

## **Sir James Aikins' Seamless Web: Finding Fortune and Fame as a Lawyer in the Adolescent Canadian West**

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*Lee Gibson\* and Dale Gibson\*\**

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HIS GOING WAS VERY different than his coming.

Sir James A.M. Aikins (familiarily known as “Jam Aikins” out of his earshot) died in Winnipeg on February 28, 1929, less than two weeks after the fiftieth anniversary of his call to the Manitoba bar. Just days before his death an immoderate banquet had been held to mark his semi-centennial, and although the sudden onset of his final illness on the morning of the day set for the banquet prevented Sir James’ attendance at this momentous event, he had insisted that it proceed in his absence. Every member of the Manitoba legal profession had been invited, and most were present in the glittering ballroom of the stately Royal Alexandra Hotel. The 414 guests also included distinguished representatives of the bench and bar from other parts of Canada and the United States. That afternoon, prior to the dinner, a ceremony had been held at the Winnipeg courthouse during which an estimated 200 lawyers, judges and others witnessed the presentation to Aikins, in absentia, of a volume (“handsomely bound in blue morocco and gold”) containing 119 letters of congratulation from eminent jurists the world over.<sup>1</sup>

Three days later Aikins was dead, and a fresh flood of eulogy flowed from newspapers, legislative rostra and pulpits. A state funeral was held, with some 3,000 Manitobans filing past his coffin in the florally bedecked Legislative Assembly chamber. Thousands more watched the long funeral cortège, accompanied by an honour guard of Boy Scouts and officers from the Winnipeg Rifles, together with the band of the

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\* Freelance historian, Winnipeg, Manitoba, author of *A Proud Heritage: The First One Hundred Years of Aikins, MacAulay & Thorvaldson*, forthcoming. Portions of this paper are based on selections from that book. This paper was originally prepared for a joint Canadian-American legal history conference at the University of Victoria, February 22–25, 1991, on “Law for the Elephant, Law for the Beaver.”

\*\* Professor, Faculty of Law, University of Manitoba (Retired).

<sup>1</sup> *Winnipeg Tribune* (26 February 1929); *Manitoba Free Press* (26 February 1929); (1929) 7 *Can. Bar Rev.* 219 at 234ff.

Princess Patricia Canadian Light Infantry, proceed to Grace Church and the home of Aikins' son, for public and private funeral services respectively, and thence through the city to St. John's cemetery for burial. The public service was attended by most members of the Court of Appeal, the Court of Queen's Bench and the County Court, by innumerable lawyers, by representatives of the Governor-General of Canada and the Lieutenants-Governor of Manitoba, Saskatchewan and British Columbia, and by representatives of the City of Winnipeg, the army, and the navy. The streets were said to be "thronged."<sup>2</sup>

In due course the newspapers reported that the Aikins estate, valued at some \$1,700,000, had been granted probate. Sir James' will had been very generous to the public, leaving to numerous charities a total of \$235,000 in specific bequests, as well as one half of the residue after the termination of a life trust to his widow.<sup>3</sup> It was announced at the same time that, through the benevolence of the Aikins estate and Sir James' son and executor Harold, the magnificent homes of the two Aikins, sited side-by-side on eight acres along the Assiniboine River, would become a girls' school (the present Balmoral Hall) to be operated by the United Church of Canada.<sup>4</sup>

The vast number and variety of constituencies represented at Aikins' 50th anniversary dinner, in the book of congratulatory letters, at his funeral, in the torrent of tributes that followed his death, and by the charities which benefitted from his will, suggest the astonishing range of interests he espoused over a long and replete career in law, business, politics, and philanthropy.

His prominence as a lawyer was indicated by the presence at the dinner and the funeral of virtually every judge and the great bulk of lawyers in the province, as well as by testimonial letters from the Chief Justices of Canada, the United States, England and Ireland, from several members of the British Privy Council, and from many other legal leaders in countries from as far away as India and Japan. His responsibility for bringing the Canadian Bar Association into existence, and acting as President for its first thirteen years and Honourary President thereafter, was attested to by representatives of that organization, and of the American Bar Association, from which he had drawn inspiration and with which he had forged and main-

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<sup>2</sup> *Winnipeg Tribune* (1, 2, 4 & 5 March 1929); *Manitoba Free Press* (1, 2, 4 & 5 March 1929).

<sup>3</sup> *Winnipeg Tribune* (25 March 1929).

<sup>4</sup> *Manitoba Free Press* (25 March 1929).

tained cordial links. The warm words at the anniversary dinner of Sir François Lemieux, Chief Justice of Quebec, whom Aikins had first met as opposing counsel in the appeal of Louis Riel's treason conviction in 1885 (Lemieux as counsel for the defence, Aikins as junior Crown Counsel) was a token of the strong associations Aikins had always maintained with the bar of Quebec.

The business community, which Aikins had both served as legal advisor and collaborated with as co-entrepreneur, was also heavily represented at the funeral. An article about Aikins' death in the Kingston, Jamaica, *Daily Gleaner* was a reminder that he had advocated a political union between Canada and the British West Indies, and that he had recently returned from an extended visit there to study possible business opportunities.<sup>5</sup> Messages of congratulation and/or condolence from most major national and provincial political figures — Prime Minister Mackenzie King, Premier John Bracken, the federal and provincial Opposition Leaders, the Mayor of Winnipeg, the Governor General, several provincial Lieutenants-Governor, and even left-wingers like William Ivens of the Independent Labour Party — as well as the attendance of former Prime Minister Arthur Meighen, recalled Aikins' political service as Member of the Parliament of Canada, Leader of the Manitoba Conservative Party, and two-term Lieutenant-Governor of the province. A telegram of sympathy from the Prince of Wales was a reminder of Aikins' knighthood, and of his life-long efforts to strengthen Imperial links.

