterized by tolerable moderation of tone and abstention from personality. The language used was indeed more incisive and less measured than we are accustomed to hear at Westminster, and I sometimes asked myself whether the most animated of our Parliamentary speakers would not be regarded as tame and spiritless by the Canadian Legislature. Still, the rules of the game, so to speak, were evidently the same and even when the hitting was the hardest and the wildest, what Lord Dufferin aptly calls "striking below the belt," was very rare. One gentleman went so far as to accuse another of having taken money out of a Provincial Treasury and applied it to electioneering corruption, but when he proceeded to press the matter home he was checked by the sense of the audience. Perhaps Canadian skins are thicker on the average than are developed in the Old Country and in a temperate climate;

certainly the wounds inflicted did not appear to rankle, social intercourse was hardly interrupted, and the combatants met at the Rideau Club on the same terms of friendly enmity as those which prevail among barristers at the circuit mess after the fiercest encounters at court. The whole temper of the debate was distinctively English, and not American. In the most vigorous sallies and retorts there was usually a tacit assumption of honest and patriotic motives, and if few speeches were seasoned with classical quotations, none that I heard was disfigured by ambitious bombast. The only serious departure from the unwritten law of the House of Commons, which came under my notice, was the bold insinuation which was made by Mr. Mackenzie and repeated by another member, that Mr. Speaker had been guilty of "collusion" with the Government in respect of prorogation. But for this violation of the salutary etiquette, I should have carried away the conviction that in all essential points the Canadian Parliament had faithfully reproduced the spirit, as well as the form, of English Parliamentary procedure. . . . After following the evidence with some care and listening attentively to many elaborate analyses of it from a hostile point of view, I feel bound to acquit Sir John Macdonald of having actually sold or conspired to sell the Pacific Railway contracts, either to foreign capitalists, or to Sir Hugh Allan himself. Whatever construction may be put on the letters signed on July 30th.

1872 by the late Sir George Cartier, I see no presumption or proof whatever that Sir J. Macdonald entered into any agreement with Sir Hugh Allan in consideration of his pecuniary aid, while there is conclusive proof that Sir Hugh's expectations were not fulfilled. Nor was any attempt made to show that any part of these large funds was expended in bribery; indeed the Opposition apparently shrank from a general inquisition into the expenditure on both sides at the last election. What is proved, or what is acknowledged by Sir John Macdonald himself, is that, being Prime Minister and trustee of a grand public undertaking, he not only accepted, but solicited contributions for electioneering purposes from a man then seeking to obtain control over that undertaking, and who could not but look for his reward in an advantageous charter. Had the Opposition been content to rest their case on this single point, and to state it without exaggeration, their position would, I think, have been morally stronger. Had Sir John Macdonald anticipated their attack by frankly taking blame to himself for a grave error of judgment in this respect, he might have retained the allegiance of some who most reluctantly declared against him.

“In preferring resignation to defeat, and thereby sparing many of his old followers the pain of actually taking part in his downfall, Sir John Macdonald has probably chosen the course best calculated to hasten his return to power. For the sake of Canada I cannot regret that even *his* great services

and ability have not been allowed to outweigh the paramount duty of vindicating public morality. His unrivalled experience cannot, it is true, be replaced, but in Canada, as in England, it is not expedient that one minister, or body of ministers, should acquire fixity of tenure in office, and an occasional change of Government is by no means an unmixed evil.

“It was inevitable that such a debate as that which I witnessed should incidentally throw some light on the prevailing sentiments of Canadians towards Great Britain and the United States. That which first roused public indignation against the Ministers was not the discovery that Sir John Macdonald had played the part of election agent for the Government, but a false story that a railway, on which the political destinies of Canada were in some degree staked, had been treacherously delivered over to power of an American Ring. Making every allowance for the share which party spirit may have had in stimulating this indignation, I cannot doubt that it was spontaneous and on carefully watching the political drama at Ottawa could not fail to arrive at the conclusion that, for the present, nothing is so unpopular in Canada as American influence. On the future relation of Canada to her powerful neighbor there was less reticence than I should have anticipated, and more than one speaker openly declared, what I had often heard said in private, that in the opinion of all sensible Canadians Independence would be prac-

tically nothing but a step towards Annexation, a measure which no public man in Canada dare to advocate, and which, so far as I could learn, is repudiated by all classes, except a small mercantile circle at Montreal. It is easy to sneer at Canadian loyalty, but if by loyalty is meant fidelity to the Crown as the golden link between Canadians and the Mother Country, of which they habitually speak as "Home," I, for one, believe the feeling to be the main spring of Canadian politics, to have been materially strengthened by Confederation, and to be almost as universal in the Maritime Provinces as in Ontario. The deep attachment to British nationality is not inconsistent with a certain jealousy of British interference with Canadian legislation, such as was manifested in some barely respectful allusions to the opinions of the Privy Council and the law officers of the Crown on the validity of the Oaths Bill. Nor is it to be treated as transitory, because it is difficult to conceive of Canada, with her population quadrupled, still content to be a dependency, or because the law of geographical necessity is supposed to require her junction with the United States. Let us compare realities with realities, ideals with ideals; Canada as it is, has no reason to desire, and does not in fact desire, annexation to the American Union as it is; Canada, as it might be, if Confederation should realize the visions of its founders, may perhaps be still less willing to exchange an almost nominal dependence



on London for a real dependence on Washington, even though Washington should then be the capital of a republic numbering one hundred million citizens. Happily, the disposal of their allegiance rests entirely with the Canadian people, and can hardly become a subject of dispute between Great Britain and the United States. Until the voice of the Canadian nation pronounces decisively in favour of annexation it cannot be the policy of the United States to propose annexation; if ever, and whenever, that day shall come it cannot be the policy of Great Britain to oppose annexation."

## CHAPTER V.

## EDUCATION.

In the cause of Education Judge Gowan had always been an earnest and conspicuous worker, both in connection with the Public School system and with the institutions for higher education. He was chairman for the Board of Public Instruction in his District from 1844 to 1871. The Board for some thirty years performed the duty of examiners for teachers in the Public Schools, and to some extent acted as Visitors and Inspectors. In the year 1871 the system was changed, and these duties were transferred to salaried officers working directly under the Education Department of Government. In 1843 a Grammar School, with State endowment, was established in the Town of Barrie, and a Chairman and Trustees were appointed by the Government, with power to select masters and superintend the general management. Judge Gowan was appointed a Trustee the same year, and afterwards, on the death of the first Chairman, the Rev. S. B. Ardagh, M.A., he was appointed, in his stead, Chairman of the Barrie Collegiate Institute, to which rank the school had in the meantime attained. This position he held until 1892, when he resigned, after almost fifty years' service in connection with the institution.

The following resolution was passed at a meeting of the Board on the 19th Decr. 1892; "In accepting the resignation of Senator Gowan of his position as Chairman of the Board of the Barrie Collegiate Institute, the Board desires to place on record the high sense which it entertains of the service rendered to the Institute and to the educational interests of the community by Senator Gowan, during his long connection with the Board. He has occupied a position on the Board for the long period of forty-nine years, having entered on his duties as Trustee in the year 1843. During twenty-one years of that time he has occupied the position of Chairman, having been appointed to that office in the year 1871. Throughout the whole of this period his services have been rendered with unflinching fidelity and punctuality, while his warm sympathy with the work of the Institute has contributed much to the success of the school and to the comfort of the staff. His thorough knowledge of the law, and his interest in, and acquaintance with the history of educational work in all its relations, were at all times of the highest use to his colleagues, and to the institution of which he and they had the oversight and direction. His genial and judicious conduct in the chair, carried the Board through the frequent perplexities of its work without friction, and with the best results for the duties entrusted to it.\* The

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\* It is a remarkable fact that in forty-nine years this Board had only two Chairmen, the Rev. S. B. Ardagh and Judge Gowan.

Board has pleasure in placing this inadequate tribute to Senator Gowan's work on its records, and, at the same time, expresses its satisfaction that though retiring from the position of Chairman, he has consented in the meantime to continue to occupy the position of Trustee."

The appointment of Trustee was at first, and for some years, made by the Crown, but afterwards this power was transferred to the County Councils; the tenure being three years. Judge Gowan's appointment was invariably renewed at the expiration of every term, until his resignation. On the retirement of Judge Gowan, his successor in office was John A. Ardagh, the senior judge of the county and the son of the first chairman.

"The Examiner" of the 3rd July 1873 gives an account of one of the annual meetings of the Barrie High School, which will serve to illustrate some of the duties of the Trustees; "The Annual Meeting for the distribution of prizes in connection with this school was held on Monday last in the new public school building. His Hon. Judge Gowan, chairman of the High School Board presided, and on the platform we noticed also the Rev. Messrs. Fraser and McDowell, His Worship Mayor Boys, and W. D. Ardagh, Esq., M.P.P. The Chairman in the course of an excellent address, referred to the prosperous condition of the school, and its high standing as reported by the official Inspectors. In speaking of the examinations just closed, he explained that almost the whole of the

work of the senior form had been examined by gentlemen of well known ability, unconnected with the school, thus insuring impartial results. In presenting the prizes to the successful competitors, His Honour addressed kindly remarks to each, encouraging them to persevere in the course upon which they had entered. The head boy's prize, the gift of His Honour himself, was a handsome addition of Froude's History of England in twelve volumes, and was well worthy of the competition it excited. The prizes having been distributed, short addresses were given by the Rev. gentlemen present and by the Mayor, who spoke of his long connection with the public schools, and the satisfaction it gave him to find pupils who had distinguished themselves in the public schools, now appearing as recipients of honours in the High School also. The boys gave three cheers for the Queen and the school, and dispersed for the holidays."

In the "Examiner" of the 24th April 1879 there is an interesting account of the formal opening of the new building of the Barrie High School and a *résumé* of an address by Judge Gowan in which he gives a short history of the school. The following extracts are from the article mentioned "On the afternoon of Monday last a large number of the *élite* of the town, of both sexes, paid a visit to the High School building, which was then to be formally opened. His Honour Judge Gowan Chairman of the High School Board, presided, and dis-

tributed prizes to the successful pupils. On the platform were, Chas. Cameron, Esq., Warden of the County; Wm. D. Ardagh, Esq., Mayor of the Town; Chas. Ross, Reeve; M. H. Harrison, Esq., First Deputy Reeve; ex-Mayor Robt. Simpson; Sheriff McConkey; Wm. Boys, Esq., Secy. of the Board, and the Rev. Canon Morgan, Dean O'Connor, Revs. F. G. Griffin, T. McCormack and J. Leiper, and the Head Master H. B. Spotton, M.A. After the distribution of the prizes suitable addresses were delivered by the reverend gentlemen and others when the proceedings terminated. In the evening a public meeting was held in the Town Hall and was one of the largest gatherings ever assembled in that spacious building. Judge Gowan officiated as Chairman. His Honour in addressing the audience dealt with the rise, progress and present position of the Barrie High School. His Honour stated that the first High, or as it was then called, Grammar School Board, appointed by the then Governor-General in Council, of which the late Rev. S. B. Ardagh, M.A., was chairman, held its first meeting in Aug. 1843. The first teacher was F. Gore, T.C.D., who was selected from a number of candidates and who to his other qualifications, was unsparing in his application of the birch, as was the fashion in those days (laughter). This school was held for years in a room in the Court House. A grant of the present site was obtained from the Government in 1846 and was then in a state of nature. It was cleared and



fenced some two years afterwards. In 1847 it was determined by the Board to erect a wooden structure; but the year following, the trustees having opened a subscription list amongst themselves and other friends, determined to put up a brick school house, the cost being borne largely by private subscriptions from residents of Barrie. This building was finished and occupied in 1849. After the lapse of some few years, an addition was found necessary, and to this the County Council contributed some five or six hundred dollars. The attendance from 1843 to 1849 probably averaged about forty-five pupils. In 1854 a change took place in the constitution of the Board. The Rev. S. B. Ardagh, George Lount, Esq., and the speaker, being selected by the Board to remain trustees, three others were appointed by the County Council. Mr. Gore resigned his position in 1856, when the Rev. W. F. Checkley, M.A., T.C.D., was appointed Head Master.\* Mr. Irwin afterwards was for some short time Master and filled the position most acceptably. It may therefore be said, that three Head Masters have covered nearly the whole period of the thirty-six years the High School has been established. The present Head Master H. B. Spotton, Esq., M.A., was appointed in 1868 and had given every satisfaction to the Board since his appointment as had indeed each of his predecessors.

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\* It was during Mr. Checkley's time that the school achieved an international reputation, having students from the United States and other foreign countries.

His Honour stated that he was the only survivor of the original trustees. He mentioned the following names as recurring to his memory of men holding prominent positions who had been educated at the school; Judges: Ardagh, F. Osler; M.P.'s: Dalton McCarthy, and S. J. Lane; M.P.P.'s: W. D. Ardagh and Wm. Lount; Lawyers: Wilson of Bradford, Moberly and Robertson of Collingwood, W. D. Ardagh, D. McCarthy, Wm. Lount, Geo. Lount, S. Lount (Co. Registrar) and H. H. Strathy of Barrie; J. Creasor (late County Attorney) D. Creasor, and S. J. Lane, of Owen Sound; besides several Engineers of eminence, prominent amongst whom was Mr. Murdoch; then there was Mr. J. A. Strathy, manager of one of our local Banks; all of whom had been successful pupils of our Grammar School. Mr. S. J. Lane, M.P., for North Grey, stands the first on our first list of prizes given in 1844." His Honour referred with pleasure to the fact, that though the Board had been, and was, composed of Roman Catholics and Protestants of several Denominations, these differences had never made their appearance at the School Board; but all had worked harmoniously together for the good of the school.

In connection with Education it must be mentioned, that to Judge Gowan the Profession in the Province of Ontario owes the establishment in 1855 of their first Legal periodical, "The Upper Canada Law Journal," which has continued its prosperous career to the present time.

Prior to the establishment of this periodical, the Profession had no organ in the Province, and those outside of Toronto were at a great disadvantage with respect to judgements in Chambers, which, if they reached them at all, came in a very imperfect form; and, moreover, the decisions of the local Judges were not in any reports, and the value of many of them was confined to a single district. And so with regard to the numerous municipal bodies throughout the country; there was no medium of communication between them; no means of learning anything of their doings, unless a case came up in appeal in the courts at Toronto. There was small prospect, under such conditions, for securing uniformity of practice and procedure.

Judge Gowan thought that if a legal journal could be established, at first mainly directing its efforts to local administration of every kind, much good might be accomplished, and that such a publication would, in the end, lead to something better. He was essentially a law reformer, and he suggested the establishment of such a law publication to the Hon. James Patton, who was then the proprietor of a political journal published in Barrie. After a conference between them it was agreed to publish a monthly law journal, for which Mr. Gowan was to supply all the leading articles, Mr. Patton taking charge of all the details and printing at his newspaper office. The Judge's name was not to appear, but everything in the paper was to

be submitted for his approval. Mr. Patton secured the assistance of his partner, Mr. Hewitt Bernard, afterwards deputy Minister of Justice, and for some years this arrangement continued, until Mr. Patton left the District. The Judge, during the whole of that time, wrote the leading articles, and contributed more than two-thirds of the remaining original matter. Such plant as there was, and all right in the publication belonged to Judge Gowan, and when Mr. Patton and Mr. Bernard gave up the publication, it was handed over by Judge Gowan to Mr. Richard Bernard, Barrister, on similar conditions, and afterwards, when the place of publication was changed to Toronto, Mr. Gowan arranged for its conduct by Mr. W. D. Ardagh and Mr. R. A. Harrison, Barristers. The former of these gentlemen became a Judge in Manitoba, the latter Chief-Justice in Ontario. Finally the publication fell into the hands of Mr. Henry O'Brien, K.C., who was a writer in the journal, and he is now the editor-in-chief. Judge Gowan neither sought, nor obtained, any profit from the publication of the Journal, or from the monies he invested in it. After Mr. Harrison became connected with the Law Journal, Judge Gowan wrote only occasionally for it; but in its early years he used it largely in advocating many law reforms, several of which were adopted by the Legislature and became law.

Under the caption "A grand Old Man" the *Dundas True Banner* on Nov. 20th, 1902, has the

following leading article:—"In an editorial retrospect of the Canada Law Journal it is pointed out that away back in 1854 the prospectus of the enterprise first appeared, and that this prospectus was written by His Hon. Judge Gowan, now Senator Gowan, C.M.G. of Barrie. It is not generally known, even among the legal profession, that it was Judge Gowan who contributed the funds to establish the paper, of which for many years he was the chief contributor. Many matters of law reform advocated by him in the Law Journal were afterwards crystallized into legislation by such men as Sir William Richards, Sir John Macdonald, Sandfield Macdonald and others. Many men who attained prominence in Canada were contributors to its columns, with nearly all of whom Judge Gowan was personally intimate, several of them members of his own Bar.

"The Law Journal is now a fine property and has amply justified its establishment by Judge Gowan, as it has promoted sound and permanent improvement in the law and its administration, and has assisted many a practitioner by timely information and suggestion, although Judge Gowan was probably the only one who never sought for nor received a dollar's pecuniary benefit from it. But there must be some satisfaction to him looking back over a term of half a century to see the good he has done in all these years as a result of his enterprise, liberality and foresight."

With the same unselfishness, Judge Gowan was

always ready to help those engaged in the field of legal literature. He had for some time been collecting material with a view to a work on Municipal Law, all of which he placed at the disposal of the late Mr. R. A. Harrison (afterwards Chief-Justice) when he found that gentleman had undertaken such a work; and he read and revised every page of the "Municipal Manual", and "The Common Law Procedure Act"; as Mr. Harrison, in his preface, most gracefully acknowledged. He also showed the same desire to aid young authors, as Mr. Henry O'Brien in his well-known "Manual on Division Court Law," and Mr. Wm. Boys in his excellent work on Coroners. Both these gentlemen expressed their appreciation by dedicating their works to him.



## CHAPTER VI.

## THE SENATE.

In one of the addresses presented to Judge Gowan on his retirement from the Bench it was said: "We feel satisfied, notwithstanding your retirement from the Bench, that your mature knowledge will not be lost to the country, but that in some shape the community will yet have the benefit of the vast amount of experience that you have acquired during so long and active a public life." This expression proved to be a correct forecast. Mr. Gowan left for Europe immediately after his retirement, returning in the autumn of 1884. He was not long allowed to remain in private life, for within three months after his return he received Her Majesty's summons to the Senate of Canada, and was introduced and took his seat on 3rd Feby. 1885.

The appointment of Senators is for life, and the position is properly regarded as a most honourable one. Indeed, the idea, as well as the intention of a second Chamber would seem to be that such a body should comprise men of high character and position, representing the professional and other prominent classes; men of mature judgment, animated by zeal for the public interests rather than party attachments; men of independent means; in a word, educated, fair minded men, with



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a high sense of honour and true national spirit.

The appointment was offered to Mr. Gowan in a very kind and graceful communication from Sir John Macdonald "At last the opportunity has arrived for which I have long waited, of being able to offer you a Senatorship. That august body is greatly in want of legal ability, and Campbell knows from me of what value you have been to me in years gone by. Macpherson you well know is pleased with the suggestion; so is Frank Smith. When the appointment (if you accept it, which I earnestly hope you will) is announced, it will be put upon the ground of the great benefit it will be to the public to have an experienced *jurist consult*, like yourself, in the Upper House. Telegraph me 'yes or no,' and be sure to say 'yes.' "

The appointment was most favourably commented upon by the public press of all shades of politics: the following selections show the general tenor:—*The Week* an able and thoroughly independent journal, in its issue of 5th Feby, 1885. thus refers to the nomination:—"Judge Gowan is a personal and political friend of Sir John Macdonald, but he has never taken an active part in politics, nor can his appointment be fairly said to be the reward of partisanship. By his long service in the judiciary, and by his liberal and comprehensive views of law, as well as by his character and position, he is well fitted to represent his profession in the Senate, and to play a useful part in moulding legislation, and especially in the codi-

fication of the law. The selection was as creditable as any selection could be in which party lines were not entirely ignored."

*The Canada Law Journal* said :—" The appointment has been accepted by parties of all shades of politics as creditable to the Government of the day, and an honour deservedly bestowed on a faithful servant of our country. We look upon this appointment as the establishing of a happy precedent. A retired Judge in many instances will preserve sufficient mental vigour and physical strength to discharge the duties of a legislator, especially in the less partisan atmosphere of the Upper Chamber of our Dominion Parliament. The appointment of Judge Gowan opens up a new and useful field for men of this class, in which the ripened experience and trained ability of some of our ablest judicial minds may find congenial occupation, and at the same time afford an honourable and fitting termination to many eminent careers."

*The Examiner*, a leading local Reform journal, has this to say, "No one will question the eminent fitness of his honour Judge Gowan to be a Senator of the Dominion, even though that body were the most important branch of our legislative system. His known ability as a jurist, and his intimate acquaintance with all the varied needs of this great country, peculiarly fit him for Senatorial honours, or to hold a portfolio in some Government. And although it is many a long year since Senator

Gowan took any part in Canadian politics, he has, as his friends are well aware, kept abreast with the times, and is really better posted on the leading political and social issues of the day than many an M.P. He has had, too, the advantage of having been able to take a dispassionate view of all questions before the country; and in this respect, as in some others, Senator Gowan will compare favourably with "Bystander" in the view he takes of the measures agitating the country, for his mental vision is not obscured by Old Country notions or prejudices. He is gifted with a robust intellect, and so can never become a mere party man. He will, in fact, be as much an ornament of the Senate as he has been of the Bench these forty years past. We heartily congratulate Judge Gowan on his appointment to the Senate, and hope he may be spared many years to do the country further service in his new sphere of usefulness."

*The Manitoba Free Press*, also an Opposition journal, after a brief sketch of Judge Gowan's career, says: "He is credited with being the author of a large amount of useful legislation before and since Confederation; and is known to have more than once declined preferment on the Bench. He has always had the good will of, and possessed influence with, every Government, local or general, which has been in power since his appointment. His ability as a jurist and his general practical knowlegde of business, and latterly his long experience, added to a great capacity for work, have



in many instances enabled him to render valuable services to the Government of the day, and to the country. His call to the Senate must be looked upon as a recognition of merit rather than a political appointment."

"It is almost unnecessary to add" said the *Toronto Mail*, "that his elevation will give general satisfaction; a profound and experienced lawyer, he also possesses a wide acquaintance with all the leading issues of the day."

"There is not a man in the Dominion," said *The Barrie Advance*", "better fitted to do the duties of a Senator and to add dignity to the Second Chamber. His scholarly bearing, his vast legal attainments, and the dignity and suavity of his manner, will make Judge Gowan a real acquisition in the Canadian House of Lords."

One quotation more; *The Irish Times* of Feby. 19th, "It is with much satisfaction we learn from the journals of Canada, received by the mail delivered yesterday, that on the 3rd of the present month, a distinguished Irish jurist, who had before attained the highest distinction in Canada, for many years in a judicial capacity, and more lately as a principal commissioner for codifying the laws of the Dominion, has been raised to the dignity of the Senate of Canada by Command of Her Majesty. The Hon. James Robert Gowan is a native of the County of Wexford, and a gentleman of genius and experience. The universal respect in which the new Senator is held, and his conspicuous fitness for

the council room of a great State, must be a matter of pleasing record for all Irishmen, who delight to hear of the superior display of talent and energy by their countrymen abroad, of the success which attends them in the noblest walks of life, and the usefulness to society of the career in which they have risen to eminence."

Senator Gowan heard also from a number of old friends, in congratulation; extracts from a few of these letters will be of interest;

The Hon. James Patton, at one time leader of the Bar in Judge Gowan's courts, afterwards Solicitor-General; wrote 28th Jany.:—"To-day's *Mail* announces your appointment to the Senate; I hasten to congratulate you on the high honour. Few men have done so much for their country by pen and speech as you during the past forty years, and the appointment will be welcomed as a deserving recognition of your great and philanthropic labours. Long may you enjoy your position in the Upper Chamber, as you will unquestionably shed a lustre on the debates and add to its usefulness. I could not resist writing to Sir John and telling him how well he had gauged public sentiment in seeking the benefit of your wise counsels, ripe and varied experience and calm deliberate judgment."

Sir Wm. B. Richards, ex-chief justice Supreme Court of Canada, 20th Feby.: "I congratulate you upon your appointment, inasmuch as it affords you honourable employment, in which your talents and experience will be usefully and profit-

ably employed in the service of your country. Your appointment will be well received, it is just of the kind designed by the framers of the Constitution in their aim to secure for the Second Chamber independent, thoughtful, representative men."

Mr. Goldwin Smith, D.C.L.; 21st Feby.,—  
"You may be sure that though many will rejoice, none will rejoice more heartily than I do. This is indeed a new departure, and I only hope there will not be a return to the old path. Reform, I have sometimes thought, might make the Senate the better house of the two, but reform there must be! And, perhaps, when you and a few like you are there, there may be hopes of that which now seems hopeless. The great drawback is the three months residence in Ottawa, but this to you will have its compensations."

Sir Matthew Cameron, Chief Justice Court of Common Pleas, 25th. April,— "Your appointment to the Senate gave me great satisfaction. I was absent when the notice first appeared, but I hope you will permit me now to say, your acceptance of this well merited honour gave me the greatest pleasure, in the assurance the country would be more to be congratulated than yourself, as the gain would belong to it, while the trouble would be yours. I hoped, however, that moulding our laws, as well as expounding them, might form not a wholly uncongenial pursuit, and that you might derive some pleasure in the passing of

laws, as the country derived benefit from your able exposition of them when on the Bench; and that the leisure your retirement gave you might thus be utilised in the promotion of your enjoyment of your remaining years, as well as advancing the interests of the country."

Sir Oliver Mowat, Premier of Ontario, 3rd Feby.:—"Your appointment gave me much pleasure. I have no doubt your presence in the Senate will be of great service to the public, and I hope you may find a couple of months every year attending Parliament to be agreeable to yourself, and that you may give many years to the active discharge of your Senatorial duties."

The Right Hon. Sir John Rose, sometime member of the Canadian Government, 20th. Feby.:—"I was much gratified in the announcement contained in the Senate Minutes I received yesterday; and I am equally pleased that our friend Sir John has so becomingly recognized your past services. I anticipate much advantage to the public interests from the mature judgement and good sense which you will bring to bear on all matters affecting the public interests. My sincere wish is that you may long live to enjoy your new position and add to your public usefulness."

Mr. W. E. Hartpole Lecky, D.C.L., 21st. Feby.:—"I must congratulate you most sincerely on your new Senatorial dignity. It is a worthy crown of a long and honourable career, and I sincerely hope you may live long to enjoy it."

Sir Robt. G. W. Herbert, Permanent Under-Secretary for the Colonies, 20th. April :—  
“I was much pleased to learn that you had been summoned to the Senate, and I feel that Canada is as much to be congratulated as yourself on the wise decision of Sir John Macdonald to make your great experience and sound judgment available to the public in this manner. I trust you may find opportunities for taking an active part in public business, as there are many matters in which your experience will enable you to be specially useful.”

The Most Hon. the Marquis of Dufferin and Ava, formerly Governor General of Canada:—“I was glad of your kind thought in letting me know of your promotion to the Senate. I sincerely rejoice at your merits being so recognized. You have deserved well of your country, and of what can a man be prouder, and in the Senate you will deserve better of it still.”

Amongst all the congratulations offered to the newly appointed Senator, there was one that seems to call for a fuller notice, namely, the Address from the Council, the great representative body of the judicial District in which Judge Gowan had resided for so many years, and the following account is condensed from reports of public journals representing both political parties in the county. The Council lost no time in congratulating his Honour Judge Gowan on his elevation to the Senate. On the 6th. Feby. 1885, at four o'clock in the afternoon, the Council assembled and shortly afterwards

the newly appointed Senator entered the Council Chamber, and was conducted to a seat beside the Warden; the members and numerous visitors rising at his entrance. The Address was read by the Warden, as follows:—"We, the members of the County Council of the County of Simcoe, have heard with extreme gratification that you have been called to the Senate of the Dominion of Canada, and we cannot allow the occasion to pass without extending to you our sincere congratulations on the high honour you have received. We feel, both personally and collectively, that no better selection could have been made, and we heartily trust that you may be spared health and many years to enjoy your proud position. We venture to express the opinion that the intention of the founders of our Senate has been fully carried out in elevating to that distinguished assembly so eminent a public servant as yourself. You will bring to that body a mind highly cultivated and trained by judicial experience of more than forty years, and never having taken a prominent part in the political warfare of the country, you will adjudicate on matters brought under your notice impartially and without bias. Having assisted in the consolidation of our laws and being instrumental in framing many of our statutes which, by their permanence on the Statute Book, testify to the thoroughness and foresight with which they are framed, it may safely be predicted that, in your new and exalted sphere, the country will gain the benefit of your



mature experience in compiling other enactments equally advantageous to our Dominion at large.

“We have no doubt that the Chamber that you are now henceforth to occupy, will not only receive additional lustre from your presence, but that your wise counsel and clear intelligence will mould their discussions and affect the result of their deliberations in a marked and beneficial degree.

“As representatives of this large District, we feel a pride, reflecting that the advice and counsel you always so freely accorded us, and which we were always willing to be guided by, have been recognized to be of such worth—recognized by the highest authorities of the State. And we trust that the wise and prudent advice so inculcated may ever be handed down to future representatives as a priceless tradition, never to be forgotten.”

The Senator replied verbally, with a good deal of feeling—naturally, for he stood in the presence of prominent men who had known him for years, amongst whom he had spent the greater part of his life, and fulfilled the duties of the judicial position. He returned sincere and hearty thanks for the honour, said it was specially gratifying in view of its being unanimous, and because it represented, even in committee, men of various political convictions coming from all sections of the District. The Senator, continuing, said:—“Mr. Warden and Gentlemen—I would gladly take you into my confidence if I had anything to impart; but you know almost as much as I do in respect to my appoint-



ment. On Monday last, I had the first intimation that it was desired I should take a place in the Senate. It was wholly unexpected by me, and I need scarcely say I never sought it. The offer was entirely spontaneous, and after seeing the few friends I could consult—seeing that a prompt answer was necessary—I determined, with some misgiving, to accept, for I could only bring to the place a residuum of former energy, and much could not be expected in a man not far from three score years and ten. Why the appointment was offered to me I can only surmise. I had neither suffered nor bled in political warfare; had not even drawn the political sword, if for a short time in early life, I was in the heat of a political blaze, more than forty years in the quiet shade was sufficient to remove dye or freckle. I had no claim of this kind to bring me into notice. Several members of the Government had known me for years, and I have for them a warm personal regard and respect, specially for Sir John Macdonald, with whom I had more contact and for whom I occasionally worked, as you know. But public men are not, and ought not to be governed by personal feelings, and so I must surmise it was some supposed aptitude for the position that led to my selection. You are good enough to think the intention of the founders of the Senate is fully carried out by my appointment. I hope you may be right. It is, at all events, most grateful to me to know that the action of the Government so far as concerned me, meets

your unqualified endorsement—a most valuable endorsement it is, from the freely chosen representatives of a District with a population, not very long ago, exceeding that of two Provinces in the Dominion, and now not far behind that of Manitoba and British Columbia together.

“You are pleased to say I may have some influence in the Senate. The utmost I hope for is to be of some use in a quiet way, and as I fancy the best part of the work in deliberative bodies is done in committee, a place of usefulness may be found for me—it is my only aim and will be my reward. If I find in the body to which I shall have the honour to belong, as much earnest, well directed effort as amongst you, I shall be content.” In conclusion, the new Senator again thanked them for their kind and courteous words, and their promptness in endorsing his appointment by valuable and deliberate testimony.

The Hon. Senator, after greeting warmly several members of the Council, retired amid great cheering. It was a magnificent and well deserved ovation by men of all parties, representatives of the people, to an eminent man who deserved well of his country—an honour few men could boast of, few could receive without being deeply touched.

It rarely falls to the lot of anyone occupying a judicial position for over forty years to receive from public representatives of the people, men who knew him well, such a flattering demonstration of respect and regard. It may be mentioned that the

address presented was subsequently engrossed and illuminated in high art, in a magnificently bound volume, and transmitted to Ottawa to Mr. Gowan. His acknowledgement addressed to John Dickenson Esq., Barrister, one of the Reeves, and chairman of the committee appointed to prepare the address, afterwards appeared in the journals of the Council. "I never saw," said the Senator, "anything of the kind better done or in better taste, both as regards binding and illumination. Sending it to me here has enabled me to show to Senators and others this mark of your regard. It was greatly and universally admired. Need I say 'the Senator from Barrie' was gratified in the fact."

Senator Gowan's appointment was not the reward of partisanship. He himself said that the offer was entirely spontaneous. As stated by *The Canada Law Journal*; "with no political ambition to gratify, with no selfish purposes to serve, with means sufficient to make him thoroughly independent of any temptation to office, he is just the sort of man one likes to see in the halls of the Legislature. His recommendation for the position was the record of a long and useful life, with abilities and experiences far above the average. He will bring to the discharge of his legislative duties a calm, highly-trained judicial intellect, a mind well stored, not only with legal lore, but with a large fund of general information, which cannot but make him a most useful member of the Upper House."

The appointment came to him unexpectedly

and unsought, and there was not one member of the Senate more thoroughly independent than he. In a speech he made on the Franchise Bill, he indicates his views on this point: "Men summoned to the Senate are reasonably taken from amongst those whose views are in the main in accord with the Government of the day, and because of some fitness for the position. Will the most rabid politician contend for a moment, that anyone appointed to this honourable body, in accepting the summons, forfeits the right to think for himself in any measure that may come up, or surrender his conscience to the sway of party, however much he may differ from his party on the particular case—of course not; the Senate could in such case have no attraction for an honest man."

These are not the sentiments of one bound hand and foot by party, but of a man prepared to take a dispassionate view of all questions before the country.

