



Articles

JOHN S. EWART A GREAT CANADIAN

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When he signed the Roll of Barristers of the Law Society of Manitoba, on February 9, 1882, John Skirving Ewart took the step which was to determine the future direction of his career. He was then a bright young barrister, in his eleventh year of practise, at the Bar of Upper Canada. In the years ahead, he was to become one of Canada's greatest authorities on constitutional law and to win a wide reputation in the field of international law.

His reason for coming to Winnipeg was not the reason which prompted many lawyers from eastern Canada to come west during the early '80's of last century. He was not seeking primarily for newer and greener pastures in which to practise his profession. He was well content with his practise in Toronto. He had a special reason of his own. He came west in search of health.

John Skirving Ewart was born in Toronto, on August 11, 1849, into a family of moderate means and good connections. His paternal grandfather, John Ewart, came to Canada from Scotland before the war of 1812. He prospered in the building trades. Between 1829 and 1832, he acted as the architect's superintendent during the construction of the east wing of Osgoode Hall.¹ Later as a contractor, he built several public buildings in Toronto.

Ewart's father, Thomas Ewart, was a barrister, who practised in partnership with his brother-in-law, Sir Oliver Mowat, Premier of Ontario for 21 years.

His mother, Catherine Seaton Ewart, a woman of independent mind, was early left a widow. Her husband died in March, 1851, at the age of 32 years, in Madeira, where he was visiting on the advice of his doctors, in an attempt to stay the ravages of tuberculosis.

John S. Ewart was enrolled as a student at Upper Canada College in 1859. At this school, he devoted more time and energy to sports than he

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1. E. R. Arthur, in C. H. A. Armstrong, *The Honourable Society of Osgoode Hall*, (1952), p. 51.

did to studies. A boy of surplus physical energy, he was a leader in several dubious schoolboy pranks. He was finally expelled from school. Because of his indolent mental habits, his mother decided against sending him to university. In despair of his future, she turned him over to his uncle, Sir Oliver Mowat, who took him in hand. He was admitted as a student-at-law by the Law Society of Upper Canada, in February, 1866. Up to this point in his life his mind had been lying dormant, waiting to be aroused into some purposeful activity. On his first introduction to the law, his interest was provoked and his imagination challenged. He took great natural talents to the study of law, and industry improved them. Under the stimulus of his new interest, he mended his easygoing ways and became a serious student. He remained one for the rest of his life.

As a man of self-education, Ewart had a lifelong distrust of professional educators. He believed that the only education which pays its own way, is the education which a man gives to himself under the spur of intellectual curiosity. In this belief he was speaking in his own cause.

After his call to the bar in 1871, Ewart worked for a short time, as a junior, in the law office of Sir John A. Macdonald, in Kingston. His association with Sir John A. was not designed to last. He did not like Kingston, and he looked at life from a different point of view than Macdonald. He soon returned to Toronto, where he became a junior partner in his uncle's firm. Under such auspices, he was not long in gaining a foothold in the profession. He seems to have been a young man in a hurry to get ahead. In 1874, he published a *Manual of Costs*, a small volume of information of assistance to lawyers in preparing their bills of cost. Two years later, he was given an appointment as a lecturer in Real Property Law at Osgoode Hall Law School.² In the same year he was an organizer and the first president of the Osgoode Literary and Legal Society, which adopted the interesting motto, "*Vita sine literis mors est.*"³ His first appearance in the Supreme Court of Canada appears to have been as junior to Sir Oliver Mowat in the case of *Richard Church v. John Abell*,⁴ during his fifth year of practise. In 1881 he assisted Thomas Wardlaw Taylor, Q.C., of the Toronto Bar, (later Sir Thomas, Chief Justice of Manitoba) in the compilation of a technical work, *The Judicature Act and Rules (1881) and other Statutes and Orders*.

During these busy years at the bar, Ewart did not sacrifice his personal, to his professional life. In 1873 he married Jessie Campbell, a daughter of James Campbell, a Toronto publisher and printer. Mrs. Ewart shared his life until her death in 1929. Five children were born of the marriage: Thomas Seaton and Alan A., who became members of their father's profession; John Arnold, who died in infancy; Gladys, who had a distinguished career as a pianist; and Kathleen who died at an early age. Ewart's

2. Riddell, *Legal Profession in Upper Canada*, (1916), p. 54.

3. Hamilton, *Reminiscences of the Bench and Bar*, (1904), p. 185.

4. (1878) 1 S.C.R. 442.

daughter Gladys was the last surviving member of his immediate family. On her death in July, 1957, she left a sum of money to the Board of Trustees of the Manitoba Law School, which has been used to establish the Ewart Chair of Canadian Constitutional Law.

In 1881, Ewart received disturbing news about his health. His application for life insurance was turned down by an insurance company whose doctor suspected that he had within him the seeds of the disease which had carried off his father. He sought the advice of his own doctor, who advised him to seek a drier climate. This advice brought him to Winnipeg at the age of 32 years.

Dr. Isaac Pitblado, Q.C., doyen of the legal profession in Canada, still in active practice 73 years after his call to the bar of Manitoba, who met Ewart soon after his arrival in Winnipeg, recalls him as a man of distinguished mien and gracious manners, somewhat below middle height, of slight build and ruddy complexion, with the heavy mustache then in fashion.

One of Dr. Pitblado's earliest recollections of Ewart centres around a foot race and illustrates the less serious side of Ewart's nature. Ewart had been an athlete of some note in the east. He was given to boasting of his prowess as a foot runner. One day in the attempt to make good his boasts, he issued a challenge to Colin Inkster, Manitoba's early sheriff. On a warm Saturday afternoon, a group of lawyers and law students, Dr. Pitblado among them, gathered in a park near the old courthouse in Winnipeg to watch the running of an interesting race. In a hundred yards dash, Sheriff Inkster defeated Ewart by a nose. Ewart felt no shame in defeat, for the Sheriff, an outstanding athlete, was the holder of several early track records for western Canada.

John S. Ewart's first association in the legal profession in Winnipeg was with William H. Culver, a sound lawyer, whose promising career was cut short by an early death. To meet the requirements for his admission as an attorney in Manitoba, he was articled to Culver for a year. He finally entered into partnership with James Fisher, M.P.P., a stalwart Liberal, intimate friend and political confidant of Sir Wilfred Laurier. C. P. Wilson, son of J. W. H. Wilson, Q.C., the first District Registrar of the Portage la Prairie Land Titles Office, later joined the partnership, adding his strength to a strong firm.