The composition of his honour guard — part military officers and part Boy Scouts — signified Aikins' Honourary Colonelship of the Winnipeg Rifles, and his position as Chief Scout for Manitoba, as well as his financial largesse to the Boy Scout movement. A memorial message in the 1929 Official Programme of the Manitoba Musical Competition Festival noted Aikins' key role in the founding of the Festival, and his personal and monetary contributions to the event since its inception; an article by the music columnist of the *Winnipeg Free Press* on March 9, 1929 described Sir James' enthusiasm for music and the many ways in which he had encouraged and assisted musical endeavours in Winnipeg.

Other interests were marked by his testamentary benevolences. In addition to further gifts to the Canadian Bar Association and the Boy Scout/Girl Guide organizations, there were bequests to the Winnipeg

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<sup>5</sup> Provincial Archives of Manitoba 477 [hereinafter P.A.M.], J.A.M. Aikins Scrapbook, 1926–1929, undated clipping filed with clippings for early March, 1929. His views on union were reported in the *Halifax Chronicle* (28 December 1928).

Y.M.C.A., which he had helped to establish, and with which he had been associated ever since; Wesley College (now University of Winnipeg) which he had also played a role in establishing, and had served as Board Chairman for many years; and the United Church of Canada, whose creation he had, as a very active Methodist layman, supported and assisted. The United Church was, indeed, Aikins' principal beneficiary, receiving both specific legacies for the previously mentioned girl's school and for home missions, and a half share in the residue of his estate.

The frequency with which Aikins' contributions to the community took a monetary form is noteworthy. This is not to say that he was stinting in his contributions of personal service; the uniform testimony of the organizations he assisted is to the contrary. But he knew well that money is a medium of expression as well as of exchange, and he employed the medium eloquently. Winnipeg businessman C.W. McBain recalled, in an appreciation of Sir James written in 1927, that their first encounter had occurred when McBain and some friends, as boys, returned a stray cow to Aikins' then rather pastoral Assiniboine River estate. "Mr. Aikins," he related: "meeting us at the gate, lost no time in putting his hand into his pocket, so that we departed happy."<sup>6</sup>

Putting his hand into his pocket came easily to Aikins if he judged the occasion appropriate; it was an integral element of his style. Perhaps that explains the fact that it was Sir James himself who had footed the bill for his lavish fiftieth anniversary testimonial banquet,<sup>7</sup> as he had for a similar celebration of his thirtieth anniversary at the Manitoba bar.<sup>8</sup> "Jam" Aikins was a man who paid his own way.

That had not been entirely the case in the beginning, however. When James Aikins, age 28 and freshly called to the Ontario bar, arrived in the rough frontier town of Winnipeg in February 1879 to establish a law practise, he had very little, beyond extraordinary inherent talent and some useful family connections, with which he could pay his way. His financial resources permitted only the rental of a tiny room above a Main Street stationery store as an office, and the placement of a small professional advertisement in the *Manitoba Free Press*. In an address read on his behalf at the 1929 semi-centennial dinner, Aikins described the office as follows:

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<sup>6</sup> "The Man of the North: The Honourable Sir James Albert Manning Aikins" *The Sailor* (November 1927).

<sup>7</sup> *Winnipeg Tribune* (26 February 1929).

<sup>8</sup> *Manitoba Free Press* (4 March 1909).

... A room ten by ten or twelve, heated by a stove pipe only, which office they ... leased to me subject ... to the condition that I should keep their ink bottles warm, held for sale in the room... My furniture consisted of a common kitchen table, three or four chairs, and a letter press. The office was reached by a stair outside of the building ...<sup>9</sup>

The newspaper advertisement gave notice of: "Money to loan on good mortgage security. No commission."<sup>10</sup> The money in question was not Aikins', however. It belonged to Ontario friends whom he had persuaded to entrust him with funds to be invested at the high interest rates then prevailing in boom-conscious Manitoba.<sup>11</sup> This was one of several ways in which the launching of Aikins' career was boosted by family and family connections.

Although he attained professional and financial independence quickly, family connections were always important in one way or another, to James Aikins. This may seem odd, given that Aikins' compulsive work habits left little time for family life, and what family life there was does not appear to have been very satisfactory. He married relatively late (age 33) and his first marriage ended in divorce in 1892 after his wife left him for another man. The second marriage does not seem to have been a very close affair either. Lady Aikins had not accompanied her husband to the West Indies, for example, and was in Victoria at the time of the gala 50th anniversary dinner and her husband's death. What was of unquestionable importance to Aikins, however, was preservation of the family dynasty: replicating the pattern of paternal support, filial loyalty, and consistent family interests and values. From his father, through himself, to his son.

## I. BACKGROUND<sup>12</sup>

### A. Childhood

James Aikins was born and raised in rural Peele County, Canada West, not far from Toronto. His father, James Cox Aikins, had also been born in the area, the son of Irish immigrants whose family name had originally been "Eakins." James Senior took up farming, and pursued it for many years, but by the time James Junior was born in

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<sup>9</sup> Can. Bar Rev., *supra*, note 1 at 236-7.

<sup>10</sup> *Manitoba Free Press* (19 February 1879).

<sup>11</sup> Can. Bar Rev., *supra*, note 1 at 237.