When Senator Gowan entered Parliament, he was in his seventieth year, and had behind him nearly half a century of unremitting work, but his active mind impelled him to fresh exertion in a new sphere of usefulness. In his first Session, that of 1885, he was appointed to three joint committees of both Houses, namely, on the Consolidation of the Statutes; the Library and on Printing; also on Standing Orders and Private Bills, as well as several special committees. He acted as chairman in three out of the six divorce cases in the session of that

year. He introduced four Bills into the Senate, three of them for amending the criminal law. Three of these passed the Senate, but the fourth was rejected—only by a majority of one. It received, however, the support of the Minister of Justice and the leader of the Opposition.

Mr. Gowan's name appears frequently in the debates, when he spoke not merely on the Bills he introduced, but on many others, notably the Northwest Property Bill, the Franchise Bill, the Maritime Court Bill, the Criminal Evidence Bill, The Temperance Act Amendment, and on questions of Divorce practice. His usefulness indeed, drew from both parties many expressions of approval of his appointment. Senator Power an eminent lawyer from Halifax, and a member of the Opposition, speaking on a bill introduced by Mr. Gowan, said: "I think that this Bill, and two others which we have had before us already, go to show the wisdom exhibited by the Government in placing the honourable member from Barrie in this Chamber. From his position, my honourable friend learns what the defects are which the Judges who are now on the Bench, find in the criminal law, and he is able, from his own experience, to recognize defects that have existed for some time. Legislation such as he has introduced, is just the kind of work which is calculated to give the Senate weight and respectability through the country; and I think that measures of this sort do us a great deal more service in public estimation than debates, extending no matter

how many weeks, on the general question of our utility."

In the sessions of 1886 to 1889 he was a regular attendant, actively engaged in the business of the House and taking part in the debates, and speaking at considerable length on important questions touching legal matters. An examination of the journals of the Senate shows that he was, indeed, no idle member.

In the Session of 1888 he succeeded in carrying a very important scheme of reform, which deserves more particular notice. Early in that Session, in an exhaustive and judicious speech, he drew attention to the subject of Marriage and Divorce in Canada and the United States, showing emphatically that the fact that each State of the American Federation has sole jurisdiction over the subject, and has given the courts full power to grant divorces, has tended to the loosening of the marriage tie, and has been most injurious in that way to the morals and the sanctity of home life, on which depends so much the happiness of peoples.

Under the power given by the British North America Act, the Parliament of Canada has exercised itself since Confederation in passing numerous Acts for the dissolution of marriage; but the system of procedure concerning Divorce Bills was incongruous, tedious and unsatisfactory, and a subject of constant reproach. The investigation of a case was divided between the House and a Committee, which was almost always selected by the promoter



of the Bill, and the hearing of the evidence was conducted without regard to any settled rules of evidence. The rules of procedure were embarrassing to the practitioner, to officers, and to all engaged with administration. Moreover, they did not effectually guard against imposition on the House. The radical defect in the mode of appointing the committee to enquire into the facts was severely commented upon, and numerous complaints found expression within, as well as without, the Senate Chamber. It became evident that a reform was necessary. The work of reform was undertaken by Senator Gowan, and earnestly pressed on the consideration of the Senate. His scheme was entertained and the subject referred to a special Committee, embracing men of large parliamentary experience and the best legal ability in the House.

The subject was fully and carefully discussed in all its details by the special Committee, and afterwards by a Committee of the whole House. The body of rules submitted by Senator Gowan was finally, with some alterations, adopted by the Senate on the 11th. April 1888; the old rules being rescinded. These rules and orders placed procedure for divorce on as sound and satisfactory a footing as was possible without special legislation of a radical character.

This brief account of the matter sufficiently shows the necessity for the reform carried out, and



its beneficial results have been proved in the test of actual working.

The press throughout the country were warm in praise of Senator Gowan's efforts. *The Presbyterian Record* of Montreal said:—"Hon. Senator Gowan of Barrie deserves the thanks of the whole community for his well directed efforts to place the law of divorce on a more satisfactory basis than hitherto. No right thinking Canadian would like to see the lax procedure instituted in this country that has been so prolific of infidelity betwixt man and wife in the United States. Whatever views we may hold about the question of divorce, all must agree that the marriage tie should not be dissolved for light reasons, and that the utmost prudence should be exercised in dealing with applications of that kind. If we understand Mr. Gowan's position aright, he would have a carefully selected standing committee of the House appointed, who would be expected to give special attention to such applications, and who would in course of time become as it were 'experts' in dealing with them. He believes that all enquiries in such cases should be conducted in private, and that as regards expense the provisions of the law should be accessible to rich and poor alike."

*The Evangelical Churchman* of Toronto:—"The family is the foundation of the State. If family ties are loosened, if the sanctity and purity of the home are tampered with, social degradation and political demoralization must follow. It is of the

utmost importance that the laws which regulate the family relationship should be jealously upheld. . . . We rejoice therefore that the Hon. Mr. Gowan, has earnestly pressed the matter upon the Senate. The present procedure is defective and unsatisfactory. The power of divorce is entrusted at present to the Senate. Whether it remains there, or is committed to a special Court, every precaution should be taken to ensure justice, to vindicate the purity of the marriage relationship, to preserve the sanctity of our homes and to protect the country against a disastrous facility of divorce."

The Kingston Presbytery passed the following resolution:—"Whereas the Constitution of Canada has conferred upon Parliament the power of granting divorces; and whereas the existing law in this matter, so vital to society, should be administered according to the best methods and as inexpensively as possible, so that there may be no distinction between the different cases that are adjudicated upon, or between rich and poor who may require relief; and whereas the existing rules and orders are confessedly imperfect and liable to great abuse; this Presbytery expresses its hearty approval of the action of the Hon. Senator Gowan in calling attention to this important subject with a view to place the proceedings for divorce in Parliament on a more satisfactory footing. And the Presbytery trusts that the special committee which has been appointed will be able to recommend such reforms in the existing procedure as shall satisfy Parlia-

ment and the Christian sentiment of the people.”

*The Barrie Examiner* expressed the opinion that “the entire press of the country, irrespective of party, are supporting Senator Gowan’s motion in the Senate for the appointing of a committee to frame new rules and orders touching applications for divorce before the Senate.”

Dr. Bourinot, from whom we have already quoted, referring to the fact that “it had been frequently urged that time had come for removing the trial of these cases from the legislative tribunal to the courts of law” adds; “perhaps there may have been some reason found for the argument in the relatively loose procedure which existed in the Senate previous to 1888; but it can now be urged that the improvements, which have taken place in that procedure under the energetic and learned supervision of Senator Gowan, in a great measure removes the objections that have been advanced against continuing so important a subject under the jurisdiction of Parliament.”

Judge Gowan had many years prior to this date expressed the opinion that Grand Juries might with advantage be dispensed with. In an address to the Grand Jury at the Barrie Sessions in December 1877 he showed that since the establishment of the local Judges Criminal Courts only a small proportion of the prisoners committed pass before a Grand Jury. We give some extracts from this address:—  
“For some thirty-four years as Judge of a criminal court I have watched the working of this insti-

tution and am convinced that in this country it no longer serves any useful purpose. A secret and practically irresponsible tribunal, it may be made to serve as a block to a proper prosecution—a screen to an offender who has been sent up for trial after an open enquiry before a magistrate; and I am not aware of any case in which it has served as a bar to an unfounded prosecution, wherein the sole agency of a Crown Prosecutor would not have accomplished the same thing. But I am strongly of opinion that Bills have been ignored, and charges suppressed that in the interests of public justice and, indeed, in the interests of the persons charged, if innocent, had better have been disposed of by public open trial. . . . It seems to me that a trained officer of the law, one not in a position to divide the responsibility for his acts with any one, would be a better intermediate between commitment and trial in the public interest, and the safe one for the accused, if innocent. Until 1857 no such officer existed, but the County Crown Attorneys Act supplied the deficiency, and I am satisfied that these officers might, with safety, be entrusted with the execution of all that is necessary to retain of the functions of a Grand Jury, and they are so entrusted by law in the Judge's Criminal Court. . . .

“The Grand Jury is an ancient institution, no doubt, but many usages and laws which existed for centuries have of late years been swept away both in England and here, and the public gain thereby has been clearly recognized. In fact the

day has gone by for the worship of legal idols, the cunning work of remote ages, and why not part with this costly relic of the past, if its vital usefulness has passed away.

“I am persuaded that, if this subject be fully investigated, it will secure action by Parliament substituting for this secret and irresponsible tribunal, some other machinery more in accordance with modern views.”

*The Evening Telegram* of 3rd. Feby. 1888, referring to the subject said, “Amongst those who have taken the most advanced ground in favour of abolition of Grand Juries is Judge Gowan, who may be said to be the pioneer in the movement. Chief Justice Harrison was also a strong advocate of this reform, and during his incumbency of a seat on the woolsack said much in favour of it. The ground these two Jurists took is precisely the ground which has since been taken on the same question by the London “Times,” where the case of Sir Francis Truscott, the approximate Lord Mayor of London was found guilty by a Grand Jury, in his absence from the country, of a libel of which he was entirely ignorant. But on the other hand, there are several Judges who stand up for the Grand Jury, Mr. Justice Cameron among the rest, and who seem to think that any interference with the judicial machinery would be a mistake. But this is a very old fashioned view to take of the matter, and if applied to all other matters, there would be no progress made at all, and our great grandchildren would find

the world precisely where our great grandfathers left it. In these days with a watchful press, and an Act on the Statute Book for the punishment of persons who institute malicious prosecutions, judges who are with scarcely an exception independent of every improper influence, the means of bringing the conduct of officials before Parliament, and the success which has attended the change whereby the preparation of criminal charges is made by the County Crown Attorney in the courts wherein the judge acts without a jury—two-thirds of the criminal charges being now preferred in this way ; with all these helps and securities, there really appears to be no good ground for retaining the Grand Jury system, but on the contrary, good ground for transferring the few duties peculiar to it, and which are worth retaining, to a public prosecutor acting under and responsible to an Attorney General.”

It was entirely natural, therefore, that when Judge Gowan became a legislator he should bring the question into discussion, and so, early in the Session of 1889, he “called the attention of the House to the supposed uses and to the actual working of the Grand Jury system in connection with criminal procedure in the several courts of Canada; also to the value and importance of the Ontario County Crown Attorney system in the same connection.” And he asked “if the Government had had under consideration the propriety of submitting a measure to Parliament for the abolition



of Grand Juries, and substituting therefor some general system of public prosecutors similar to that which exists in Scotland; or, whether the Government had under consideration the desirability of extending the benefits of the County Crown Attorney system, in connection with criminal procedure, to all the Provinces of the Dominion."

In submitting the question he delivered a long and carefully considered Speech, covering the whole ground. This Speech occupied more than twelve pages in Hansard, and was copied at length in the newspapers, and much commented upon.\* The

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\*The people of our country are watching with keen interest the career of the Hon. Senator Gowan in the Dominion Senate. When it became known that Judge Gowan was to be appointed Senator, everybody who knew him at once recognized his peculiar fitness for the position and augured an active and useful career. That expectation has been fully realized; and every one who knows what the Senate is, and what the Senate might be, feels how great is the misfortune that it contains so few like Senator Gowan.

The people of the county do not need to be told what Hon. Mr. Gowan's views are in regard to the Grand Jury system. Senator Gowan is the last man to touch an Institution that is hoary with age, unless profoundly convinced that its usefulness is gone. Nor even then would he touch it, had he not a satisfactory substitute to propose. . . .

Nothing can exceed the fairness with which the question is discussed. The judicial spirit reigns throughout. It is frankly admitted that some eminent judges regard the Institution with favour. Senator Gowan explains that his purpose is at present to call public attention to the system. His indictment is so clear, so full, so convincing, that we fancy few will rise from the perusal of it without feeling that Senator Gowan is right, and that the Grand Jury, far from being a bulwark of freedom, is not unfrequently a means of serious miscarriage of justice. *The Barrie Examiner*, March, 1889.

Senator Gowan is to be congratulated on his admirable presentation of the case, evidencing as it does that careful research which characterizes all his work, and indicating that in accepting a position in the Senate he is making it the means of rendering a ripe experience beneficial to the public interests. *The Empire*, March, 1889.

matter elicited a full reply from the Hon. Mr. (afterwards Sir John) Abbott, then leader of the Government in the Senate, indicating a general assent to Senator Gowan's views, with an expression of doubt as to whether public opinion was ripe for the change.

The Honourable Mr. Scott, leader of the Opposition, recognized Senator Gowan's careful study of the subject; "I listened" said he, "with a great deal of interest to the observations which fell from the Hon. gentleman who brought this enquiry under the notice of the Senate, and he, no doubt, has given it a very exhaustive study, and his experience from the position he held before he came to this Chamber, gave him a very large opportunity of studying this question." The Hon. Mr. Kaulbach said: "I will not occupy the time of the House in making any extensive remarks but I am sure we must all be thankful to my learned friend from Barrie, for having brought this matter before us in the elaborate way he has done. He has shown us that there is a great laxity in the prosecutions for the Crown before Grand Juries, and miscarriage of justice in consequence."

The subject came up in a subsequent session, and was referred to by Sir John Thompson, in moving the second reading of his Criminal Code in the Session of 1892. The subjoined extract from his speech will show how entirely the Premier and Minister of Justice was in accord with Senator Gowan's views, as expressed in the latter's speech

on the subject in 1889:—"The attention of the public has been directed very considerably to one change, which was mooted in connection with the reorganization of the law relating to criminal matters and criminal procedure, and that is, the proposed abolition of the system of indictment by Grand Jury. The attention of Parliament and the public has been directed to that question very forcibly, indeed, by a member of the other branch of Parliament, a member to whom, I am sure, both Houses owe a great deal of gratitude for the pains and the care and the attention he has devoted to legislation during the many years of a useful and honorable life. I refer to Senator Gowan. He moved in the matter a year or two ago, and it was thought best that the attention of the public should be drawn even more strongly to the question than it was by the remarks he made on the subject in the Senate. The result was, as the House may remember, that a circular was sent to all the judges in the country who have permanent criminal jurisdiction, and, indeed, all the officers charged with criminal prosecutions, calling their attention to the change which that learned gentleman thought desirable, and asking their opinion as to its propriety and expediency. It was felt that the opinions of those who are connected with the administration of criminal justice and have its care, from time to time, would be of great assistance to Parliament in framing any change that might be thought desirable; and we have in response to that circular a

great number of replies, most of which have been published, and some of which have come to hand since the publication of the returns by order of Parliament. The opinions upon that subject by those who were thus addressed were very divided indeed. Most of the Judges, who are accustomed to administer justice without juries, in ordinary proceedings, were in favour of the change; the others were divided upon the subject; and it is impossible to deny, in view of so strong a division of opinion on the subject, that it seems unwise in connection with this measure, to force that provision on the attention of Parliament at present. I must say that I concur personally in the opinion expressed in another place by the learned gentleman to whom I have made reference, and I think in many respects the administration of justice would be improved, if we dispensed with the intervention of Grand Juries."

The Senator did not attend the Parliamentary session of 1890, having spent the winter of 1889-90 in Egypt and Palestine. But in the sessions of 1891-2 he was again in his place and taking an active share in the work of the Senate. The work, however, to which he gave untiring devotion was as chairman of the select committee on divorce; a most important tribunal of Parliament; for under the legislative system of parliamentary divorce in Canada, all bills of divorce originate in the Senate, and under the rules of procedure Senator Gowan had introduced, all bills of divorce

are referred to this select committee, for investigation and report. The duties of this committee are similar to those performed by the Court of Divorce in England in respect to the investigation of the allegations upon which the relief is sought, and what relief is to be granted, involving often difficult and delicate enquiries as to law and fact. The cases are conducted before the select committee by counsel, and with the formalities observed in a court of justice; the parties and their witnesses appearing and being examined *viva voce*. The report of this tribunal though not conclusive, is almost without exception accepted by the Senate and House of Commons to found the Act of Parliament upon it. Upon this committee the Senator must have found himself at home, and for four sessions, up to that date, he acted as chairman of this select committee of divorce.

Senator Gowan was first elected chairman of the Divorce Tribunal in 1888 and was re-elected every year thereafter until his resignation from the Senate in 1907. In the Sessions of 1905-and-6, when absent through illness, his place was taken by Senator Kirchoffer, between whom and Senator Gowan there existed a firm friendship.

*The Toronto World* in March, 1898, referring to his reappointment as chairman of the divorce committee paid the following tribute to Senator Gowan:—"The selection is a tribute to one of the ablest members of the Upper House, the venerable Judge is in his 84th year, but his intellect is as

keen and bright as ever. Judge Gowan has presided over the divorce committee for ten years, and it is conceded that, under his guiding hand, the proceedings of the Court have been conducted in a manner reflecting credit upon all concerned."

Senator Gowan entertained strong objections to the establishment of a Court of Divorce for the Dominion, as did the late Sir John Macdonald, and to divorce for any cause, save the matrimonial offence. Yet he maintained the doctrine of the Parliament of Canada having full and paramount power to deal with cases before it, without being bound by the principles laid down by the House of Lords, or by its decisions. And he succeeded in securing the affirmance by Parliament of an important principle; the equal responsibility of man and woman, and their equal right to divorce on proof of adultery, a principle not recognized in England.

Sir William Richards in May 1888, wrote Senator Gowan, "I read your speech on the Tudor-Hart divorce case with great pleasure. You have set an example to your fellow Senators of a thorough examination of the subjects on which you address them, and you will receive the thanks and approbation of all intelligent men who have either heard or read your admirable speech."

In the Session of 1893, he took part in debates on various subjects; on the Criminal Code Bill, on the Law of Evidence in Criminal Cases, on the Administration of Justice, on the Composition of



the Select Committee on Divorce, on a Bill for the Appointment of a Deputy Speaker to the Senate, and on Prohibition, besides dealing with all cases before the Select Committee on Divorce in which, as chairman, he presented the reports. Two of these subjects may be further referred to. In the Bill for the Amendment of the Law of Evidence in Criminal Cases, it proposed to allow the evidence of the parties accused of crime. Senator Gowan had previously, on more than one occasion, voted against a similar measure, but he did not hesitate to support this bill, giving his reasons for a change of mind.

The other subject was a Government Bill introduced by a Minister for the appointment of a Deputy Speaker to the Senate. This measure he strongly opposed, speaking at great length in support of his view, that the Bill was objectionable, an invasion of the prerogative and unconstitutional, being beyond the power conferred on the Parliament of Canada by the British North America Act. The Bill was carried by the Government in the Senate by a majority of members, but when it went to the Commons it was there opposed on the same grounds, and had ultimately to be withdrawn by the Government.

Notwithstanding Senator Gowan's advanced age, and the rigour of the Ottawa climate in winter, he attended faithfully to his Parliamentary duties from year to year.

In the Session of 1899, on the occasion of the debate on the resolution expressing sympathy for the Uitlander in the Transvaal, Senator Gowan, ever an ardent Imperialist, did not allow this historical occasion to pass unimproved; he spoke as follows:—"It will be presumptuous on my part to attempt to say anything upon the general question which has been so ably and fully discussed by the hon. Minister of Justice, or to say anything about the patriotic features of the matter which have been referred to by the Hon. Leader of the Opposition. There is one thought which occurs to me, which, I think, will give the clue to the enthusiasm which existed in the House when the Premier brought the matter before it, and it is this; that no one can have failed to observe for some years past the evident desire, manifested upon every occasion, to draw closer together the bonds between the Mother Country and every part of the Empire, all over the world. It has shown itself in a number of ways. Two years ago His Excellency the Governor-General, the representative of Her Majesty, brought to the attention of the Canadian people the dire distress of the people of India, and appealed to Canadians for aid. Although the people of India are not of our blood or of our race, we all felt that they are our fellow subjects beyond the sea, and the people of Canada responded to that appeal. Quite recently His Excellency Lord Minto, the present Governor-General, merely mentioned the fact that

that great and noble soldier, Lord Kitchener, had a scheme for founding a college in connection with the memory of that great man Gordon, who was murdered at Khartoum years ago, and the purpose was accomplished. What did all this mean, but the trend of public opinion and sentiment towards closer union with England, to make her colonies, dependencies and possessions as one whole British people. Like the human body, what is felt by one portion is felt throughout the whole system. That is the secret of the enthusiasm that prevails in this country and in this House. The greatest credit is due the First Minister for bringing this question before Parliament, and I trust it is an augury for good in the future. I wish to express my great indebtedness to the Hon. Minister of Justice for the lucid and clear manner in which he brought before the House, and before the public at large, everything in connection with the Transvaal difficulty. It will do good, and the loyal feeling that prompted us to assist the people of the East Indies, when they were in dire distress, will prompt us to assist a few of our fellow countrymen, who are practically held as slaves by the Boers of the Transvaal. We would not have hearts in our bodies if we did not at once rise to assist them. These resolutions have been framed with a great deal of care and will do all that is necessary in the way of moral assistance to the British Government, and as a clear announcement of Canada's feelings in this matter. But if the Prime Minister ever

finds it necessary to appeal to the people of Upper Canada, I can at all events answer for them. He has but to say "Boys! I want a thousand or so of you to go to the Transvaal, and assist our fellow subjects there to discuss this matter with the Boers. It is a wild country, and if you have a gun in your hand it will do no harm" (cheers). I am pleased to find that there is no difference of opinion; that "all are for the State" in this country, and the way in which the subject has been received in this, and in the other House augurs well for the future."

And, again, in the following session, in speaking to the Address of congratulation to the Queen on the approaching termination of the South African War; he showed his love for the Mother Country, his attachment to British Institutions, and his great desire for Imperial Federation. The following are the very words he used on that important occasion in our national life:—"I rise with great pleasure to concur in the Address to Her Gracious Majesty, congratulating her on the success of British arms in South Africa. That it has the full concurrence of the people of Canada no one can doubt, who has followed the events of the last few months. From the Atlantic to the Pacific the people of Canada spoke out loyally, intelligently and emphatically. They remember their obligations to Great Britain—that they were protected in their infancy by her—that they had the institutions of Great Britain to look to in all that made for the peace and prosperity of the Empire. Take

our commerce; we boasted, and with truth, that at one time our commercial navy was amongst the first of the world; that our ships traversed every sea with safety; and why! because British iron-clads were on every sea. We owe a deep debt of gratitude to the Mother Country for the way in which we have been protected and fostered, so to speak, to nationhood by the Motherland, and it well becomes us to feel as we do, and the resolutions fitly and wisely express the sentiments of the people of Canada. They desire, we all desire, peace, but peace with honour. There can be no peace in South Africa until British rule is there supreme. The Boers have been tried. My Hon. friend the Minister of Justice and my Hon. friend the Leader of the Opposition have brought out clearly the unfitness of the Boers to rule a free people. They never will have in South Africa a free Government until the British flag waves supreme. History shows that where that flag floats it is the emblem of freedom, civilization and justice; that freedom which is calculated to ennoble the people, and when that flag floats supreme in Africa, I have no doubt the day will come when a Government will be granted to the whole of South Africa as a united country, confederated under a common Sovereign, and that such rights and privileges will be granted to them as may be compatible with the existing condition of things there, and will lead ultimately to the establishment of a free Government as we have it in Canada. I said we owed much to Great

Britain from the very first—in 1792, I think it was, we were granted a constitution, which, in the words of Governor Simcoe, was the very image and transcript of the British Constitution; finally, responsible government was conceded. We worked under that for some time, and now, the government, in accordance with the well understood wishes of the people, as expressed through their representatives, is firmly established. Under that government we have lived and flourished, and I hope and trust the day is not far distant when we shall have closer relations with the Mother Country, even than we now enjoy. The British Constitution is not a thing merely of parchment. It is not a matter of writing. It consists in the aggregation of principles brought out from important events and doings, and anyone who studies the British Constitution will see that the *agenda* of ages and dynasties have been bases which have established the great principles of the British Constitution, and so it will be with regard to an Imperial Constitution. I believe that when the Government of this country listened and responded to the mandate, the clear mandate of the people, and with, I will say, all reasonable despatch—at least that is my view seeing the matter was of first instance and paramount importance—and when they acted and obtained the sanction of Parliament to their acts, from that moment the foundation of an Imperial Constitution was laid; and when our gallant fellows stood beside the soldiers of the Queen, prepared to



shed their blood in defence of the Empire; that moment their blood sealed the compact of the foundation and beginning of an Imperial Constitution. It will grow. Events will spring up from time to time, and I believe it is not by proposing this scheme or that scheme, that it will come, but by acting on the clear feeling of the people of this country, which is loyal to the Empire, which recognizes the overpowering advantages of Imperial Federation. That will develop in time into a formation of an Imperial Constitution, and my own deliberate impression is that it would be unwise by any act of ours to try, prematurely, to force the result. Some have put forth the view that we should have a representation in the British House of Commons, but that never could be accomplished. Another scheme is, that we should have a representation in a certain Council representing the whole Empire. That may be feasible, but it is beset with innumerable difficulties. Time and the feeling of the people of united Canada will accomplish it, because I believe there is no difference of opinion with regard to it. It has been said that in some parts of the country there is a want of such feeling, but I cannot believe that there is. The people are accused of a certain want of loyalty, and want of love for the Mother Country and attachment for the Empire, but they cannot fail to remember that the treaty made by Britain was religiously and faithfully kept, and rights guaranteed to them which exist in no other Province of

United Canada, and they cannot fail to bear in mind that if their place were in the United States, the moment there was a population far and away beyond them of different nationalities, their guaranteed rights would not stand for an hour. But it is not considerations of that kind which will alone be operative with a chivalrous people. They feel and know the grandeur, the safety and the advantage of being part and parcel of the greatest Empire the world has ever known. We cannot fail to appreciate the immense advantage of being a colony of England. I am one of those who think that ere long the whole family will be united, and that all who have become part and parcel of the British Empire will be one people; and wherever the British flag floats, it will be a true emblem of national liberty."

In a letter, received from Lord Dufferin, dated 23rd June 1900, he makes the following allusion to this Speech:—"I have read your Speech in the Senate with admiration—it is a marvelous performance to be an impromptu deliverance by one of your great age. It could not have been better, even if it had been most carefully prepared.

"You are quite right in supposing that the action of Canada, and the noble way in which she has come to our assistance and support, has created the greatest admiration and enthusiasm amongst all classes in the Old Country. The material aid she had given us has been very effective, but what has touched us most of all has been the proof it

afforded of her affection for England, her loyalty to the Throne, and her sympathy with the Imperial future of our common race.

“I am surprised to learn that you are still able to discharge judicial duties in the Senate, or indeed that you can attend at all, much less take part in debates, for 85 is a great age. I have just reached 74, and it seems to me like the end of all things. God grant that you may still have many more years of health, happiness and usefulness.”

In the session of 1901 Senator Gowan was largely instrumental in defeating the exaggerated demands of the Bell Telephone Company; contrary to his own interest as a shareholder. Appreciation was not wanting of this disinterested and public spirited stand; as will be seen by the following extracts in the press:—*The Orillia Packet* 30th May, makes the following reference to the matter: “No act, in Senator Gowan’s long and honourable career, reflects more credit upon him, than his speech and vote on the Bell Telephone Company’s bill. Himself a stockholder, he did not hesitate to oppose the Bill upon which the directors of the Company had set their heart, when he felt the legislation to be contrary to the interest of the country. As he said in the course of his speech, ‘corporations sometimes forget that they are artificial creations—that they are the creatures of a statute, and that they receive their powers indirectly from the people.’ While the Senate, as a whole, brought credit upon itself by its action

in persisting in protecting the people from the greed of a monopoly, some of the members, of that august body, seemed to have been badly in need of the reminder of Senator Gowan, that 'the public interest is after all the first and chief consideration, and should ever be so in a popular representative body.' There are many, too, who will agree with Senator Gowan when he said: 'I must say that people are beginning to feel crowded with the energetic way in which incorporated companies are pushing forward certain claims, derogating from the rights of the people. They can scarcely stir without being met by the statement 'Oh! that privilege has been granted to us.' It is a dangerous thing for companies to push their rights too far. The people of Canada are a very generous people, and yield very readily to the blandishments of companies, who offer them great advantages, and they wake up sometimes to find that all does not turn out as promised; but the people of Canada are also tenacious of their rights, and the time will come when combines, of various kinds, may try a fall with the people, and they will find themselves worsted. If public opinion is aroused, the people of this country will not submit to be wronged, and will not submit to encroachments, bit by bit, upon the natural liberties of the people.'

*The Evening Telegram* had this to say:—  
"Canada would be a better country to live in if the speech of Senator Gowan became a guiding star of the legislators, who have to define the re-

spective rights of the people and the corporations. Party names are an absolute misnomer in Canada. The speeches and votes of the Liberal Senators betrayed a contempt for public rights, which is the great vice of historic Toryism; and the Speech of Senator Gowan revealed an appreciation of public rights, which is the essence of true Liberalism. The interests of Senator Gowan as a stockholder in the Bell Telephone Company did not tempt him from the path of his duty, as a trustee for the people. Senator Gowan's speech and its influence were distinct benefits to the country, and tended greatly to ennoble the Senate in the esteem of Canadians."

*The Globe* commented on the speech as follows:—"No act, in Senator Gowan's long and public spirited career, is more creditable to him than his attitude on the Telephone Bill. He has shown that his private interests do not obscure his views of public duty."

In 1902, Senator Gowan was unable, owing to illness, to attend until the latter part of the session; when, on his appearance in the House, he was given a very hearty reception, which showed in what high esteem he was held by his fellow members. *The Advance* of the 22nd May, makes the following reference:—"Hon. Senator Gowan has returned to 'Ardraven', after attending to sessional duties at Ottawa. The Senator was not able to go to Ottawa for the opening of the House and later, on his arrival, he was given a fine reception.

We notice the following in the *Ottawa Citizen* "Senator Gowan, C.M.G. of Barrie arrived in town on Tuesday and on entering the Senate Chamber for the first time this session, was greeted by a hearty round of applause from his fellow Senators, both sides rising in order to do honour to this learned jurist. He is one of the grand old men of Canada, and of Ireland too. Senator Gowan has been chairman of the Divorce Tribunal for a number of years, and this year was re-chosen though absent. He asked to be relieved of the position, but we understand a resolution was passed by the Committee, regretting his inability to resume duties at that time, but stating there was no necessity for making any change at the time. They hoped he would be soon in his customary place in the Senate discharging his public duties with that vigour, skill and devotion to the best interests of Canada and the Empire, which had always marked his long and distinguished career on the Bench and in Parliament. The people will rejoice to know that the Senator is now in good health, a long continuance of which they wish him."

Senator Gowan attended Parliament for the last time in 1905, he was then in his 90th year, and his sight had for several years previously been failing. An operation for cataract had been unsuccessfully performed in 1902, and had left him almost blind. It was necessary for him, when away from home, to have some one to guide him in unfamiliar places; and it is certainly marvellous that



he should under such circumstances, have had the courage to leave home at an inclement season, undertaking a long journey and hotel life in the severe climate of Ottawa. The death of his dear wife towards the end of 1905, had greatly impaired the strength of that will power that hitherto had carried him forward in the path of public duty, under the trying conditions of extreme old age and blindness.

When, at last, he became convinced that he could no longer give that rare public service he had freely and willingly given for so many years; he wrote the Prime Minister in February 1907 resigning his Senatorship, for he would not retain his seat after his usefulness was gone.

And so terminated the activities of a life far beyond the allotted span, and full from beginning to end of self denying labour in the interests of his adopted country—Canada he loved so well.

All the leading Canadian newspapers noticed very fully Sir James Gowan's resignation from the Senate. We give extracts from what was said by the chief organ of each political party, Conservative and Liberal.

*The Mail and Empire*:—Under the heading "A Life Spent for the People," has the following:—"A grand old Canadian is Sir James Robert Gowan, who announces his resignation from the Senate because of the infirmities of age. To resign from the Senate is in itself enough to make a man famous, for retirements from that body are remarkably rare, and

the Senators do not consider age as anything but a reason for remaining. The late Senator Wark stayed in the Upper Chamber when he was more than a hundred years old. All through his long career Sir James Gowan has taken a very patriotic view of his duties, and of him it might have been expected, that he would resign any position, as soon as he was convinced that he could not occupy it in a manner to reach his own high standards. It is to be regretted that a report of ill health follows his announcement of his withdrawal from public life.

“An Irishman by birth, he came to Canada at the age of seventeen and began to study law in Toronto. At the age of twenty-seven he was appointed Judge of the District of Simcoe, a remarkable honour for a man so young, and one who had come here only eleven years earlier. From then till now, Sir James’ life has been a public one in the best sense of the term. He has been in the service of the people of Canada practically all his life, save his boyhood, and the few years he studied and practiced law.”

*The Globe* :—“Senator Sir James Gowan of Barrie, Canada’s oldest legislator, has tendered to the Government his resignation as a member of the Upper House. Sir James, who is now in his ninety-second year, has been prevented by the infirmities of age from attending the Senate either last session or this. He was appointed in 1885, and has always been one of the most highly esteemed and respected members of the Red Chamber.”

## CHAPTER VII.

## HONOURS.

Some of the honorary distinctions conferred upon Judge Gowan may now be mentioned.

The University of Queen's College at convocation in April 1884, conferred upon him the honorary degree of LL.D., *Honoris Causâ*. This marked recognition of worth by a University, very sparing of the distinctions she confers was a compliment indeed, and must have been most gratifying to the Judge, as it certainly was to his friends in Canada and elsewhere. A leading Old Country Paper, *The Irish Times* thus refers to the matter: "We are gratified to find in the *Toronto Mail* of the 1st of May, a report of proceedings of peculiar interest in the Convocation Hall of the University of Queen's, when the degrees were conferred and prizes distributed to a large number of successful students. One of the most striking features of the occasion was the giving of an honorary degree to Judge Gowan, a distinguished Irishman, whose career in Canada has been most successful. The honour thus conferred upon Judge Gowan in recognition of his high abilities and long service in the judiciary, will not fail to be appreciated by his countrymen."