When he had been in practise in Winnipeg for two years, Ewart founded the *Manitoba Law Journal*, which he edited in conjunction with *Reports of Cases Argued and Determined in the Court of Queen's Bench*.

The two books which Ewart produced while in practise in Toronto were of small literary worth, being designed simply as ready aids to the busy practitioner. It was in the pages of the *Law Journal* that he tried his fledgling wings as a writer.

The direction of his mind, as he solidified his thoughts on the large and trifling problems of life and the law, may be traced from his editorials,

in which he commented on all manner of subjects of interest to lawyers, and others.

In one issue, he writes of the Bench:

Judges should not be subjected to the narrowing influence of total engrossment in legal work. They should have leisure, not only for the complete mastery of all cases they may have to decide, but also for the pursuit of such literary or scientific subjects as may relieve the monotony of their work and keep their minds enlarged and vigorous.⁵

In another, he offers sound advice to the advocate:

We have always thought, however, that when the rules of debate permit a reply, it is the very worst policy to point out errors during your opponent's address. Let him proceed, let him build up his argument upon a misconception of the evidence or the law, let him assume premise after premise and cover himself with glory. Your task is being made easy. When your turn comes you have no ingenious argument to meet, you are hampered with no fine distinctions; you point out that there is no foundation for the grand superstructure, and your case is won. Interrupt your opponent, point out to him that his half-hour has been wasted, and, before he sits down, he will supply in some way the deficiency, or adopt some other argument which it may be impossible to meet.⁶

Other sparks from his active mind which illuminated the pages of the *Manitoba Law Journal* were of a more general nature. As, for example:

If the christian maxim, "Love one another," be apparently unattainable for some more millions of years, civilization has for present use evolved another, which professional men at least should be able to assimilate—"Consider one another".⁷

One editorial contained these significant words about minorities, in whose ranks he was generally to be found in his later years:

Matthew Arnold insists upon it, that the minority is always right and that the sequel always proves that it is so. This is only a striking and terse way of saying that progress is constantly being achieved by new ideas, at first embraced by the few, finally advancing to universal recognition. In spite, however, of this very patent fact the majority has always considered the rest of the community not only not to be right but to be most wilfully, obstinately and maliciously wrong.⁸

Ewart had strong feelings on one subject which he discussed in his forthright way in the pages of the *Law Journal*. He took issue at the indiscriminate way in which Queen's Counsel were appointed. He was made a Queen's Counsel, in December, 1884. In an editorial, announcing the fact, he commented:

There are two grounds upon which these patents of precedence are supposed to be granted—political services and professional merit. Of the two, we think the former the less objectionable. Let it be understood that during tory reign the tory lawyers can, on application, obtain their silk, and when the grits succeed to office that their friends shall succeed at the bar, and, all events, we have an intelligible system. But, if merit is to be the ground, who is to award the prize? . . . If the matter were as easy of decision as a horse race, by all means let there be an annual contest, and let the best man get his reward. But, in so doubtful a matter as legal ability, who can decide? What is the criterion? Is it success? That comes sometimes without learning. Is it learning? That may exist without success. Is it both learning and success? Then what degree of each? Twenty briefs at an assizes, with fifteen wins to five losses? There is no gauge, and from the leaders to the duffers the gradation is so insensible that there must always be great difference of opinion as to the proper order of merit.⁹

5. (1884) 1 *Manitoba Law Journal*, p. 46.

7. *Ibid.*, p. 65.

9. *Ibid.*, pp. 177-178.

6. *Ibid.*, pp. 56-57.

8. *Ibid.*, p. 81.

In November, 1885, in another editorial, he returned to the same subject:

... In many cases (the Queen's Counsel) are for the first time entitled to say that they are "learned in the law". Many of them have never been seen in court—at all events not since the time, many years ago now, when they agreed to accept the inevitable and sit in their offices; and the great majority never received a brief, unless at their own attorney-hands. No one knew of their ability, as advocates, not even themselves, until Her Majesty declared it.

On the whole, however, we welcome the list and only wish it were larger—that it embraced the whole profession—and then there would probably be an end of the farce. "Whom the gods destroy they first make—numerous." Let them be numerous.¹⁰

But there has not come an end to the farce. Queen's Counsel have become more numerous than ever, and the gods have not seen fit to intervene. Since Ewart's day, they have been ground out by political mills in ever increasing numbers, with no regard for the fact (as the Privy Council once held), "that (a Q.C.) is a mark and recognition by the Sovereign of the professional eminence of the counsel upon whom it is conferred."¹¹

Ewart's *Manitoba Law Journal* expired after a short life of two years. It had played an important part in his development. It left him with a permanent urge to commit his thoughts to paper. Soon his pen was never to be idle.

H. M. Howell (later Chief Justice of Manitoba) and J. A. M. Aikins (later Sir James, Lieutenant-Governor of Manitoba), two stalwarts of the bar in Manitoba's early days, were made Queen's Counsel at the same time as Ewart. Here were three strong-willed men who were not prepared to let anyone stand in their light. Each claimed precedence at the bar over the other two. In those days motions were taken at the opening of court and counsel were called upon to present their motions in the order of their precedence. With three such men in almost daily practise in the courts, each claiming precedence over the other two, the situation was embarrassing to say the least. After several years this predicament was resolved by a reference to the court. Chief Justice Taylor, speaking for a court of three judges, ruled: "We are of opinion that the order of precedence which these gentlemen had as members of the Bar of this Province before the patents were issued, and irrespective of them, must prevail."¹² This ruling put Aikins first in order of rank, Howell second, and Ewart third.

Louis Riel was convicted of high treason in Regina, on August 1, 1885, before a court composed of a Stipendiary Magistrate, a Justice of the Peace and a jury of six. The law of the Northwest Territories provided for an appeal from a conviction for an offence punishable by death to the Court of Queen's Bench in Manitoba. Determined to leave no stone unturned in their efforts to save his life, Riel's friends launched an appeal, which came on for hearing on September 9, 1885. For the prisoner, there appeared J. S. Ewart, Q.C., and F. X. Lemieux and Charles Fitzpatrick

10. (1885) 2 *Manitoba Law Journal*, p. 176.

11. *Attorney-General for Canada v. Attorney-General for Ontario* (1898) A.C. 247, at p. 252.