<sup>12</sup> Much of this section is based on reminiscences dictated by Sir James Aikins in 1926-7 and now in the possession of Aikins, MacAulay and Thorvaldson, Barristers and Solicitors, Winnipeg [hereinafter Reminiscences].

1851 (the fourth of eight children: 5 girls and 3 boys) his father had become a prominent figure in local politics, and was showing a decided preference for politics over agriculture. Three years later, in 1854, when he was elected to the Legislative Assembly of pre-Confederation Canada as a Conservative, James Cox Aikins embarked on a full-time political career that would continue until his death in 1904.

Politics was not a lucrative calling, and the household in which young James Aikins grew up was never well-to-do. He attributed the fact that the family always had enough to meet necessities — including good educations for the children — largely to his mother, the former Mary Elizabeth Somerset. Mrs. Aikins was also of Irish-Canadian stock. She was described by her son years later as a “spirited, industrious, economical woman” who “devoted her life to her husband and her children.”<sup>13</sup> Her husband’s preoccupation with politics meant that the day-to-day management of the family farm was left to herself and a hired man, assisted by the younger members of the family. Because the hired man was “inclined occasionally to visit the tavern and forget his sobriety,” young James had considerable farming responsibilities thrust upon him from the age of about 14 or 15.

Home life appears to have been pleasant, emotionally secure, and devoutly Protestant:

The family was brought up not only to go to church but also to family worship. ... As far back as I can remember we had a piano in our house ... Always on Sunday evenings we gathered around that piano and sang hymns.<sup>14</sup>

## B. Education

James’s early education was at the hands of a succession of country school teachers, whose competence varied widely. It may be significant that the teacher he credited with having “influenced me most,” and with having “to a large extent helped to form my character,” was a Presbyterian theology student who subsequently entered the ministry: “an intelligent and sincere teacher, who understood young life.”<sup>15</sup> From about the age of 15, James attended the Grammar School in Brampton, the principal town of Peele County.

When Canada was born in 1867, James was sixteen. His father, who had been a member of the pre-Confederation Legislative Council since 1862 (having lost his elected seat in the Legislative Assembly

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<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

the previous year), was appointed to the first Senate of the new nation. The following year, young James left home to attend Upper Canada College in Toronto. He appears to have fared well there, from a scholastic point of view, and he also took a strong extra-curricular interest in debating, drama, running, and football. The fact that he was beginning to show qualities of leadership may be indicated by his successful generalship of a prank that involved hoisting the College cow into an upper gallery of the building,<sup>16</sup> and by the fact that he was chosen as the spokesman for his class when dissatisfaction with a disciplinary action of the school prompted the class to stage a protest strike.<sup>17</sup> The only fault that his teachers appeared to find with him was that he was "too fond of noise and play in the building for his age."<sup>18</sup>

In 1869 J.C. Aikins was appointed to the Federal Cabinet as Secretary of State. Perhaps for that reason, he moved the family home to Toronto from the farm in Peele County the following year. James was accordingly able to live under the family roof again. The same year — 1870 — James enrolled at the University of Toronto with the assistance of an entrance bursary awarded on the basis of his performance at Upper Canada College. He pursued a general Arts program, concentrating in the later years on history, political economy, and English literature. He played on the University football team, did some running, participated in the University literary society, and took part in considerable debating and public speaking. In his final year at the University he was nominated by his fellow students for the prize in public speaking. James was instrumental, in 1873, in forming a University of Toronto chapter of the Y.M.C.A., the first student-oriented "Y" in the country. He served as its first Secretary-Treasurer, and later as its President.<sup>19</sup>

James Aikins appears to have been very active outside the University as well, especially in religious matters. He became a member of the Methodist church the same year he began his university studies, and he was vigorously involved as a teacher of Sunday school classes for teenage boys and Bible study classes for young men during his remaining years in Toronto. From about the time he joined

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<sup>16</sup> P.A.M. 477, J.A.M. Aikins Scrapbook, 1926-1929, interview with J.W. Forster, *Winnipeg Tribune* [undated], filed with clippings for early January, 1929.

<sup>17</sup> *Reminiscences*, *supra*, note 12.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

the church, he developed a habit of daily Bible study: "I made it a habit ... to read a passage of scripture every day and take a key text out of each passage and commit it to memory ..." <sup>20</sup> There can be no doubt about the sincerity of Aikins' devotion to the Bible as a matter of faith. "After all," he later said, "that old book contains the best and truest philosophy of life of any book or piece of literature extant."<sup>21</sup> Still, being the practical person he was, he also found a utilitarian application for his daily doses of divine memorization:

I was able to utilize those portions of the Bible which I had read, and particularly the key texts, in all my work, and I found that as the people are really more acquainted with the Bible than any other book, its phrasing and allusions could be used effectively in public and political addresses.<sup>22</sup>

In 1874, Aikins was engaged, probably through his father's influence, to carry out an interesting summer job, which appears to have given him his first taste of the Canadian frontier. The route of the new C.P.R. railway north of Lake Superior was still being planned, and information was required concerning the nature of the terrain near a proposed crossing of the Savanne River, north of Thunder Bay. It was hoped that the point of crossing might make a suitable port, but little was known about the suitability of the area for that purpose. James Aikins was asked by the Government's surveyor, Col. J.S. Dennis, to explore the area and report on its character. The trip brought him into contact with the fabled surveyor-engineer S.J. Dawson, with the first western Indians he had encountered (he described their habits as "only partly civilized"), and with mosquitoes "so numerous and persistent" as to be "indescribable."<sup>23</sup> But wilderness conditions did not alter his religious practices; his Indian guide, his surveyor, and his "two stalwart ... oarsmen" must have found it difficult to understand why this young eastern gentleman would order the party to remain idly encamped in a tamarack swamp, at the mercy of the "insinuating" mosquitoes, simply because the Sabbath had arrived. Aikins' eventual advice to the Government, to the effect that

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<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*



the crossing point was not suitable for either navigation or settlement, was followed.<sup>24</sup>

James Aikins graduated from the University of Toronto with a B.A. in 1875, and a M.A. in 1876. Uncertain about an appropriate career, he "tried business" in a warehouse firm for a short time, but quickly thought better of that line of work, and decided to enter the practice of law.