We make an extract from the Report of the proceedings at Convocation, published in the *Toronto Globe*:

“Vice-Principal Williamson then advanced, and moved to have the names of three eminent gentlemen added to the list of those bearing honorary titles conferred by this University. In doing so he spoke as follows:

‘Mr. Vice-Chancellor,

‘I have the honour to present to you the name of Judge James Robert Gowan, as one on whom the Senate desires to confer the degree of LL.D. in special recognition of services in connection with our judicial system, the codification of our laws, and the educational and religious life of our country. It is scarcely possible to over-estimate the value of Judge Gowan’s services, continued unweariedly for nearly half a century, particularly as regards procedure in courts, and the revision, consolidation, and classification of the statutes, first of Upper Canada and subsequently of Ontario. For his labours in this latter work, it may be mentioned, that he was presented with a gold medal by the Government of Ontario. His literary labours, and the many important and official positions he has held, have not prevented him from undertaking other onerous duties, to which the voice of his fellow-citizens called him, and in the discharge of which he has displayed the highest qualities of a good citizen and of an earnest catholic Christian. He has acted for more than thirty

years as Chairman of the High School Board of the County of Simcoe, has aided to the uttermost of his ability every good cause, and has endeared himself to his colleagues and the public by varied abilities, untiring industry and sterling character.'"

In 1889, a noteworthy incident must be mentioned in connection with a visit, by Senator Gowan, to Ireland. The success of Irishmen abroad is always a pleasant theme for their countrymen at home. The career of Irishmen in Canada had attracted attention, and that of Senator Gowan, especially, was favourably referred to by the metropolitan press of Ireland. The following article from a leading Dublin paper of the 22nd of Oct. 1889, bears out what has just been said: "We have often had occasion to refer, with just pride, in these columns to the notable successes of Irishmen abroad, which in no quarter of the world have been more frequent or conspicuous than in the Dominion of Canada.

"For some time past a very interesting representative personage, who has borne much of the heat and burden of the day in settling judicial and local governmental institutions in the great Dominion, has been sojourning amongst us. The name of the Honourable Judge Gowan is not by any means unknown in Ireland. An Irishman by birth, he went to Canada at a comparatively early age, and, by the exercise of exceptional talents very soon attained the highest position at the Canadian Bar. For nearly forty-one years he was actively engaged in the judicial office. He was the youngest

man ever entrusted with Her Majesty's commission as a Judge. In the early days of the Canadian settlement it was well that the services of so distinctly able a jurist should have been available. We have before us the records of his long term of labour, and during its course he earned the respect, not only of the Canadian Bar and public, but of reflecting jurists at home, who recognized in his decisions the maintenance of the constitutional principles of law, applicable to the state of the country, and especially important as setting a series of judicial precedents, which have become part and parcel of the common law of her Majesty's western territorial possessions. A work, well known in Canada, written by Dr. John George Bourinot, Clerk of the House of Commons of Canada, bears ample testimony to the supreme influence that Judge Gowan exercised in modelling the municipal system of Canada. Naturally, his long tried experience was appealed to, and it was owing to his enlightened and prudent counsels that so much was so rapidly done to place them upon a practical working basis. Our Canadian countrymen have elected Judge Gowan to the highest position which it is in their power to confer. Some years since, he retired from the Bench, but he was immediately appointed to the Senate, a body corresponding to the House of Lords in England. Demands have since been made upon his learned judicial discretion, and never have been disappointed. No citizen of the Dominion occupies a higher or better



deserved position than Judge Gowan, Senator of Canada. In the highest ranks of English and Irish society he is honoured, and it would be unfortunate if his countrymen were not to recognize his presence amongst them with a word of cordial and kindly acknowledgment. Men like Judge Gowan sustain the honour of Irish intellect abroad, and we cannot but feel pride in the successes of such lives of labour and of notable talent. Judge Gowan has not obtruded himself upon public notice, but we cannot allow a distinguished countryman to leave us without, for our part at least, bearing testimony to his most interesting and honourable career. A timely opportunity may yet be found to pay such a compliment to him, as would be grateful to the sentiment alike of the people of Ireland, and of the loyal and noble Colonial community to which he belongs."

This forecast was speedily fulfilled, for during a brief stay Senator Gowan made in Dublin, the Honourable Society of King's Inns conferred upon him the distinguished honour of a call to the Bar of Ireland.

The ruling body of this ancient society includes the Judges of the High Courts, as well as the leading King's Counsel and members of the Bar; and we believe Senator Gowan's was the first case in which the resident of a colony, receiving his legal training wholly there and away from his native country for over fifty years, was thus honoured by an unique "act of grace." It was certainly

a high compliment to the Canadian Bar, of which he was one of the oldest members.

*The Irish Times* of the 6th November thus speaks of the graceful act: "Yesterday, at the sitting of the Court of Chancery, an unusual and interesting ceremony took place in the special honorary call to the Bar, by the Lord Chancellor, of a distinguished Irishman, who has been staying for an interval amongst us, from the Canadian Dominion. The Benchers will be commended by every member of the profession, and the public will cordially endorse their action, for conferring such an honour upon the Honorable Senator Gowan. As we have said, Judge Gowan is a native of Ireland, and ranks high amongst the numerous body of able men who have risen to eminence in the colonies. We have no doubt that Senator Gowan very highly appreciates the honour done to him in associating him in fellowship with the Bar of his native country, and he will return to his high duties in Canada with, we should hope, a pleasing recollection of the hospitality shown to him, and the gratified consciousness that his abilities and character are known and appreciated, alike by the legal profession in Ireland, and by his countrymen generally."

*The Canadian Gazette* of the 14th November (published in London), also refers to the call: "The legal community of Canada has been singularly honoured by the distinction which the Irish Lord Chancellor has just conferred upon one of its representatives. On Tuesday of last week, at the sitting

of the Court of Chancery in Dublin, Lord Ashbourne called to the Bar of Ireland the Honourable Judge Gowan, Senator of Canada, who for some time past has been sojourning in Ireland. Addressing Mr. Gowan, the Lord Chancellor said that, in view of his past distinguished career, he had great pleasure in calling him to the Irish Bar as a member of a profession, in this his native country, which he ornamented in that of his adoption. The compliment was enhanced by the circumstance that the "call" was a special one. Incidents of the kind were rare in the history of the Irish Bar, but in Canada, as in Ireland, the event would be recognized as a tribute of respect to the legal learning of the Dominion, which thus, in the person of one of its most prominent and respected representatives, was peculiarly acknowledged."

Canadian journals also made pleasant reference to the incident, appearing fully to "recognize it as a marked compliment to the whole legal profession in the country, that one of their number should have been chosen for one of the most distinguished, and seldom bestowed, honours by the legal confraternity in Ireland."

Imperial distinction, emanating directly from the Crown, is highly valued by all British subjects, but rarely until of late years was it bestowed outside of military and diplomatic circles. The foundations of our Colonial Empire having now been laid, it has come to be acknowledged that men who

have performed valuable service in the upbuilding, are worthy of Imperial recognition.

Although Senator Gowan had no political record, his long and varied services to the State pointed him out as one worthy of Imperial honours.

It was known that Sir John Macdonald desired it for him, and that Sir John Abbott and Sir John Thompson thought him worthy of such recognition, as did also men of high standing in England, who knew something of his career in Canada. It accordingly came when Honours were conferred by the Queen in May, 1893. A companionship in the most distinguished order of Saint Michael and Saint George was conferred upon him "in recognition of his long and valuable services to the State", and we venture to think no more deserving object of her Gracious Majesty's recognition, in this way, could have been found in the Province in which he has lived and laboured so long.

When the honour conferred by the Queen was made known, the public press was unanimous in approval.

Twelve years later, in November 1905, he was promoted by his Majesty King Edward VII to the rank of Knight Commander in the most distinguished order of Saint Michael and Saint George.

Congratulations poured in upon Sir James from friends who delighted to honour the nonogenarian Knight; the leading newspapers of the Dominion were also unstinted in praise. It is difficult to make a selection from all that has been written

but a few extracts are given to shew the general public opinion:

*The Globe* November 10th, said: "No Canadian who has passed middle life, will hesitate to extend his congratulations to Senator Gowan on the King's birthday recognition of his long and honourable career in the service of his country. His Majesty has passed life's meridian, but he is still a quarter of a century younger than the public servant, whose merit he has recognized in the time honoured British way. That Sir James may survive for years to enjoy the distinction will be the heartfelt wish of all who know him, either personally or by reputation. Sir James Gowan's career has been quite unique amongst those of Canadian public men."

*The Northern Advance*, of Barrie, November 16th. "Canadians of all classes and creeds will, we feel sure, heartily join in offering congratulations to our fellow townsman, Senator Gowan, upon receiving the recent badge of distinction from His Majesty the King to mark the span of a long and useful career in the country's service. It has been a privilege, such as is accorded to but few, for Sir James to witness and take an honoured and notable part in the development of the institutions of this great Dominion, and it must be with supreme pride and satisfaction that he now looks back upon the past, and sees the reward of duty, well performed, and himself the gracious bearer of a grateful Sovereign's recognition.

“Sir James’ life has been spent serving the public. He has been a utilitarian in the broadest sense. It may be said, and rightly so, that the cause of justice, morality, philanthropy, patriotism—all that constitute and make for the best and highest type of citizenship—never had a truer friend. Nature was kind to him. Endowed with a prolific mind, a retentive memory and a discreet understanding, he used these qualities to the fullest advantage. A record of forty years on the Bench, followed by more than twenty years in the Senate, is something scarcely equalled in the history of our day. Yet his influence and power for good have always seemed to gather with the increasing tide of time.

“That Sir James Gowan may live long to enjoy his well-won honours is the earnest wish of his fellow citizens. A dark shadow has lately fallen across his home.”

From the Nelson, B.C., *Tribune*:

“Among the Canadian notabilities, who have been honoured by King Edward in connection with his birthday celebration, none is better known or more highly respected than Senator Gowan, whose career is typical of all that is best in Canadian public life.”

*The Mail and Empire* of November 29th, quotes the *Westminster Gazette*, as follows: “In any other country than Canada, the conferring of a knighthood on a man of ninety would be regarded as a somewhat singular proceeding. As a rule, when a man reaches that great age, he cares little



or nothing for anything this world can give. But in Canada centenarians abound. The new Canadian nonogenarian knight, Senator J. R. Gowan, is a native of Ireland. He emigrated to Canada at 17, studied law in Toronto, was called to the Bar when Queen Victoria was commencing her record reign, was appointed a judge at 27, sat on the Bench for 41 years, and was then made a member of the Senate, or Canadian Upper House."

*The Collingwood Bulletin* of November 17th, says to the people of the County of Simcoe: "King Edward's birthday honour list is of special interest, inasmuch as the County's Grand Old Man, Senator Gowan, of Barrie, is made a Knight Commander of the Order of St. Michael and St. George. All unite in extending congratulations to the fine old Statesman."

Judge Boys, in opening Court at Barrie, on the 12th December, in his address to the Grand Jury, referred to the great distinction recently conferred upon Senator Gowan, whose knighthood a few weeks ago, had been announced. "The recognition was a very fitting one, as Senator Gowan had rendered invaluable service to the country, he being practically 'The father of the local courts.' His services were not, however, confined to Simcoe, though as first judge of this county, his position was unique. In a much larger field, that of Senator, Sir James Gowan rendered valuable service to the Dominion."

## CHAPTER VIII.

## PRIVATE LIFE.

In the foregoing chapters I have endeavoured to give a summary of my Uncle's public services; in this concluding chapter I desire to speak briefly of the man himself, in his every day life.

Sir James Gowan was no ordinary man; endowed with an intellect far above the average, with a strong will and a proud disposition, he was born to command. Seldom acting on impulse, he was impatient of contradiction. He was ever eager and earnest in his desire to assist the struggling ones, especially young men entering on any worthy career. His generosity, characteristic of his race, was governed by a wise discretion. To every good work his ear and his purse were always open.

He was only twenty-seven years of age when appointed to the Bench; a young man of prepossessing appearance and with a manner that commanded respect. From the very first he was careful to preserve the dignity of the courts over which he presided, in the fullest degree, and the various addresses and testimonials he received bear ample evidence how well he succeeded. His personality was deeply impressed upon his District. On one occasion in an outlying division, when the court room proving too small, it became

necessary to hold a sitting in the open air, the Judge seated under a wide spreading tree; he was able, by virtue of his presence, to import into such unusual surroundings, all the dignity and decorum of a Court of Law with conventional environments.

About a year after his arrival in Barrie he built a commodious brick residence on a beautiful site comprising several acres situate on the lake shore in the east end of the town, to which he gave the name of "Ardraven." Here he resided with his parents, and his elder sister Anne until she married.

In the year 1850, he was charged with arrangements and accompanied Lord Elgin, Governor-General, on his tour through the District and received His Excellency's thanks for "the judgement shown in all the arrangements," and the expression of Lord Elgin's gratitude, for "acceptable service to Her Majesty's representative."

In July of this year Judge Gowan accompanied by Sheriff Smith, Mr. George Lount, Registrar; Mr. John Alexander, Crown-Land Agent; Mr. W. B. McVity, Clerk of the Peace; Mr. John McWatt, County Clerk, and Mr. Richard Drury crossed the lake to Bradford to welcome members of the Provincial Parliament on a visit to Lake Simcoe and neighbourhood. The Honourable Members were accompanied by a great number of friends and a public dinner was given them in the large ware-room of Mr. Trott at Bradford, to which about a hundred and fifty persons sat down. Judge



ARRAVEN.



Gowan was in the chair, and many toasts were given and responded to. Among the hon. members who were present may be mentioned Messieurs Robinson, Taché, Laterrière, Prince, Nelson, and McLean. Afterwards, the Hon. gentlemen left by the steamer "Beaver" for Barrie, and when the boat arrived at the wharf three cheers were given for the guests, with a hearty good-will, by the crowd who were awaiting her arrival. The following morning, being Sunday, the Hon. gentlemen attended Church, and the remainder of the day was spent in viewing the town, and all expressed themselves fully compensated for their journey by the pleasure derived from viewing the Lake and its islands and the towns and the country, generally, through which they passed. On the Monday morning they returned to Toronto.\*

In 1853, on the 7th July, my Uncle married Anna, second daughter of the Rev. S. B. Ardagh M.A. first rector of Barrie, this union, happy though childless, lasted fifty-two years. He was many years her senior, but her serious disposition gave a mature tinge to her youth. She had the simplicity and innocence of a child, with a wisdom and discernment beyond her years. A deeply religious woman, her whole life was spent in ministering to the needs of others. About a year after their marriage his mother died. She was a clever, well-read woman of very strong character, and had given a great deal of attention to the education of

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\*Barrie "Magnet," 25th July, 1850.



her only surviving son, and it was doubtless from her he inherited many of the qualities, which so well fitted him for the discharge of the duties of his judicial office, and of the many public services which he was called upon, from time to time, to perform. His father lived nearly ten years longer, and became very deeply attached to his daughter-in-law, who loved him as her own father.

My Uncle, in speaking of his domestic affairs, often said, that it was largely owing to his dear wife's solicitous care, in relieving him of all responsibility about social and household matters, that he was able to accomplish so much, in the service of his country, beyond the duties of the office he held. He did not inherit wealth, but by judicious and careful management of his affairs, he was able, during a long life, to accumulate a comfortable fortune; notwithstanding, that he gave generously to every worthy cause that came under his notice. Being unhampered by debt, he was free to give his mind wholly to the duties of his office, and found time, as we have seen, for many important public services. Always actuated by an earnest purpose, whatever he undertook he carried to a successful issue. The thoroughness of his work was remarkable; his legal judgments always exhaustive.

In the year 1860, he was intrusted with arrangements in his District, on the occasion of the visit of H.R.H. Prince of Wales and party and was thanked by the Executive, and especially thanked by the Duke of Newcastle, for his "watchful care and

attention on the occasion." The following is taken from the *Leader* 11th Sept. 1860, "The Prince received at Barrie the most enthusiastic welcome he had been accorded since he left Toronto. An amphitheatre was erected on the lake shore, near where Allandale railway station now stands, and leading to it was a carpeted way; in the centre was a platform, covered by a canopy, for the Prince. At each side were seats for the people, of whom there were between six and seven thousand. On stepping off the train, the Prince was received with the most enthusiastic cheering, and on taking his place was presented with an address by Judge Gowan in the following words: "May it please your Royal Highness. We, the Magistrates of the County Simcoe, in session assembled, are grateful for the opportunity of approaching your Royal Highness with our tribute of respect, both to Her Majesty whom you represent, and also to yourself personally. We would hope that your progress through the Province, as it has drawn closer the ties which unite us and the land of our Fathers, by adding feelings of personal interest in yourself, may have also assured you that the Crown of England has, in Canada, as loving and faithful subjects, as any in the British Isles. The blood, which throbs in England's heart, circulates through every member of her mighty Empire. As Ministers of Justice, we take pride in informing your Royal Highness that, whether congregated in towns or villages, or secluded in the depths of the forests, Her Majesty's

Canadian subjects are a law abiding people; that our laws, nearly identical with those of England, are valued and obeyed. We see in your Royal Highness' visit a graceful and welcome recognition of Canada, as an integral and important portion of the Empire, and trust that the recollections you may bear from our shores, will be as suggestive to you of our country's devotion to the Crown and to your person, as the remembrances you leave behind you, are assuring to us that the Throne which your noble mother, our good Queen, has long set up in the hearts of her subjects, will rest on the same enduring foundation of respect and love when you become our King."

The Prince in reply said, "Gentlemen, I thank you sincerely for the Address which you have presented to me. In the Queen's name, I thank you for the expressions of your loyalty to her Crown and person, and for myself, I am grateful to you for this welcome to your neighbourhood."

After the Address had been read and the councilmen had been presented by the Hon. James Patton, the Prince returned to the train, amidst the deafening cheers of the multitude.

Leading to the platform, where the addresses were presented, was an arch, bearing the words "Our Future King," surmounted by a sheaf of wheat in the shape of the Prince of Wales' feather. Another arch over the track had the representation of a deer, with an appropriate motto. The Barrie

Rifles, under the command of Capt. McKenzie, presented arms as the Prince passed."

Judge Gowan steadily refused a seat on the Superior Court Bench; one reason, among others, being his aversion to pronounce the death sentence. On one occasion, when by special appointment, taking the Assizes at Cayuga, he was obliged to pass this sentence on a man, found guilty of murder, he was visibly affected, as may be seen from the following extract from the *Cayuga Sentinel* of April 23rd. 1857:—"A breathless silence prevailed, while the Judge in a low but audible voice, pronounced the death sentence, after which, the Judge sank back in his chair and covered his face with his hands."

In 1863, my Uncle lost his dear father, who died at the good old age of 84. Henry Hatton Gowan was a typical Irishman, courageous, genial and generous, fond of horses and outdoor pursuits, and like his forebears, a loyal Britisher. He had fought in the Irish Rebellion of 1798.\*

Never robust, my Uncle's health had for some years been precarious, and in 1870, he determined to try an ocean voyage, in the hope of permanent benefit, and for the first time, since 1832, he crossed the Atlantic, this time with his wife. Addresses were presented to him on his departure, which were alluded to in the local press:—"After a laborious term on the Bench for the past twenty-seven years, our County Judge has been compelled to rest for

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\*A sketch of his life will be found in the family history, Appendix "B."

awhile, and endeavour to recuperate a constitution, shattered in the public service.\* He has accordingly accepted a leave of absence, and gone for a European tour, with his wife. The estimation in which Mr. and Mrs. Gowan are held in this county, will be best understood from the address below, which

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\* Living himself, after his appointment, in a new district, the only means of locomotion was a saddle horse or one's own stout legs, for the position of a Judge was attended in those days with a good many inconveniences which have disappeared with advancing civilization. The roads were in such a condition that he was generally compelled to make his circuits on horseback. Judge Gowan's district was the largest in the Province, and stretched over a wide tract of country, the greater part of which was but sparsely settled. He was frequently compelled to ride from sixty to seventy miles a day, and to dispose of five or six hundred cases at a single session. One of the newspapers published in the County of Simcoe gave an account, several years ago, of some of his early exploits, from which account it appears that he was often literally compelled to take his life in his hands in the course of his official peregrinations. It describes how, on one occasion, he was compelled to ride from Barrie to Collingwood when the forest was on fire. The heat and smoke were sufficiently trying, but he had also to encounter serious peril from the blazing trees which were falling all around him. On another occasion, while attempting to cross a river during high water, his horse was caught by the flood and carried down stream at such a rate that he might well have given himself up for lost. He saved himself by grasping his horse's tail, and thereby keeping his head above water until he came to a spot where he could find foothold, and so made the best of his way, more than half drowned, to the shore. On still another occasion, crossing the ice from one point on Lake Huron to another, for the ice extended several miles out into the lake, the whole field of ice moved bodily out from the land, and he barely escaped, his horse having to plunge through the water between the ice field and the shore."—*Canadian Portrait Gallery*. "Mr. Gowan," says the able and accomplished author of *The Irishman in Canada*, "is one of the most venerable and learned figures on the Bench. When, in 1842, Mr. Baldwin made him Judge of the district of Simcoe he was the youngest judge of the Province. Many a time in those days he had to ride seventy miles a day to meet his court engagements, and his adventures by flood and field would make a little volume; yet he was scarcely ever absent from his duties."

was tendered to them on Friday evening last, at their own residence, on the eve of their departure; the signers attending in a body to take a personal farewell."

"Address to his Hon. James R. Gowan:—Dear Sir. We, the undersigned members of the Bar, and officers connected with the administration of Justice in the County of Simcoe, having heard that you are about to cross the Atlantic in search of renewed health and strength, beg to address to you a few parting words. We regret that your twenty-seven years of hard work on the Bench should, while forming and elevating the high character our County now enjoys, have impaired your constitution, so as to make this temporary separation necessary. At the same time we feel that, sorry as we are to part with you, even for a short time, you have richly earned your holiday and are entitled, if ever Judge was, to whatever leave of absence you think proper to ask from the Government. We know that we express the feelings of the whole population, in saying that we hope your tour will be pleasant and tend to your perfect recovery, and wishing yourself and Mrs. Gowan God-speed. We are, dear Sir, yours faithfully, D'Arcy Boulton, Dalton McCarthy, D. McCarthy Jr., W. D. Ardagh, J. R. Cotter, Wm. Boys, A. B. Sanders, H. H. Strathy, W. E. O'Brien, J. A. Ardagh, Wm. Lount, W. J. Keating, F. W. Lally, B. W. Smith, Sheriff, G. Lount, J.P., Registrar, E. E. Williams, Deputy Sheriff, W. B. McVity, Clerk of the Peace, T. D.



Lloyd, Clerk Division Court, J. C. Morrow, Dep. Clerk Crown, E. S. Meeking, Crier, Joseph Rogers, Bailiff, A. Lang, Jailer."

While in England, the Judge had the pleasure of meeting a number of men, distinguished in political and literary circles, and formed friendships which lasted during life. With many of them a regular correspondence existed, among whom I might mention Lords Cairns, Selborne, Caernarvon, Thring, Sir Robert Herbert, Sir John Ardagh and Mr. Lecky, the historian. These letters discuss public current affairs, in a free and confidential manner, showing the intimate friendship that existed between the writers and my uncle. Most of the winter of '70 and '71 was spent at Bournemouth, that beautiful winter resort on the south coast of England. They returned to Canada in July 1871, much benefitted by their sojourn abroad.

He at once entered on his judicial duties, and, in the following September, was appointed by the Government, a member of the Commission to enquire into the possible fusion of the courts of law and equity.

In the following year he obtained relief from increasing labours, by the appointment of an assistant judge, which made it possible for him to undertake the onerous duty involved in the Royal Commission of 1873; to enquire into the, so-called, "Pacific Scandal," which is treated of in a former chapter.

My Uncle, with impaired health and increasing years, had begun to dread the severe Canadian

winters, and so soon as he could arrange his affairs he left home, with his wife, for the Southern States, going as far south as Florida. The *Florida Press* 28th. March 1874, in an interview with him at St. Augustine, gives his views of the South; "Judge Gowan of Canada, whom we had the pleasure of meeting, is a man of elegant erudition and high standing, and we have greatly enjoyed the conversations which we have had with him. He visited Charleston, on his way here, and greatly admires the city, but he expressed himself as shocked at the political condition of things there, and greatly sympathises with the oppressed and down-trodden but noble aristocracy, whose only crime is that they still maintain that noble spirit, which has enabled them to bear up against their adversities. He particularly denounces the outrageous conduct of the negroes there, who are protected by the corrupt officials who have gained control, and now tyrannize over those, whose only reproach is their respectability, which renders them odious to these low and contemptible officials. The Judge expressed himself as greatly pleased with St. Augustine, its people and its surroundings. His quick observation has lead him, at once, to perceive what we need most—an intelligent and vigorous municipal administration."

Florida was at that time in a very primitive condition, and the Judge found the climate enervating and never wished to return.

The following winter, he and his wife, visited the

British Colony of the Bahamas, sailing from New York on the 18th Jany. At Nassau, they met some charming English people, chiefly officials of Government. His opinion of the climate is expressed in a speech he delivered at a farewell dinner, given to the Chief Justice of the Islands, Sir Wm. H. Doyle. My Uncle had the seat of honour next the Chief Justice and made a lengthy speech in reply to the toast of "Our Guests," from which I give his concluding remarks, as reported in the *Nassau Guardian* of 20th March 1875, "In speaking of Nassau, the Judge eulogised the climate and expressed his opinion that, as a winter health resort, it was better than any on the continent of North America—incomparably better than that of Florida, where he had been last winter. He urged, however, the importance to invalids, of being able to break the journey to the North, and gradually approach the colder clime, by means of vessels touching some place in South Carolina. Of the Dominion of Canada to which he belonged, he would only say that he recollected shooting through forest ground, whereon a great portion of one of the largest cities in the country is now built; that he could remember that when the Merchant-Marine of Canada was very insignificant, while now Canadian sails whitened every sea; and with the progress of Canada, was deepened the spirit of loyalty to the Queen, and attachment to the British Constitution."

The following year Judge Gowan was appointed one of the honorary commissioners by the Ontario

Government in connection with the consolidation and revision of the Provincial Statutes.

It was in November of this year that the Reformed Episcopal Church was formally organized in Barrie,\* in which Judge Gowan took a prominent part, with many other leading citizens; and he remained to the day of his death a firm adherent and liberal supporter of the same. But, although of strong Protestant Episcopal convictions, his charities were not confined to his own "persuasion;" in proof of which I quote from the local press the following;—"It is only at rare intervals that we have the pleasure of chronicling such acts of Christian beneficence as the following:—His Hon. Judge Gowan, who last Spring donated to the Presbyterian Church of this town a substantial Manse and plot of land, has just conveyed an improved farm of 100 acres, near Minesing, to Mr. James Edwards, in trust for the Wesleyan, Primitive Methodist and Baptist denominations of this town. The gift is all the more highly appreciated in as much as it emanates from a member of another branch of the Christian church."

It was now six years since my Uncle had been in England, and he had a great desire to revisit the

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\* At the organization meeting about fifty persons were present among whom were the following: John Dickenson, Richard Power, James R. Gowan, H. R. A. Boys, H. H. Strathy, H. B. Spotten, T. F. Davies, J. A. Strathy, James Cook, George C. Coles, Benj. Bee, Richard Whitebread, J. A. Ardagh, Jesse Beard, M. H. Spencer, J. W. Caldwell, J. W. Pressey, J. R. Cotter, W. M. Lisle, H. Sherman, Mrs. Elizabeth Cameron, Wm. Hodgson and Mrs. Hodgson, Dr., Bosanko, George Lount and Mr. Wilkinson.

“dear old land,” as he called it, and renew in person the warm friendships he had made; accordingly in the autumn of the year 1877, he set out with his wife and niece, Marian Ardagh, sailing from New York, Dec. 21st., arriving in London, New Year’s Day, 1878. The Judge had had former experiences of winters in England, the houses heated only with open grate fires, much less comfortable than houses in the colder climate of Canada, where furnaces are in common use. He had, consequently, determined to spend the winter on the Continent, and so soon as he had called upon relatives and friends, and had made necessary arrangements, the party of three left for Paris on the 11th., travelling via Folkestone and Boulogne, and going on to the Riviera on the 21st. Their stay, at Cannes and Mentone, lasted until the 20th March. My Uncle’s diary records outside temperatures frequently below freezing, and indoors generally in the fifties, which is much colder than in Canadian dwellings. So, journeying southwards in search of warmth they passed on to Genoa, and thence, by boat (S.S. Arabia) to Naples, which proved a very rough voyage. Their stay at Naples, (including about a fortnight spent at the beautiful island of Capri, at Sorrento and Castellmare) extended from the 26th March to the 26th April. Winter now being passed, they turned northward through Rome, Florence, Bologna and Milan to the beautiful Italian Lakes. At all these places they stayed as long as time would permit and fully occupied themselves, viewing the antiquities and

art treasures which abound in these cities. Returning through Switzerland, we find them once more in London enjoying the society of friends there. It was now time to set out for home, and travelling by the Allan line they arrived at Quebec on the 14th July, and after spending a day in Montreal, reached home after an absence of about seven months, having had a most enjoyable tour, and having seen many new places and numberless objects of interest.

Judge Gowan was always a strong, but not rabid, advocate of Temperance, and took every opportunity of impressing his views on representative men. In his charge to the Grand Jury, in June 1877, he spoke on the subject in the following words: "I find a very large proportion of the cases, which come before me, traceable to the use of intoxicating drinks, and speaking upon a judicial experience of over thirty-four years—the longest, I believe, of any Judge in any court in the Dominion of Canada—I fully recognize the intimate connection between drunkenness and crime and that habitual drunkenness, almost invariably, leads to the commission of crime. I have observed that in places where there is the largest liquor traffic, there crime most abounds, and where it is restrained, and those engaged in it are kept within the limit, which the law has prescribed for regulating the traffic, there are fewer criminal cases coming before the courts. In but one place, only, in the County of Simcoe, so far as I am informed, the traffic of intoxicating



drink has been suppressed, and from all I can learn, with the most happy results. Earnest men have been for many years combatting the dreadful evils incident to, and inseparable it would seem, from the traffic in liquors; and whatever may be our individual views, as to the various means employed, every honest man must be in sympathy with the end in view; the prevention of drunkenness and vice. It seems to me the plain duty of every lover of his country, of every Christian man, to give support and sympathy to those who are appointed to secure the full and faithful carrying out of all the requirements of the law for regulating the traffic, and for the prevention of intoxication."

The *Evening Telegram*, referring to Judge Gowan's charge said, "That there is a good deal of prejudice, in certain sections of the country, against enforcing the law against liquors dealers, who have broken it, is not a matter of much doubt. Judge Gowan has been giving country magistrates some sensible advice on the subject, pointing out that magistrates, like all other judges, have only to administer the law as they find it, fearlessly and without favour, whatever they or their neighbours personally think of the merits or demerits, the wisdom or otherwise, of particular enactments. The prudent magistrate will take Judge Gowan's advice and dispose of the cases coming before him according to the evidence, and without reference to his own notions as to the justice or expediency of the law which he is called upon to enforce."

The Alliston *Herald*, a newspaper published in Judge Gowan's own county speaking on the same subject, made use of the following language—"The names of Judge Gowan and Judge Ardagh carry with them a moral worth, that cannot fail to leave a lasting impression on the present generation, and to be handed down to posterity as bright examples of virtue and patriotism; especially is the Temperance cause blessed in having their advocacy, on every fitting occasion. By precept and example do these gentlemen enforce their Christian and liberal views; surely the movement in this county must be a success, and Temperance men be encouraged to use every effort to spread their principles, until they shall take root and grow in every family, throughout the length and breadth of the land, when our Judges lead the way as the heralds of prohibition."

The Court House, which had been erected when the District was first set apart, was enlarged and improved in the year 1877, and Judge Gowan in addressing the Grand Jury makes the following allusion to it "I might, however, make reference to the addition which has been put to the Court House. Hitherto the courts have been found to interfere with each other on account of the limited accommodation of the building. When the addition is completed, two courts can sit at once. The criminal business can go on under one judge while the civil cases are being heard before the other, a great deal of time and expense being thus saved."

The Judge then referred to the recent death of the Clerk of the Peace, Mr. McVity, "a man of uncommon physical powers, though he was ninety four years of age at the time of his death, he was, nevertheless, able to discharge, satisfactorily, his official duties up to within a short time of his demise. He was indeed a marvelous man and with the exception of myself, is the last one of the original appointments in this county. I do not expect to reach the advanced age of my deceased friend, but even should I live to within twenty years of it, I shall be grateful to Almighty God. I regret his loss as a public official, I regret his loss as a valued friend. His successor, Mr. Cotter, I have no reason to doubt, will perform the duties of the office carefully and efficiently. He has a liberal education and extensive legal training—advantages not enjoyed by his predecessor—and is in every respect qualified for the position he holds."

It was in the spring of 1879 that the new Barrie High School was opened. Judge Gowan, as chairman of the Board, presided at the ceremonies on that occasion, when quite a distinguished gathering was present. H. B. Spotton being Head Master. A fuller reference to this ceremony will be found in the chapter on Education.

The Government of Ontario, in order to express in a tangible way appreciation of the work of the Commission on the Revised Statutes of 1877, caused several gold medals to be struck off; one of which was presented to Judge Gowan. "The Govern-

ment have presented Judge Gowan with a gold medal in recognition of his services as one of the Commissioners for the consolidation of the Ontario Statutes. The medal is of large size, delicately and elaborately finished and bears an appropriate inscription. That the worthy recipient of this graceful tribute may long live to enjoy all the high honours conferred on him, will be the universal sentiment of the community."\*

For some years the Judge spent the summers at "Eileangowan," his beautiful island in Lake Muskoka, on which he had built a very comfortable house; and here it was the great pleasure of my Uncle and Aunt to entertain their relatives and friends, and happy were those so fortunate as to enjoy their abundant hospitality. Their generosity often extended to making this trip, to those of slender means, absolutely free from the time they left their own doors. *The Examiner* of September, 1881, gives a short account of an incident which might have had a serious ending "Not the least among the many attractions held out by Muskoka to the tourist and sportsman is that of bears. One day last week as his Hon. Judge Gowan was fishing in a boat near Eileangowan with two young lads, sons of Hon. Judge Ardagh and Richard Power, Esq., respectively, he descried a bear swimming for the shore. His Honour at once started in pursuit, armed only with a revolver, and quickly got between his bear-ship and the shore in danger-

\**The Northern Advance*, Barrie.

ously close quarters. Another party, however, seeing the chase joined in and fired at long range, when the bear keeled over. His Honour retained the skin, handing over the carcase to the party who had unfairly intervened."