12. *In the Matter of Her Majesty's Counsel* (1892) 8 M.R. 155, at p. 158.

(both of the Quebec Bar) and for the Crown, Christopher Robinson, Q.C., B. B. Osler, Q.C., (both of the Ontario Bar) and J. A. M. Aikins, Q.C. Defence counsel did not argue the question of the guilt or innocence of their client. Their argument was confined to two points—the constitutionality of the trial court, and the mental condition of the prisoner. It made little impression on the court of three judges. Chief Justice Wallbridge declared that Riel's insanity was the kind which could be put on or off at will. Mr. Justice Taylor agreed that Riel was a man who acted in the most extraordinary way but said that his conduct stopped "far short of establishing such unsoundness of mind as would render him irresponsible, not accountable for his actions." The third member of the court, Mr. Justice Killam, took a more philosophical approach to the question of Riel's insanity:

A man who leads an armed insurrection does so from a desire for murder, rapine, robbery, or for personal gain or advantage of some kind, or he does so in the belief that he has a righteous cause, grievances which he is entitled to take up arms to have redressed. In the latter case, if sincere, he believes it to be right to do so, that the law of God permits, nay even calls upon him, to do so; and to adjudge a man insane on that ground, would be to open the door to an acquittal in every case in which a man with an honest belief in his wrongs, and that they were sufficiently grievous to warrant any means to secure their redress, should take up arms against the constituted authorities of the land.¹³

Riel's counsel applied for special leave to appeal to the Privy Council. Such leave was denied. Speaking for the Privy Council, Lord Halsbury said:

It is the usual rule of this Committee not to grant leave to appeal in criminal cases, except where some clear departure from the requirements of justice is alleged to have taken place.¹⁴

Ewart was convinced that there was real merit in the appeal. He was disappointed with this ruling of the Privy Council. His disappointment was soon to harden into a more positive emotion.

Manitoba entered Confederation, under the provisions of the Manitoba Act,¹⁵ in 1870. This Act was based largely on the demands formulated by Louis Riel in his Bill of Rights. Riel and his advisers envisaged Manitoba as a second bilingual province, modelled on Quebec, with permanent guarantees for the recognition of French as an official language, and separate schools for Roman Catholics. Manitoba had then, in round figures, a population of 12,000 persons, some 1,500 of whom were white, an equal number Indians, and the rest Metis of British or French descent. The majority were Roman Catholics.

Before 1870, there were no state supported schools in Manitoba. The only schools in existence were denominational schools, supported by the churches by whom they were sponsored, and by voluntary contributions.

In 1871, the legislature of Manitoba, established a system of public schools which were controlled by a Board of Education, divided into a

13. *R. v. Riel* (1885) 2 M.R. 321, at p. 358.

14. (1885) 10 A.C. 675, at p. 677.

15. S.C., 1870, c. 3, confirmed by the Imperial Parliament in the British North America Act (1871), 34 Vict. c. 28.

Protestant and a Catholic section. Taxes for the support of Catholic schools were levied against Catholics. Protestants paid taxes for the support of Protestant schools. The annual grant of the legislature was apportioned between the two classes of schools.

Settlers did not rush to the Manitoba prairies from Quebec, as the French Canadian leaders in this province had expected. They did come to Manitoba from Ontario in ever increasing numbers. Twenty years after Manitoba entered Confederation, the Roman Catholics numbered only some 20,000 in a population of 150,000. By this time the annual school grant was being divided \$142.00, for a Protestant school, and \$226.00 for a Catholic school. The Catholic section of the Board of Education had accumulated a surplus of \$13,000. The Protestant section was always hard pressed for funds.

This was the situation when, in August 1889, D'Alton McCarthy, M.P. for Toronto, in a speech at an Orange banquet in Portage la Prairie, urged the Protestants of Manitoba to rise up in their strength to demand the abolition of the French language and separate state-supported schools for Catholics.

In 1890, the Manitoba legislature passed the Public Schools Act,¹⁶ which repealed all existing school legislation, and established a system of non-sectarian schools. Catholic and Protestant ratepayers were to be taxed alike for the support of these schools.

Archbishop Taché felt strongly that this legislation was a betrayal of the guarantees given to the Catholics by the Manitoba Act. He sought legal advice from John S. Ewart, with whom he had been on friendly terms since the Riel appeal.

The British North America Act, 1867,¹⁷ guaranteed separate schools to Ontario and Quebec. The framers of the Manitoba Act did not doubt that that same guarantee was being given to Manitoba. Indeed, Archbishop Taché had a secret agreement with Ottawa that Manitoba should have schools modelled on the schools in Quebec.

The Manitoba Act (Section 22) provided that:

In and for the Province the legislature may exclusively make laws in relation to education, subject and according to the following provisions:

- (1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have *by law or practise* in the Province at the Union.
- (2) An appeal shall lie to the Governor-General in Council from any Act or decision of the legislature of the province, or of any provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education. (Emphasis added.)

This section followed the wording of the B.N.A. Act except for one particular. The words "or practise" in subsection 1 were added for good measure. These words did not appear in the B.N.A. Act.

16. S. M., 1890, c. 38.

17. 30 Vict. c. 3.

After giving his usual careful thought to the matter, Ewart was convinced of the justice of the Roman Catholics' cause. His problem was how best to get the matter before the courts. He finally petitioned the court on behalf of Dr. Barrett, a prominent Catholic, for an order quashing an assessment by-law of the City of Winnipeg which taxed Barrett's property to support non-sectarian schools.

Mr. Justice Killam, who heard the motion, refused the order. His decision was affirmed by the Court of Appeal, with Mr. Justice Dubuc in dissent. The Supreme Court of Canada reversed the Manitoba courts.

Basing its decision on Ewart's argument, the Supreme Court held unanimously that the mere right of maintaining and paying for their own schools and sending their children to them, could not have been the right guaranteed to Catholics and other religious denominations by the word "practise" in Section 22 of the Manitoba Act.¹⁸

The Privy Council reversed the Supreme Court. Lord MacNaghten, speaking for the court, held:

... it is said that it is impossible for Roman Catholics, or for members of the Church of England to send their children to public schools where the education is not superintended and directed by the authorities of their Church, and that therefore Roman Catholics and members of the Church of England who are taxed for public schools, and at the same time feel themselves compelled to support their own schools, are in a less favourable position than those who can take advantage of the free education provided by the Act of 1890. That may be so. But what right or privilege is violated or prejudicially affected by the law? It is not the law that is in fault. It is owing to religious convictions which everybody must respect, and to the teaching of their Church, that Roman Catholics and members of the Church of England find themselves unable to partake of advantages which the law offers to all alike.¹⁹

When this decision was handed down, Ewart's faith in the Privy Council reached a low ebb. He never ceased to contend that the Privy Council had dealt with the case on grounds of policy, not law. However much one may approve the practical result of the decision, it is not difficult to agree with this contention.