### C. Legal Training

Legal education in Ontario was much less formal in the 1870s than it is today, but it was nevertheless demanding.<sup>25</sup> Self-study and apprenticeship under articles of clerkship to a practising lawyer were the chief sources of instruction. The apprenticeship period was five years for most clerks, but only three years for those few who, like James Aikins, held university degrees. Learning progress was monitored by a system of examinations — entrance, first and second intermediate, and final — administered by examiners appointed by the Law Society of Upper Canada. University graduates were not required to take the entrance examinations, but they were subject to the intermediate and bar-admission exams, all of which were based on lengthy reading lists circulated by the Law Society. Between 1872 and 1878 the Society operated a "Law School" at Osgoode Hall which offered classes — one hour per morning between November and April — on a voluntary basis. Students who attended the classes and passed the school's examinations were rewarded by reduced articling terms and by exemption from the regular intermediate exams. Although it is not known whether Aikins took the opportunity to attend these classes, it seems likely that he did not. By the time he began his clerkship the school had lost its attraction for most students — less than 20% of them still attended — and there is no indication of his articling period being foreshortened in consideration of school attendance. He appears to have "read law" on his own in the time-honoured manner before writing what he described as the "heart-rending"<sup>26</sup> examinations that qualified him to practice law.

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<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.* For a description of legal education at the time, see: G.B. Baker, "Legal Education in Upper Canada 1785–1889: The Law Society as Educator" in D.H. Flaherty, ed., *Essays in the History of Canadian Law*, vol. 2 (Toronto: Osgoode Society, 1983) 49.

<sup>26</sup> *Reminiscences, supra*, note 12.

Aikins' articling experience was divided between two firms. He began, in the spring of 1875, with Cameron McMichael and Hoskin, which he described as "the leading common law firm in Toronto in those days."<sup>27</sup> Because of the rather sharp distinction that existed between common law and equity in Ontario at that time, he found it necessary to move to another firm, Mowat McLennan and Downie, to gain a grounding in the equitable side of the profession. In 1877, he returned to the Cameron firm, under an unusual financial arrangement that says much about the growing competence, industriousness, and self-confidence, of this twenty-six year old law student:

I went back to the other firm, but on the understanding that I would not expect any salary if I should be allowed to conduct law business for those clients who would come to me, and fixed my compensation at one-half of what the firm would get out of it. This gave me much better compensation than a clerk's salary.<sup>28</sup>

He commented in this regard that although he had no relatives in the legal profession he nevertheless had a "large connection" from which he was able to generate a clientele. His father was out of the Cabinet by this point (the Macdonald government of which he had been a part having been defeated in 1873), but his many political and business contacts in Ontario and elsewhere remained a valuable resource for his son.

#### **D. Introduction to the West**

James's older brother Somerset had been in Manitoba for some time, engaging in surveying and in the real estate business. Shortly before he took the final bar exam in Ontario, James decided to pay a visit to Manitoba himself. He travelled to Winnipeg in August via the Great Lakes, the Northern Pacific and Great Northern Railroads through the United States, and flat-bottomed steamer up the Red River. His first impression of Winnipeg does not seem to have overwhelmed him:

... A population of about 3,000, a few plank sidewalks, a mud graded road with side ditches, some scattered stores and equally scattered residences. The Hudson's Bay store was perhaps the principal store. It was located within the walls of Fort Garry.<sup>29</sup>

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<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

He greatly underestimated Winnipeg's population at the time; although it was still a very small city, the population had reached about 6,500 by 1878.<sup>30</sup> Yet something, probably a realization of what the approaching transcontinental railroad would bring, persuaded Aikins that there was a future here for an ambitious young lawyer. After a short trip westward "by buckboard and shaganappi pony" to Portage la Prairie, he returned briefly to Toronto, where he successfully wrote the examination for admission to the Ontario Bar. After considering and rejecting some offers to practice in Toronto, he was back in Winnipeg early the following year.

## II. GETTING STARTED

### A. J.A.M. Aikins, Barrister and Solicitor

This time Aikins was able to travel to his new home by railroad, the connection from the American lines having been completed in December. There being no bridge across the Red River as yet, he was transported by sleigh from the rail terminus in St. Boniface to the Grand Hotel at the corner of Graham and Fort streets in Winnipeg. The hotel wasn't as grand as its name might suggest; Aikins' room was minuscule, and the only source of heat was a stove out in the hallway. February weather on the prairies must have been a shock to a southern Ontarian. The only space available at the hotel for socializing seems to have been the saloon, which could not have been a very comfortable setting for the young temperance advocate. He chuckled in later life about the fact that a friend he first met at the hotel used to "tell the story to others of how he found me in a bar room and rescued me from a life of intemperance."<sup>31</sup>

Aikins did not spend much time in either the saloon or his frigid hotel room. The energy with which he propelled himself into the practice of law was remarkable. So was his sense of direction. He used to claim that he had difficulty distinguishing between north and west in Winnipeg because when he awoke on the steamboat the morning after its arrival in August 1878 he thought it was moored in the Red River pointing north, when it was actually pointing westward in the

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<sup>30</sup> A.F.J. Artibise, ed., *Gateway City: Documents on the City of Winnipeg 1873-1913* (Winnipeg: Manitoba Record Society in Association with University of Manitoba Press, 1979) at 55.