Towards the end of 1881, my Uncle and Aunt again left home for England, sailing from New York on the twenty sixth of November; arriving in Liverpool December 6th, after a rough voyage. They went on directly to London, where they remained, seeing many friends, until January the 5th; when they left for Paris via Dover, accompanied by their niece Elizabeth Strathy and her brother Robert. After a short stay there, they continued their journey to Hyères, where they remained until the 21st. My Uncle in his diary writes of the climate, "It is very treacherous, requiring much care in avoidance of drafts, and being out after sunset." Leaving Hyères they passed on to Nice, and after a short stay there, to Mentone, where they remained until April the 6th, then making their way north by easy stages, through Switzerland, Paris and Boulogne, they arrived in London May the 9th. The stay in London was short, and they sailed from Liverpool by the Allan Line, S.S. *Polynesian*, on June the 1st. The voyage was rough and delayed by fogs, and it was not until the 14th that they landed at Quebec; arriving home two days later.

Judge Gowan retired from the bench in October 1883, and immediately after sailed for England. This time there were four in the party; my Uncle

and Aunt and two of their nieces, Katharine and Marian Ardagh. Sailing from Quebec in the S. S. *Sarmatian*, they arrived in London October 30th. where they remained visiting relatives and friends, shopping and sight-seeing, not the least of the sights being the Lord Mayor's show, from good seats in Cheapside. They left for Bournemouth on the 13th December where my Uncle and Aunt had spent such a pleasant winter some thirteen years before.

Here old friendships were renewed, and new ones formed. The names of a few will perhaps recall old memories to some who may read this:—Admiral Sir James Sullivan, wife and daughter, whose house "Tregew" was just across the road. He was a constant visitor, and many a pleasant hour was spent round the fire of an evening, listening to his tales of travel and adventure by sea and land; tinged, no doubt, with enough romance to hold the attention of the young people; indeed, I have heard the nieces recall those evenings with a sigh of pleasure. Mrs. Cronyn, the widow of the Bishop of Huron, whose Bible readings for women, held every Thursday morning in Trinity Church school house, were attended by the three ladies of the party. John Walter Lea, B.A. Oxford, a very earnest Churchman, a distinguished classical scholar, and an authority on all matters ecclesiastical; a few years later he died on his knees in Church! The Right Rev. Maurice Day, Bishop of Cashel, and Mrs. Day, who were wintering in Bournemouth.

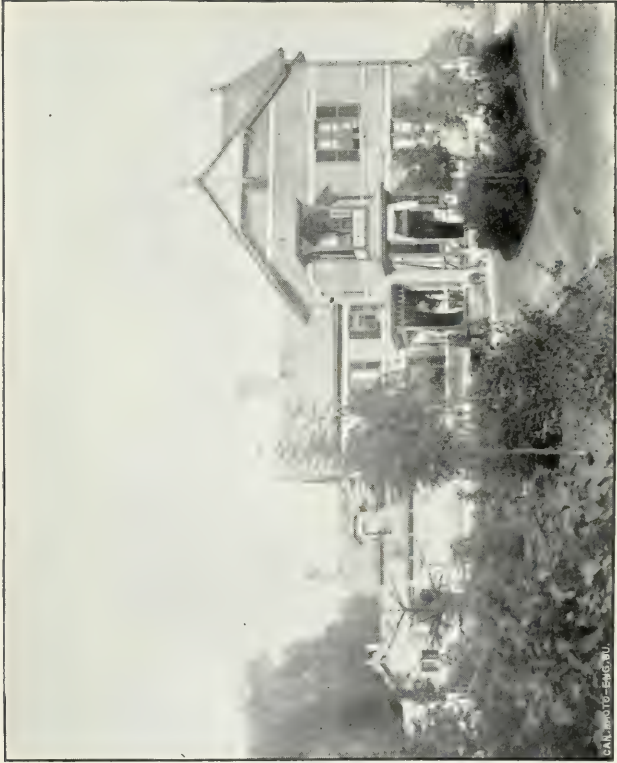


They extended a very warm invitation to our party to visit them at "The Palace," Waterford, the following summer. The Rev. Oliver Ridley and family, whose eldest daughter, Florence, formed a lasting friendship with the nieces. Lord and Lady Cairns. General Peregrine Fellowes, wife and daughter. Captain Dawson, a young officer who had retired from the service to become a preacher of the Gospel, most of whose meetings the party attended. The Petters; the Futvoyes; the Kirmses and many others. On April the 23rd the party left Bournemouth for Bath, where they remained some time taking the waters. Here one of the nieces left the party to visit relatives at Wellington, Somerset, while the others, later on, proceeded to Waterford, where my Uncle and Aunt paid their promised visit to Bishop and Mrs. Day, and were most hospitably entertained. Niece Marian, meanwhile, visited relatives in the South of Ireland. The three met again at Cappoquin where a very pleasant visit was paid to my Uncle's cousin Archdeacon Burkitt.\* From here they travelled to Dublin on June the 14th, where they saw a good many old friends and relatives and spent ten pleasant days, leaving for London via Holyhead on the 23rd. On their arrival in London they were joined by Katharine, who had in the meantime been visiting numerous relatives and friends in England. A

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\*"The Rev. Francis Hassard Burkitt, M.A., was a man of saintly character, and my uncle had a very sincere regard and affection for him."





"NEW" ARDRAVEN.

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month was spent in London in the usual way, sight seeing, shopping and visiting. "Dined with the Gowans of Dulwich, and Gowans of Cromwell Road, and went to the 'Healtheries' with them. At concert, Albert Hall. At Mildmay meeting. At Lord Mayor's house-meeting in connection with China Inland Mission. Visited British Museum, National Gallery, Hampton Court (on a Friday alas! and couldn't get in)." From London they took their journey to Keswick on July the 22nd. Stayed at Derwentwater Hotel, Borrowdale, where they had many walking expeditions in that lovely neighbourhood. On the 1st August drove to Grasmere. "5th August, Anna and girls made an ascent of the mountains." From Grasmere, via Ambleside and Windermere, to Bowness. "15th, left Bowness by boat and rail to Ulverstone and thence drove to Conishead Priory, where we spent a few pleasant days" before taking up the homeward journey. The visit to the Lake District proved a most enjoyable one. The party sailed from Liverpool on August the 21st by the S.S. *Peruvian* arriving in Quebec August 31st. and in Barrie, September the 2nd.

While the Judge was in England, in 1884, Queen's University conferred on him the degree of L.L.D. "*honoris causâ*" and the following year he was called to the Senate.

In 1885/6, my Uncle built a new residence on the easterly part of the grounds on which he had erected his first home in Barrie, where he had lived

for more than forty years. To this new house he and my Aunt removed in the month of August 1886, and here they resided for the remainder of their lives. The name of "Ardraven," which had been given to the first house, they carried with them to their new home.

As Parliament is in session in the winter season, Senator Gowan did not leave Canada during that season again until 1889; in the meantime faithfully attending the Senate each year and taking an active part in legislation. By this time my Uncle had become extremely sensitive to cold and went out of doors in winter only from necessity. He was convinced that he ran a great risk in remaining in this country during our severe winters, and it required his strong sense of duty to remain at his post, especially in such a cold region as Ottawa, and it was not until the approach of cold weather in 1889 that he determined to again leave Canada.

This was a more extended tour than usual, reaching as far as Egypt and the Holy Land. They sailed from New York on the S. S. *Etruria*, on 27th April 1889, and after an uneventful voyage, reached Liverpool on May the 5th, arriving in London the following day. Here they remained more than two months, meeting many old friends, amongst them:— Judge and Mrs. W. D. Ardagh, of Winnipeg, and Miss Emma Ardagh, who were travelling abroad; General Ardagh; Sir Robert Herbert, G.C.B., Under Secretary of State for the Colonies; Rt. Hon. Lord Thring, K.C.B., Parliamentary Counsel; Hon. George

Brodrick, Warden of Merton; Earl of Selborne and his daughter Lady Sophia Palmer; Lord Dufferin; Mr. Milner of the Foreign office; Mr. Hartpole Lecky, the historian; Sir Charles Tupper and others. My Uncle spent much of his time at the Athenaeum Club, of which he had the *entré*. A few extracts from his diary during his stay in London may prove interesting—"29th May, at Guildhall, when the freedom of the City was presented to Lord Dufferin, afterwards lunched with Hon. Mr. Brodrick at Athenaeum. 20th June, drove to Kensington Palace and had pleasant interview with Marquis of Lorne, lasting nearly an hour. July 8th, introduced to Mr. McKenzie, Permanent Secretary of the House of Lords, who showed me all over the House. Called on Sir Robert Herbert at Downing Street and spoke of going to Cairo. July 9th, at House of Lords; Mr. Hope, Lord Chancellor's Private Secretary brought me to Court of Appeal, Judicial Committee of Privy Council, where I had a seat close to the Judges and heard a Lower Canada appeal case argued by Solicitor General. Lord Selborne and four other Judges were present. July 16th, left London for Bournemouth, and on the 18th, Anna and I called and saw Sir James and Miss Sullivan, General Fellowes, Lady Cairns and other old friends we had met when staying here on former occasions."

From Bournemouth they journeyed to North Devon where they paid a visit to Surgeon Major Vernon Ardagh, "Clover Bank," Northam, a cousin of



Mrs. Gowan. Leaving Northam on August 6th, they visited Exeter with its interesting Cathedral, Dawlish, Torquay and Bristol, sailing from New Milford on the 13th for Waterford and Cappoquin, where they were the guests of Archdeacon Burkitt, Judge Gowan's cousin; here they were present at the ceremony of the re-opening of the restored church, when eighteen clergymen were present.\*

From the 13th to the 16th, they spent at the "Palace," Waterford, the guests of Bishop and Mrs. Day. Thence to Dublin, after a short stay at Pouldrew, the residence of Mrs. Gowan's cousin, Robert Ardagh. In Dublin they met many relatives, Dr. Harley, William Ardagh, (Mrs. Gowan's uncle), Rev. Henry Fische and others. On Nov. the 5th "drove to Four Courts, introduced to Lord Chief-Justice Fitzgibbon, the Lord Chancellor and other Judges. The Lord Chancellor had appointed this as a special day for my call to the Bar of Ireland. Dr. Harley sent his carriage with Anna to the ceremony." Leaving Ireland on the 13th for Holyhead they arrived next day in London, where they remained until Dec. the 12th, when they sailed from the Albert Docks for Egypt, arriving on Xmas Day at Port Said, and at Cairo on the 26th, putting up at the Hotel D'Angleterre. Amongst notable people met at Cairo the following might be mentioned:—Sir James and Lady Dormer, Mr. Milner, Dean Butcher, Col Ross (my uncle's cousin), Sir

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\* My uncle had the pleasure of presenting some of the furnishings for the restored church.

Francis and Lady Grenfell. "13th Dec., drove to Citadel and returned through the old native quarter, with its strange sights and sounds; saw the Mosque of Mehemet Ali. Our dragoman was one Esau Modbeek, an Assyrian, and for seven years interpreter to the British Forces, a most intelligent man." They, of course, visited the usual places of interest in the vicinity of Cairo; the Pyramids, the Tombs of the Califs, native Masonic Lodges "Sabata no. 25," and "Heyat-el-Masri" and had "a wonderful ride through the Arab quarter in search of snuff!" Jan. 14th, "Lunched with Sir Francis and Lady Grenfell, who were particularly nice, showing us all their curiosities, including a sword of honour presented by the Khedive and a number of weapons taken from dervishes; giving us two mementoes—an idol found by Sir Francis himself at Ahmen and a scarab, also found by himself, in the tomb of Rameses II, at Thebes, date about 1400 B.C." On Jan. the 22nd, Cairo was left for a trip up the Nile in the dahabeeah "Elkahira" visiting Luxor, Karnac, the Island of Philae, with the Temple of Isis, and other places, all of wonderful interest.

March 12th, "Sir Evelyn Baring drove me to the palace, where I had about twenty minutes' interview with the Khedive, who could not understand, though I tried to explain, how Canada was kept within the Empire by cords of love, and not by force of arms. Sir Evelyn afterwards had me driven home in his carriage, with Sais (running

footmen) and dragoman." "17th, Anna riding a camel and walking round tombs". "22nd, Anna ascended pyramid, and had her fourth camel ride!"

On the 30th they left Cairo for Port Said and sailed next day in a Russian steamer for Jaffa. "April 1st, arrived at Jaffa, landed in small boats, nasty work! A horrid walk through town to Palestine Hotel, where we stayed all day, very fair rooms and good table." "April 2nd. Left Jaffa by carriage with three horses, at 7 a.m. in company with Lieut. and Mrs. Southey, stopped four times on the way, including two hours for lunch, arriving in Jerusalem about 6 p.m.; raining most of the day." "5th, With dragoman went round walls on donkeys and visited Holy Sepulchre. Anna returned from Hebron at 6 p.m." "7th, Made an excursion, leaving at 8 a.m. on donkeys, to Gethsemane, Mount of Olives and vicinity, returning at 5.30 dreadfully done up." "9th, Left Jerusalem at 9 o'clock arriving at Jaffa at 6.45, not an unpleasant journey."

They returned to Port Said by Turkish steamer *Ramaniah* and sailed thence by S.S. *Ligurian* for England, "passengers chiefly Australians, met the Duke and Duchess of Sutherland on board." On April the 22nd the *Ligurian* arrived at Gibraltar; while there an accident occurred, the vessel coming into collision with another steamer, and had a hole stove in her side, but was not sufficiently injured to prevent her continuing the journey to London. While at Gibraltar "we drove to Govern-

ment House and got a permit to see galleries in the Rock, which we visited." Sailed from Gibraltar at 6 p.m. on 22nd, and reached Tilbury docks on the 27th at noon, "after a fairly good passage except on 25th, when a heavy sea deluged our cabin and wet everything, necessitating our remaining in bed all day!"

"London April 30th, lunched with Duke and Duchess of Sutherland at Stafford House, St. James Street. He had asked the Marquis of Lorne to meet us." "May 20th, met Stanley, the African Explorer, at the Duchess of Sutherland's At-Home; Duke very attentive in taking Anna round."

Sight seeing and much pleasant intercourse fully occupied their stay in London until June the 4th, when they left for Liverpool, sailing for Canada by S.S. *Parisian*; arrived at Quebec on the 14th, and home once more at "Ardraven" on the 17th, after an absence of nearly a year and two months.

In 1891 Senator Gowan suffered the loss of a very old friend, with whom he had been on the most intimate and confidential terms for some forty years—Sir John A. Macdonald, who died on the 10th of June; and with his passing away, my uncle lost, to a large extent, his interest in political life. Sir John was a patriot and ever strove to forward the interests of his adopted country, over whose destinies he presided as Prime Minister for a period, almost without parallel for duration, in British history. My Uncle fully recognised his devoted

patriotism and his untiring zeal in the interests of Canada, and he determined, before the grave closed over the dead statesman, that he would in some tangible way express his abiding regard for his departed friend. On his return to Ottawa after the funeral the thought came to him that the founding of a Chair in Queen's University, the seat of learning that Sir John had been interested in from its foundation, situate in his own City of Kingston, would be a most appropriate memorial of that great Canadian. Not long afterwards the Senator wrote Principal Grant of what was in his mind, at the same time enclosing a sum of money as the nucleus of a fund for such a purpose. Principal Grant, in reply, expressed the "greatest possible gratification" at my Uncle's proposition, and the following year, in acknowledging a further contribution to the fund from him, he wrote "The more I think of it, the more appropriate does the memorial suggested by you seem to be, and we *must* make it a success". From year to year my Uncle added to the fund, but much to the disappointment of the Principal and others, scarcely anyone seconded his efforts until 1898, when his persistency triumphed, and it was only necessary then to tell others what he had done to make them take a hand in the work, which was brought to completion at Convocation in April 1899. Unfortunately, my Uncle was not convalescent from a serious illness and was unable to be present at the interesting proceedings, of which *The Montreal Star* of the 26th April gives

the following account: "Kingston, April 26th—The City Hall was crowded long before the hour appointed for entering upon the proceedings of a special convocation. The University Council had met the early part of the afternoon for the particular work belonging to it. Amongst the business was the adoption, on motion of Mr. Justice MacLennan and Rev. A. H. Scott, M.A. of the following resolution 'The University Council learns with much satisfaction that there has been a movement to complete the endowment of the Chair of Political and Economic Science and that it is proposed to have the name of Sir John A. Macdonald associated with it, as a memorial of that great Canadian and British statesman. The Council cordially approves of the proposal and hereby places on record its gratification that the Chair shall always hereafter be known by the name of one, who took an active part sixty years ago in founding this University, and who, for many years before his death, occupied the position of Premier of Canada.'"

"The proceedings of Convocation were entered upon and Principal Grant proceeded to indicate the steps that led up to the present occasion, and to the endowment of the Chair of Political and Economic Science. On the 18th Oct. 1898, the Finance Committee of Queen's sent to leading men in different parts of the country a letter, in substance, as follows:—Sir, Shortly after the death of the Right Hon. Sir John A. Macdonald, the Hon. Senator Gowan believing the best monument to a states-



man to be a Chair of Political and Economical Science bearing his name, and convinced that in the case of Sir John, such a Chair should be in the University in which he took such an active part in founding, sent to the Principal of Queen's five hundred dollars as the nucleus of the endowment fund for that purpose. From time to time Judge Gowan has sent other sums for the same object. His contributions now amount to over \$6000. The University had previously appropriated a sum towards the endowment of such a Chair, on account of its immense importance. From those two sources \$1300 a year can be depended on, but as the average salary of a Professor at Queens is \$2000 it is desirable to secure sufficient to yield \$700 a year additional. It is felt by friends of the University that the work so generously commenced by Senator Gowan should be completed, and the Chair established without delay. We believe that many will be glad to take part in a movement to perpetuate by a monument more useful and more enduring than marble or granite the name and work of a great Canadian and Imperial Statesman, who was largely identified with the building of the Dominion and the Empire."

"This was signed by Chancellor Fleming, Justice Maclellan, chairman of the Board of Trustees, and Principal Grant. The responses to this call were most gratifying. Men of all denominations and political creeds joined the movement. It was decided to establish the Chair with the minimum sum

of \$20,000 including Senator Gowan's gifts, to be raised before the Spring Convocation. The minimum has been secured. Sir John A. Macdonald has more than sixty friends willing to take part in creating so fitting a monument, without personal solicitation.

“The hope was to see Senator Gowan in Kingston to-day, and to-morrow also, when a memorial brass tablet is to be unveiled in Convocation Hall in honour of him to whom the memorial owes its initiation and annual gifts ever since Sir John's death, but I received from him a letter this morning giving sufficient, and to us most regrettable, reasons for his absence, which reads as follows:— ‘My dear Principal Grant, Returning from the funeral of that greatest of Canadian statesmen, my dear friend Sir John A. Macdonald, the thought came to me how could his friends in some way—a way that would have commended itself to him were he living—keep before Canadians, and retain a living memory of one who has proved himself worthy of Canada. The City of Kingston which he had honoured, and which had honoured him for so many years, naturally came to my mind, and in this connection, Kingston's greatest pride, Queen's University, the seat of learning which our dear friend loved, and had been connected with from the first. How could one better help to perpetuate his memory than by assisting in founding a Chair in connection with that branch of learning of which Sir John A. Macdonald was so able a master. I brought this

idea before you. I knew it might take years to accomplish, though from the first I was encouraged by spontaneous gifts to the fund, one from a near relative of Sir John's, another from one in dear relation with yourself, and I had the honour in assisting in some measure towards this most to be desired end. In October last the authorities of Queen's generously supplemented the funds, and the design has been brought to a successful termination. 'The John A. Macdonald Chair of Political and Economic Science' is about to be inaugurated under auspicious circumstances, but alas! I cannot be present. It is almost unnecessary for me to say to you, how deep is my regret that, in consequence of a long illness I cannot avail myself of the invitation so kindly accorded to me, to be present at the Convocation which would have given me the deepest satisfaction. Not being able to be with you, I beg to offer my earnest wishes for the highest prosperity of Queen's, and to express my ardent hope that the new Chair in the University may prove to be a lasting benefit and an efficient help to many a student in acquiring that branch of knowledge the new Chair is designed to teach, so valuable to every one who rightly estimates our magnificent heritage, and loves this almost boundless Canada of ours; to all indeed who would fain prepare themselves to take an intelligent part in public affairs.' "

The following day another interesting ceremony took place at Queen's, when Mr. Justice MacLennan

unveiled a brass tablet placed in the wall of Convocation Hall to commemorate the services of Senator Gowan, in regard to the founding of the Sir John A. Macdonald Chair. He spoke very warmly of the Senator's efforts in that direction, and his announcement of the fact that Mrs. Gowan was among the contributors, was received with hearty applause.

In the autumn of 1894 my Uncle and Aunt left Barrie in search of a milder climate, going as far south as Lakewood, New Jersey, where they arrived the 24th Nov. His diary records a good deal of rain and cold weather, the thermometer registering as low as 12 deg. on the night of 27th Dec., and on the 4th January 14 deg. As this was but little improvement on the Canadian winter, they determined to put the gulf stream between them and the north winds, and set sail for Bermuda on the 19th Jan. Land was sighted on the 21st., just forty-eight hours from New York. My Uncle's diary now records temperatures between sixty and seventy degrees, and "a lovely day" becomes a common expression. Nearly four months were spent in this charming winter resort and many pleasant friendships formed.

In August 1895, the American Bar Association held its meeting in the City of Detroit, and my Uncle attended by special invitation and made the acquaintance of some of the leaders of the Bar in the United States, and two of the Supreme Court Judges.

He was the guest of Counsellor C.A. Kent, whom he had met in Bermuda; and he enjoyed the learned addresses on a variety of subjects. Amongst those in attendance was the present President of the United States, then Judge of the United States Court of Appeals, Cincinnati, Ohio. He is referred to in the *Detroit Free Press* of the day in the following words: "At the right, on the stage, was the comfortable figure of Wm. H. Taft, good natured, jolly, somewhat rotund, the cares of his office apparently resting lightly on his broad shoulders, which bore the burden without an undue loss of nerve and tissue;" and after mentioning several other judges, the article continued:—"to the left was a gentleman of the old school. He seemed to have stepped out of one of those old canvases which are hung in England's ancestral halls; with scanty white hair, a clean shaven face and a countenance that bore the evidence of marked individuality—Judge Gowan of Canada, was an interesting spectator of the business of the Convention; generally, as motionless as the typical judge on the Bench, listening to the arguments in an intricate case; the occasional taking from his pocket of a gold snuff box and the dignified application of its contents seemed all the more conspicuous."

My Uncle joined the Masons as early as 1840, and at the time of his death was probably the oldest living Mason in Canada. Although, latterly, not a regular attendant at lodge meetings, he was never-

theless always an enthusiast on the principles of Masonry.

Many interesting stories he told about his experience in foreign lands, which showed how world wide is the spread of the craft, and what practical aid it often renders to the stranger. On one occasion in Egypt, instead of being robbed and, possibly, murdered by some fierce wandering Arabs, he was escorted on his way, with every attention, on his making it known that he was a fellow Mason.

He attended a lodge meeting in Cairo in 1890 and found that the ceremonial differed very little from that of the Masons of the Western Hemisphere.

In 1896, on the 12th May, my Uncle was the guest of honour at a meeting of St. Andrew's Lodge in the City of Toronto. The following account of the interesting event is taken from the '*Freemason*' "On Tuesday evening May 12th, the Masonic Hall, Toronto Street, Toronto, was crowded to its fullest capacity, the occasion being the presentation of an address of congratulation by St. Andrew's Lodge to Bro. Senator James Robert Gowan, C.M. G., Q.C., LL.D., of Barrie, who is the oldest living member of the Lodge at the present day, and probably the oldest living initiated Mason in the Dominion of Canada. St. Andrew's Lodge is the Mother Lodge of Freemasonry in the City of Toronto and vicinity. Just 74 years ago on the 27th December, it met at an inn kept by one Jordan on King Street East. The Ridout family have been very closely connected with the lodge from



its inception, and it was a Ridout who initiated our distinguished brother, Senator Gowan, into St. Andrew's Lodge. Men who have taken the foremost positions in Canada in all walks of life have been members of this Lodge. So that it was fitting for a lodge, with such a record to honour one of its old and venerable members, brother the Hon. Senator Gowan. The gathering of Masons to do honour to the occasion was a most distinguished one, composed as it was of the best men in the community. Following are some of the old members who were present, and who have been connected with St. Andrew's Lodge for close on half a century or more:—Bro. Senator J. R. Gowan, 56 years; R. W. Bro. Aemilius Irving, Q.C. 52 years; W. Bro. Hugh Miller J.P., 53 years; R. W. Bro., Kivas Tully, 52 years; R.W. Bro. Thomas Ridout, 46 years; V. W. Bro. Capt. W. F. MacMaster, 45 years; Bro. John Laidlaw, 43 years; R.W. Bro. James Bain, 40 years; V. W. Bro. W. S. Lee, 40 years; and a great number of brethren, who have been members of St. Andrew's Lodge for upwards of 35 years.

“The routine business of the Lodge being completed R.W.Bro. W. C. Wilkinson introduced the guest of the evening, Bro. Senator J. R. Gowan, to the brethren assembled, who numbered 350 of the most distinguished men of the Craft in Canada. It affords me very great pleasure to have the honour of introducing to you and the members of St. Andrew's Lodge, and the representatives of the Craft assembled here, our venerable and respected

brother, the Hon. James Robert Gowan, the oldest living member of this lodge. Bro. Gowan during his connection with St. Andrew's Lodge, especially in the latter days, owing to his manifold public duties, has been unable to be with us as often as we should have liked, but although he has not been with us we know that he has had a kindly feeling towards old St. Andrew's Lodge. Our esteemed brother has been the recipient of many mementoes of appreciation for his services to his fellow men from the Canadian public. He has been honoured by our Most Gracious Majesty Queen Victoria, for on his breast to-night he wears the badge of a Companion of the most distinguished Order of St. Michael and St. George. Now, we, as Masons, are about doing honour to one whom I am sure every one present will acknowledge as being one of the most distinguished Canadians of the present day.'

"The vast assemblage then sang 'Auld Lang Syne,' after which W. Bro. J. W. Dowd, the W.M. of the Lodge, in welcoming the Ven. Bro. said:— 'The large number of Masons here assembled is a measure, though inadequate, of the esteem in which you are held by your brethren of St. Andrew's Lodge, and the Craft in general. On the 3rd July 1840, you were initiated as a member of St. Andrew's Lodge, and as you then stood at the N.E. angle of the lodge, a just and upright man and a Mason, so you have faithfully carried out the injunction ever to continue and act as such. For a longer time than

the life of many of us here to-night, you have been a member of the Craft, and we greet you with congratulation, a brother who for fifty-six years, living an open life in the public eye, has worn the badge of Masonry unstained and untarnished by any act of perfidy or dishonour.'

"W. Bro. Dowd then read the following address:—'St. Andrew's Lodge A. F. and A.M. No. 16, G.R.C. Toronto. To Bro. Hon. Senator James Robert Gowan, C.M.G., Q.C., LL.D., 'St. Andrew's Lodge hails you to-night with all respect and reverence as our oldest living member. Of all the honoured and distinguished names on our roll, not one shines with a brighter lustre than your own. In whatever capacity you have been called on to do duty, whether as Educationist, Jurist, or Legislator, you have brought to your aid an ample knowledge so grounded upon accuracy, aided by labour and prompted by perseverance, as to enable you to win the highest success. A generation has passed away since you first saw Masonic light in this old Lodge, and we appreciate your return to the former scene of your activity, because while to us it is a source of un-alloyed pleasure, to you it cannot be an unmixed joy. The images of the dead must contrast strangely with the faces of the living, but we trust that the remembrance of the days that are no more, will form but a minor chord in the emotions that throb for expression in your heart to-night. Disraeli has said, that youth is a blunder, manhood a struggle, and old age a disap-

pointment. Such a career as your own, gathering honour and renown with advancing years, and approaching its close, rich in the garnered treasures of a long life, leads us to believe that old age has a pleasure peculiarly its own—a pleasure rich in retrospect and reminiscence—the pleasure of abundant harvest, of fulfilment rather than anticipation, and also an outlook for the future resting upon foundations that are immovable and enduring. Though you are one of the ‘Old Guard,’ though your head is frosted with the snow that never melts, your heart and brain are young—Love knows no decay. In thought and affection you are our brother. In noble impulses and general enterprises you are of to-day. We congratulate you as a man and a Mason, who, rich in the past has his face to the future. ‘For age is opportunity no less than youth itself, though in another dress, and as the evening twilight fades away, the sky is filled with stars, invisible by day.’ Signed on behalf of the Lodge by W. Bro. J. W. Dowd, W. M., Bro. H. T. Smith, Secy., and R. W. Bro. W. C. Wilkinson, Treas., and Geo. Tait., Committee.

The address was got up in the form of an album, bound in rich royal blue calf, the covers being elegantly chased in gold; upon the front cover the following words are inscribed, ‘An Address to Brother, the Honourable Senator James Robert Gowan, Q.C., LL.D., from St. Andrew’s Lodge, A. F., & A.M., No. 16, G.R.C., 12th May, A.L. 5896.’ It consisted of several pages of artistic designs.

The first page had the two masonic pillars or columns surmounted with globes, representing the universe, upon the columns or pillars appeared the name or number of the Lodge. In the centre of the columns were the altar, lights, mosaic pavement and the various emblems of Blue Lodge Masonry, which are described as the working tools; above all appearing the All-Seeing Eye. The second page was headed with St. Andrew and the Cross, and the motto of the Lodge 'Audi, Vidi, Tace,' upon the side were the Scottish Rite and Blue Lodge Jewels, at the bottom the key-stone of Royal Arch Masonry. The whole was surrounded with a beautifully executed mediæval border; upon this page was the commencement of the address. The third page on the top had the fraternal or clasped hands and the five pointed star, the four corners of the page containing maple leaves in autumn colours, while the bordering was a delicately designed rustic border of maple leaves chastely executed, this page containing the general part of the address. The fourth was tastefully arranged so as to display the shamrock and thistle, and red and yellow roses on the sides, the top having the rough or perfect ashlar and the plumb rule, while at the bottom appeared the mallet, gauge and chisel, the bordering being a very pretty scroll designed in crimson, blue and green. Upon this page is the concluding part of the address, with the committee's names and the seal of the Lodge attached.

“Brother Senator Gowan, in replying to the ad-

dress, said that he wished he possessed words fitting enough to express his gratitude to the members of St. Andrew's Lodge for the beautiful address they had presented to him to-night. It was now a great many years—more than fifty years—since he first entered the portals of St. Andrew's Lodge to be made a Mason. He was very young, or comparatively young, in those days, and he could not say now what motive he had for joining Masonry, but no doubt he was actuated by seeing so many distinguished men belonging to the noble fraternity of Freemasonry. He remembered that many of his ancestors were Masons, and in his youthful days he had been led to believe that Masonry was an excellent thing. When he saw that the most prominent men in England and the United States were Masons, and when the Imperial Parliament passed a law against secret societies, that Masonry was excepted, he inferred from that that there must be something grand in Masonry. When he looked around him before entering the Fraternity, he found the best men, socially and morally, of Toronto were members of this Lodge, and he thought he would be safe in becoming a candidate for the mysteries of Masonry, and he had now been a Mason for more than half a century. During all that time, he said, and he could say it with the greatest sincerity, he had not seen anything evil connected with Masonry, but everything that was good. Because bad men were found in Masonry, occasionally, that was used for an argument against it, but it must be remem-



bered all good things are sometimes abused and that was not a good argument to be used. Christianity was greatly abused by some men, yet it was a grand thing. In all his career as a Mason he had seen few instances of unworthy Masons. He had seen Masonry in various parts of the world, and wherever it existed men of the most excellent character were members of it. He said, when he was first admitted to Masonry, one of the most earnest men, one of the best men, one of the most lovable men was in the chair, W. Bro. Thomas Gibbs Ridout, and he was glad to see the son of that worthy man present to-night. Bro. Gowan said he did not recognize more than three or four of his old friends there that night. There was Bro. Bain, whom he remembered well, but the others he did not. In those old days, he said, we were really like one family when we met together. They used to have an average of fifteen or eighteen at their meetings, and they knew each other well. Shortly after he joined the Lodge, he said, it was reported, and generally believed, that one of the Governors-General had quietly dropped a hint to his Council that he would have more confidence in his advisors if they belonged to ancient Freemasonry, and it so happened that almost immediately four or five members of the Government joined the Fraternity. Mr. Draper, who was afterwards Chief Justice; Hon. R. S. Jameson, who was afterwards Chancellor; Mr. Justice Sullivan and several others joined about that time, and were

regular in attendance at the meetings, and they made excellent Masons. When he first joined it was impressed upon him in an exceedingly striking, or dramatic, manner in these words:—'The badge of the Mason is more ancient than the Golden Fleece; more honourable than the Star and Garter, or any other order in existence, etc.' He believed that then, he believed it still. He said he never had had any other opinion than that Masonry was ancient and not something modern. He had visited Egypt a few years ago, and while there he saw many things which convinced him of its great age. The distinguished brother then described graphically the esoteric work of Masonry, as witnessed by him in Egypt while visiting there, after which, he said, when he had received the kind invitation to come and visit them, it occurred to him that he had something that would be valuable to St. Andrew's Lodge, and it could be placed amongst the archives of the Lodge; it was a document that contained nearly every name of the members of St. Andrew's Lodge in 1842, as well as containing the names of all the leading Masons in Canada at that time. It so happened that the Lodge in 1842 determined to present a testimonial to their good brother Thomas Ridout, and Bros. King, Lynes and himself were commissioned to get up a subscription list, which they did, he being the Secretary of the Committee. Bro. King in those days was a regular attendant at all the lodge meetings and was a most ardent Mason

The document Bro. Gowan said, contained the names of such men as Sir Allen Napier McNab, Dr. Widmer, Justice Joseph Curran Morrison and many others of equal standing in the community. (Bro. Gowan then handed the document to the W.M.)