Ewart did not give up the battle. He attacked the problem from a new position. Section 22 (2) of the Manitoba Act declared that an appeal shall lie to the Governor-General in Council from any Act of the legislature affecting any right or privilege of a minority in relation to education. On behalf of the Catholic minority, he appealed to the Governor-General in Council against the Education Act of 1890, on the ground that the rights and privileges of Catholics in relation to education had been adversely affected.

On a reference submitted to the Supreme Court of Canada, the court held that the Governor-General in Council had no power to grant the relief sought. On appeal, the Privy Council reversed this decision, holding that the Governor-General in Council had power to make remedial orders for the relief of the Roman Catholics of Manitoba.²⁰

18. *Barrett v. City of Winnipeg* (1891) 19 S.C.R. 374.

19. (1892) A.C. 445, at p. 458.

20. *Brophy v. Attorney-General of Manitoba* (1895) A.C. 202.

Here was a pretty situation. The Privy Council seemed to be saying "yes" and "no" in the same breath. It upheld the Manitoba Act, but held that the Dominion government could pass legislation to counteract its effect. As Ewart once explained the anomaly, "In the Manitoba school cases, their Lordships said both that the rights of the minority had been affected, and that they had not."²¹

It fell to the lot of Sir Mackenzie Bowell, Conservative Prime Minister of the day, to try to find a solution to this thorny situation. Driving straight ahead at the problem, he tried to coerce the Manitoba legislature. The Liberals took up the challenge. They came forward as the champions of provincial rights. In the Dominion election of 1896, the Conservatives were defeated at the polls. The Liberals, under Sir Wilfred Laurier, gained 118 seats in a house of 213. After the election an uneasy peace was restored by a settlement reached between Laurier and the Liberal Premier of Manitoba, Thomas Greenway, in which limited concessions were made to the Roman Catholics.

But he would be a supreme optimist who could bring himself to believe that the last has been heard on the subject of separate schools. As Stephen Leacock once said:

The political life of Canada, then and today, moves on ground beneath which are the ashes of the fires of two centuries ago, of French against English, of Roman Catholic against Protestant. They can still be fanned to a flame; they might still precipitate a conflagration.²²

Ewart gave the lion's share of his working day for five years to the Separate Schools controversy. During this period, he received from his clients a fee of \$3,000 annually—hardly an adequate remuneration for his services, even for that time. He did more than represent his clients in the courts. Going far beyond the call of his duty as an advocate, he carried their cause to the public platform. In religion he was a Presbyterian and it may have been the fact that he was a member of one minority group which enabled him to identify himself so completely with another minority group.

The case left him with a bitter feeling which persisted for the rest of his life. In a personal letter, dated July 16, 1931, he wrote:

I regret extremely to speak in this way of my fellow Canadians. My experience in the Manitoba School Question may have left me with too pessimistic a value of the honor of Canadian politicians. I confess, however, that I have little faith in them.

The case also affected Ewart in another, more positive way. As Mr. Wilfred T. Shaw, in a scholarly thesis, which he presented for his Master of Arts Degree from the University of Manitoba, on the subject, *The Role of John S. Ewart in the Manitoba School Question*, well says:

As legal counsel for the minority, Mr. Ewart undoubtedly sympathized completely with the point of view of his clients, and his activities were such as not only to demonstrate this to all concerned, but to enhance his reputation as a man

21. *An Imperial Court of Appeal*, (1919), p. 27.

22. *Canada, The Foundations of its Future*, (1941), p. 104.

of considerable personal integrity, activity, determination and capability. His performances before the courts of Canada and what was still unhesitatingly referred to in those days as "the Mother Country" went far towards not only establishing him as one of Canada's foremost legal counsel but also towards giving him that peculiar bent towards constitutional law and the furtherance of Canadian national sentiment which were such marked features of his later career.

For many years after Ewart opened his practise in Winnipeg, lawyers worked a minimum of eight hours a day, six days a week, with an occasional Saturday afternoon off; and when a lawyer had a busy court practise, he could count on spending several nights a week with his briefs in addition to his regular day's work in court, or at his office. Though it moved more slowly than at today's mad pace, life was strenuous. But it was not all work, even for a busy lawyer. How did Ewart spend the margin of his time not devoted to his profession? Until well into his middle years, he played a strenuous game of lacrosse. When its demands became too much for him, lacrosse gave place to golf. Curling was always a delight to him; the mantel of his home in Winnipeg boasted several trophies won in competition at the Granite Curling Club.

When time pressed too closely to permit him to enjoy competitive sports, he kept himself fit by walking and cycling. For many years, his trim figure, always dressed in the best of taste, was a familiar sight on the streets of Winnipeg as he cycled to and from his office. The day came when his bicycle was replaced by an automobile. An enthusiastic motorist, he drove a car until his eightieth year, when he reluctantly relinquished the wheel to a chauffeur.

As his large private library, now housed in the Legislative Library of Manitoba, attests, Ewart was an avid reader. Large libraries have been accumulated by men who had no interest in the contents of books. But Ewart was no mere collector. His was a working library, as the annotations, in his own handwriting, on the flyleaves, and in the margins of his books, make evident.