<sup>31</sup> Reminiscences, *supra*, note 12.

Assiniboine.<sup>32</sup> In a professional sense, however, Aikins always knew where he was going.

When he came to Winnipeg the first time, Aikins knew only two other people there: his brother Somerset, and a businessman by the name of R.D. Richardson.<sup>33</sup> Although he met a few others on that first trip, his Winnipeg acquaintances still numbered under a half dozen when he arrived to establish his law practice.<sup>34</sup> He made optimum use of those few initial acquaintances, however, and he acted swiftly to become better known.

His friend Mr. Richardson was responsible for his first business premises. Richardson was a partner in a stationery and book store housed in the small building on Main Street where James Aikins set up his first office.

It wasn't long before clients were climbing the outside stairs to the little makeshift office. Some legal work came from the real estate and other business transactions in which James's brother Somerset was involved. He was not altogether dependant upon local contacts for his initial business, however. The Macdonald government had fortuitously been re-elected the previous year, and Aikins' father, now Secretary-of-State, was again able to exercise useful influence on his behalf. Even before coming to Winnipeg J.A.M. Aikins had been appointed local solicitor for the federal Department of Justice, an appointment he was to retain for many years. More work came from the Manitoba and Northwest Loan Company, which Senator Aikins and others had formed to handle the previously mentioned investment funds, and for which James acted as solicitor.

## **B. Community Involvement**

In expanding his range of Manitoba acquaintances, Aikins drew heavily upon both his public speaking skills and the various extracurricular interests he had developed during his student years, and he lost no time in doing so. On February 19, 1879, four days after being called to the Manitoba Bar, he was reported by the *Manitoba Free Press* as having addressed a public meeting on the evils of intemperance. The purpose of the meeting, held at the Temperance Hall, was to form a local branch of the Dominion Temperance Alliance, and the *Free Press* for March 12 noted that Aikins was a member of the

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<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

organizing committee. The newspaper subsequently reported temperance speeches by Aikins in Winnipeg and environs on April 1, May 26, and June 17.

Sharing the platform with Aikins the first time he spoke at the Temperance Hall was Reverend J.F. German, the pastor of Grace Methodist Church. German was one of the people Aikins had found to be "hospitable and kind" on his first visit to Winnipeg, and it was probably he who had invited Aikins to become involved in the activities of Winnipeg's temperance movement. Aikins' participation in the various activities of Grace Church was to have at least as long-lasting significance as his temperance work. Two days after the first temperance meeting, he gave what was described as "a practical address," probably on legal or business themes, to the Grace Church Christian and Literary Society. Two weeks later, on March 7, the *Free Press* noted that he had been elected Vice-President of that society, and on March 11 he was reported to have addressed a Methodist missionary meeting in Selkirk. On March 28, the newspaper mentioned that he had given a "reading" at the Grace Church Young Men's Social, and had followed it with "a few humorous remarks of a complimentary nature to the fairer sex, which caused them to get diffidently behind their fans." His chivalry might not have been as much appreciated by the young Methodist women who on May 15 heard him debate the negative of the resolution "whether ladies should receive equal educational advantages as men." (The affirmative side won the debate). On June 26, "Mr. Aikins read a beautiful selection, the 'Ruined Cottage' " at a meeting of the Literary Society. In the fall of 1879 he attended several meetings to arrange for Methodist missionary activities in the vicinity of Winnipeg, and on November 26 he journeyed to Portage la Prairie to address a missionary meeting there.

Another of Aikins' consuming community interests during his first year in Winnipeg was the establishment of a local Y.M.C.A. On May 17, 1879, just slightly more than three months after his arrival, Aikins convened an organizational meeting at his office of persons interested in forming a local Y, and he was chosen President. The *Free Press* reported numerous Y.M.C.A. meetings during 1879, with Aikins always in the chair. It noted on September 17 that as well as being President of the organization, Aikins chaired the Sunday afternoon Bible Class Committee, and that his next address in that capacity would be on "The Christian in the World,' showing a Christian's duty politically and socially."

He also cultivated political contacts. Although a dedicated Conservative, like his father, James Aikins was not attracted to active political life until much later in his career. When he was appointed as Winnipeg's solicitor for the Department of Justice, the Minister of Justice, James Macdonald, advised him to steer clear of politics, and to concentrate on his professional work.<sup>35</sup> For the most part, Aikins followed Macdonald's advice. During his first year in Winnipeg, however, he lent support to the local Conservative cause, and campaigned on behalf of the Norquay government during the December 1879 provincial election campaign. Perhaps he was induced to join the fray by the fact that Somerset Aikins was a candidate on the Conservative side. Both Somerset and the Norquay government were victorious.

Even if James Aikins had not taken an active part in that campaign, his political affiliations would hardly have been a secret. In late October 1879, for example, his father visited Winnipeg in the company of fellow cabinet member Mackenzie Bowell, and local Conservatives tendered them an elaborate dinner, at which the Senator's sons were proudly and prominently present.<sup>36</sup> The purpose of the visit by these senior politicians was to inspect progress on construction of the Canadian Pacific Railway line east of Winnipeg. Anticipation of the completion of the line, spurred by the arrival on a river barge of the locomotive "Countess of Dufferin" in 1877, was a major factor in the expansionist mood that prevailed in Winnipeg, and that was attracting adventuresome young business and professional people like J.A.M. Aikins.