“Bro. J. W. Dowd said that on behalf of the Lodge he received the document with the greatest pleasure, and that it would be treasured in the archives of the Lodge, not so much for its intrinsic value, but for the names of those great men which were inscribed upon it, and as Masons they would try to emulate the many virtues of those distinguished men.

“The document presented by Bro. Senator Gowan to the Lodge is of parchment. It is 28 inches long and 13 inches wide. On the top is a Masonic emblem, representing the sun, moon, stars, pillars, altar, lights and the All-Seeing Eye, with the following words:—

“At a meeting of the brethren of St. Andrew’s Lodge, held at Brother Gardner’s on Tuesday the 5th day of July, A.L. 5842, A.D. 1842, it was resolved that a subscription list be sent round to the brethren to raise funds for the purchase of a piece of plate to be presented to our late Worshipful Master Thomas Gibbs Ridout, and the following Brethren were appointed a committee to receive the subscriptions, viz: Bros. King, Gowan and Lynes. Then followed seventy signatures of the donors, with the different amounts subscribed opposite

each name in pounds, shillings and pence, the currency of the country at that time.

“It may be of interest to the reader to see a few sentences of W. Bro. Thomas Gibbs Ridout’s reply to the presentation made in the year 1842. Bro. Ridout said:—‘The revival and flourishing progress of Masonry in this part of Canada, within the last three years, is a gratification in which we all participate, and may be considered the inestimable work of the great Architect of the Universe, as the means of promoting brotherly affection and good-will amongst men; so that Faith, Hope and Charity the leading principles of our Order, may be thereby firmly established on the three great pillars of Wisdom, Strength and Beauty.’”

At a meeting of the lodge on the 11th June 1907, an historic picture painted by W. Bro. F. M. Bell-Smith, containing the portraits of nearly 100 members of the Lodge, was presented by the artist to the Lodge to remain absolutely its property. In the foreground can be seen Grand Master M.W. Bro. J. H. Burritt K.C., being introduced by W. Bro. A. F. Hagerman to Bro. Sir James R. Gowan the oldest living member of the Lodge. My Uncle was presented with a very fine photograph of the painting by Mr. Bell-Smith.

Shortly after my Uncle’s death a most artistic “In Memoriam” pamphlet, with his portrait and a short but comprehensive sketch of his career, was dedicated to him by St. Andrew’s Lodge A. F. and A.M., of which he was the oldest living member.

In 1898 my Uncle visited Washington at the time when war with Spain was imminent. He had an interview with the President, notwithstanding that Mr. McKinley was occupied almost night and day with the affairs of state during this crisis, and my Uncle told me, long afterwards, that the President impressed him as one bowed down with the tremendous weight of his responsibility as the arbiter of peace or war. While in Washington my Uncle was an honoured guest of the Masonic body, and made the personal acquaintance of many Senators, and renewed his friendship with several of the judges of the Supreme Court.

The *Washington Post* of the 19th April 1898 has the following interview with my Uncle, which gives very clearly his attitude towards Anglo-Saxon amity, a subject, which I have already mentioned as being very near his heart.

“One of the foremost of Canada’s public men, Hon. James R. Gowan of Barrie, a member of the Dominion Senate, is the guest of the ‘Arlington.’ For over forty years he sat upon the Bench, and had the honour of being the youngest man ever appointed to a judgeship either in England or any of the colonies. Sir John Macdonald appointed him as Senator in 1885, and his services in that body have won him the high esteem of his countrymen.

“In talking with the *Post* reporter, among other things, Senator Gowan said: ‘The people of Canada appreciate fully the situation now con-

fronting your Government, and commend unreservedly the course that President McKinley has taken. In putting an end to the dreadful condition of things in Cuba, the United States is performing a glorious service for humanity and civilization. Englishmen everywhere are in sympathy with this country, and applaud the determination to aid an oppressed people struggling for their freedom.

“I believe in peace—in peace with honour—and this, I take it is the sentiment actuating the vast body of the American people. It seems to me that there ought to be a closer union between the two great nations of the world, which can, by acting in unison, dictate to all other Governments. For years I have favoured an Anglo-Saxon alliance, by which England and the United States can render inestimable service to their own citizens, through the establishment of perpetual amity. Such a compact would be so powerful that all the nations combined would be forced to respect it, and it would make for universal peace. This sentiment I know to be very strong in England, and I believe it is growing in America. It seems in line with manifest destiny, and all considerations, with national welfare and common reason, are on its side.”

My Uncle's connection with Military affairs began early, when he was just of age, in the troublous times of 1837. He bore arms for the Government in the Rebellion of that year and fought at



Gallow's Hill. In the following year he was promoted to the lieutenancy of the 4th North York Regiment. From that time until his death he took a deep interest in the Canadian Militia and Volunteer Forces. In 1868, he and my Aunt were much interested in the local battalion—the 35th Regiment, "Simcoe Foresters". My Uncle selected its motto, "Spectemur Agendo", and my Aunt presented the new colours to the Regiment. The colours were the gift of the ladies of Simcoe, my Aunt taking the leading part. An excellent account is given of the presentation of the colours in the '*Examiner*' of the 28th May, 1868, which is of sufficient interest to be given here:—"The 49th birthday of our Gracious Majesty was right royally celebrated here on Monday last, notwithstanding the fact that little or no preparation had been made for a demonstration, if we except the orders issued for the massing of the Volunteer Companies composing the 35th Regiment to receive a stand of colours, the gift of the ladies of the county. Thousands of people found their way hither by the Northern Railway, the steamer 'Emily May' and other modes of conveyance, until the town was filled with a dense multitude bent on demonstrating their fealty, and their affection for a woman, who, as Queen, Wife and Mother, has added a lustre to even the dignified position she occupies, which has commanded, and still commands, the unbounded admiration of all civilized nations. Yes, the rejoicing on this oc-

casion was as enthusiastic as it was on the day the Crown of the most powerful Kingdom upon earth was placed upon her youthful brow, and she swore to protect the interests of the realm, as if the dangers, seen and unseen, through which this peaceful appendage of her Crown is now passing, tighten the cords of affection, which unite the circumference to the centre, there was an earnestness in the cheers which rent the air for her, and a pathos about the strains of the National Anthem, which sounded sweeter and dearer in our ears. About 11 o'clock, the multitude was attracted to the Market Square by the assembling of the Volunteer Force, consisting of the Collingwood Garrison Battery, the 35th Battalion "Simcoe Foresters" and the Barrie Hussar Troop, for the double purpose of being inspected by Lt. Col. Durie, A.A.General, and receiving the stand of colours before mentioned. Soon after, the parade was formed and marched to the common at the head of Penetanguishene street—the 35th, headed by the fine band of the Regiment, to which we shall allude again. On arriving on the field, the force was formed up as a small Brigade, and deployed to the left, the ranks opened, and the inspecting officer received the general salute. The *Feu-de-joie* was then fired. The Brigade was then formed into three sides of a square; the drums piled in the centre, and the colours being uncased by the Majors were crossed over them. The consecration of the colours then took place—the service being conducted by the

Rev. S. B. Ardagh in a most impressive and solemn manner.

“Major McKenzie here placed the Queen’s colours in the hands of Mrs. Gowan, the lady selected to present them, and she immediately presented them to Ensign Bailey. Major Moberly then, in like manner, handed the regimental colours to Mrs. Gowan, and it was received from her by Ensign Wilson, both officers kneeling. Mrs. Gowan, who throughout the whole ceremony acted with graceful ease and marked presence of mind, then read the following address:—“Col. Stephens, officers and men of the 35th Battalion. The ladies of the county, whose gift these colours are, have done me the honour of choosing me to present them to you. Upon me it devolved to communicate with the ladies in the several towns and villages, with a view to the co-operation of all anxious to do honour to our Battalion, many of them connected with the officers and men by the strongest and dearest ties.

“I must state, in justice to my sisters throughout the county, as well as for the gratification of the recipients of their gift, that the invitation to join in this offering was everywhere received with the utmost enthusiasm, and was met by a most generous and cordial response. It is a matter of regret, that the donors are not all present to-day, to witness the reception of their gift. When this movement was originated, the dread existed that these flags might be inaugurated on a bloody field. That fear, thank God, passed away. We now enjoy the

blessings of peace, though we have had sad proofs that the machinations of some evil men have not ceased. The shrinking horror with which every heart was filled, on hearing of that terrible deed, which deprived our new Dominion of one of her ablest and best supporters—one of her brightest lights—has not yet passed away. Yet Canada was never more prosperous than at this moment. The grand combination effected, uniting in one the British Provinces. Our great Dominion consolidated, establishing us as England's greatest colony. The feeling of common brotherhood extended. The desire intensified (if that were possible) of each brave citizen soldier to do his part faithfully when duty calls, realizing that he is one amongst thousands, who, from the Atlantic to Lake Huron, are prepared at the bugle call to march forth and shed their blood, if need be, in defence of their country. With peculiar pride we meet the 35th Battalion. The volunteer movement, I believe, was first organised in Barrie, the county town, and it is well remembered, how, on various occasions, the soldierlike and admirable conduct of the Simcoe men drew forth well merited eulogiums. On one bright May morning two years since, a touching scene occurred at a railway station. Our brave volunteers mustering with cheerful and determined faces, many amongst them mere lads, who, for the first time, were leaving their mothers' tender care. Entire households poured forth to say good-bye and wished them God-speed. As the train slowly

bore them from our sight, the brave fellows answering the parting cheers, every heart was deeply stirred, and many a fervent prayer went up on their behalf. They were leaving their homes perhaps to meet with death, in defence of all they loved so well. Should circumstances unfortunately again render it necessary for the Simcoe Foresters to face a foe, their courage and endurance will not be lessened by the fact that they will fight under banners, the gift of those dear to them at home. In humble trust in God's blessing on your honour and integrity, you choose your motto "Spectemur Agendo," which we feel sure will never in after years bring the blush of shame to any cheek; but that this motto will be irradiated with the light of noble deeds, should your colours be unfurled on a battle field. May the prayers which have just been offered be abundantly answered, and may the flag of our country long float in the calm atmosphere of peace. If assailed, ours will be the righteous cause. We know that throughout the British Dominions are not to be found more loyal, devoted, true subjects than the gallant officers and men of the 35th Battalion, our Simcoe Foresters. With full confidence we commit these colours to your keeping; assured that in your care they will suffer no sully, but that you will ever cherish and defend them as becomes good soldiers of Our Gracious Queen."

"While Mrs. Gowan was thus addressing the officers by whom she was surrounded in clear,

steady and firm tones, with the proud, untarnished emblems of our country's glory and greatness waving above her head, the inspiring scene reminded us of Longfellow's hero in his poem "Excelsior," in which the standard-bearer, faithful to his trust, was found dead in the snow, his hands still clasping the flag he loved; and we thought there were many beating hearts then present witnessing the imposing and impressive ceremony, who would dare a similar fate rather than the prized gift of their heroic sisters of Simcoe, and the proud emblem of their nationality, should be polluted by unlawful hands.

"When in the right, they'll keep its honour bright,  
"When in the wrong, they'll die to set it right."

Lt. Col. Stephens, in acknowledging the handsome compliment bestowed on the Simcoe Foresters, made the following reply:—"In the name of the officers and men of the Simcoe Foresters, it becomes my pleasing duty to thank you, Mrs. Gowan, and the ladies of Simcoe, for the handsome present you have made us. The gratification of receiving such a splendid set of colours is much enhanced by your complimentary address, and the friendly feeling which dictated the gift, for they prove to us that any sacrifice we may make, or any inconvenience we may incur, while doing our duty as volunteers, are appreciated by those we most admire and respect. The volunteers of Simcoe have three times, at the first sound of danger, marched to the front—every officer and man in his place. I have known



private soldiers—who having heard casually, that their company had been ordered on service, drop their employment, hurry on their uniforms, and walk and run fifteen or twenty miles, through the night, that they might march with their comrades in the morning. I can safely guarantee, knowing the enthusiasm and eagerness of the men to do their duty, that they will be always ready and willing to take the field when their country needs them.

“With regard to the confidence with which you commit these colours to our keeping, my answer is our motto—“Spectemur Agendo”—(Let us be judged by our actions). As soldiers our loyalty and patriotism urge us to do all that men can do in defence of our colours, but, by what this day has been done, another sentiment has been appealed to, and that is—gallantry. In neither loyalty, patriotism, or gallantry, will the Foresters, (if I may venture to say so) be found deficient. Should it ever become our duty to bear these colours on the field of action, I feel sure that they will be so carried that on our return we may be able to say, “Ladies of Simcoe, we have not dimmed the lustre of your gift.”

The colour party was then formed, facing the centre of the Regiment; the flanks were wheeled back into line, and the colours received with a general salute—the band playing “God Save the Queen.”

In the early part of 1889 my Uncle conceived the idea of giving a trophy that might stimulate effi-

gency amongst the citizen soldiery of Canada. He first communicated his views to a distinguished military relative in England, who approved; and late in that year he brought the matter before the officer commanding Her Majesty's Forces in Canada, who expressed his entire approval and formulated conditions for competition; the following reference to the subject appeared in the public press:—"The Militia authorities have accepted the offer of Senator Gowan of Barrie, to present a Regimental Service Cup for proficiency in volley firing, as distinguished from individual sharp shooting. The Cup is to be competed for annually by the regiments in military districts Nos. 1, 2, 3 and 4, Ontario, at their yearly camp, and the conditions are to be mainly such as will promote efficiency in shooting in volleys, under control and otherwise, as in actual warfare. Major-General Hutton is interesting himself in the matter, and will see that the conditions are such as will most fully accomplish the object which Senator Gowan has in view in presenting the Cup. The Cup will be of silver, about 120 ounces in weight, of unique design and of Canadian manufacture." The following year my Uncle had the Cup in his chamber in the Senate, and the Minister of Militia, accompanied by the Premier and several members of his Cabinet, came there to see it, and were loud in its praise. My Uncle then, in the presence of this distinguished Company, placed the Cup in the custody of the Minister of Militia, who, in accept-

ing it, assured my Uncle that the object he had in view would be faithfully carried out at the earliest possible date.

It was not, however, until the summer of 1906 that the Cup was first competed for. The delay was very disheartening to my Uncle, especially at his advanced age, and he had almost given up the hope of seeing his patriotic design carried into execution. Delay followed delay, and many changes were asked for in the conditions for competition by succeeding commanding officers, always acceded to by my Uncle, but without any apparent result. The system, no doubt, rather than the men at the head of the Department, was responsible for the postponement from year to year. It was at the annual camp at Niagara in June 1906 that the Cup was first competed for. It was won by the 23rd Regiment, "Northern Pioneers"; No. 2 Company 35th Regiment, "Simcoe Foresters," taking second place, and No. 1 Company third place. The following year it was won by "C." Company of the 12th Regiment, "York Rangers," with 1589 points; "D." Company of the 23rd Regiment, which won the Cup the previous year, coming next, with 1451 points. The 12th Regiment still holds the Cup.

It was in September 1901 that Barrie entertained the "Simcoe Old Boys," more than 600 taking possession of the town. My Uncle had been made the honorary president, and was present and occupied the Chair, while the address of welcome was read by Mayor Radenhurst, after which my Uncle

addressed the large gathering present. The following account was taken from the *Gazette* of the 2nd Oct. 1901:—"As the Mayor finished reading the address, the Hon. Senator Gowan ascended the platform and was greeted with rousing cheers as he assumed the position of hon. president, he spoke as follows:—"Mr. President and Gentlemen of the Simcoe Old Boys Association, I am exceedingly glad to have the opportunity of saying a word, if only to thank this Association for so kindly bearing me in mind in connection with the position of hon. president of this Association. I thank you for the honour, and I was glad indeed when I received your communication appointing me your hon. president. There is little to be added to the eloquent words in which the Mayor has voiced the feelings of the people, but I would like to say one or two words in connection with this event. Mr. President, the Mayor has alluded to the feeling—the natural feeling, the sentiment which is common amongst civilized nations—the desire to revisit the scenes of childhood, to meet the young men with whom they studied at school, to meet the men with whom they worked in their earlier days, and to revive the old associations as they commend themselves to us. There is no county perhaps in Canada, which owns so many distinguished men — distinguished in every walk of life, in the professions, in arts, in commerce, in literature and in law—than the grand old County of Simcoe. But one thing that must

not be forgotten, is that in the earlier days the parents of these children had to make many and great sacrifices to give their children the education to equip them properly for the duties and responsibilities of life; and when we bring to mind the distinguished men whom this county has produced, let us think also of those who made these great sacrifices, and thus gave to their sons the opportunities and advantages they needed to show the world what they were, and could do. Gentlemen of the Association, I do not know whether being your Hon. President I should address you on this occasion, but I may do so as a citizen of this town and county. I daresay you have observed many of the inscriptions which have been placed on the various arches as evidence of your welcome, and you have read the one "Keadth millia fallthia". Permit me to add two more words to that inscription, in the language which historians tell us was the language of our first parents; permit me to add "millia bienach"—a thousand blessings to you and all your friends. We are proud of you, we are proud to know that you selected our town as the one in which to hold your first celebration. The Mayor has said "the town is yours." I endorse the remark, but I would recommend you, before you take actual possession, to go to the registry office and ask Mr. Samuel Lount if the deed has been duly registered. I repeat, I am glad to welcome you to Barrie."

My Uncle's sight had for a long time being fail-

ing, for many years he had put a severe strain on his eyes by constant reading, night and day, in pursuance of his official and other duties; some of his writing of the earlier days was almost microscopic, so small and closely written was it; but it was not until 1902 that my Uncle could be persuaded by his friends to undergo an operation for cataract, which most unfortunately proved unsuccessful, and he had to spend the remainder of his days with just a glimmer of light, enough to find his way about in accustomed places. He bore the affliction with a brave heart, accepting the inevitable with wonderful patience. In the last few years of his life his chief entertainment was being read to for hours every day.

On the 7th July 1903, my Uncle and Aunt completed half a century of married life. The event was marked, in the family, by the presentation of a handsome English clock in mahogany case, fitted with a double set of chimes, which each quarter hour gives forth sonorous notes. It was the gift of their nephews and grand-nephews nieces and grand-nieces. I have in my possession the following acknowledgement of the gift in my Aunt's hand-writting:—"Ardraven, July 1903, The Uncle and Aunt of Ardraven, deeply touched at the loving and graceful recognition of their Golden Wedding Day by their nieces and nephews and grand-nieces and grand-nephews, ask each to accept their grateful and affectionate acknowledgement of the very beautiful gift and the tender loving address—



expressing that which is most grateful to the heart. The little ceremony with all its arrangements so perfectly prepared that the recipients had not the faintest idea of the wonderful and touching surprise awaiting them. To the dear Uncle whose sight is so impaired, the sweet chimes of the handsome clock ringing out the quarter hours, will be a constant reminder of what is far more valuable than the costliest offering—the veneration and love that prompted the gift—from so many dear hearts. May each life be lived for God's glory, and his best blessings be poured on each one, prays the attached Uncle and Aunt."

The clock was placed in my Uncle's library and it was, for his remaining years, a constant source of pleasure—listening to the rich deep notes of the "Westminster Chimes."

The *Toronto News* gave a short account of the presentation:—"An event that is not very usual in many families came into the lives of Senator and Mrs. James Robert Gowan, of "Ardraven," Barrie. Last Tuesday was the fiftieth anniversary of their wedding day, and their nieces and grand-nieces, nephews and grand-nephews, combined to give Senator and Mrs. Gowan a Golden Wedding surprise party. They gathered together at a given hour, and at 2.30 o'clock presented themselves outside the Library of "Ardraven," where the happy couple quietly and without thought of festivity, were chatting in low tones of the day that had made them one, and recalling pleasant little

episodes in their fifty years of married life. Before them were spread numerous congratulatory telegrams and letters, all wishing them many more happy years together. The chatter of voices and merry ring of suppressed laughter in the large hall was the first warning that anything unusual was near at hand; the door was opened and in trooped the relatives from far and near. Several short and appropriate speeches were made, a very handsome English chime clock in mahogany and gold was then presented as a gift from all. But few could remember the day when Anna Ardagh, daughter of the late Rev. S. B. Ardagh, Rector of Shanty Bay and Barrie, became the bride of Judge Gowan. Healths were toasted, to which the Senator, who was in his 88th year, responded most feelingly”

The “*Sentinel*” had heralded the interesting anniversary in the following well-chosen words:—“At his beautiful home, ‘Ardraven,’ in the charming town of Barrie, that good citizen and venerable Senator James Robert Gowan C.M.G., whom we all delight to honour, will celebrate, with his amiable consort, the 50th anniversary of their wedding day. Congratulations will be theirs from all quarters of the Dominion, for wherever he is known he is admired for his eminent services to the State, and beloved for his genial and kindly spirit. To few men is it given to live so long, to render his generation so much service, and to retain throughout all the changing experiences of a strenuous life the

good-will and respect of friends and opponents.

“To the gracious lady, who has walked beside him all these years, who has been his helper in times of difficulty and his comforter in days of trouble, the congratulations of his multitude of friends will be no less sincerely offered.

“The *Sentinel* joins with this numerous host in extending the heartiest good wishes to the venerable gentleman and his wife upon this auspicious occasion, and fervently hopes there are still many years of usefulness before the estimable pair.

“The beautiful lines that Oliver Goldsmith wrote to describe the village pastor may be appropriately used to picture Senator Gowan:—

“As some tall cliff, that lifts its awful form,”

“Swells from the vale, and midway leaves the storm:

“Tho’ round its breast the rolling clouds are spread,

“Eternal sunshine settles on its head.”

The year 1905 was marked by his greatest sorrow, the loss of his dear wife, his companion for fifty-two years; her tender love for her husband, and her high appreciation of his talents, continued to the last moment of her life. She passed away suddenly on the morning of All Saints’ Day, a fitting time for one of her saintly character to enter into the joy of her Lord, for whose coming she was constantly watching. Her whole life was marked by good deeds and works of charity—the overflowing of a life of faith and love, following in the Master’s footsteps. No wonder that my Uncle was almost completely crushed by such a blow, and, indeed,

he never accomplished anything afterwards, in the way of public service.

Nine days later, on the King's Birthday, there came to him what he had earnestly hoped for, an honour which he could share with his beloved wife—the K.C.M.G.; but alas! she had gone, and it seemed almost a mockery of his hopes, coming when it did. Nevertheless, he had a proper pride in the honour conferred upon him by his King, and it certainly was a fitting crown to a long life devoted to the service of his Sovereign and his adopted country.

It was in Feb'y, 1906, that Sir James was waited upon by Mr. John Harvey of Toronto, the Treasurer of the York Pioneer and Historical Society, and presented with an illuminated address bearing the arms and motto of the Society. The presentation was a complete surprise to my Uncle, who expressed to Mr. Harvey, verbally, his warm thanks to him and his fellow members for their hearty congratulations and good wishes. It was quite an unique incident, performed in an unostentatious manner. 'At the monthly meeting of the York Pioneer and Historical Society held in the Canadian Institute on Tuesday 2nd Jany. 1906, the following resolution was unanimously adopted: 'Resolved that the York Pioneer and Historical Society of the Province of Ontario desire to convey to Sir James R. Gowan, a member of the Society for many years, their hearty congratulations on

his receiving the honour of Knighthood from his Majesty, King Edward VII.

“We have always found you to be a man of sterling integrity, irreproachable character, and the soul of honour. Some of us have followed your career during the last fifty years, and whether at the Bar, on the Bench, or as a Senator of the Dominion of Canada, you have always distinguished yourself and shed lustre on the position held, by employing your great ability for the uplifting of the people, both morally and socially, and the advancement of the best interests of the country generally. While we appreciate the distinguished title bestowed upon you, we feel that the Dominion is as much honoured in its bestowal as you are in receiving it. Signed by the Committee—Wm. Rennie, President. John A. McGillivray, Vice-Pres. Wm McClain, Vice-Pres. John Harvey, Treas., H. S. Matthews, Secy.”

Sir James Gowan was a staunch Britisher and ardent Imperialist, and sought every opportunity of forwarding the best interests of the Empire. He was also a warm advocate for friendly relations with the United States, and with pen and purse did much towards this end. He was largely instrumental in giving wide circulation, in pamphlet form, to an eloquent address on Anglo-Saxon amity, delivered before the Canadian Club at Boston, on the 4th December 1905 by J. S. Willison, LL.D. the well-known publicist. The '*Simcoe Reformer*' refers to the pamphlet in the following terms:—“The venerable Canadian Statesman and Jurist, Sir

James Gowan, K.C.M.G. feeling the importance of the Address as a contributory influence in a movement which he has long had at heart—a cordial understanding between the Empire and the American Republic—suggested its being brought to the attention of those persons both in Great Britain and America, who are, equally with himself, interested in a cause so noble and so patriotic. The permission of the author having been obtained, it has been printed in the form of a tasteful booklet, on the responsibility and under the auspices of the following committee :—Sir James Gowan, K.C. M.G., Member of the Canadian Senate; Sir Sandford Fleming, Chancellor of Queen's University; Byron E. Walker, D.C.L. General Manager of the Canadian Bank of Commerce; Rev. D. M. Gordon, D.D., Principal of Queen's University; James Bain, D.C.L., Chief Librarian of the Public Library of Toronto; Prof. A. B. Macallum, Ph.D., University of Toronto; John Hoskin, LL.D., K.C., Chairman of the Board of Trustees, University of Toronto; Mr. John A. Cooper, LL.B., Editor of the Canadian Magazine.

“The *Reformer* commends the address to the careful consideration of its readers being in full sympathy with its sentiments and the purpose it has in view. It would be a good thing if a copy of it could be placed in the hands of every intelligent person in the Empire and every citizen of the United States.”

Space forbids giving the address in full, but I cannot refrain from quoting the concluding sentences:



“We go about this wonderful country (the United States) and we rejoice in its triumphal progress, and in the abounding activities of its commercial and industrial life. We read that in commemoration of some historical event, or at the inauguration of some great civic undertaking, the old soldiers of the confederacy march side by side with the veterans in blue, and we are glad that the old wound has been healed. We go into the public squares, and we stand at the base of the monuments that preserve the gaunt frame and the patient enduring face of Lincoln, and we yield homage to as grand a man as ever was born of woman. We look at your noble legislative buildings, your great libraries, hospitals and universities, your institutions of charity, your temples of art and schools of science, and we marvel at your amazing devotion of wealth and skill and energy to the alleviation of misfortune, the enrichment of the intellect and endowment of all those higher pursuits, which make for the grace and beauty of life, and the dignity and power of man. And while we bare the head to the Sovereign who sits upon the throne of Imperial Britian, and lift the eyes in reverence to the old flag that has braved a thousand years the battle and the breeze, we yet rejoice to see the Union Jack hang entwined, as to night, with the starry flag of the Republic, and we pray that through all the generations these flags may so hang, and these nations be united for the preservation of the world's peace, and the prosecution of all the good ends of civilization.”

Sir James' firm and abiding conviction was, that Great Britain and the United States in accord would be a powerful influence for the peace of the world.

At the advanced age of ninety-two, my Uncle formed the somewhat daring resolve to cross the Atlantic, being seized with a strong desire to pay a last visit to "the dear old land," and see once more those of his old friends still living, and to clasp the hands of several of his relatives he had not seen on his former visits to England. Accordingly, in August 1907, my Uncle set out from home on this long voyage accompanied by his medical adviser, Dr. E. D. Morton, myself and wife. We sailed from Montreal in the S.S. *Victorian* of the Allan Line, and after a very fine passage, which my Uncle stood remarkably well, we arrived in Liverpool on the 23rd, and proceeded immediately to London, where we remained for the month of September. As the London Season was over, many persons my Uncle wished to see were out of town, however, he found his old friend Lord Strathcona at the Canadian Government Offices, and had several long conferences with him. While in London some of my Uncle's relatives, hearing he was in town, came from various places where they were summering to see him, Lt. Gen. Sir Alexander Ross, K.C.B. and his brother Col. W. G. Ross, R.E., and Col. Walter E. Gowan and family; these officers had retired from active service in India since my Uncle's last visit to England, so this was their first meeting,

although they had long corresponded. My Uncle derived keen pleasure from this meeting with his relatives, and, indeed, it was chiefly with this in view that he undertook a journey, which at his age might be called perilous. Lady Ross also, although in very delicate health, made a special journey to London to see him, which he greatly appreciated. She, also, was his cousin, a sister of Col. Gowan. My Uncle formed a very high estimate of her as a Christian gentlewoman, and, after leaving London, he received several charming letters from her.

Sir James and I left London for Bournemouth on the 25th Sept. Dr. Morton had left us, shortly after our arrival in London, to visit his brother in Ireland, and returned to Canada in October; my wife had gone to stay with her brother, Colonel Fishe, in the Isle of Wight. Only one or two old friends of Bournemouth yet remained. And my Uncle called on these, and also on Mrs. Charles Gowan and her daughters, who formerly lived at Dulwich, where he had paid them a visit when he was previously in England. While in Bournemouth we heard of the death of Sir John Ardagh whom we had failed to see in London. A comparatively young man, he died a martyr to duty.

On the 2nd November we removed to Southsea, a suburb of Portsmouth, where we stayed until Christmas, when we crossed to the Isle of Wight and took up our abode in Ventnor, in comfortable lodgings overlooking the English Channel. Ventnor proved a very pleasant residence, being protected

from the north winds by the Downs and having full exposure to the South. My Uncle was able to walk out of doors almost every day, and got through the winter wonderfully well. He had thought of wintering in the island of Barbadoes, going home from there, via New York, in the following Spring, but concluded the long journey would prove too trying at his advanced age, and preferred braving an English winter, with its poorly heated houses. On the 20th April we left Ventnor, crossing from Cowes to Southampton, whence we sailed on the 22nd on S. S. Oceanic of the White Star Line, touching at Cherbourg, and the next day arrived at Queenstown, Ireland, where he received many farewell letters and the following telegram from Lord Strathcona:—

22nd April 1908:—Regret not having seen you again before sailing. My wife and I send kindest regards and best wishes for your return in safety and comfort to your friends in Canada, with whom may you have many happy years in the evening of a life replete with most valuable services to the Dominion and the Empire. *Bon voyage.* STRATHCONA.

The voyage home was uneventful, except for a wireless message, received about a day out from Queenstown, from his nephew, Arthur Strathy, who was on the ocean *en route* for England. We reached New York on the 29th, where we were met by Mr. Harry Prince, a connection by marriage, who gave us much assistance in passing the Customs,

and afterwards. After resting a day in New York, we left for Toronto, being fortunately able to secure a drawing-room compartment in the Pullman. We were met at the Union Station, Toronto, by several relatives, and the following day had numerous callers at the "Queen's." On the 4th May we reached Barrie, where we were welcomed by all the relatives and many friends, after an absence of nearly nine months; my Uncle appearing none the worse for his long voyage.

The local press thus greeted him on his return:—"Our readers will be glad to learn of the safe return of Barrie's most distinguished citizen, the venerable Sir James R. Gowan, who since August last has been abroad. He was accompanied on his extended trip by his nephew, Mr. Harry Ardagh, and only reached home on Monday. Our reporter interviewed him the next day, and found him by the study fire, bright and cheerful, much delighted with, and benefitted by his sojourn in, the Motherland—a remarkable voyage for a man of the great age of the Senator, who is now approaching his ninety-fourth year. Over sixty years of his life have been spent in valuable public services, and we hope the honourable gentleman may have good health for many years to come."

The summer and autumn of 1908 were spent quietly at home, and although my Uncle spoke often of going South in the winter, when it came to the time to leave home he seemed to lack the energy for a long journey, and it would have been surprising

had it been otherwise, seeing that he had almost completed his ninety-third year; and so he remained at home in his own comfortable house for the winter, and it was well he did so; for instead of dying in a foreign land, he passed away quietly at home, amongst relatives and friends, on the 18th March 1909. He had lived out to the full his life, a life full of activity and usefulness, retaining his faculties unimpaired to the very last. Three days later his body was laid to rest in the vault he had built for those dear ones of his own and his wife's family, who had gone before.

In the later years of my Uncle's life it became the custom on the part of the press to notice the anniversaries of his birthday. I give a few here to show the respect and esteem in which he was held by his fellow Canadians.—

“While many of our older public men have passed away, and survivors of the days of Baldwin, Draper, and their contemporaries are rare, a few still remain. One of these, Senator Gowan, of Barrie, celebrates to-day his 82nd. birthday, and retains the vigour of many a younger man. His career, whether as a pioneer judge for forty years, or a member of the Senate, has always been full of industry and public usefulness. Such men are good examples to young Canada, and Senator Gowan's numerous friends will cordially wish him many happy returns of the day.—*Mail and Empire*, 22nd Dec., '96.

“Senator Gowan C.M.G. of Barrie has passed his 83rd. birthday and his friends in the press are con-



gratulating him. His public service began the year Her Majesty came to the throne; he has for sixty-two years been engaged in judicial work, and is still a man of great mentality." *Dundas True Banner*.

"The friends of Senator Gowan are congratulating him on the occasion of his 84th birthday. The Senator's career promises to be as extended as it has been useful. The date on which Senator Gowan was appointed a judge, brings us back to a period when Ontario was in the formative state. From 1843 to 1883 is a notable stretch of time for the exercise of judicial functions, and the changes which Judge Gowan, saw and helped to bring about in that time were radical and far reaching. In the young communities of those days it was imperative that the educated and public spirited should spare time for duties of citizenship, outside of their special calling. Judge Gowan accordingly, besides his special services as judge, as a codifier of the laws and as a member of judicial commissions, acted on educational boards of various kinds, and indeed bore more than his share in the life of the growing municipalities. Full of years and honours, is a trite phrase, but it applies so happily to Senator Gowan that none better could be coined to fit the case. *The Globe*, Toronto.