He read primarily for instruction, for "mental improvement". It does not seem to have occurred to him that reading can be an end in itself. He might have said, with Mr. Gradgrind, "Now, what I want is facts—facts alone are wanted in life." He wanted facts to use them in the warfare of words in which he was engaged. His library contains for the most part solid works of history, politics, sociology, law, religion and economics. The pursuit of facts seemed to have determined even his choice of lighter reading. There is a handful of books in his library, on such subjects as contract bridge, golf, and travel books on the countries of Europe and the Far East. There are no books of poetry, and there are no novels. Novel reading he considered a suitable relaxation for the mentally unemployed. "From those books which relate things that never happened," he once said, "little can be learned. Novel reading will never produce mental improvement. It is too easy and too obvious."²³ This attitude stamps him, at once, as a

23. Quoted by Professor David M. L. Farr in *Our Living Tradition*, (1959), p. 207.

prisoner of his own limitations. Had he sometimes fed on the dainties that are bred in books, and not always on the solid food, his reading, by cultivating his imagination and stimulating his fancy, might have served the useful purpose of leavening his own heavy style of writing, thus making him a more effective advocate of the causes that lay so close to his heart. "His dry, analytical style," as Professor Frank H. Underhill once said, "was that of the lawyer arguing a case rather than of the missionary seeking new converts to the faith."²⁴

Dr. Isaac Pitblado recalls an interesting interlude in Ewart's life which helps to give us a fuller picture of the man. At the turn of the century, there came to Winnipeg a world-famous hypnotist, who gave a number of demonstrations of his powers on the stage. On one occasion Ewart was in the audience, and, when the hypnotist called for volunteers to help him with his act, he went onto the stage and allowed himself to be hypnotized. After this experience he became intensely interested in hypnotism. This interest led him to gather together a small group of his friends, including Dr. Pitblado, A. J. Andrews, Q.C., and Professor D. W. McDermid, which devoted itself to a study of the subject. It met in the evenings at regular intervals at the homes of its members, to study the theory and practise of hypnotism. Dr. Pitblado recalls some of the experiments which were performed. One evening, in his own home, a member was hypnotized and made to stand in front of a glass cupboard which was filled with crystal and china. A paper was put in his hand, and he was told: "You are now standing in front of a jeweller's window with a stone in your hand. Break the glass and take what you want." The man refused. In another experiment, a paper dart was given to a man who had been hypnotized, and these words were spoken to him: "Mr. X, who is your lifelong enemy, is standing in front of you. Here is your chance to get even with him. Stab him with this knife." The man replied firmly: "I will hit him with my fist, but I won't stab him."

When the group had been meeting for some months, Ewart gave a lecture, in the Winnipeg Congregational Church, in which he told his audience of the conclusions he had come to on the subject of hypnotism. A man's actions are controlled, he explained, by a "clerk of the works" who, by the power of suggestion, can be persuaded to lie down on the job. But exercising a final authority over the clerk is a moral censor who cannot be made to give up his control. Thus a man under hypnosis can be made to do all sorts of strange things, but he cannot be persuaded to do an act that is contrary to his inherent moral nature.

After his brief in the Manitoba schools case had been laid aside, Ewart turned his mind to serious thinking about Canada's gradual development from colony to nation. He wrote these words from Edward Blake in the flyleaf of one of his books: "We must be equals before the King."

24. For a valuable article on Ewart see *The Proceedings of the Canadian Historical Association*, (1933), p. 32.

During his entire campaign for the cultivation of national sentiment in Canada, he remained constant in this faith, except for a brief period, during the dark days of the first World War, when he advocated that Canada become a republic. His position has been often misrepresented. But his own words must be allowed to speak for him. He did not advocate separation from the Mother Country (except for the one short lapse) but equal status with the Mother Country, under the British Crown—exactly what has come to pass in the fulness of the years.

In Hamilton, Ontario, in 1893, a group of young men formed the Hamilton Canadian Club, which was dedicated to the task of fostering national sentiment in Canada. The late W. Sandford Evans was one of the moving spirits in the formation of this club. Some few years later, he came to Winnipeg and set about organizing a Canadian Club in this city. John S. Ewart, surely the logical choice, became the first president of the Canadian Club of Winnipeg on its formation in April, 1904.

In his inaugural address as President, Ewart said:

I am not an advocate of independence, if by that is meant separation from the British Crown. Upon the other hand, I am not an Imperial Federationist. . . . My desire is that Canada shall be a nation, in the true sense of that term—"self-existent, autonomous, sovereign", and "capable of maintaining relations with all other governments"—a nation with the British King as its only and all-sufficient head.²⁵

These words sound mild enough now, but when Ewart spoke them, in 1904, they were equated with treason by the die-hard imperialists of the day, who heaped the most violent abuse upon his head. Though he was quite capable of taking care of himself in any controversy, Ewart never answered his critics in kind. He believed that in the struggle for existence which takes place between opposing ideas, his own would survive. Abuse was never a substitute for argument with him. He had the largeness of mind to respect the honest opinions of others even when he disagreed with them wholeheartedly.

He was the first to subscribe to the creed which he proposed for the Canadian Club of Winnipeg:

Let all who address us be received not only with tolerance and patience, but with that respect due to those whom we invite to speak. Let us hear not merely, or even principally, from those with whom most of us might agree, but chiefly, I should say, from those men who have ideas of their own, who possess individuality resulting from study and reflection. Let the Canadian Club of Winnipeg be liberal enough to hear all things, intelligent enough to test all things, and strong enough to cleave unflinchingly to that which it deems to be good.²⁶

To his critics who accused him of being anti-British, Ewart once replied:

Had my subject necessitated a wider survey, I should have been glad to express my hearty appreciation of British achievements in many other departments—in literature, in science, in scholarship, in parliamentary government, and in other lines. I am very far from being anti-British. By descent—on both sides—I am Scotch, and although I was born in Toronto, I spent five years of my later life in the North of Morayshire. I still retain pleasant memories of the

25. *Kingdom of Canada*, (1908), p. 82.

26. *Ibid.*, p. 96.

whins and heather of the lovely Cluny Hills. In my opinion (possibly biased), the British Empire is the best empire that the world has seen, and the British people (especially the Scotch) the best people in the world—outside of Canada.²⁷

Ewart did not make much money from the practise of law in Winnipeg, but he was fortunate in land speculations. When he first came to the city he bought several good building sites, which he was able to sell at handsome profits as the city developed. One day in the spring of 1904, he said to his partners, "I'm going to leave you. I have enough money now so that I can practise law as I have always wanted to. I'm going to move to Ottawa and confine my practise to the Supreme Court and the Privy Council."

He came to Winnipeg in search of health and found what he was seeking. But the west gave him more than health. It contributed a ring of growth to his development. It gave him an outstanding career in his chosen profession and the respect of his fellow lawyers. Two witnesses, from the many available, may be cited to speak of his superlative qualities as a lawyer. "It was worth a long day's journey to hear Mr. Ewart's logical presentations," once said the late Hon. H. A. Robson.²⁸ And Dr. Isaac Pitblado told the present writer, "Mr. Ewart was my ideal of a lawyer. I learned more from him, as to how to present a case, than I did from anyone."