### **C. Aikins, Monkman and Culver**

Aikins' energetic community activities swiftly bore fruit in the form of professional business. He launched his first law suit on behalf of a client on April 29, 1879,<sup>37</sup> and by June he was so busy that it became necessary to find a partner. The firm name was changed to "Aikins and Monkman" that month, signifying that Albert Monkman, a friend from Ontario, had accepted James Aikins' invitation to join him in practice. And before Aikins had completed his first year in Manitoba the firm was expanded once again with the addition of W.H. Culver, another Ontario lawyer. It was already clear that James Aikins'

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<sup>35</sup> "Manitoba's New Lieutenant-Governor" *Saturday Night* (26 August 1916).

<sup>36</sup> *Manitoba Free Press* (21 October 1879).

<sup>37</sup> *Can. Bar Rev. supra*, note 1 at 237.

arrival at the gateway to the new Canadian west had been perfectly timed.

His subsequent career was a textbook example of how to succeed in law and business in the early Canadian west. The absence of all but passing reference to Aikins in a recent Osgoode Society collection of essays, edited by Carol Wilton, about lawyers and business in Canada between 1830 and 1930<sup>38</sup> is inexplicable. Professor Wilton's Introduction outlines three ways in which lawyers contributed to business development during that period: (a) as lawyers, through legal advice to business and representation of business in litigation; (b) as entrepreneurs, directors, chairmen of company boards, and other types of direct participants in commercial life; and (c) as politicians and political lobbyists seeking to advance business interests in public arenas.<sup>39</sup> It would be difficult to find a career that better exemplified all three aspects of this analysis than that of J.A.M. Aikins. Each aspect will be examined separately, although it should be borne in mind that they are not separable in reality. As Professor Wilton has observed: "Law and business were not distinct activities, but formed part of a seamless web that included politics."<sup>40</sup>

### III. LAWYER

#### A. Early Prominence

The year 1880 was momentous for both J.A.M. Aikins personally and the firm of Aikins Monkman and Culver. The expected boom in real estate and business was well under way; the city's population, over 12,000 by June 1880, had almost doubled since Aikins' exploratory visit in 1878. Some indication of the business that this rapid expansion was bringing to the offices of Aikins Monkman and Culver can be taken from the numerous newspaper reports of corporate organizational meetings held on the firm's premises: Manitoba Telegraph Company (Somerset Aikins, President), April 10, 1880; Westbourne and North West Railway (J.A.M. Aikins, Solicitor), June 18, 1880; Canadian Pacific Express Company (J.A.M. Aikins, Solicitor), July 12, 1880; Manitoba Drainage Company, July 13, 1880. The companies related to the railroad business are of particular interest, since they

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<sup>38</sup> *Essays in the History of Canadian Law*, vol. 4 (Toronto: Osgoode Society, 1990). Aikins' name is not even to be found in the Index.

<sup>39</sup> *Ibid.* at 4-5.

<sup>40</sup> *Ibid.* at 6.

foreshadow a much more important railway client that would come to Aikins shortly. Inasmuch as the newspapers could not be expected to become aware of more than the tips of commercial icebergs, the three young lawyers must have been very busy people during this period.

Aikins and his partners were by no means engaged exclusively in solicitors' work. They spent considerable time in the courtrooms, engaged in both civil and criminal litigation. Newspaper lists of cases heard in the County Court and at the criminal assizes, show frequent participation by members of the firm. They did not hesitate to engage in even such potentially embarrassing litigation as the defence of an action brought by the formidable and controversial Chief Justice of the province, E.B. Wood, against the equally formidable and controversial Dr. John Schultz. Monkman acted for Schultz, and Aikins for the Manitoba and North West Loan Company, which had an interest in the dispute. Wood appears to have prevailed.<sup>41</sup>

The stature that J.A.M. Aikins had already acquired in the Manitoba legal profession can be gathered from the remarkable fact that he was elected a Bencher of the Manitoba Law Society on May 6, 1880. It is true that the number of lawyers practising in the province was still quite small. Aikins estimated the number upon his arrival at about seventeen for Winnipeg, two for Portage la Prairie, and one in Emerson.<sup>42</sup> As with his recollection of the size of Winnipeg, this was probably an underestimate, and a considerable number of new lawyers had been admitted to practice since Aikins' arrival. But even for a relatively small organization, the selection of so young and recently arrived a man as James Aikins to the governing body of the profession was highly unusual. At the age of 29, with less than two years of professional practice to his credit, Aikins was much younger and less experienced than any of the Benchers replaced that year, or any of those who were elected at the same time as he.<sup>43</sup> It was the beginning of an astonishing association between the Law Society of Manitoba and J.A.M. Aikins; he would remain a Bencher until his death in 1929.

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<sup>41</sup> *Manitoba Free Press* (28 February, 1 March, 12 April 1880).

<sup>42</sup> *Can. Bar Rev.*, *supra*, note 1 at 237.

<sup>43</sup> For a list of the Benchers of the period, see C. Harvey, ed., *The Law Society of Manitoba — 1877-1977* (Winnipeg: Peguis, 1977) at 274.