"Hon. James R. Gowan, C.M.G., of Barrie, is to-day celebrating his 85th birthday. The venerable Senator is one of the most highly respected men in Canadian public life, and though advanced

in years, is still active in mind and body.—*Evening Telegram*, Toronto.

“One of Canada’s grand old men is Senator Gowan C.M.G., who will be 86 years of age tomorrow. Hail, hearty and vigorous the Senator takes, as he has always done, a keen interest in the affairs of his country. Senator Gowan is one of the ablest members of the Upper House. A long list of important measures stands to his credit there, and it can only be hoped that he will live to add to the record.—*Packet*, Orillia.

“Monday next, Dec. 22nd, will mark the 88th birthday of Hon. J. R. Gowan C.M.G., of Barrie, Senator, and one of the noblest specimens of the Ontario pioneer. His services to this Province and to Canada, the land of his adoption, have been invaluable, and have extended over a period of more than sixty years. As an educationalist, an upright judge, a legislator, a staunch patriot and a warm hearted philanthropist, he has filled a most important page in the history and development of this country. *Northern Advance*, Barrie.

“Senator Gowan who is celebrating his 89th birthday, has had in many notable respects a remarkable career. His services date far back to the earliest years of responsible government. The District over which his judicial authority extended was then rough and partly unsettled, and as a pioneer judge he exhibited such qualities of mind and character as to stamp him as a man of unusual powers. For over forty years he sat upon the Bench,

enjoying the utmost confidence and respect of the people about him, as he does to-day. He was courageous, able, above reproach, removed from party. No young community could have had a firmer and truer guide and friend. *The News*, Toronto.

“The recurrence to-day of the 90th birthday anniversary of Hon. Senator Gowan, C.M.G. is an occasion upon which *The Sentinel* delights to honour the grand old man, whose name is a household word in Canadian homes where his virtues are known. Providence has granted him long life and crowned his days with honour, and given him an evening of repose after a long and useful career. He links the early days of Canada, when the forests covered Ontario, and the West was unexplored, with the present, which is marked by growth in every field of enterprise and in every Province of Confederation. As he contemplates the present and looks into the future he must realize, as we do, that the men who laid the foundations of this Dominion did their work under divine inspiration. For here we have the elements for a mighty nation, destined to play a large part in the world's affairs in the years to come. To the founders of this nation be all honour and praise for the noble and unselfish part they have played. Of them, none are more deserving than the venerable Senator, who still retains his interest in passing events. We feel assured that the readers of *The Sentinel*, along with a wider circle of his friends and acquaintances,

join their congratulations and best wishes for the continuance of the mercies of heaven upon a life which was spent in the service of his fellows, and whose welfare has been his chief concern. *The Sentinel*, Toronto.

“On Saturday, Sir James Gowan entered upon his 92nd year. He still has a measure of physical strength, and retains all his mental vigour. He retains also all his interest in Canadian and Imperial questions, and brings to their consideration a mind singularly sound, penetrating and luminous. In all our public life there is no more honourable career than that of Sir James Gowan. Nominally a Conservative, he always had intimate relations with the leaders of both parties, and gave to each faithful and disinterested counsel. In the Senate he was judicial and influential, and the country loses much from his enforced absence from the Upper Chamber. We believe that Canadians of all classes will join in sincere Christmas greetings to the veteran statesman, and in the earnest hope that his remaining years may be full of peace and comfort, free from the sorrow and sufferings which too often accentuate the infirmities of age.” *The News*, Toronto.



## APPENDIX A.

Some noteworthy incidents in the experience of a Pioneer Judge in Upper Canada. The facts, taken from his diary, written at the time.

### PROMPT JUSTICE ON THE QUEEN'S HIGHWAY.

Long before the Confederation of the several Provinces of British America into one general government forming "The Dominion of Canada," and extending from the Atlantic to the Pacific Oceans, Upper Canada, now called Ontario, was the most advanced as well as the most fertile.

At the commencement of last century it was peopled mainly by men of British origin, and enterprising men, natives of other Provinces and settlements in the vast British possessions on this continent.

At the close of the 18th century, Upper Canada was separated from the old French Province, then called Lower Canada, a Constitution was granted by Imperial enactment, "the very image and transcript of the British Constitution," and one of the first Statutes enacted by the Provincial Legislature was one making the laws of England "the rule for the decision of all controversies relating to property and civil rights," and another adopting the Criminal Law of England, as it then stood as the Criminal Law of the new Province. Upon this sound foundation was the Civil and Criminal Law of the new



Province based, and in the same spirit has been modified and altered to suit the condition of a new country, peopled by men from the British Isles, as well as by "United Empire Loyalists," who had sacrificed their homes in the revolted colonies, now the United States, to live under British rule. Upper Canada was conspicuous for its devotion to the Motherland, loyal and faithful to the Crown of England from the first. The inhabitants were industrious and energetic, and rapid progress was made. The scattered settlements throughout its vast extent were constantly increased by a steady emigration from Great Britain, and the germs of local municipal government obtained shape and existed in the several settlements; but practically, all rule and authority centered at the seat of Government at Toronto, where the Provincial Parliament yearly assembled, and the Lieutenant-Governor and chief officers of the Government resided.

The people in the remote settlements were industrious and orderly as a rule, and with few entanglements of rights, they lived in harmony, controlled by a healthy public sentiment; leading men in the localities being generally able to compose the few differences which arose, and it was well, for many of the settlements were hundreds of miles distant from Tribunals where legal redress could be obtained.

In process of time the population largely increased by emigration from Europe and the United

States, and in "the thirties" there was a vast emigration from England, Ireland and Scotland—and new districts were necessarily formed throughout the Province, with complete judicial, educational and municipal establishments in each.

For many years the resident Judge was an all important factor in progress; besides discharging the duties of Judge of all the Courts, Civil and Criminal, and of selection and appointment of officers thereto, as a rule he voluntarily aided in the establishment and development of municipal and educational institutions, and indeed in all that made for the well-being and progress of the people—then his Court circuits involved long and perilous journeys, on horseback in the summer and by sleigh in the winter. This round of duties—"Single Seated Justice"—and general supervision over an immense territory, needed courage and discretion as well as physical ability, and a thorough knowledge of the people.

These were the days before railroads were thought of, when the roads were for the most part mere cuttings through the forest, and travelling difficult and dangerous, intercommunication scant and expensive.\* When there was no general constabu-

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\* The journey, for instance, from Toronto to Montreal, now performed in nine to ten hours, took from eight to ten days—only four or five newspapers existed, and the rate of postage was from fourpence halfpenny to three shillings and fourpence, according to distance; now, in every city and town, and almost in every village, there is a newspaper, and postage on a letter to every part of the Dominion is only two cents.

lary police force, and it was of supreme importance that the chief government officer, "the Queen's representative," as he was commonly called, should not merely be a capable lawyer but a man of energy and good judgment, rightly to exercise the large power entrusted to the Judge amongst a mixed people who had for years lived practically out of reach of legal restraint or legal remedy. The resident Judge, as a rule, easily won the confidence and respect of the people amongst whom he acted, and with whom he was constantly in contact, taking a part, as he did, in every progressive movement, either officially or voluntarily, indeed he was constantly *en evidence* in these early days.

For years it was supposed his powers were unlimited and could at any time or place be exercised on personal appeal to him without process of any kind, and owing to the great distances from the chief town in which he resided, the Judge was frequently appealed to in the most out of the way places when on circuit to the distant settlements.

In the early period of his judicial career, an incident, one of many of the kind, occurred to a Pioneer Judge, which may be told as illustrating the condition of things more than half a century ago.

On a glorious Indian Summer day, the Judge in a new district, was riding through a long stretch of woods. The road was cut through a primeval forest, a vast avenue of colored foliage brightened in the light of the "red summer sun." He was alone, his servant having preceded him to look

after quarters. He was a good horseman and rode rapidly along, his thoroughbred horse as active as a cat in picking his steps over the bits of "Corduroy," and in jumping trees that here and there had fallen across the "line." He came upon two men seated on a log by the roadside, who stood up and uncovered as he approached. One of them then advanced, saying: "You'll be our Judge; we heard you were coming to hold Court to-morrow at —— and have been waiting to catch your Honour; we have a dispute and we want your word what is right between us." The other said "Yes, we want that."

Both men were well advanced in life, and probably double the age of the Judge, respectably dressed, men grave and earnest in demeanor, their faces showing much strength of character—both good types of the grand race they were of, for they were Highland Scotsmen. "I never saw you before; how did you know I was the Judge?" said that official. "We thought we knew you fine, you and your horse, a mile off. Your man, whom we met, told us you were coming, and when you leaped over the fallen tree instead of going round it, we were sure it was your Honour," said the chief spokesman. Their request somewhat surprised the Judge, for it was the first of many such appeals to him, and he said, "Yes, I am the Judge, but matters of controversy must come before me in Court in the regular way." "We want no law," said the spokesman, "We are friends and neighbors and have talked

over and prayed over our dispute and cannot agree, so we concluded to leave the matter to your Honour's say;" to this the Judge replied, "You can arbitrate the matter, making two of your neighbors judges between you." "No, no! we won't do that," both said; "You are the Queen's Judge, we want you to settle the matter this day and this hour, we won't be denied—you will do the right thing between us and here we are all before God, you must help us." The Judge, touched with the solemn earnestness of the men and their common desire for a peaceable adjustment of their difficulties, said: "But you may not agree on the facts, and if I did hear you as you desire and declared what I thought right between you, one or both of you might be dissatisfied, and my decision thus given would not be binding on either."

With one accord, each lifted his right hand, saying: "Our oath to it," and together in a solemn voice said, "In the presence of God, and as we shall answer to God at the great day of judgment, we will accept and abide by our Judge's decision." They had evidently talked over the matter, and determined on what they would do and probably thought out the form they used; their grave, solemn earnestness bore down the Judge's scruples, and he said as he dismounted, "In God's name I will at least hear you." The situation was intensely dramatic, the red light of the evening sun shone full upon the solemn and earnest faces of the men, the horse stood motionless, as if conscious of

having part in a serious matter; the great forest trees on each side like ramparts, every leaf at rest, an unclouded sky above, all nature in repose as it were.

When the Judge dismounted, he seated himself on the log the men had been sitting upon, they then each told his story without interruption from the other; indeed, the one whose English was not as good as the other was occasionally helped with an English word, and rightly aided, as the Judge, who had some knowledge of the Gaelic, gladly noticed, and they answered every question the Judge thought it necessary to put to them promptly and fully; there was really no controversy as to the facts and the Judge was enabled to obtain a full view of the case.

The dispute was as to the ownership of a small strip of land between their farms, and grew out of different surveys of "the line" between them—neither survey, probably, being exactly correct—land at that time (in the forties) was cheap, and the Judge thought that under all the circumstances an equal division between them of the strip of land in dispute would be a fair and wise solution of the dispute between them, the fence that had been erected by one of the men to be re-erected by the other on the compromise line.

It was what might be termed rough and ready justice, but both men were entirely satisfied and subsequently carried out the decision fairly and fully. It was well, for litigation would have been



expensive and plunged both in debt, possibly ending in one of them losing his whole farm.

The proceeding was novel in the annals of justice and no doubt irregular and without precedent; but who will say the Judge was wrong in acting the part of a peacemaker between men who in simple confidence appealed to him as a Minister of Justice and the Queen's representative.

The Judge at all events experienced no mental discomfort because of his part in the incident, the suffering was in his right hand, which he had offered the men in parting and which they had gratefully wrung with Highland energy.

## A HASTY MARRIAGE UNDER JUDICIAL AUSPICES.

A striking feature in the history of Pioneer life in Upper Canada was the influence exercised by the Judge amongst the people in the judicial districts organized some half century ago.\*

The inhabitants chiefly from the British Isles, largely belonged to the agricultural and working classes and had for years lived practically beyond reach of legal remedies; the large emigration in "the thirties" brought in an immense number of new settlers, and conflicting interests and entanglement of rights, produced controversies and conflicts; the people, therefore, in these remote sections, gladly welcomed the establishment of judicial, municipal and educational institutions in the formation of judicial districts.

In the organization of a new district, the Judge was intrusted with large powers, and he was naturally looked to as a guide and director: indeed, the most important part of the work was done by him, and it involved visits to nearly every part of the territory, and brought him in contact not only with the officials, but with leading men in the several localities.

"The Queen's representative," as the people delighted to call the Judge, was regarded as "the all in

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\* Some of these judicial districts were very extensive, the one the compiler is most familiar with, covering an immense territory, including a number of large lakes, and with a population at the time exceeding that of some of the Provinces afterwards confederated and now forming the Dominion of Canada.

all" as a Minister of Justice and general director, and somehow it came to be supposed he could do anything and everything, in righting wrongs or punishing offences, on mere personal appeal and without formal process, and such appeals were constantly made, for the Judge easily won the confidence of the people. Men travelled a hundred miles or more, or waylaid him on his circuit asking and expecting prompt redress for an alleged wrong or injury. It was troublesome and somewhat embarrassing to the Judge at times, but it was a healthy condition of society, that unbounded confidence was felt in the judicial office, and the Judge generally managed to send them away satisfied.

Amongst the many incidents of the kind in the experience of a Pioneer Judge one may be narrated, peculiar in its way, the facts all taken from notes made after the occurrence, the period some sixty years ago.

The Judge on circuit in one of these districts had put up at one of the "Cross Roads Taverns," common in those days. It was a log-built house consisting of four rooms on the ground floor, a kitchen, a large general sitting and eating room, with a tap or bar in one corner called the "bar room," and a small parlor with bedroom attached, which was not in general use but reserved for "distinguished guests" who desired it, at a small extra cost. The spacious upper floor was not divided, and contained a number of beds for the use of the tavern keeper's family, and for ordinary guests.

The Judge occupied the parlor and bedroom, his servant was assigned a place in the general bedroom above. The accommodation was certainly primitive but comfortable and clean, and the charge moderate in the extreme. For the use of the two rooms and board, including charge for servant and stabling horses the total charge was 14s. per day; these particulars are mentioned as the tavern and the charges were very much the same all through the backwoods settlements at that day.

On the evening of his arrival, the Judge "in solitary state" was seated at the window reading; a knock at the door and the tavern keeper entered, announcing that———would like to have a word with His Honour on "a very weighty matter."

The latter after making some inquiries, and learning that the person was a respectable farmer living close by, desired him to be shown in, and he was ushered in accordingly. On looking up, the Judge saw before him a tall venerable looking man, bent in body. He had the appearance of one who had led a life of toil. He was very respectably dressed and his manner and bearing showed both deference and self-respect. With some hesitation he took the seat offered to him. After a few moments' silence the Judge said "You wish to see me," he replied "Yes, I heard your Honour was to come to hold Court in the settlement, and I thought I would come to our Judge for justice." He spoke English fairly well, but like one translating from another language. He proceeded to tell the Judge

that———, son of his neighbor, had been courting his daughter, that they were to be married, that he himself had travelled some sixty miles for, and procured a marriage license, but he added with terrible energy "he spoiled my girl and refuses to marry her." There was no convincing the poor man the Judge had no power in the matter except the case came before him judicially in the regular way, and he fairly scouted the suggestion of redress by action at law, saying in terms used to the Judge in several other appeals "You are the Judge, I came for justice, and I will not be denied." "If he will not give it, my sons and I will have Highland justice on him." Rebuked for having used such a threat before a Minister of Justice, the poor man fairly shook with emotion, the tears rolled down his face as he nervously clutched the chair on which he had been seated. It was a pitiful sight, a sight to touch a heart of stone; and the Judge, after a moment's thought, said, "Could I see and talk with the young man." "You can do that same before night," he promptly said, "He is now at his father's and we will have him up before you. Oh yes!" Fearing violence, the Judge said, "I will write a line requesting him to see me, but mind, he must come of his own will." The old man left with the letter.

That same night the alleged offender came into the room, accompanied by the old man and his son, a young "Goliath." The two latter were sent out of the room. When alone, the Judge

said to the young man, "You have come. I suppose you know what I would speak about." For full five minutes he stood before the Judge, not uttering a word. He was a fine stalwart looking young fellow with an open, honest expression, and as he stood the perspiration rolled down his face in great drops; at last he blurted out, "It was as much her fault as mine." "It is a bad business," said the Judge, "have you anything to say against the girl?" His reply was, "Well, no, I have nothing against her." "Why not marry her then," said the Judge, "when everything is ready?" He replied, "I have nothing to say against the girl, I like her well enough, but the old man is stingy, and my folks thought I might do better." In reply to his questions, the Judge learned he had just taken up land in a new settlement, and was living there alone. Asked if he had any other girl in view for a wife, he promptly said, "No, no one I would 'even' with her, and if things had come out right I would have married her." After a little talk and putting the matter before him in a light that had not probably occurred to him, the Judge said, "Do you know what may come of it if you do not do the right thing by the girl; she and her father may bring actions against you, and the lawyers will pluck you as bare as a scald-pot's bottom."

Seeing where the hitch was, and that the young fellow liked the girl, the Judge added, "I shall think well of you if you will marry the girl right off, and take her home with you." Without a



moment's hesitation, he said, "I'll do that, I always liked her well."

The father was called in and told, "There has been some mistake, the young man is ready to marry your girl right off. You have a license, a minister is near; he can take his wife home with him. I should like to hear of it being done before I leave." The old man looked surprised and glad, but said nothing, and they both left.

The marriage actually took place the following day, and the couple at once left, the young wife taking with her liberal gifts from her father of animals and a variety of things useful on a farm.

A pleasant settlement of an affair that at one time indicated a tragic conclusion.

Nearly a quarter of a century afterwards, this same Judge in one of his journeys, by the merest accident, put up for the night at a comfortable-looking farm house. It was in the evening, and on entering he found the family—mother and several grown-up sons and daughters—seated at a bountifully supplied table. He was heartily welcomed and seated in a vacant chair at the head of the table, the good man, as was explained, having gone on business to a neighboring town. There was a spotless white cloth on the table, and all the little appointments were extremely nice; indeed, everything in the house gave evidence of unusual refinement. The sitting room to which the guest was invited after supper, unlike such apartments in Canadian farm houses, used only

on Sunday, was evidently in regular use as a family room. On the centre table was a vase filled with gay flowers, and on corner shelves were some books. Amongst the pictures on the wall, "John Knox," and "Prince Charlie" occupied conspicuous places. The whole family spoke English, but the eldest daughter, at all events, had the Gaelic, for the Judge heard the mother giving her some directions in that language about the bedroom. At night the eldest son read and offered prayer; his mother proudly announcing that he was studying for the ministry. Shortly after prayers, the head of the house arrived home, and though somewhat changed, the Judge at once recognized him as the young fellow who had nearly wrecked two lives, and could see that the recognition was mutual, though nothing was said to indicate it.

After breakfast next morning, the family separated to their various employments; the good man and one of his sons to bring the Judge's horse and buggy to the door. The good wife, was alone in the room when the Judge offered his hand to her in saying good-bye. She held his hand in strong pressure; looking fixedly at him, raised it to her lips, and turned away saying two or three words in Gaelic, wishing him heaped-up blessings. Her husband had brought the horse to the door, and bade a silent but most respectful good-bye. Every member of that family turned out well, and more than one of them attained good positions in the country.

THE MISSIONARY'S APPEAL—THE ORPHAN'S  
RIGHTS HAPPILY RESTORED.

Amongst the many strange incidents in the early days of judicial life in Canada was one, peculiar and dramatic in all its features, which, like many others within my personal knowledge, came to a happy termination. From the notes made at the time, I am enabled to tell the story in detail, omitting names and any clue. It occurred "in the forties," and the leading actors in the drama have probably all passed to their account.

It was a very hot summer's day in the month of July, I was looking at some work I was having done, when the hero of this story entered my grounds; a little, thin, feeble-looking man, probably forty years of age, dressed in rusty, thread-bare, black clothes, with a broad bonnet on his head and a plaid over his shoulder. He asked if the Judge lived there, and seeing he was weary and faint looking, without replying to his question, I asked if he had come far that day, he told me he was the Presbyterian missionary at —— (the place was many miles from my residence). "Surely," I said, "you did not walk all that distance this hot weather." He explained that the people of the settlement were all busy, that he could not borrow a horse, but had taken two days to the journey. "I am very anxious to see the Judge,"

he said. I promised he should see him that night. "But you look tired," I said, "come into the house"; with great diffidence and many apologies for his dusty condition, he accepted. That evening, after a bath and a hearty supper he seemed a new man, and manner and expression showed refinement beyond what one would look for from his appearance. With profuse thanks for this simple kindness he reminded me I had promised he should see the Judge.

He was shown into my library, where I joined him, and brought out from him his little story. A man of humble birth, he managed, with great perseverance and much self-denial, to acquire a fair education, and was fortunate enough to be engaged as tutor in a nice family with whom he lived for years, and had evidently acquired habits and tastes which ill-fitted him for the poor and rough conditions of a new settlement. After leaving the family he studied theology. He was advised to come to Canada and seek ordination here. He accordingly came and was sent to this new settlement, with a very small stipend from church authorities. His charge could give him nothing beyond boarding him; and he went from settler to settler for a month at a time. He never uttered a word of complaint, but admitted he found the winter dreary, when he could have no privacy and no means of reading at night except by a log fire. "In the summer it was pleasant enough," he added, "I could bring my books out into the

woods and I had a fine broad shingle to write upon, it was grand." He spoke, too, of his work, and I could not but admire his earnestness and his intense desire to do good, according to his opportunities. I saw he was getting anxious to see the Judge. I told him who I was, and there came into his face a look of surprise. His countenance fell, and showed disappointment, mingled, with suspicion. "In God's name," he said, as he stood up, "are you the Judge?" Assured of the fact he reluctantly resumed his seat, with a look of one engaged in solving a difficult problem. In the course of our long talk I discovered he looked to find a very different kind of person in "the Judge." He had seen the Lords of Session at Home; and evidently looked for an old, grave, dignified person, possibly in robes, and I had evidently not come up to his conceptions. I was then twenty-eight, but looked, I believe, much younger, and perhaps he recalled my undignified act in vaulting over a fence to meet him as he entered the grounds. However, his prejudices passed away, or were subdued in the earnestness of his purpose. The reason of his coming, and the story he had to tell, were shortly as follows:—

He had heard a good deal about "the Judge" in the settlement, and after long consideration he concluded it was his duty to bring the matter before "one in authority." In the course of his "boarding-round" he stayed at the house of one of the oldest farmers in the settlement, whose

family consisted of his youngest son, and a young girl about eighteen years old, a niece of his late wife, who had been confided to his care by her mother on her dying bed, just before he left for Canada, and the orphan child had lived in his family ever since, and after her aunt's death, attended to the entire household duties. His youngest son, a fine, amiable, hard-working young fellow of twenty-two, being the chief worker on the farm, who, if he revered his father, stood in mortal terror of him. Other sons were away doing for themselves. The little missionary was shocked at the harsh and selfish conduct of the old farmer, and it pained him to notice how ill the poor lassie was clothed, and how hard she had to work, and that she, unlike other girls round, had not the small opportunities for education the settlement afforded. He had tried, as opportunity offered, to help her a little in her education, more than once rudely interrupted by the old man, who said he was hindering the girl in her work. The old man's wife, the aunt of the girl, had, just before her death, given her niece a box of things, which belonged to her mother, declaring they were all her own, and cautioning her to keep them safe till she grew up. She mentioned this to the minister one day, as he found her examining the contents, and she showed him with pride a dress that belonged to her mother, who was a lady's maid in a grand family. Good naturedly taking the dress in his hand he noticed there was some-



thing hard in the pocket, on being taken out he found a silhouette on cardboard, carefully folded and pinned in a silk handkerchief. "I read the paper," said the little missionary, "and it fairly took the breath from me," for I found it was an acknowledgement by the old man for a great sum belonging to the woman, and yet I had heard him, on more than one occasion, unkindly speak of having to support the girl, "none of his blood." He evidently had a disturbed look, for the girl asked him what was wrong. As he told me, his reply was, "Give me the paper and I will keep it safe for you, you will soon be able to read writing and see for yourself," and she gave it to him. From that time he was anxious and disturbed in his mind as to what was his duty; how to right the poor lassie, whether to appeal to the old man, "But I feared to face him," he added, "I had no rest day or night, my spirit was troubled for weeks, at last hearing of you, it came to me I would see the Judge and lay the matter before him, and I did not bide an hour after that but came straight to you, and here is the paper."

On examining the paper, I found it was a receipt for £100 sterling, money of Great Britain to— (mother of the girl) to be used as needed in bringing up her daughter, and for the child's sole benefit. It contained a promise by the signer "before God and man" faithfully to deal with the child. Such was the substance of the paper, and it purported to be signed by the old farmer. The docu-

ment was well written. Initial letters, with flourishes, important words underlined, quite a legal aspect. I could see it was written by the person who signed as witness, with the words "Beadle of——" after his name.

The Judge possessed certain powers as to infants, the appointment of guardians, etc., and I told him, I would take charge of the paper and consider what should be done in the interest of the orphan girl, and my friend left me, rejoicing in the hope of "justice for the lamb." It came into my mind for a moment that possibly a feeling, warmer than benevolence was operative with my visitor, but I did him injustice in the surmise, he was as guileless and open as a child, and a little questioning elicited from him the belief that the old man's son and the girl were great friends, and he thought might make a match of it, but that the old farmer would not bide it.

Thinking over the matter after my visitor left, from the lapse of time and the probable difficulty in securing proof of the execution of the document, if the old fellow repudiated it, I determined to see him personally, and I accordingly caused a citation to be served, requiring him to appear before me in Chambers, in the matter of the guardianship of the girl.

On the day appointed he appeared before me, and I felt no surprise that the little missionary "feared to encounter him." He was a large, powerful man with a big bushy eyebrows, small restless

grey eyes, and a hard and stern expression of face.

The Highlander is generally respectful in manner, but the moment he entered the room he took the initiative, and in rather a truculent manner asked who was wanting to interfere between him and his wife's niece that he had brought up and kept for years, even after her aunt died, though she was no blood relation of his, as all the neighbors knew. I allowed him to run on for a little while, then quietly asked was the girl sent to school? What wages had he allowed her since his wife's death? This seemed to rouse him to a frenzy and set him off again disparaging the girl. I peremptorily silenced him. And taking up the receipt, I said, "Did you know——of the Parish of—— (naming the witness to the receipt), before you left Scotland." His countenance changed, my question seemed to paralyze him. He tried to speak, but words would not come, and unbidden he sank down into a chair beside him; his eyes, which had met mine fearlessly before, dropped. For a moment I looked at him, then took up the receipt and holding it before him said, "Man, how could you wrong the orphan child!" The strong man became deadly pale and convulsed; alarmed at his condition I called to the Registrar, who was in an adjoining room; terribly excited the farmer exclaimed, "Oh, don't bring anyone in!" and then half to himself, "My sin has found me out, but I meant to make it all right at my death." In a word the wretched man completely broke down,

acknowledged everything, and declared his willingness to make reparation. Apparently he never knew his wife had been intrusted with the receipt, and he was never told how it came to the Judge's hands.

The girl was made a ward of Court, the old man proffered and gave security for a modest sum yearly for her education till she was of age, and then for payment by instalments of her money which he had withheld.

There was quite a dramatic conclusion to the affair, for after she was twenty-one she married the youngest son of the old man; they had long been attached to each other, and at the time proper arrangements were made under the sanction of the Court, securing to her her rights, but ultimately nearly all the old man's property fell to the young couple. The romance would have been perfect had the little missionary lived to be ordained, and married them; but within a year after I saw him, he died of pulmonary consumption, entered into the rest the Lord has provided for them who love and serve Him. One word more I will add about this good man; on that night I asked him to take the evening service. Though there was a certain refinement about him, his "bodily presence was weak," but the moment he took "the Book" in his hand he seemed transformed to a new man. There was a striking dignity in his manner, an innate consciousness that he was engaged in the

Master's work. We were all struck with it, and spoke of it afterwards, I remember.

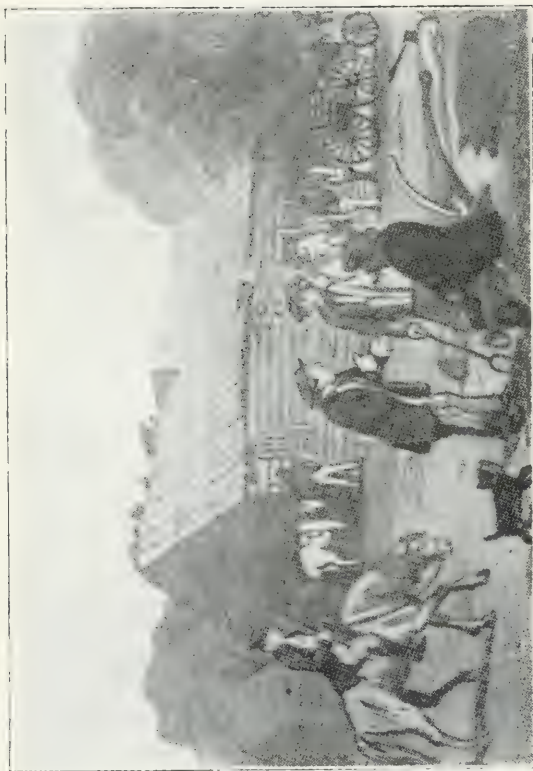
I learned that the old farmer, ultimately, became a member of his youngest son's family, and died in his house; he was carefully looked after by his son, and the girl who became his wife.

One is led to the belief that the old man did not originally contemplate an act of wrong. A fine farm was offered to him at a low price, if the whole consideration was paid down. He had not sufficient money of his own, temptation came, and he used the sum intrusted to him for the girl's use, intending, I think, to repay in some way. Time passed, his wife died, he was prosperous and conscience became inert, till suddenly roused, when he became anxious to repair his cruel wrong. The unpleasant feature in the case was his original want of kindness to the girl, and making no provision for her education. This last, however, may have been due to a false idea, sometimes found in people of this class, as to women and their place in the economy of life.

At all events, the old man was much respected in the settlement, and died under the tongue of good report.







THE EXTERIOR OF THE COURT HOUSE.

## BACKWOODS JUSTICE IN CANADA'S EARLY DAYS.

Below is a letter written in 1855 by a resident of Toronto to a friend in England, giving a highly interesting account of a visit he made to a court-house situated in the backwoods about nine miles beyond a village called Keenansville, which latter place was located about twenty-five miles from the shores of Lake Simcoe. Accompanying this letter were some very clever pen-and-ink sketches, which are here reproduced.

The first illustration, entitled "The Exterior of the Court House," gives a very fair idea of the public buildings in the country districts of that time. The second illustration of "The Interior of the Court House" is cleverly drawn and full of life, and reminds one of some of Leech's drawings. The third illustration, where the jurymen have retired to deliberate in an apple orchard, strikes one to-day as being very strange and comical, especially when contrasted with our present commodious county court houses.

No doubt these good men and true, after having eaten half a dozen "Snow" apples, were the better able to distinguish good from evil.

The following is a copy of the letter referred to: "A short time ago I accompanied a young barrister who was about to plead a cause before one of these courts in one of the remotest parts of the county of Simcoe. We set off one fine afternoon in a one-

horse vehicle, technically termed a "buggy," and reached that evening a small hotel in the flourishing village of Keenansville, about five-and-twenty miles from the shores of Lake Simcoe, which said village consisted of a sawmill, two log houses, a tavern and a store. Our host, a comical Irishman, who prided himself on being the founder of the village, after supplying us with a capital supper, provided us with beds evidently intended for short people, causing us to coil up in a manner by no means agreeable. Next morning we set off, through a beautiful and tolerably well-cleared country, for the court, a distance of about nine miles, over a road quite rough enough to sharpen our appetites sufficiently to enable us to enjoy a second breakfast with the Judge, who had slept the night before at the house of the Clerk of the Court, Mr. McManus, who rejoices in the possession of a capital farm and a kind and most hospitable wife. He had shortly before moved from the log shanty (shown in the sketch), in which the court was held, and in which he had lived since he first located himself in the woods with his axe some five-and-twenty years ago, to a substantial brick house, the pride of Mrs. McManus' heart. After breakfast we adjourned to the court house, which was already filled with a crowd of plaintiffs, defendants, witnesses and spectators. The apartment in which the court was held had been the principal room in the old house, and had been divided along one side by a strong wooden bar to keep the crowd at a



THE INTERIOR OF THE COURT HOUSE.



respectful distance from the Judge and the Bar. After several small cases had been satisfactorily disposed of, the one in which my learned friend had been retained came on, and, as the amount at stake was considerable, the Judge availed himself of a power which he possesses of summoning a jury of five to take the responsibility of the decision off his shoulders.