When Ewart returned to the east, in 1904, he was a very different person than he would have been had he remained in Toronto.

In Ottawa, he soon built up the sort of practise he wanted. Before long he was in the fortunate position of being able to pick and choose his briefs. His name does not appear as counsel in any of the cases reported in Volume 34 of the *Supreme Court Reports*. In the next two volumes, covering cases decided in 1905 and part of 1906, it appears in 11 of the 113 cases reported. To have taken part in nearly 10 percent of the Supreme Court cases reported during that period is certainly not a bad average, considering the many eminent counsel then practising in the Supreme Court. Ewart founded his own firm in Ottawa, which, after passing through several changes, finally became known as "Ewart, Scott, Kelley, Scott and Howard". His old firm retains his name to this day. There is still magic in the name of Ewart in legal circles.

John S. Ewart's most important case came to him from the Canadian government. He was retained as Chief Counsel for Canada in the *North Atlantic Fisheries* dispute with the United States. After years of fruitless negotiations, the British and American governments agreed to refer to the Permanent Court of Arbitration at The Hague seven specific questions concerning fishery rights in the North Atlantic. This issue had been a source of constant controversy between these two countries since 1818.

Five countries contributed a member to the court—Austria, Argentina, the Netherlands, United States, and Canada. Sir Charles Fitzpatrick,

27. *Canada and British Wars*, (1923), p. 19.

28. (1929) 7 *Canadian Bar Review*, p. 270.

Chief Justice of Canada, who had been associated with Ewart in the Louis Riel appeal in 1885, was Canada's nominee.²⁹

Ewart spent two years in the preparation of the case. In his brief, he summarized the relevant views of all the internationalist jurists from the time of Hugo Grotius, father of modern international law, to his own day.

The tribunal held forty-one meetings during the summer of 1910. Ewart's final argument took four days to deliver. The United States contended that it could interfere in the regulations laid down by Newfoundland and Canada regarding inshore fisheries. Ewart maintained that international law sanctioned no such interference by one country in the sovereign rights of another country. In an award handed down in September, 1910, the tribunal held that Great Britain could exercise its sovereignty by making regulations in good faith and not in violation of existing treaty rights. The result was highly satisfactory to Canada.³⁰

Ewart was offered a knighthood for his work at The Hague, on his country's behalf. In keeping with his political faith, he refused this honor.

This case was a landmark in the development of international law. Speaking in December, 1953, at New York University, Sir Arnold Duncan McNair, then President of the International Court of Justice, said that of the awards which were made by the Hague Permanent Court of Arbitration between the years 1902 and 1932, which made substantial contributions to the development of the rules of international law, he would give pride of place to the awards in the *North Atlantic Fisheries Arbitration* and in the *Island of Palmas* case.³¹

The success of Canada's contention in the *North Atlantic Fisheries Arbitration*, to which his own efforts had been a major contribution, must have given Ewart great satisfaction. He had been extremely critical of the outcome of previous disputes between Great Britain and the United States in which Canadian rights had been concerned. In particular, he criticized the award in the Alaska boundary dispute, in 1903, in which Lord Alverstone, Lord Chief Justice of England, sided with the three American arbitrators against the two Canadian members of the board. In analysing the award he said:

Both American and Canadian newspapers foretold the result from the beginning. Everybody knew what was coming. No one, however, imagined that, this time, dishonor and treachery, rather than mere compliance, would be the principal feature attending the loss of another bit of Canadian territory.³²

This vigorous language makes evident the strength of Ewart's feelings in the matter. With Sir Wilfred Laurier and many other Canadians, he believed that Canada had been deliberately sacrificed on the altar of British diplomacy. But there is something to be said in defence of Lord

29. Hudson, *A Permanent Court of International Justice*, (1943), p. 20.

30. See Hogg, "A Note on the Hague Award in the Atlantic Fisheries Arbitration," (1910) 26 *Law Quarterly Review*, p. 415.

31. *The Development of International Law*, p. 3.

32. *Kingdom of Canada*, p. 299.

Alverstone's position. That noisy apostle of the strenuous life, President Theodore Roosevelt, let it be known that he was prepared to go to war if the award went against his country. Ewart's position "was based", as Dr. John E. Read said recently, "on the assumption that Great Britain ought to have been willing to sacrifice British lives and treasure to maintain tenuous claims to what was then regarded as useless wilderness. It was based on the view that extreme Canadian claims were right."³³

In 1914, Ewart came to an important decision. Though he dearly loved the labor, even the drudgery, of his profession, he decided to retire from the practise of law to devote his full time to writing and lecturing. He was then in the middle of a one-man crusade to make Canadians aware of their destiny as a nation.

Ewart wrote two legal texts. The first of these, *An Exposition of the Principles of Estoppel by Misrepresentation*, was published in 1900. A reviewer in the *Canadian Law Times* said of this book, "This is the most noticeable Canadian law book which has been published for a long time, and it is doubtful if any Canadian law book has ever had so much sweat of the brain expended upon it as has been spent upon this book."³⁴ These words were not an overstatement. Ewart, who could never do anything by halves, had spent years in reaching his conclusions before giving them to the profession.

His second book, designed for lawyers, *Waiver Distributed Among the Departments Election, Estoppel, Contract, Release*, appeared in 1917, from Harvard University Press, with a foreword by Dean Roscoe Pound. He referred to this book in his own preface as one written not to indicate the existing state of the law, but rather in an attempt to improve it.

The late W. L. Scott, of Ottawa, who was closely associated with Ewart for many years, said:

The book on Waiver was designed, in particular, to demonstrate that many of the courts in the United States, when dealing with insurance cases, had reached erroneous conclusions, because of the fact that they had adopted the idea of a supposed "waiver" when they ought to have applied the principles of election and estoppel.³⁵

Ewart's first book for the general reader, *The Kingdom of Canada*, published in 1908, contained a series of his occasional addresses and papers. His title came from the original draft of the B.N.A. Act, in which the word "Kingdom" was finally changed to "Dominion", on the advice of Lord Derby, so as not to "wound the susceptibilities of the Yankees."

In 1911, Ewart began to publish a series of pamphlets which he called *The Kingdom Papers*. These were distributed at his own expense. He scattered his pamphlets in all directions, with words such as these on the title page: "With the compliments of John S. Ewart. He will be grateful

33. *The Rule of Law on the International Plane*, (1961), p. 15-16.

34. (1900) 20 *Canadian Law Times*, p. 374.