### B. "Elegant Quarters"

The tiny office over Parsons and Richardson's store had by then become too cramped for efficiency, much less for comfort, and on February 21, 1881, the *Free Press* reported that the firm had "... removed their law dispensary to elegant and commodious quarters in the McKay Block."

Interestingly, the Y.M.C.A. office also moved to the McKay Block, as did Somerset Aikins' real estate business. Even more portentous was the fact that shortly after the Aikins firm moved, the Canadian Pacific Railway also established temporary quarters in the same building.<sup>44</sup> If J.A.M. Aikins had not yet been formally appointed western Solicitor for the C.P.R., it would not be long before he was. The *Free Press* noted on August 31, 1881 that Aikins was acting for the Company in a particular matter, and on the 2nd of September it announced that he had established a special office, on the floor above the law firm's premises, as the office of the C.P.R. Solicitor. Aikins remained Solicitor for the company until he entered politics in 1911, and he seems always to have operated the office as an enterprise distinct from the law firm, although there was a good deal of functional overlap.

The move into the firm's "elegant new quarters" could be said to mark the end of the beginning. In just over three years the hand-to-mouth practice of a young and inexperienced newcomer had grown into one of the most prominent and promising law firms in the west. The driving force behind this achievement was the remarkable aggressiveness, energy, and talent of J.A.M. Aikins. While it cannot be denied that his family connection had given him a large initial advantage over many of his competitors, few lawyers would have been able to exploit that advantage as effectively as Aikins had. The qualities that rapidly convinced those with whom he dealt that he was much more than his father's son were: intelligence of a very common-sense variety, imagination firmly grounded in conventional moral and social values, venturesomeness tempered with caution, monumental determination and self-confidence, and vigour that seemed at times to resemble perpetual motion. His eloquence made him both a very effective courtroom counsel and a rivetting platform speaker. He was, in short, a driven, omniscient workaholic, and, from all accounts, not an easy man to get along with.

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<sup>44</sup> *Manitoba Free Press* (4 March 1881).

### **C. Aikins, Culver and Hamilton**

Albert Monkman left the firm in May 1881 to establish his own practice. He was immediately replaced by Charles Edward Hamilton, who would play a very large role in the firm, as well as in Manitoba public life, for the next several years. Hamilton was somewhat older than either Aikins or Culver, having been born in 1844, and having been called to the Ontario Bar in 1865. He had practised in St. Catherines until coming to Manitoba in early 1881.

J.A.M. Aikins, W.H. Culver and C.E. Hamilton, were all uncommonly able and energetic lawyers. The new partnership was a team that would have risen to prominence in almost any age or setting. Given the commercial opportunities available in Winnipeg in the early 1880's, it is hardly surprising that the firm's rise was meteoric.

Bachelorhood may have helped. The three young partners were unmarried and, in fact, shared the same bachelor quarters at 196 Hargrave Street.<sup>45</sup> A study of the Manitoba legal profession at this time offers a glimpse into the social life of the many young, often lonely, men who were attempting to launch legal careers on the tide of Canada's westward expansion.

Sharing the common problems of living in Winnipeg and not bothered by the constraints of family life, bachelor lawyers spent a good deal of time together away from the professional atmosphere of law offices and the court. As boarding house roommates, while taking meals together in restaurants or baths in the Red during the heat of summer, attending sporting and cultural events, as fellow members of clubs and the church, engaging in sports and even during infrequent excursions as travelling companions, the bonds of a developing professional community were being established and reinforced.<sup>46</sup>

Whatever the social implications may have been, freedom from family responsibility certainly gave J.A.M. Aikins and his partners an opportunity to concentrate their energies on their professional activities.

### **D. Boom Times**

When C.E. Hamilton joined the firm in May 1881, Winnipeg was in the midst of a dizzying boom in business and in real estate speculation. The population, which had been about 6,000 when J.A.M. Aikins opened his office three years previously, was over 12,000 when Aikins

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<sup>45</sup> Henderson's *Directory for Winnipeg*, 31 July 1882.

<sup>46</sup> R. Willie, *These Legal Gentlemen: Becoming Prominent in Manitoba, 1870-1900* (Doctoral Dissertation, University of Alberta, 1988) [unpublished] at 212.

became a Bencher in 1880, and would be over 20,000 by the end of the current year.<sup>47</sup> The chief stimulus for the boom was the Canadian Pacific Railway which, although not yet connected to Eastern Canada directly, was linked to American lines, and was pushing steadily westward into the rich potential farmlands of the prairies. Businesses of every description mushroomed in Winnipeg with a view to servicing both the short run needs of railroad construction and the anticipated permanent requirements of what was firmly expected to become the "Chicago of the North." Seven hundred new commercial buildings were constructed in 1881 (only four hundred having been built the previous year), and almost a thousand homes were being erected by the fall of the same year.<sup>48</sup> Major new industries and financial institutions were established, and substantial expenditures were made for public improvements such as schools, fire stations, and gas street lighting.<sup>49</sup> The Louise Bridge opened in June, and in July the province expanded its boundaries from its original "postage stamp" size.<sup>50</sup>

Real estate prices went berserk. A property that sold for \$15,000 early in the boom brought \$180,000 three months later.<sup>51</sup> And more than city real estate was hotly traded; the demand for agricultural land was at least as great. In August 1881, the C.P.R. opened its land department in Winnipeg to sell the acreage it had acquired as part of its construction incentive from the Government of Canada, and was soon disposing of huge acreages at high prices.<sup>52</sup> C.P.R. land sales for the single month of February 1882 totalled 85,000 acres at \$7.50 an acre.<sup>53</sup>

### **E. C.P.R. Solicitor**

The frenetic activity of the C.P.R. in the Winnipeg area at this time created demanding responsibilities for its Solicitor, J.A.M. Aikins. The newspapers contained frequent references to his varied activities on

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<sup>47</sup> *Supra*, note 30 at 49–60.