“The jury had stowed themselves in a corner of the room; the plaintiff, an artful fellow, commenced pleading his own cause, and after cross-examination of witnesses and a little perjury, my friend replied in a most powerful speech, demolishing his adversary in a manner which established his fame in that region as a lawyer and orator for the ages to come. When the case was closed a difficulty presented itself in the fact of there being no room to which the jury could retire to consult upon their verdict. The Judge, however, soon arranged this by telling the jury to betake themselves to some quiet spot out of doors, and charging them on their honour not to speak to anyone until their return. The jury accordingly went out; and, after looking about them, they, with one consent and with wonderful foresight and sagacity, betook themselves to the orchard, and squatted down under an apple tree to combine mastication with argument. In about the time required to eat half a dozen apples apiece, and to cram their pockets, they returned, and, as was fully expected, gave a verdict for the defendant, the crestfallen plaintiff

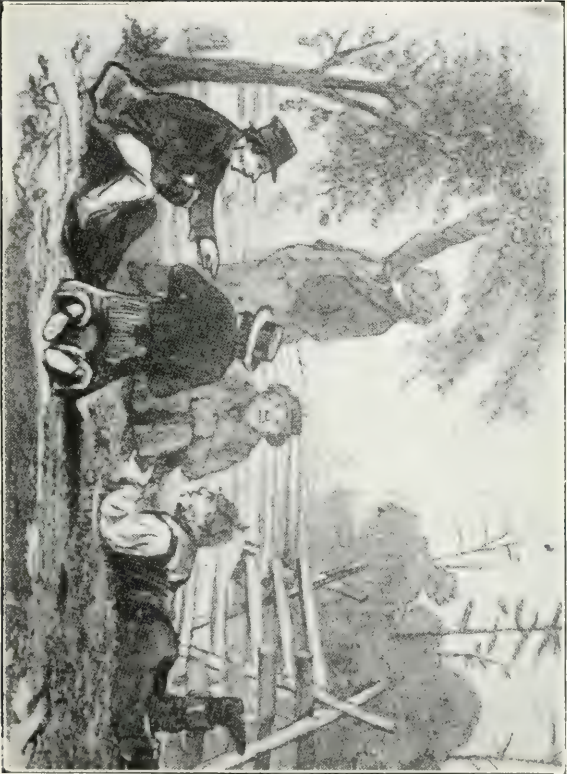


applying for a new trial, and vowing that next time he would not be beaten for want of a lawyer."

The correspondent and artist did not relate what became of the threatened appeal.

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NOTE—The Judge, was Judge Gowan, and the artist, Lucius Richard O'Brien, R.C.A.



THE JURY DELIBERATES.



## APPENDIX B.

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### THE GOWAN PEDIGREE.

Nearly fifty years have passed since the first suggestion was made to me to compile a history of our family; since then many to whom I could have applied for information have passed away, or emigrated and been lost sight of, and papers have been lost or destroyed. Had I then entered upon the matter, I could have done more justice to my subject; but, a ceaseless worker from an early age, having to rely upon my own unaided exertions for success in life, I had no leisure for genealogical research; moreover, I never took the same interest some of my relations did in family history; however, though long delayed, I now attempt to meet the oft-expressed wishes of my sisters. I have at least leisure now, if wanting in energy, and I have some material before me in papers and documents, preserved by members of the family, as well as some that have lain by me for almost sixty years, and in two narratives dictated by my late sister Anne to her daughters (also before me), I shall have much aid. Yet, I think I should not have undertaken the thing at all, if I had not to some extent entered upon the subject in furnishing some family particulars requested of me by a distant relative in England, seeing I am in my seventy-fifth year, childless, and the last Gowan of my line.

In setting down something touching the history of the Gowan family, I shall only attempt to bring into some order such particulars as I am informed upon, to enable both my sister's children to have an outline view, and some connected account of their mother's family, and the source from which we sprung.

The Gowan family then, with my own direct pedigree for ten generations, will be the main subject of this paper.

My pedigree, *in the Leinster branch*, is from John Gowan, the son of Thomas Gowan, of Donegal, in Ulster, the home of our race; and *in the Ulster stem* from Maurice MacGowan, sometime of Bally Shannon, in the County of Donegal, to Thomas Gowan, the father of John Gowan, just named; as will appear from tables of descent hereafter to be given.

JOHN GOWAN was an officer in the army of William III., and after the surrender of Limerick, he married and settled in the County of Tipperary, and never returned to his native place. He was my great great grandfather, and the first of *the Leinster Gowans*.

A much prized history and pedigree of the Gowan (MacGowan) family existed, and had been carefully preserved and kept written up by members of the family in Ulster, and handed down from father to son for generations. It was supposed to go to the eldest son; at all events, my great great grandfather, John Gowan, just named, claimed it, when two sons were born unto him, and did

obtain possession of the book some years after; but the fact of the retention for a time was the cause of some bitterness. My great grandfather, John Hunter Gowan, stated he remembered distinctly the book being brought to his father by a messenger who had been specially sent to Donegal to get it. It was in the possession of the family in Leinster for a century, and that it was much prized I can well believe.

My aunt, Martha Hunter Gowan (of whom hereafter), described the book as a quarto, in vellum, illuminated in the early pages, and strongly bound, with the corners and clasps of brass.

The first entry in the book was in the reign of Henry VIII., and a record of the family kept written up in it from time to time. This book was preserved in the family up to the year 1798; in that year it was destroyed, with many memorials and papers, when the family residence, and everything in it, was burned by the County Wexford rebels, during the insurrection. I have often heard members of the family, who had conned it over, speak of it, and they seemed to regret the loss of this family record quite as much as all the rest that the rebels destroyed; my Aunt Martha Hunter was one of these relatives. She was born about the year 1766, and had constant close intercourse with her grandfather, John Hunter Gowan, who lived to a great age. The family history was a constant theme with him, and he had copied portions of the book which struck him, and got



his father to translate into English the portions which were written in the Irish language. My Aunt Martha was an exceedingly clever woman, and blessed with an excellent memory; she never married. She lived in Dublin in her later years, the better to enjoy communion with a religious body called "Walkerites," which she joined. I lived some time with her, when at school in Dublin with the Rev. Mr. Burnett. I was an only son, and doubtless my Aunt found in me an interested listener; at all events, she made a point of detailing to me the family history, and made me copy a number of extracts she had chiefly from her grandfather. My Aunt also talked a good deal on the same subject with my late sister Anne, who was older than I, and imbued her thoroughly with the history and traditions of the Gowan family. My Aunt also mentioned to me, in connection with the book spoken of, that the year after the Irish rebellion, she, with other members of the family, who had frequently perused the family record which was burned, met together and noted down with conscientious care such particulars in the book as all remembered, so as to secure at least an outline of the contents. Such account as I can give is mainly from my aunt's statements and memoranda, and what my late sister had heard from her. My aunt lived several years after we emigrated to Canada.

And now with respect to this family record. The book was got up by *Maurice MacGowan*,

who made the first entries therein in the year 1542, for the most part in the Irish language. He seemed to have carefully investigated the early history of the tribe, and family traditions were well preserved in his time. He was evidently brim full of the pride of family, and probably was not quite reconciled to the Royalty of Ireland in "a Saxon King." He appears, however, to have accepted things as they were, and may have conformed on conviction. He could have well justified submission—it was a necessity; the hope of a native monarch would have been absurd. The chiefs and leaders, jealous of each other, waged perpetual hostilities, and public and private feuds divided the people; there was no hope from without, and so any settled government would naturally be hailed as an improvement. The tradition as to the family belief in the 17th century was, that both in respect to religious and political views, Maurice MacGowan had reluctantly resigned himself to the inevitable.

He gave in this book a pedigree of the family back to the 12th century, in Irish, but nothing of it is preserved. As to what he said of the early history of the Clan, which has been preserved, so far as I have been able to test it by an examination of the histories of Ireland and of the Northern Clans, I have satisfied myself there is ample evidence of its correctness. All Maurice MacGowan set down on the subject was not copied, but in what has been preserved there is an evident ring

of sincerity, which leaves no doubt that at least he fully believed what he wrote. He dates from "Bally Shannon." Some part of what he set down was in English, but the greater part was in the Irish character. I give an extract translated from the Irish:—

"I think myself bound," (he wrote), "to mind all who bear the name, that ours is no new planted family, but one of the most ancient in the kingdom; of the race of *Ir*, and descended from the great and noble *Conal Cearnach*, a grandson of *Ruadhri Mor*, a Monarch in Ulster of the Irian line, before the Christian *Æ*ra. Many of our Clan, as the old accounts tell, had great gifts of nature and were noted for courage and strength of body and fine form; and the annals and records show a goodly number of pious divines, worthy bards, and historians and pious scholars, long before Henry II. of England got his hold upon our land, and strangers came among us. In the 12th Century, as said, we were Chiefs in Dalriadia and ruled; for we were of the Clan-na-rory, and possessed large territories there; but families and clans came to be split up by feud and fray, and the English and their allies drove most of the Clan into Donegal; and here, and in the next counties we have been ever since. In fair respect; some well off, some striving, none low-brought, and, sure I am, not one of the family doing aught to cast slur upon the name. Let my sons and those who come after never forget we spring from a noble root, and value our ancients.

“Gobhain” was our name in the old time, from a word meaning in the English armourer or smith, but it has gone through changes since, Mac-an-Gobhain, O’Gowan, and lastly MacGowan.”

There was another bit translated speaking of “The powerful chiefs of the tribe of Gobhain having possessed the Territory of Dalriadia, and having ‘held sway in the Counties of Down and Fermanah,’ but driven into adjoining counties they settled there, and from a chief of the Clan, who took up his abode in Donegal, are the MacGowans descended; all of the name having descent from *Conal Cearnach*, the Chief of the Red Branch Knights.”

In looking into the question of *change* in surnames, I find this was not unusual in the early days in Ireland. The English settlers adopted Irish names and usages to strengthen their position with the Celts amongst whom they lived, while those of Irish descent anglicized their Irish names to indicate pro-English sentiments. There was certainly no law to prevent a man changing his name; he could do so at will; it required neither royal, judicial, or legislative authority for it. The matter of names in early days had much significance. Indeed, it was provided by a statute of Edward III. that every Irishman “within the pale,” should take an English surname on pain of certain penalties. And at a later day there was an order-in-council proscribing certain names. The change in *our* family name, so far as I can conclude from general history and the history of the family, was

made with a purpose; to indicate that the bearer of it, though Irish, was in sympathy with English rule in Ireland. The friends and connections of the family were certainly amongst the English settlers, with whose families they inter-married, and thus intensified the feeling; one or two rather noted persons were mentioned by name, as Sir John Clotworthy, whose sister was married to a MacGowan in the early part of the 17th Century, and also Sir Clotworthy Skeffington. The former, Mr. Lecky, the historian, informs me, was a prominent Cromwellian, and he was certainly in high position in Dublin in 1641, and was spoken of as "The Great Puritan Undertaker."

Sir Clotworthy Skeffington was a leading member in the association "For the maintenance of the Protestant religion and the dependency of Ireland upon England." It was through his family influence my great-great grandfather obtained his commission in King William's army.

In a correspondence on this and some other points of family history with Mr. Lecky, he quite agrees in my conclusions as to change in name and the reason of it. He says: "There is nothing surprising in MacGowan being turned into Gowan, 'Mac' being a well known Celtic prefix, as the old rhyme said:—

'By 'Mac' and 'O' you'll always know  
 All Irishmen they say;  
 And if they lack both 'O' and 'Mac,'  
 No Irishmen are they.'

It was very common in Ireland to anglicize names when the Celtic element was conquered or in rebellion."

With regard to the change in our family name, I may quote *O'Hart*, a recent writer on Irish pedigrees. He says the name was anglicized to Gowan and "MacGowan to get rid of the Gaelic surname Gobhain for Mac-an-Gobhain." (See preface and page 311 *et seq.*) The specific account in the family is, an ancestor in the reign of James II. dropped the "Mac," and thereafter the family, generally, was known as Gowan, as I have already mentioned. Maurice MacGowan, according to some family traditions, held the Protestant faith: evidence on the point, however, is not conclusive; but it is quite certain that for two generations before the rising of 1641, and ever since, the family were Protestants, and as a rule Episcopalians, and unmistakably on the English side. In a note by one of the family, in the early part of the last century, he refers, in warm terms of loyalty, to England and the Protestant Church, and inveighs against those holding opposite views. Such religious views as he appears to have had were not very definite; and his creed, poor man! might, I fear, be comprehended in the sentiment, "Whatever else is true, popery is false." Two members of the family are said to have lost their lives in the massacre of 1641.

While Protestant, the Gowan family were certainly personally friendly to Roman Catholics,



for they allowed them to use their names in various ways to get rid of the operation of the "penal laws," and several instances of "trust," for the benefit of Roman Catholic neighbors, were mentioned.

The Leinster and Donegal branches of the Gowan family, as I have already mentioned, are connected through Thomas Gowan, sometime of Lifford, Donegal (the father of John Gowan), from whom I am fifth in descent: and he again was fifth in descent from Maurice MacGowan before-mentioned.

Before the time of my great great grandfather, Thomas Gowan, I can give little beyond the names in my direct line of descent. Such fragmentary particulars as I can give, appear in the following outline table, or will be mentioned hereafter.

*General Table of Descent, from Maurice MacGowan to James Robert Gowan.*

- |  |               |                        |
|--|---------------|------------------------|
| I. Maurice MacGowan,                     | born in 1514, | his son.               |
| II. Connall MacGowan,                    | born in 1540, | his son.               |
| III. Patrick MacGowan,                   | born in 1566, | his son.               |
| IV. Philip Gowan (who dropped the "Mac") | -             | born in 1593, his son. |
| V. Thomas Gowan (the Rev'd)              | - -           | born in 1617, his son. |
| VI. Thomas Gowan,                        | -             | born in 1642, his son. |
| VII. John Gowan,                         | -             | born in 1668, his son. |
| VIII. John Hunter Gowan,                 | born in 1699, | his son.               |
| IX. Henry Hatton Gowan,                  | born in 1736, | his son.               |

X. Henry Hatton Gowan, born in 1778, his son.

XI. James Robert Gowan, born in 1815.

Thomas Gowan (No. VI.), above-named, is placed first in the Leinster branch, of which fuller particulars hereafter.

MAURICE MACGOWAN (I), commenced the family history in 1542, and had two sons then born to him, Connall, above-named, and Rory. He mentioned having completed his education at Glasgow and having become his own master at an early age.

Connall, his eldest son, incidentally mentioned, having to help his younger brother, and Philip (No. IV.) mentions having dropped the "Mac" in his name, and these, I may say, are the only personal particulars preserved of the first five ancestors above-named, except that John (No. VII) told his son that one of the sons of his great grandfather married a sister of Sir John Clotworthy.\*

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\* Since the matter in the text was compiled, I have discovered some family papers and notes, not collated in the narratives prepared by my elder sister. They touch material facts, and on a careful examination I find they enable me to add some particulars to the text. The information the papers disclose came from John Gowan (VII) communicated by him to his son John Hunter (VIII), and by him again narrated to his granddaughter who noted them down. I would briefly give the substance of certain conversations recorded.

John spoke of his great grandmother being a Dillon, "a Protestant"; said that Mary St. Leger was the name of his grandmother, and he spoke of her as "belonging to a good and loyal family."

His mother's name, he said, was Anne Coote, that "her father had held an important position in the English army." And he mentioned that her married life was short. John, her son, held her in sacred memory, though young when she died, and always spoke of her with tears. John further said that his father Thomas married a second time; as he rather disrespectfully put it, "married a slip of a city girl who kept him dancing up and down to Dublin most of his time," and

And now, referring to the general account of the family before 1541, already spoken of, it was doubtless largely traditional, and I quote it on the recollections of those old members of my family who were familiar with "The Maurice MacGowan Book," and transcribed portions of it translated into English. I must, however, conclude the statements are correct, at all events the entries were made more than 100 years before *The Annals of Ireland by the Four Masters* was printed, and they are fully borne out by the entries in "*The Annals*," as the following, which I copy, will show:—

"The MacGowans are also very numerous in Rossinver, in the County of Leitrim, as explained in the note on Dalridia, or County of Down. The MacGowans are of the race of Ir, or Clan-na-rory,

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that his father "thought nothing too good for her family," and after his second marriage spent a good deal of his time away from home, leaving John and his brother much to themselves and their old tutor, and when he, John, grew up, sent him off travelling. This second marriage had evidently much to do with the estrangement between father and son, and explains the non-intercourse between them. Without going into minutæ, I think the following additions justified and should be made in the text, viz.:

*Philip Gowan* (IV) married Miss Dillon, a member of a Protestant branch of the old family of that name.

*The Rev. Thomas Gowan* (V) married Mary St. Leger, of a leading "loyalist family," probably an English family, and had issue besides Thomas a son Daniel, who entered some foreign service.

*Thomas Gowan* (VI) married first, about 1667, Anne Coote and had issue John (VII) and two other sons, one dying in childhood, the other settled in Scotland. Married secondly a Dublin lady, name unknown probably about 1675 or 6 (as John stated he was a mere boy at the time) and had issue by his second wife, one son and one or two daughters, between whom and John, so far as known, there was no intercourse or intercommunication of any kind.

descended from the famous warrior Conall Cearnach, or Conall the Victorious, who was chief of the Red Branch Knights of Ulster about the commencement of the Christian era; and many of the name have proved their distinguished descent, being remarkable for great strength and bravery, and having been chiefs of the Gallow Glasses under the O'Reillys. \* \* \* The MacGowans, originally a powerful clan in Dalridia, in the County Down, in early times produced many eminent ecclesiastics, learned men, and poets too numerous to be mentioned here."—*The Annals of Ireland, translated from the original Irish of the Four Masters. Dublin Edition, page 77.* (Reign King Henry III.) \* \* \* "Giolla-na-neev MacGowan, of the records, a learned historian, died \* \* \* A.D. 1364," is another entry, *ib.* 146. In the same work is recorded that "Murtogh Mac-an-Gobhain, Abbot of Clochar, died in 1341." "*Clochar*, or Clogher, in the County Tyrone," is spoken of as having obtained its name from "a celebrated idol of the Druids, worshipped there, called *cloch oir*, or the golden stone."

"Mac-an-Gobhain, or MacGowan, a name which has been anglicised to Smith, were an ancient clan," \* \* \* *ib.* p. 132-135-416.

"Faolan MacGowan, a learned historian, died A.D. 1423," *ib.* page 230. "*MacCraith MacGowan*, called also MacCraith-na-Sgel, and by some Thomas MacGowan, or Smith, was according to Ware, a canon of the Abbey of St. Ruadhan, at Lorka, in

Tipperary; and is mentioned in O'Reilly's Irish writers at A.D. 1425. He wrote in Irish some works on the Irish saints and ecclesiastical history, which are mentioned by Ware and O'Reilly," *ib.* page 204. "A.D. 1425, MacGowan of the stories, that is Thomas the son of Giolla-na-neev MacGowan, chief historian to O'Loughlin, of Corcomroc, died," *ib.* 232. "A.D. 1492, a great and awful commotion arose between young O'Reilly, *i.e.* John, the son of Cathal, the son of Torlogh, son of John, son of Owen, and great depredations were committed by Cathal on O'Gobhain (O'Gowan or Smith), and O'Gowan pursued them, but died before he returned, A.D. 1492," *ib.* 326. "The MacGowans, or O'Gowans, were powerful chiefs in Down, and many of them also settled in Donegal, Leitrim and Cavan," *ib.* 416.

A recent writer also speaks of the origin and descent of the family (Gobhain—Mac-an-Gobhain-McGowan-O'Gowan-Gowan). In a list he gives of "The Chiefs and Clans of Ulidia, (or Down and part of Antrim), and the territories they possessed in the 12th Century," it is stated that "Gowan and MacGowan were of the Irish race and of the Clan-na-rory and were mostly expelled by the English into Donegal, whence large numbers of them emigrated to the County of Leitrim, and more lately into the County of Cavan." *Irish pedigrees, by John D. Hart. Published by Duffy & Sons, Dublin, 1887, pages 820-821.*) And under the head of "The Irish Chiefs and Clans" McGob-

hain MacGowan (*Gobha*, Irish, a smith), a name that has been anglicised Smith, were of the race of Ir and were remarkable for their great strength and bravery. \* \* \* The Milesian McGowan, originally a powerful Clan in Ulidia,—*ib.* 827, and on page 589, vol. 2, under the head of "Bardic Families," he mentions McGowan and others 'were bards and historians of Thomond, O'Brien and other great families of Clare and Limerick.'" In giving "The Stem of the Irish Nation from Ir down to Feargal," he says, "Ciogna was the son of Ruadri Mor and the ancestor of the heroic Conal Cearnach, from whom are descended O'Moore, MacGuinness, McGowan, and several other powerful families in Ulster and Conacht," page 301.

Here I may remark that Maurice MacGowan, speaking from his time, refers to "a goodly number of pious divines and scholars being in the family," going to show, I think, a leaning to the Church—one of the family, in 1364, was Abbot of Clochar, or Clogher, as mentioned in "The Book of the Four Masters," and there may possibly have been some connection between this fact and the Rev. Thomas Gowan applying for the Deanery of Clogher. Certainly in the 17th Century several generations, members of the family, had had church preferment in the Diocese of Raphoe, and the Rev. Thomas Gowan was a claimant of the Deanery of Clogher—the same Thomas, I am satisfied, mentioned in the above table of descent.



I was informed also by Major General James Y. Gowan, now living at Wimbledon, that his great grandfather, the Rev. George Gowan, was the third of the family who were incumbents of Enver, or Inver, in the Diocese of Raphoe, and according to Maurice MacGowan, as I have already said, the family was represented in the church, as well as in literature, for ages; it was certainly so in their early history, as mentioned in "The Book of the Four Masters." Whether the outcome of natural tendency or because of adventitious circumstances, the desire to follow in certain lines long survives in families, and the particular profession or calling to which men belong, some of their sons naturally adopt. However that may be, the old military and combative spirit of the Clan MacGowan reappeared in more recent times, and the Ulster branch of the family came to be largely represented in the Indian army; and in the Indian Civil Service several of them obtained rank and position; but the army it was that chiefly men of the Gowan blood entered.

I know very little of the collateral members of the Ulster branch of the Gowans; indeed, nothing beyond a few notes made towards the close of the last century, and in the early part of the present, by members of my own branch, the more recent chiefly by my Aunt Martha and one of her cousins. But I had the pleasure of meeting several of my far off cousins in the British Isles, and one of them, General James Y. Gowan, promised to send me a history of the Ulster Gowans. In the meantime, I will mention some of the names noted. Clotworthy

Gowan entered the East India Company's service towards the close of the last century, and occupied important positions in the military service. After serving a number of years in India, Clotworthy returned home, settled in Yorkshire, and married Anne Mauleverer, and some of his descendants, I believe, live there yet. One of his daughters married Hon. Henry E. Butler; another, Thomas C. Roberts.

George Gowan was for some time in the military service of the East India Company, but afterwards engaged in civil business, I believe, in Calcutta.

Thomas Gowan served in America in the 33rd Regiment, and was present at Bunker Hill and other engagements during the American war, and served his country with honor. At the peace of 1783 he went to India.

Geo. Edward Gowan served a number of years in India, and other British possessions in the East, under most distinguished commanders, and retired with the rank of Lieutenant-General, and the dignity of C.B. He was in the artillery. A dear old friend of mine, Mrs. Ruddle Browne, knew him well, and spoke in the highest terms of him and his distinguished services; after his retirement he lived at Bath.\*

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\* I am enabled to give his service having had the particulars from his son. George Edward Gowan entered, 1805, the Artillery of Hon. E. I. Co.; served at Blueberg 8th January, 1806, in taking of Cape of Good Hope. Served in 1811 in taking of Java under Lord Minto and Sir Stamford Raffles; 1815-18 throughout Pindari in Western India under the Marquis of Hastings; 1842-43 in Gualiar campaign, at Maharagpur under Sir Hugh Gough (C. B. and Bronze Star); in 1845-6 in the first Sikh war, at Subraum, under Sir Hugh Gough (A.D.C. to the Queen and medal); in 1857-8 at Lahore during the Indian mutiny (medal).

Major-General James Young Gowan was his son, and he also served for many years in India in the infantry. He was all through the Indian Mutiny, and barely escaped in the general massacre of the officers of his regiment on the breaking out of the mutiny. A singularly modest man, not given to speak of his career; but I learned from others he was distinguished alike for bravery and moral worth.

George Gowan, a son of Clotworthy Gowan, who went to India towards the close of the last century, entered the civil service, and was many years in India. His brother Clotworthy was also in the civil service at Bengal, and at one time, an assistant resident of Sir Barry Close.

William Gowan, another brother of the last mentioned, was in the military service, and in India for a time. He inherited a property from his aunt, and changed his patronymic to Mauleverer.\*

George, Thomas, and Walter Edward Gowan, also served in the army in India; and General James Y. Gowan mentioned to me a number of other

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. James Young Gowan, joined the Infantry of Hon. E. I. Co., 1841, on the Bengal establishment. Served at Lahore 1847-8, in the second Sikh war (medal), and during Indian mutiny (medal.) Retired December, 1874.

\* Mary Mauleverer, the Aunt referred to, was the last in a long line of Mauleverers of Arncliffe Hall, Yorkshire, commencing with Robert Mauleverer about 1324. Mr. Wm. Brown, the grandson of William Gowan (Mauleverer), is now resident proprietor. He kindly sent me a photograph of the Hall, showing it still in excellent preservation, and a good specimen of the country gentleman's house of the 16th century. A moat originally surrounded the Hall and Church. It is for the most part now filled up; only a pond remains.

Gowans, whose names I have forgotten, in the military service in India.

I had the great pleasure of meeting face to face, a number of the Gowan family when last at home. Major-General James Y. Gowan, the eldest son of General George E. Gowan, lives at Wimbledon, and I had the gratification of taking him by the hand, also his sister Edith Eliza Gowan, who lives with him; also another sister (Emma Walwyn), the wife of Col. Ross, afterwards Lieut.-General Sir Alexander Ross, K.C.B., her cousin, now on service in India. The General struck me as a singularly modest man, a fine type of the Christian soldier.

I had also the pleasure of meeting General Morton of "Eltham" Torquay, and his son, (both in the Engineers), whose mother was a Gowan; Mr. Alexander Ross, a retired Indian Judge, whose mother was also a Gowan, and in Egypt I met a son of the Judge, Col. J. C. Ross, R.E., C.M.G., one of the heads of the Irrigation Department under the Egyptian Government. I had also the pleasure of knowing Mrs. Thomas Wheatly, who is likewise of the Gowan blood.

Some years ago, I called on and saw the Misses Gowan, of Park Square, daughters of George Gowan, an Indian Judge, whose son, Capt. Gowan, lives at Leamington, and lastly I met Annie L. Gowan, a daughter of Capt. Gowan just mentioned. It was truly a great pleasure to meet and be met most kindly by these far-off relations—I forgot to say I accidentally, when staying at my cousin,

Archdeacon Burkitt's seaside residence, at Dunmore, in Ireland, became acquainted with the Rector of the Parish, Rev. W. G. Gilmore, whose *grandmother*, I think he told me, was a Gowan—and this agreed with a tradition in my branch.

I may here mention that General James Y. Gowan showed me an engraving of his father's armorial bearings. There is a slight divergence from our arms—the introduction of a great gun and Indian crown and the raven standing upon a broken battlement. These augmentations, the General told me, were made by the Heralds when the dignity of C.B. was conferred upon his father. Such changes are not uncommon and not without precedent, I find—that is, the introduction of some object connected with the profession of the owner in the armorial bearings of a family, and I noticed a precedent, *temp.* Eliz.: Admiral Mitchell Stanhope had a ship in full sail with the National Arms emblazoned on the main sail. Now General George E. Gowan belonged to the Royal Artillery, the gun was appropriate with Crown for the R. A., the battlement on which the raven was placed, an allusion to his gallant act in mounting a breach.

The armorial bearings of the Gowan family are thus given: "Arms; ermine, on a saltier engrailed, sa, five fleurs-de-lis, or. Crest, a raven ppr. on a mount vert. Motto, *Deus Providebit.*"

Such are the arms and crest of the family, borne for at least 300 years, and I possess a seal with the arms engraved, worn by my great-great grandfather,

over two hundred years ago. But according to a tradition in the family a change *was* made shortly after the Reformation, the ancient arms of the MacGowans being before then, it was said, a lion ramp: between two cinque-foils; the crest, a talbot. But for three centuries the arms have remained unaltered as given, save in the special case of General George E. Gowan, C.B., and for the reasons already referred to.

I will now give a table of my pedigree in the Leinster branch, from Thomas Gowan, the fifth in the direct line of descent from Maurice MacGowan, the most remote ancestor of the Gowans so far as known to any member of the Leinster branch; all before Maurice MacGowan, resting on the general history of the Clan, and will subjoin also some account of certain members of the Leinster branch of Gowans:—

*Table of Descent from Thomas Gowan to James  
Robert Gowan.*

**A**—THOMAS GOWAN, of the Ulster Stock, born 1642.

**B**—JOHN GOWAN, his son, born in 1668, married Miss Hunter.—Issue:

John Hunter C.	
Philip————	$\frac{B}{2}$
Jonathan———	$\frac{B}{3}$
George ----	$\frac{B}{4}$
William———	$\frac{B}{5}$
Thomas———	$\frac{B}{6}$



C—JOHN HUNTER, born in 1699, married Miss Hatton.—Issue:

Henry Hatton, D.

John Hunter—  $\frac{C}{2}$

George —————  $\frac{C}{3}$

Mary —————  $\frac{C}{4}$

Elizabeth —————  $\frac{C}{5}$

Martha —————  $\frac{C}{6}$

D—HENRY HATTON, born in 1736, married Miss Smith.—Issue;

Henry Hatton, E.

John Hunter Hatton,  $\frac{D}{2}$

Charles Hunter Hatton,  $\frac{D}{3}$

Martha Hunter —————  $\frac{D}{4}$

E—HENRY HATTON, born in 1778, married Miss Burkitt.—Issue:

James Robert ————— F.

Anne —————  $\frac{E}{2}$

Susan Elizabeth —————  $\frac{E}{3}$

F—JAMES ROBERT GOWAN, born in 1815.—No issue.

Of THOMAS GOWAN (A), my great great great grandfather, few particulars have been handed down or preserved, owing, possibly, to the difficulty and estrangement between him and my great great grandfather (B). When *John Gowan* left home his father resided in or near Lifford—that was the place of his address then, at all events; but Donegal and Bally Shannon are also mentioned in connection with residence. *Thomas Gowan* (A) was fifth

in descent from Maurice MacGowan, born in the early part of the reign of Henry VIII. Judging from circumstances, he (A) must have occupied a good, if not a prominent, position. He knew and corresponded with Sir Clotworthy Skeffington, Lord Blany, and others, who associated "for the maintenance of the Protestant religion and dependency of Ireland upon England," and his son John (B), when quite a young man, on several occasions was the bearer of correspondence between them, of a political character. John (B) often spoke of this to *his* son, John Hunter (C) and of his first meeting Sir Clotworthy Skeffington in Enniskillen, who, he said, was in some way connected with the Gowan family. John Gowan (B) often spoke also of a tutor in the family in Donegal. The man was a Huguenot, and had served against France years before, and although somewhat disabled by wounds, used to have regular bouts with him (B) and his brothers, who were younger than he, and taught them quite as much of "fence with the sword as of French and Latin." The *Rev. Clotworthy Gowan*, who graduated in Edinburgh in 1698, I have concluded was a younger brother of *John Gowan* (B). The family was Episcopalian, and several relatives had church preferment. John (B), his father designed for a clergyman, and it was intended he should go in for a degree. He travelled on the Continent, and visited Holland and Switzerland. On his return, pressed by his father (A) to prepare for holy orders, he positively

refused: they quarrelled violently on the head of it, and John (B) left his home. *John Gowan* (B) may be said to have been fairly qualified for life's duties, being well informed, for his day at all events. He was a Latin and Gaelic scholar, and spoke French like a native. After leaving home, he went for a time to distant relatives, who had settled in Scotland, but did not remain there long. Everything was unsettled and disturbed in England and Ireland, and active minds were engaged in schemes for securing a new order of things on a Protestant basis. There was constant intercommunication between those in England and Ireland, as well as in Scotland, who saw in the policy of James II. a sure trend towards arbitrary and unconstitutional government, and towards making the Roman Catholic religion that of the State. Our ancestor *John* (B), in these perilous times, thought that his place was in Ireland—perhaps saw his opportunity there—and he crossed over in a small vessel, with a Scotch cousin and a few others. Abandoning their original intention of going to the head of Lough Swilley, they landed near the head of "Killibeg's Bay," where he was, he said, hospitably treated by relatives who lived there, and sent on to Donegal. There he soon got into communication with the English and Williamite party.

The interest of the family of Sir Clotworthy Skeffington afterwards obtained for *John Gowan* "through friends of the cause in London," a commission in *King William's* army. In the meantime

he, John, had been busily engaged amongst the clergy and those who favored a new rule and authority in the British Isles. Sir Clotworthy Skeffington was, I judge, a connection as well as a patron of the family, possibly through his own connection with Sir John Clotworthy, a Cromwellian, whose sister married, in the early part of the seventeenth century, a Gowan, according to John Gowan's statement. It occurs to me that it may have been in this way the name "Clotworthy" came into use in the Donegal branch of the family. *John Gowan* first joined General Schomberg's forces, and "found much comfort and advantage in being able to talk French." He was present at Lough-brickland, when the Enniskillen Regiment joined Schomberg's forces. He did not see much active service under him, but subsequently served under *General Ginckle*, or de Ginkle, being at Athlone and Aghrim, as well as Limerick, when that city capitulated, and was one of the party despatched to carry to Dublin the news of the surrender.

After the establishment of order in Ireland under King William, he left the army, receiving a grant of land for his services, and settled in the County Tipperary. He there took a part in maintaining order in that disturbed country, and in fostering respect for the new dynasty. His son, *John Hunter* (C), described him as a man of fine presence, and a most accomplished swordsman, inflexible of will, but withal a good and benevolent man.

In the year 1693, *John Gowan* (B), married Miss Hunter, only daughter and heiress of John Hunter, of the County of Tipperary. He was then 25, and this would bring his birth to about the year 1668, and he stated *his* age was about the same as his father's (A), when *he* married, and this would show the birth of Thomas Gowan (A), about the year 1642.

JOHN GOWAN (B), appears to have been a very independent thinker, and was something of a Puritan in his views, though his sons and all their descendants belonged to the Episcopal Church. After his marriage, my Aunt Martha told me she heard that there was some sort of reconciliation with his family in the North, but I do not think he and his father ever quite forgave the past, and they certainly never met after John left his home. By his marriage with Miss Hunter, *John Gowan* had six sons, as set forth in the genealogical table above.

I propose first to go through the direct line from him to myself, and then add some particulars of collateral relatives and their several connections.