35. "John Skirving Ewart, K.C.—An Appreciation", (1933) 11, *Canadian Bar Review*, p. 336.

for expression of opinion upon the subject discussed." *The Kingdom Papers* were suspended during the First World War, except for one number which appeared in August, 1917, in which Ewart spoke out of his usual character. They were later issued in two bound volumes.

Between 1925 and 1932, he issued a second series of pamphlets, *The Independence Papers*, which were also later published in two stout volumes. He suspended publication of *The Independence Papers* after the Statute of Westminster had been passed. He once spoke of December 11, 1931, the day on which this statute became law, as "the most important date in Canadian history." Canada had taken the last long step from colony to nation. His work was done. In his final *Independence Paper*, he wrote:

To the final achievement, the writer is well aware that he contributed nothing as compared with the work of Canada's five great Premiers—Sir John A. Macdonald, Sir Wilfred Laurier, Sir Robert Borden, Mr. Mackenzie King and Mr. Bennett. But working more continuously if in more humble way, the writer may to some extent have helped in the development of a true Canadianism, and so made easier the work of the leaders. He would fain believe that his labors were not altogether without effect.³⁶

When he first went to Ottawa, Ewart planned a *Constitutional History of Canada*. Some hint of the magnitude of this task may be gathered from the fact that he expected his history to run to 16 or 18 volumes. By 1918, he had written a preliminary draft covering a large part of the ground, when he became sidetracked. He put aside his work to spend six months in writing a pamphlet on the causes of the war. But his passion to get to the root of things asserted itself and the six months lengthened into six years. In 1925, he published *The Roots and Causes of the Wars, 1914-1918*, in two large volumes.

He sought to correct the general opinion that the First World War was all Kaiser William's fault. The allies could not be absolved from all blame. France, in particular, had to shoulder her share of responsibility. Since 1870, she had been smarting under the loss of Alsace-Lorraine, and was waiting eagerly for an opportunity to try conclusions with Germany again. Germany went to war for the two reasons that all nations go to war—security and imperialism.

After finishing his book on the war, Ewart never got back to his constitutional history. He had delayed too long. Sometime, before his death, he presented his valuable collection of material on the political and constitutional history of Canada to the Public Archives where it is now available for study in thirteen bound volumes.

Dr. Arthur R. M. Lower gives this general verdict on Ewart's writings: "While there is a good deal of repetition, especially of the leading ideas, the whole forms the most considerable body of original writing on Canadian public affairs which has yet appeared."³⁷ There will be general agreement with this verdict.

36. *The Independence Papers*, Vol. II, p. 602.

37. *Canada, Nation and Neighbor*, (1952), p. 141.

From his many books, Ewart received scant financial return. He once confessed to Frank Fisher, son of his old law partner, that he did not make enough from his writing to pay for his paper and ink. On a modest level, his books assert the truth of Thomas Fuller's shrewd generalization: "Learning hath gained most by those books by which the printers have lost."

His books made only a limited appeal to the general reader. The vigor of his mind communicated itself to his pen. His style had strength, but little grace. He threw at his reader solid masses of facts which a little literary spice would have made more palatable. An intelligent reader may take delight in the things written in his pages, but seldom in the way in which they are written. On the flyleaf of his copy of the Koran, he wrote this quotation from Carlyle: "Nothing but a sense of duty could carry any European through the Koran." Nothing but a sense of duty could carry a presentday reader through the torrent of pamphlets and books that flowed from Ewart's busy pen.

As a reformer, Ewart staked out his claim in the constitutional field. In his preoccupation with this field, the large economic and social problems of the twentieth century seem to have passed him by.

Two themes, central to his concern for Canada's national destiny, to which he returned in his writings on many occasions, were the abolition of overseas appeals from Canadian courts, and Canada's right to declare for war or neutrality, in the event of a war involving Great Britain.

The principal effect of retaining appeals to the Privy Council, in his opinion, was that Canada was being forced to develop according to the ideas of men who were not in step with Canadian methods. Because of their lack of local knowledge of Canadian affairs, the Privy Councillors were unable to appreciate arguments which for Canadian judges were full of significance. He did not question the Privy Councillor's legal knowledge; he questioned their special knowledge, without which the letter of the law may live but the spirit perish.

"But whether these Privy Council judges," he said, in 1904, at the beginning of his advocacy of this then unpopular cause:

can or cannot appreciate our cases, I, as a barrister and a Canadian, decline to admit that Canada, with her six millions of people, is not as able as the United States was, with its three and a half millions, and as the United States is today, with its eighty millions, or as Algeria is, to decide her own lawsuits.

And even if it could be proved that Canadians are unfit to settle their own quarrels, I would object to the degradation involved in the admission of it, and I would contend that it would be better sometimes to make mistakes (the Privy Council makes lots of them) than to be kept forever in leading strings. If we cannot settle our own lawsuits, let us learn to do so by trying.³⁸

Fifteen years later, in returning to the theme that Canadian courts should be the final authority, he took an even more uncompromising stand. Were it certain, he urged, that we should plunge ourselves into judicial

38. *Kingdom of Canada*, p. 22.

chaos by abolishing overseas appeals, nevertheless, we should make the plunge. But he himself had no such apprehensions:

On the contrary, with a good deal of experience of the Privy Council, I do most unhesitatingly assert that the administration of our laws would be improved by ceasing to send our cases to England. Our constitution, for example, would have a chance of development along intelligible lines.³⁹

An echo of Ewart's views was heard in the House of Commons, in 1949, when Hon. Stuart S. Garson, Q.C., then Minister of Justice, introduced the bill which finally abolished appeals from Canadian courts to the Privy Council.⁴⁰ Mr. Garson, as he told the present writer, adopted many of Ewart's arguments in sponsoring this important and long-overdue measure.⁴¹

Since the abolition of appeals to the Privy Council, Canada has retained but one "badge of colonialism": she cannot change her own constitution, but must go, hat in hand, to the Imperial Parliament to request any amendment she may desire.

Ewart's advocacy of Canada's non-participation in British wars so enraged the full-blooded imperialists that the most violent of them would have been prepared to lay his head on the block.

He dedicated himself to the conviction that Canada should exercise her own judgment before putting her sons in the uniform of war:

Are we to engage when our parliament says so, or merely when requested by a British government? Like bull-terriers, are we to fight when whistled for? Or, like intelligent human beings, are we to investigate and for ourselves determine: (1) whether the stated cause is just; (2) whether, from Canadian point of view, it is worth a war; and (3) whether war is unavoidable.⁴²

He urged Canadians to accept the facts of geography. "Canada is not European" he asserted, "she is North American. Let her pursue a policy based upon that fact."⁴³

He maintained that the idea that when the United Kingdom is at war, Canada is at war, is "ancient history".⁴⁴

In the *Canadian Bar Review*, after The Statute of Westminster, he gave his final thoughts on this subject:

That Canada is now a sovereign State, with all the powers as to war and other affairs as have other sovereign States, clearly appears from consideration of the following facts: Canada is not, in any respect, under the control of the United Kingdom; she fulfils the two international tests of sovereignty—she exchanges diplomatic representatives with foreign countries and enters into treaties with them quite independently of the British Government; the King is divisible, sometimes acting "in respect of" one of his kingdoms separately from the others; he has separate sets of ministers; and each set has the exclusive right to tender advice to him with respect to the affairs of the country which they represent. If these assertions can be established Canada is undoubtedly a sovereign State. Her relations with the United Kingdom and the others of the six kingdoms is that of a Personal Union. And she can declare neutrality and war as she pleases.⁴⁵

39. *An Imperial Court of Appeal*, p. 2.

40. *Debates, House of Commons*, (1949, 2nd Session), Vol. 1, p. 69.

41. For a fuller expression of Ewart's views on this theme see (1930) *Queen's Quarterly*, p. 456.

42. *Canada and British Wars*, p. 5.

43. *Ibid.*, p. 83.

44. *Ibid.*

45. "Canada and War," (1932) 10 *Canadian Bar Review*, p. 495.

This view is not universally accepted. There are still those who hold that when Great Britain is at war, Canada is at war. Others take a middle position, asserting that unless Canada took the positive step of declaring her neutrality, foreign powers would be entitled to regard her as involved in a British declaration of war.⁴⁶ The problem is a perplexing one; if, perhaps, only of academic interest in this era of nuclear warfare, as we face the threat of the total extinction of the human race, or, at least, of a significant portion of it.

If the leading strings which bound Canada to the mother country have been cut, there are still ties of "sentiment, language, and tradition" which would make it very difficult for Canadians ever to take Ewart's advice to emulate Ulysses and his companions and sail past the European sirens with their ears stuffed with the tax bills of previous wars; even if they were given a free choice, in a world which today must be regarded as constituting a single unit. What the oceans once separated, the air has now joined together.

What was Ewart's influence on Canada's development? This is a difficult question to answer. Events were moving irresistibly in the direction in which he pointed. Canada would have travelled the road to nationhood without his help. But he did prepare the way. He did in some small measure hasten the day. He made Canadians think, in spite of themselves, about their national destiny. "Scientists tell us," he once said, "that wavelets, raised by a falling pebble, diminish as they expand, but never quite cease to influence in some minutest fashion the sum of earth's physical phenomena. It is the same in the realm of thought."⁴⁷ He set in motion thought waves whose influence may still be felt, if only in some minutest fashion. There is no precise way of measuring their exact influence. John W. Dafoe once attempted an assessment of Ewart's influence:

He made the most valuable and effective contribution to the discussion of the question; but discussion alone would never have effected the transformation. Factors of tactics and strategy were of prime importance; and here Mr. Ewart was not very helpful owing to his insistence upon the whole distance being covered in a stride.⁴⁸

John S. Ewart never held political office. He was liberal in the best nineteenth century tradition. In the strict political sense, he was a Liberal; but he never subscribed to the political commandment, "My party, right or wrong". He was in favor of Canada's entry into the First World War, but he opposed the conscription measures of the Union government. He believed that this country could play a more vital role in the ultimate triumph of the allied cause, by feeding the hungry peoples of the allied nations, than by putting more men under arms. With the lessons he had learned in the Separate Schools cases always fresh in his mind, he knew that

46. See F. R. Scott, *Canada Today*, (1938), p. 131.

47. *Kingdom of Canada*, p. 115.

48. See article by Dafoe in (1933) *14 Canadian Historical Review*, p. 136.

conscription would exact an exorbitant price in national unity. During the khaki election of 1917, he remained loyal to Laurier, whom he admired as a statesman and loved as a friend.

Several times Ewart was asked to stand as a Liberal candidate, but always refused, preferring to pursue his own unique campaign for the cultivation of national sentiment in Canada. He let it be known to Sir Wilfred Laurier that he would accept an appointment to the Canadian Senate but Sir Wilfred never rose to the suggestion.⁴⁹

Ewart made his influence felt chiefly by his pamphlets, his lectures and by personal contacts with public men. He was on familiar terms with most of the political leaders of Canada during the years he spent in Ottawa. In search of disciples, upon whom he counted to distil his message for the man in the street, he entertained on a generous scale. To be invited to one of his dinner parties was considered an honor. But Ewart did not entertain for entertainment's sake. When his guests sat down to dinner they would find a little note in his handwriting suggesting the topic which they were expected to discuss. Unless a guest made some contribution to the discussion, he never received another invitation.

John S. Ewart was one upon whom the gods smiled, for he found a cause not centered in his own personal glory or aggrandizement, to which he could give his wholehearted devotion. He was too busy to count the flying years. Death overtook him, in his eighty-fifth year, with his interest in Canada's future as keen as it was when he gave his first paper on her national destiny, in 1904. He died at his home in Ottawa on, February 21, 1933. As Professor Underhill reminded us, he was born in the year of the Rebellion Losses Bill, which marked the definite establishment of responsible government in the province of Canada, and he lived to welcome the Statute of Westminster, which marked the culmination of the process by which Canada grew into a sovereign nation.⁵⁰

He was a great Canadian, but in no sense representative of his time. As Dr. Lower suggests, he was representative of the future, the point at which Canada was arriving.⁵¹ In his *Kingdom Papers*, he hinted at that point:

How are we to unify Canada? There is but one possible way. Make her a nation in name as well as in fact. Let her throw off her mean colonial wrappings and let her assume her rightful place among the nations of the world.⁵²

This point has been reached. But other points beckon in the distance. Canada has present need of men like John S. Ewart to keep her on her forward course.

49. Farr, *op. cit.*, p. 207.

50. *Op. cit.*, p. 32.

51. *Op. cit.*, p. 143.

52. *The Kingdom Papers*, Vol. 1, p. 55.