JOHN HUNTER GOWAN (C), my great-grandfather was born about the year 1699, and he and his brothers were educated at home. Their tutor was a person named Keating, who had been educated for a priest in France, but married while yet a student a French girl. They lived in a cottage on the property not far from the family residence. Keating was a man of considerable attainments, refined and liberal. He continued to belong to the

Roman Catholic Church, and I may mention that I recollect seeing, about the year 1831, a descendant of his, a bishop in the Roman Catholic Church. He was a great friend of my father.

JOHN GOWAN (B), purchased for his son, *John Hunter* (C), property in the County of Wexford, and he went there about the year 1725 and engaged in the practice of his profession, the law. He married a daughter of the Rev. Henry Hatton, rector of Gorey, and niece of Col. Hatton, of Great Clonard, member for the County of Wexford. The Hattons were an old and well known family in that county. The family name of Hatton, in which the Viscounty of Hatton became extinct, is derived from the Lordship of Hatton in Cheshire. All the County Wexford Hattons are descended from the Rev. Henry Hatton, who settled in Ireland in the reign of Elizabeth. He was a cousin of Sir Christopher Hatton, Queen Elizabeth's Lord Chancellor, who found favor in the eyes of "The Virgin Queen," His post he is said to have owed more to his handsome person and his skill in dancing than to legal ability. However that may be, his heir, through a collateral branch, was ennobled in the reign of James I., and one of his close relatives is in the line of the English Finch-Hattons.

The Irish Hattons, ever since their first settlement in the country, maintained a leading position and were connected by marriage with the Aron and Abercorn families.



It was through the Hattons that we are connected with the Morton family, the Rev. Henry Hatton, of Gorey, being our common ancestor in this way. My great-grandfather John Hunter, son of John Gowan, of Tipperary, married a daughter of the said Rev. Henry Hatton, and my grandfather, as well as my father, were both named after him; and Francis Morton, of Tinnahely, the son of George Morton, of Queens County, married another daughter of Rev. Henry Hatton. James Morton was the son of Francis, just mentioned, and the father of Francis Morton, of Woodmount, who was the father of Dr. George Morton, of Toronto, and Dr. Edward Morton, of Barrie, as well as of other children. I have a vague recollection of seeing "Frank Morton of Woodmount" at my father's house when I was a boy, and I know my father had a warm regard for him, and used to tell many stories of the loyalty and gallantry of the Morton family in perilous times, and of two of them, yeomanly captains, being killed in the Irish rebellion, fighting at the head of their men. I have since learned, through a member of the Morton family, it was at the Battle of Ballyraheen, fought in July, 1798, they lost their lives. My great-grandmother, the daughter of Rev. Henry Hatton, was a handsome, amiable woman, and greatly beloved by her family. She lived to a very advanced age. *John Hunter Gowan* (C), her husband was a good man, and I have often heard my aunt speak of him as a clever and well preserved old man, extremely amiable,

and active in every good work; they had five children, three boys and two girls. Their son, *Henry Hatton Gowan* (D), the next in the direct line, the youngest son, was my grandfather. He received an excellent education, and qualified as a medical man.

A "petted child" and denied nothing, he acquired habits of self-indulgence and extravagance, which sadly tried his fond parents. He was given a nice property, which he wasted, and his father more than once paid his gambling debts. He was sent to sea, and served for a short time as assistant surgeon in the navy, on the West India station. From all accounts, he was very good-looking and with most agreeable manners. After a short time he returned home and was enabled to resume the practice of his profession, and was placed on the Commission of the Peace for the County. Subsequently he met and was married to Anne Smith, daughter of Charles Smith, of Kyle, in the County of Wexford. I shall take occasion later on to say something of this grandmother's family.

For a time all went well, but my unfortunate grandfather soon relapsed into his old habits of vicious self-indulgence, and gambled away not only the property he obtained from his father, but a nice estate he got with his wife. My grandmother did not live to be old; her husband, after her death, became perfectly reckless and utterly neglected his children, who were scattered about, dependent on the care of relatives. It is not pleasant to write

this of one's ancestor; all that can be said is, his vices were those of the day, and prevailed generally amongst the "better classes." As a writer, speaking of those days, observes: "Riotous living, drunkenness, gambling and gross profligacy were common all over Ireland." And another, still more severe, says: "They lapsed into low and unworthy habits, and spent their lives in drinking and wagering, with no idea above a horse, or wiping out an imaginary insult with rapier or pistol." There were other members of the family no better, and the consequence was, property passed from them. At one time in the County Wexford, I know, large possessions were held by men of my name and blood. I can remember the names of some of the estates owned by them in the County Wexford, as "Tikilleen," the manor house and estate of "Ashwood," "Ballyteague," "Ballygullen," "Holly Fort," "White Park," "Mount Nebo," and other properties in Wicklow. All these, by wicked extravagance and reckless living, passed from the family, and I do not think there is now one of the name with an unincumbered acre in the whole county. Cookstown, the little property I am entitled to, comes from my mother's side. I have to charge nothing of this to my dear father; he was a good man and a sufferer; and could only lament what he was helpless to control or remedy, and I often thank God he had the courage and the foresight to realize on all he had and leave Ireland, almost sixty years ago, come to this new country,

and invest here, where law and order prevail, and where there is room for all and a fair chance for everyone disposed to "learn to labor and to wait." He certainly took the wisest and best course; but a bitter feeling sometimes comes over me when I think of what *might have been*, and the parody on the old sweet verses *will* come up:—

Who robbed me ere I was born,  
And lost every acre of hay, grass and corn?  
My Grandfather!

My father, HENRY HATTON GOWAN (E), was named after his father, of whom I have just been speaking. He was younger than my Aunt Martha—indeed the youngest child—and a mere boy when his father went completely to the bad, bringing ruin on his family. He lived amongst relatives for several years, who were not, I think, as kind as they might have been, and his education was of of the most desultory character in his early days; but from the time he arrived at man's estate, he pushed with energy his own fortunes, improving his slender means, and educating his family. He was born in the year 1778. He was always brave and daring, and though only 19 years of age, was all through the Irish rebellion, a volunteer under his uncle, who commanded a troop he had raised, and was in several of the battles and bloody affairs during the insurrection of 1798, as "Tubernerin," "Gorey," "Balleyellis," "White Heaps" and "Ark-law." Yes, my father was truly a brave man, and

I could mention many circumstances in this connection. One incident I recollect hearing of when a boy I must not omit; it occurred about the time I was born, and showed wonderful pluck. A certain "Captain Grant," an active rebel, had declined the offer of amnesty, and with a band of desperadoes had for years preyed on the inhabitants, chiefly in the Counties of Wexford, Carlow and Wicklow, committing acts of plunder and not stopping at murder. They terrorized the country, and many unsuccessful efforts for their capture had been made. At last the authorities obtained information that this daring outlaw and his men had taken up temporary quarters in Killoughrim Wood. A small force of soldiers was obtained under command of Capt. Dewson, and the whole country turned out to assist in the capture of the outlaws. They were beating the woods, and my father, Mr. Jacobs, the resident magistrate, and Capt. Dewson, were together, and suddenly came close upon Grant and some of his men, who at once opened fire, and my father received a gunshot wound in the shoulder, but dropping his fowling piece he rushed on Grant and desperately clung to him till Grant was secured. His spirited action was much talked of, as Grant was a powerful man and my father a small man. The bullet was extracted on the spot, by my uncle, Dr. Robert Burkitt, who happened to be with the party; but all his life my father was conscious of pain in the part in damp weather. Grant and several of his men were tried

for murders and other offences, found guilty, and executed. Shortly after I was appointed Judge, I was at Bradford, one of the towns in my circuit, and after court Captain Dewson, who was a settler in the district, called on me and asked me if I was the son of the Mr. Gowan who was shot beside him, in 1816, by Capt. Grant. He spoke warmly of my father's courage on this occasion, and mentioned that Grant had first taken up a blunderbus, aiming at the three of them, but it flashed in the pan; he then snatched up a gun beside him, with which he wounded my father; and that, curiously enough, one of the men afterwards cocked and snapped the blunderbus, without repriming, when it went off, sending fourteen balls into a tree beside him.

My father married Elizabeth Burkitt, youngest daughter of Robert Burkitt, of Cahore, County Wexford, in the year 1810. She brought with her a moderate fortune, but great economy was necessary. My father tried a good many things with doubtful advantage, and I can recollect enough to know that farming, in which he engaged for some time before leaving Ireland, could not have been very profitable. He liked and always kept good cattle, and raced some of his horses; two, called "Tallyho" and "Spanking Jack," won several races for him at Ballyhough, but he never gambled or bet one shilling on a race. By natural bent and descent he was a Tory, but I do not think he ever took much part in elections beyond recording his



vote; nor did he belong to any political organization. He was on good terms with the Roman Catholic Bishop of the place and several of his priests, though he never disguised his principles. I think he was full 47 years of age when he arrived at the conclusion of selling all he had and seeking a new home in Canada, which he did some time after, and sailed with his family from New Ross in "The Horsley Hill"—a party of six: himself, my mother, my two sisters, myself and one servant. The vessel was only 800 tons, and though we had the whole cabin to ourselves, it was not very comfortable, I can remember. We had over 300 steerage passengers on board. First and last, we were four months from the time we started until we landed in Quebec, for we were dismasted about one thousand miles from land, driven back under "jury masts," fortunately to Waterford, for my uncle, Dr. James Burkitt, resided there. We remained in his house till the vessel was refitted and ready for sea. We reached Quebec in the autumn, proceeding directly from there to Little York—now Toronto. There my father rented a house on the corner of York and King Streets, where, leaving my mother and sisters, I accompanied my father to various places, seeking a desirable property to purchase. We were in the West—Guelph, and the neighborhood of London—and also inspected a number of farms near Toronto. The Playter farm, on the River Don, near Toronto, I remember, we were in treaty for, and nearly purchased. My

father ultimately purchased, in the Township of Albion, about twenty-five miles from Toronto, two very nice farms: one from a man named Black, and the other from one Kerr. There were only ordinary farm buildings on the Black farm, but my father and I went out and he soon had a nice, large, comfortable residence erected, more land cleared and everything brought into good order. Next spring the family moved out, with the exception of my sister Anne, who took a situation as governess and did not come home for about a year. On the farm in Albion I spent a happy and, to me, a most useful year, for my father employed a number of men in clearing the forest and otherwise improving the property, and I learned something of all the different operations on a Canadian farm, and the practical knowledge thus acquired I found of incalculable benefit to me in after life. After being about a year on the farm, my parents, seeing no very promising future for me in farming, determined I should study for the law. I was accordingly brought to Toronto, and on the 12th December, 1833, was articled to the Hon. James Edward Small, (Solicitor-General under the Baldwin-Lafontaine administration), my father arranging I should live with him, and paying Mr. Small a fee of £360 for the five years. For a short time I had quarters on Lot, now Queen, Street; afterwards, and till my last year, I lived with Mr. Small as a member of his family. In my last year I rented a small house, and my two sisters came to live with

me. Subsequently, my father having rented his farms, he and my mother joined us, and we were together living in Toronto till I was appointed first Judge of the Judicial District of Simcoe, when all the family, except my sister Susan, who was married in Toronto, came to Barrie with me.

I had completed my service under articles with Mr. Small on 13th December 1838, and the day following, he offered me, and I accepted, a partnership with him on terms of half profits—but then almost the whole work of the office was left to me, for Mr. Small was immersed in politics. In August 1839, I passed my final examination and was called to the Bar. From that time I took nearly all the business, including the counsel work, and it was heavy, for Mr. Small was counsel for the University of King's College, Toronto, and the corporation was a large holder of lands. He was Solicitor-General also, and although I did not share his fees from that office, I assisted him largely up to December 1842. I am safe in saying that I worked, on the average, fourteen hours out of every twenty-four, and without holiday, for a period of nearly four years—frequently on Sundays, I am sorry to say. My health was completely broken down with hard work, and my medical man, Dr. King, said to me, "You will be in a lunatic asylum or in the grave in six months, if you continue working as you do." In the course of my professional duties I frequently came into contact with the Hon. Robert Baldwin, then Premier of Canada. He apparently

formed a favorable impression of me; at all events, in December 1842, he spontaneously offered me the post of Judge of the newly-formed Judicial District of Simcoe, the largest in Canada. I accepted, knowing the duties would give me a good deal of horse-back exercise, the very thing I required. I went to Barrie in January 1843. My acceptance of the Judgeship involved a serious reduction in income, although it did not prevent chamber work in Toronto, and for some time I continued to do a good deal of special pleading and drafting for the office in Toronto, in which I continued to have an interest. The Toronto business, after my appointment, was carried on under the Style of "Small, Gowan & Strathy," my brother-in-law, John Strathy, having been taken in as a member of the firm. I think it was about eighteen months after, an Act was passed which prevented Judges engaging in any work outside their duties proper. The law was a good one; but the compensation allowed in doing away a right which existed on my taking the appointment was very inadequate. My father, mother and sister Anne lived with me in Barrie in a rented house till my father built a residence on land he purchased in Barrie, and there I lived till a few years ago. My elder sister, Anne, continued with us in Barrie till she was married, and my father and mother lived with me before and after my marriage, and until their deaths. My father was appointed Deputy Clerk of the Crown for the District in 1843, and held the office till his death.

My dear mother and father both died in my house at Barrie, the former in 1854, the latter in 1863. My sister Susan and her husband moved to Barrie in 1847, where they remained, and he practiced his profession till 1864, when he moved to the City of Toronto and settled there. My sister's husband, John Strathy, died in 1878.

And now a word touching the family of my grandmother on the paternal side, as well as of my mother's family.

MY GRANDMOTHER GOWAN (Anne Smith) was of English descent. Her father, *Charles Smith*, of Kyle, was a member of a rather celebrated family—that of the gallant Sir William Sidney Smith, General Edward Smith, Captain John Spencer Smith of the Guards, Gentleman Usher to Queen Charlotte and *Aide-de-Camp* to Lord George Sackville-Germain; and Colonel Charles Douglas Smith, at one time Governor of Prince Edward Island. *Charles Smith*, my grandmother's father, was the grandson of Edward Smith, who was brother to Captain Cornelius Smith, of Hythe, County of Kent. The latter was the great grandfather of Sir William Sidney Smith and Colonel Charles Douglas Smith.

MY MOTHER'S FAMILY (the Burkitts) was also of a good old English stock. Her grandfather, William Burkitt, a civil engineer, was a cousin of the Rev. William (Bishop) Burkitt, the commentator. He came over from England the early part of the eighteenth century, and purchased extensive

properties in the County of Wexford, and married there a young widow named Okes, receiving a handsome fortune with her. He expended large sums of money in improving these properties in a system of drainage on a large scale; and some of his descendants, after nearly two centuries, still live on the lands inherited from him—as the Burkitts of “Seaview” and the Burkitts of “Kill-michael.”

William Burkitt's children were: (1) William, who married a Miss Cook and had issue; (2) Robert my grandfather, of whom presently; (3) John married a Miss Talbot; (4) Richard, accidentally killed on a shooting expedition, died unmarried; (5) Mary married John Lloyd, of St. Johns; (6) Fayanna married a Mr. Fearne, and (7) Susannah, a Mr. Johnston.

The eldest son (1) William, had two sons: James, who married a daughter of Captain Nuttle (a Gowan on her mother's side), and Robert, who married a Miss Smith. Her father's place was Medrip Hall, but she was brought up by an uncle, General Brownrigg. One of his daughters married Mr. Burke, of Court; another, the Rev. Mr. Morland, of the North of Ireland. The representatives of both these men, James and Robert, still live on the properties inherited from the first William Burkitt. I do not purpose tracing out the families or their numerous descendants. All the Burkitts of the first two generations above-named were large, powerful men, dark complexions and dark



eyes. The John (3) Burkitt above-mentioned, my mother's uncle, was said to have been the largest man in Ireland in his day—full 6 ft. 8 in.—and a perfect Samson in strength. I will now just say a word about my grandfather (2) Robert, above-named, and his family. He was born about the year 1736. He was intended for the Church, and entered college, but was, from bad health, obliged to give up his studies and settle down to country life. He married, at the age of 25, Susannah Austin, of a good old English family, but her father was, I believe, born in Ireland. The name of his place was, I believe, Knockrobin. The Austins were largely connected with County Wexford families—as the Bennetts, of Blackstoops; the Morrises, of Windgates; Metcalfes, of Stillorgan, and the Talbots, of Court. My grandfather, *Robert Burkitt*, of "Cahore," inherited that property from his father; their eldest son, *John Burkitt*, inherited it from him and lived and died on the estate. His wife was a Miss James, of the County Cork. *His* son, John, also inherited Cahore, but sold it and emigrated to Australia many years ago.

My mother's brother, John, had also two or more daughters. One married the Very Rev. Dean Checkley, who died in St. Vincent, West Indies, leaving issue; and another, who married Captain Sawtell, and emigrated to Australia. She also left issue. My mother's second brother, *Robert Burkitt*, married, first, Miss Baylis, daughter of Colonel Baylis; secondly, Miss James, sister of

his eldest brother's wife. He was a medical man, served a short time as surgeon in the militia, and ultimately settled down and practiced in the County Wexford. He had one son by his first wife—*Robert Baylis Burkitt*—also a medical man, a surgeon in the army. He died, I believe, in Gibraltar. I do not know anything certainly about him, but believe he was married and left issue. By his second wife my uncle Robert had one son, Christopher, who died unmarried, and several daughters who were married.

*Elizabeth James*, his eldest daughter, married John Whitney, of Beaufield, County Wexford; she had one son, who married, but died without issue. His second daughter, *Susan*, married Dr. Alex. Wilson, of Longford, and had one son, still living, Rev. Alex. Wilson, of Killshannig, County Cork, whom I met in 1889. His third daughter, *Mary Anne Colles*, married Rev. John Boyce Harley, Rector of Taghmon, by whom she had several children, now living, of whom I have seen Dr. Robert Harley, of Dublin (one of the kindest and best fellows living), the Rev. Canon Christopher Harley, of Belgrave Place, Cork, an earnest Christian minister, and Mrs. Haddon, wife of Dr. Haddon, of Wexford. His fourth daughter, *Hannah*, married Mr. Floyd, and emigrated to Australia. I believe she left issue. His fifth daughter, *Anna Diana Baylis*, married late in life Allan Lloyd, a retired Supervisor of Excise in the Revenue Service in Ireland; and his sixth daughter, *Sarah*, married

Mr. Parslow, and died without issue, My mother's third brother, *James*, was also a medical man, and served as a surgeon in the army for a time: he settled in Waterford, and there married Samie, a daughter of Sir Francis Hassard. Two of his sons are still living—Dr. Robert Burkitt, who succeeded his father and practiced his profession for many years in Waterford. He married Miss Dobbyn, daughter of Counsellor Dobbyn, of Waterford. He retired from practice several years ago, is now considerably over 80, and lives with one of his daughters, the wife of Mr. Moran, of Carne Prospect, Bellemullet, County Mayo. Another of his daughters is the wife of the Rev. Richard Bradley, Rector of Golden, County Tipperary, and the youngest married Archdeacon Daly, of Clonfert. Richard and James, sons of my uncle, emigrated, and, I believe, died without issue. The youngest son of my uncle Dr. James Burkitt, Archdeacon *Francis Hassard Burkitt*, Rector of Cappoquin and Chancellor of Lismore, I have seen much of (and to know him is to love him.) He married Miss Bradshaw, sister of Rev. Macnevin Bradshaw, Rector of Clontarf, Ireland. After some four years of married life, he lost his wife. His two sisters, *Samuella* and *Elizabeth*, both live with him. *Samuella* is older than her brother, but has carried into advanced life all the charm of an educated, clever and accomplished woman. Archdeacon Burkitt had two sons, one, Francis Hassard, who married a daughter of Capt. Shottoe, and has a numerous

family; he is Rector of Stradbally, County Waterford. The other, Robert Bradshaw, is his father's curate, and lives with him.

And now to return to myself, the last of my line of the name, and my two sisters, all the children of Henry Hatton Gowan (E) and Elizabeth Gowan (nee Burkitt), who grew up; for I had two brothers, one James, the other, Henry Hatton, who died children. I, *James Robert Gowan* (F), was married on 7th July, 1853, to Anne Ardagh, second daughter of the Rev. Samuel Brown Ardagh, A.M., Rector of Barrie and Shanty Bay, in Canada, eldest son of the Rev. Arthur Ardagh, Rector of Moyglere, County Meath, Ireland; we have no child. My elder sister, *Anne* ( $\frac{E}{2}$ ), married in 1846 Dr. John Russell Ardagh, son of the Rev. Arthur Ardagh, just mentioned. He predeceased my sister Anne in 1868, leaving her a widow with four children, namely, Henry Hatton Ardagh, Anna Brown Ardagh, Elinor Power Ardagh and Marian Susan Elizabeth Ardagh. Elinor died in 1874, unmarried; Marian married John Power and died in 1890, with her first child. Anna Brown is unmarried, and Henry Hatton, Barrister-at-Law, married his cousin, Marcia Fishe, daughter of Colonel Nathaniel Hill Fishe, of the Madras Horse Artillery, who served with distinction in India, and was at one time Commandant of artillery at Aden. They have two children, Edward Gowan Russell and Henry Hatton Gowan. My sister Anne died in 1888.

My younger sister, *Susan Elizabeth* ( $\frac{2}{3}$ ), married John Strathy, a Scotch lawyer, and a Barrister of the Bar of Ontario. Her husband died 1878, leaving her a widow with six children. Her eldest son, John Alexander Strathy, (manager of the Bank of Toronto, Barrie), married Agnes Strachan, second daughter of the Very Reverend Dean John Henry Grasett, M.A., (Cam.) Rector of St. James' Cathedral, Toronto. They have five children, John Henry Grasett and Anna Helen Gowan, twins, George Stewart, Elliot Seaton Grasett and Muriel Agnes Grasett. [Another daughter, Dorothy, has since been born.]

My sister *Susan's* ( $\frac{2}{3}$ ) second son, Henry Hatton Strathy, Q.C., lives and practices his profession in Barrie. He married Marian Isabella, widow of Capt. Edward Foster, late of the 12th Regt., and youngest daughter of the late Rev. S. B. Ardagh, A.M. They have one son, Gerard Breckenridge Strathy. My sister Susan's other children are: James Robert William Strathy, a Barrister, George Hatton de Winton, (died two years ago) Arthur Gowan Strathy\*, and Elizabeth Mary Louisa Strathy.

I have not undertaken to exhaust all the different branches of my family and connections, or fully to trace out their issue, but contented myself with using the material within my reach as far as it went. And now, in a limited and general way, I must say something of the marriage connection

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\* Married Miss Margaret Cleary, and has two sons.

and issue of collateral relatives. First of my great-great grandfather's (B) children—then of my great grandfather's (C), then of my grandfather's children (D) above named in the table of descent from Thomas Gowan (A), above given.

*Of the Children of John Gowan (B).*

*John Hunter* (C), I have already mentioned in my direct line.

*Philip*  $\frac{B}{2}$  the son of John Gowan (B) married Miss—. His son Robert Gowan (or Going, as, for some purpose he chose to call himself) of Tullemoylan, County Tipperary, married a sister of General Johnson, of Cork, and had issue, Robert, of Traverton Hall, County Tipperary, who married a daughter of Thomas Mansel, M.P., for Kilmallock, by whom he had a son who succeeded his father in Traverton, and married a Miss Powell James, of Bisbell, County Clare, and had issue. Other descendants, too numerous to follow, married into the families of Thomas Bernard, M.P., Castle Bernard, Kings County; John Bennett, of New Mount, County Carlow; Sir Amyrald Dancer, of Moodreeny, County Tipperary; and Col. Pennafather, of the same county.

JONATHAN  $\frac{B}{3}$  died unmarried.

GEORGE  $\frac{B}{4}$  removed to County Kilkenny, married and had issue; particulars of his family have not been preserved.

WILLIAM  $\frac{B}{5}$  went to England, resided some time in London, afterwards in Yorkshire, subsequently



returned to Ireland, and finally settled in the County of Derry. No account of his issue has been preserved: the tradition of the family is, he "made an excellent match."

*Of the Children of John Hunter Gowan (C).*

HENRY HATTON (D) has been already mentioned in my direct line.

JOHN HUNTER ( $\frac{C}{2}$ ) married Frances Morton, of Ballinacoola, by whom he had four sons, who died without issue, so far as known, and twelve daughters, of whom three died unmarried.

His eldest son, John, was a Lieutenant in 2nd Battalion, 30th Regiment, and was in Egypt, Badajos, and Waterloo. He never married. Another son, Hunter, was Lieutenant in the Somerset Militia; it is not known if he left any issue. Thomas did not marry, and George emigrated and has been lost sight of.

Of John Hunter's ( $\frac{C}{2}$ ) daughters, *Mary* married John Checkley, an Irish barrister, and had issue. A son of his, the Rev. John Checkley, Dean of St. Vincent, West Indies, died there.

*Elizabeth* married, first, Thomas Flemming, R.A.; secondly, John Butler, of Dublin, solicitor, a member of the Ormond family.

*Catherine Emma* married Captain Flemming, son of the Hon. John Flemming (claimant of the Barony of Slone). One of her sons, Valentine, it is believed, was Chief Justice in the Mauritius.

*Frances* married Edward Cole, of Ballygullen.

*Jane Amelia* married Edward Haycock Turner.

*Charlotte* married Edward Bacon.

*Harriet* married Thomas Quinlan, County Cork.

*Isma* married Mr. Gilles, County Monahan; and

*Mary* married Robert Hopkins, County Wexford.

I have no particulars as to the families of these daughters beyond what I have given.

*George* ( $\frac{c}{3}$ ), another son of the first John Hunter, an Attorney-at-Law, married Miss Woodruffe, of Gorey, there being settled on him at the time family property in Tipperary, derived from his grandmother, Miss Hunter. He had issue by this marriage—George, who was bred to the medical profession, and died at sea; and Philip, who married Miss D'Olier, of an old and noble Huguenot family. Philip sold his Tipperary property and moved to London, where he established the successful business of "Gowan & Marks, American Merchants," still in existence. He left several children, of whom I had the great gratification of meeting George, late of Woodlawn, Dulwich, since deceased, Charles, of the Bell House, Dulwich, and Olivia, wife of James Hore, of Drinagh, College Road. I greatly enjoyed their acquaintance. I found them of the very essence of kindness. Mrs. Hore, a sweet, lovable woman, was all through the Indian mutiny, her husband, an English Barrister, being one of the judges at Bombay. Charles Gowan is still the head of the old firm of "Gowan & Marks." He married a Miss Cutcliffe and has a numerous family. George Gowan, late of Woodlawn, had several

children whom I had the pleasure of meeting Philip, of ———, Devonshire; James, who has since emigrated; and Dr. Campbell Gowan, a medical practitioner\*, and three daughters, Elizabeth Cecile, who married Colonel Rich, R.E., and Edith, since dead, who was married to Captain Neville-Wyatt. These cousins I have found particularly amiable and kind, and ever since our first meeting, in 1870, feel very much drawn toward them. I must not omit to say that I also met their mother, since deceased, the wife of my late cousin George, of Woodlawn, a native of Maryland Va., U.S. She was a very handsome and clever woman, warm hearted and kind.

*Mary* ( $\frac{c}{4}$ ), the fourth child of the first John Hunter (C), married Dr. Peter Roe, of Balinclare Her eldest son, the Rev. Peter Roe, Rector of Killykenny, was in his day a very prominent leader of the Evangelical party, a great preacher, and an abundant writer on theological subjects. I think I recollect seeing him when a child; he and my father were great friends.

*Elizabeth* ( $\frac{c}{5}$ ), the fifth child of the first John Hunter (C), was married first to Capt. Nuttle secondly to Capt. McCormack. I believe she had issue with both husbands, connecting the family with Jas. Burkitt, of Seaview; French, of Ross Grange, of Dublin, and Roger West, of Robinstown *Martha* ( $\frac{c}{6}$ ), who married her first cousin, Henry

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\*Now (1911) of Arlington, Marnhull, Dorset, and has three sons Hyde C., I.C.S., George D'Olier, M.E., and Cecil Hunter Boyd, R.N.

Hatton Morton, of Greenhill, County Wicklow, died without issue.

*Of the Children of Henry Hatton Gowan (D).*

*Henry Hatton (E)* has already been spoken of in giving my direct line.

*John Hunter Hatton* ( $\frac{D}{2}$ ), married first, Dora Richards, daughter of Henry Richards, of Glasscarrig; secondly, Miss Smith, of Virginia, United States, for he emigrated many years ago to the United States of America. He left, it is believed, a family.

*Charles Hunter Hatton* ( $\frac{D}{3}$ ), another son of the first Henry Hatton, married a Miss Britton, of Coolbawn. He had one son, who married a Miss Dobbyn; as to his issue, if he had any, there are no particulars.

*Martha Hunter* ( $\frac{D}{4}$ ), only daughter of the first Henry Hatton, died unmarried, many years ago, at a great age.

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My nephews and nieces who read this rough sketch will remember sundry romantic incidents and details, often spoken of by their mothers connected with members of the family on both sides. These I have not touched, but confined myself to the facts connected with the history of my family. I place small value on a long pedigree. *Nam genus et proavos, et quæ non ficimus ipsi, vix ea nostra voco.* But I must confess to a feeling of gratification that

disloyalty never attached to the name. There was reckless extravagance, folly, self-indulgence and utter want of thought for the future; but in saying this I think I have said the worst that can be said of the family. A fierce intolerance of opinion amounting almost to hatred of the adversary, existed in Ireland for generations, and in the universal bitterness that prevailed power was seldom exercised on either side in a very Christian spirit. Moreover, the specific prejudices induced by difference of creed and race—the hostility gendered between loyalty and disloyalty to the English rule; the intolerant spirit that prevailed, led, doubtless, to many acts not defensible in the light of the nineteenth century, and it is only right to consider them in relation to the times.

One of the Gowans of the last century, my father's uncle, was malignantly defamed by a certain Edward Hay, in a so-called History of the Irish Rebellion, written from a Jacobin standpoint. He was a violent partizan, and wrote moreover, smarting under a recent imprisonment he was subjected to on strong suspicion of complicity in the rebellion. His charges of violence, oppression and slaughter, were repeated on his authority by later writers, and yet he did not adduce a particle of proof in support of his broad assertions. He quotes, indeed, a proclamation by the rebels, the preamble to which reads, "Whereas, it stands manifestly notorious that James Boyd, Hawtrey White, Hunter Gowan and Archibald Hamilton Jacob, late magistrates

of this county, have committed horrid acts of cruelty, violence and oppression against our peaceable and well disposed countrymen," and calls upon "our countrymen at large to apprehend the bodies of the aforesaid and convey them to the gaol of Wexford to be brought before the tribunal of the people." It is dated at Wexford, 9 June, 1798, and closes with the words "God Save the People." All the gentlemen named were active magistrates and conspicuous loyalists, and had the rebels, then in arms, got hold of them, no doubt they would have suffered the fate of the unfortunate prisoners who were cruelly piked and murdered at Vinegar Hill and Wexford, by those who formed "the tribunal of the people." Few will think such a document lends any support to the statement of this partizan writer. The charges made against my great uncle, I know, from the lips of several who had personal knowledge of his doings, were absolutely false; and my father, who was all through the rebellion with his uncle's corps, has often told me there was not a word of truth in what Hay said against him; that, except in actual fight, he never knew a single instance of violence or bloodshed by his uncle's authority; and burning houses, from which the troops were fired upon by rebels, was the worst he had seen done. But an active magistrate, as Capt. Gowan was, could not well escape malevolent abuse from disloyal quarters. He was conspicuous for an energetic discharge of duty in the repression of crime against person and property,



and a fearless upholder of lawful authority, and as might be expected, he was a marked man. Moreover, he raised and commanded a corps of yeomanry who served with effect during the rebellion as well as after it. The men of course were taken from the loyal part of the community, farmers and others, many of them sufferers from the wanton destruction of property by roaming parties of rebels, and individual excesses might possibly have occurred, which would of course be laid at Capt. Gowan's door, but he was too brave a man to sanction any act of cruelty. It was only in hostile quarters he was spoken against. He had the confidence and approval of the Government, and was esteemed and respected by the best people in his own and adjoining counties. At different times he received addresses from leading people in the county; and addresses and pieces of plate from grand juries for his courageous and energetic discharge of magisterial duty in perilous times. He was himself a member of the grand jury for the county and a justice of the quorum for two adjoining counties.

A final word of reflection occurs to me in view of the condition of things in Ireland after the union was an accomplished fact. I know there was a dreadful state of things before, as well as after, the rebellion of 1798, and I can quite understand its demoralizing influences. Yet, with all, I must think the Irish Protestant gentry were guilty of a great wrong in not recognizing, when it could have

been safely done, that Roman Catholic and Protestant were entitled to equal rights before the law; but on the contrary, some of them, I think, would even have desired to perpetuate, if not enlarge, the unjust penal laws under which Roman Catholics suffered, and, I may say, were degraded.

Moreover, in view of the history and fortunes of members of my own and other Irish families, I must think that, had they, even after the Union, devoted themselves to something besides hunting and horse racing—had they cared for the proper education of the members of their families for the duties of life,—had they sent out the cadets of their families to honest labor of any kind, instead of keeping them in vicious idleness at home,—had they not recklessly raised money for temporary, often vicious, purposes, on leases with “fines,” fostering the vicious system of “subletting,” and performed their duties as property holders and kept within their means, instead of indulging in riotous living on money raised in this way, there would now be a different state of things in Ireland, and families from whom property has passed away would be independent and prosperous. But with tenant upon tenant, five or six deep, between the owner of the soil and the occupant, the actual cultivators of the land could not pay the rents, of necessity largely increased by this evil system.

Having set down all the facts I am able to give on the material at hand, with a few remarks that

occurred to me, I now close this rough and hastily prepared paper—a *bit of family history designed and intended solely for members of the family*—not without hope that the particulars given may interest them even if none of them bear the *Gowan* patronymic.

JAMES R. GOWAN.

ARDRAVEN, 9th Sept., 1890.

THE END





With the writer's compliments





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