<sup>48</sup> R.C. Bellan, *Winnipeg: First Century, An Economic History* (Winnipeg: Queenston House, 1978) at 29.

<sup>49</sup> *Ibid.* at 30.

<sup>50</sup> *Manitoba Free Press* (7 June & 1 July 1881).

<sup>51</sup> *Supra*, note 48 at 26.

<sup>52</sup> *Manitoba Free Press* (8 August 1881).

<sup>53</sup> *Manitoba Free Press* (14 March 1882).

the company's behalf: negotiating the purchase of right-of-way land,<sup>54</sup> petitioning against municipal tax assessments,<sup>55</sup> representing the Company in court<sup>56</sup> on a variety of matters.

The entire C.P.R. Board met in Winnipeg for a week in July, which must have added to the Solicitor's workload, but gave him an opportunity to become better known by the company's most senior leaders. The *Free Press* reported on September 2, 1881 that Aikins' separate office for his C.P.R. work had now moved from the firm's office building to a room on the upper floor of the C.P.R. office building, "which he now attends daily."

Aikins was known for his single-minded devotion to the interest of his clients, and this appears to have been greatly appreciated by the C.P.R. management. A later colleague of Aikins' claimed that Sir William Van Horne, whose genius was instrumental in the railway company's success, "Once said he had never in his experience known a man more zealous for his employer's interests than was Mr. Aikins."<sup>57</sup> One token of the company's gratitude was to name a siding along the main line — "Aikins," near Swift Current — in honour of their western Solicitor.

It appears that Aikins' work for the railway company was performed on a salaried, rather than fee-for-service basis. This was revealed by a dispute over costs arising from an action in which the railway company had been successful. Costs had been denied to the company on the ground that they were represented by what would now be described as "in-house counsel," rather than by a retained barrister. The company successfully appealed this ruling, and in the course of the reasons for judgment it was disclosed that the C.P.R. Solicitor was:

... a salaried officer under an agreement by which, in addition to his salary, he was to receive any costs which the company should be entitled to tax against opposing litigants.<sup>58</sup>

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<sup>54</sup> *Manitoba Free Press* (31 August 1881).

<sup>55</sup> *Manitoba Free Press* (24 October 1881), re Dominion City assessment.

<sup>56</sup> *Manitoba Free Press* (20 May & 1 November 1882), e.g., re "A Rancorous Dispute with Former Chief Engineer Rosser."

<sup>57</sup> H.A. Robson, "The Honourable Sir James Albert Manning Aikins, K.C.: The Lawyer in Action" (1929) 7 *Can. Bar Rev.* 266 at 267.

<sup>58</sup> *Harvey v. Canadian Pacific Railway Company* (1886), 3 *Man. R.* 43 & 266.

### F. Leaner Years

The real estate bubble was so bloated by early 1882 that very little would be required to burst it. By that time the active construction sites on the railroad were at considerable distances from Winnipeg, and were therefore contributing less directly to the Winnipeg economy. Moreover, the Company was running into financial problems itself, and was beginning to delay in the payment of its local debts. The City's exuberance was further dampened by a serious flood in April, and by the time the waters had receded, it was evident that investor confidence had also ebbed. Property prices plummeted, loans were called in, and hundreds of over-extended businesses collapsed. The *Free Press* estimated some years later that fifteen hundred businesses launched during the boom eventually failed.<sup>59</sup> Aikins' father described Manitoba farmers and businessmen as having fallen into a "slough of despond" as a result of the fact that "times could not be much worse than they are."<sup>60</sup>

The firm of Aikins, Culver and Hamilton, ensconced on the second floor of the Imperial Bank Building (the re-named McKay Block) escaped the direct impact of the flood, and also managed to weather the economic recession with comparative ease. Some retrenchment seems to have been necessary, however.

The boom had attracted a tidal wave of lawyers to the province. Approximately ten times as many lawyers were admitted to practice in 1882 as in the previous year.<sup>61</sup> Seventy-nine were called to the bar on a single day: June 8, 1882.<sup>62</sup> A *Free Press* editorial the following year estimated that there were then one hundred and forty-seven barristers and one hundred and sixty-six attorneys in the province (most lawyers were both, of course), and that about two-thirds of them had arrived since 1881.<sup>63</sup> The Aikins firm had engaged several of the newcomers as students, and some of them remained with the firm after qualifying for practice. Henderson's *Directory of Winnipeg* for 1882 noted that the firm's roster included the following new names:

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<sup>59</sup> Quoted in *supra*, note 48 at 36.

<sup>60</sup> Letter from J.C. Aikins to J.A. Macdonald (30 November 1883), National Archives of Canada [hereinafter N.A.C.] Macdonald papers, Vol. 186 at 77427.

<sup>61</sup> *Supra*, note 46 at 526, Appendix 1.

<sup>62</sup> Law Society Minutes (8 June 1882) and *Manitoba Free Press* (9 June 1882).

<sup>63</sup> (15 September 1883). These figures do not, of course, account for those lawyers who left shortly after discovering that the end of the boom had sharply reduced employment opportunities.

T.D. Cumberland, G.G. Mills, Samuel Jackson, James Lougheed, and Colin Campbell. A year later, Cumberland, Jackson, and Campbell had left, and only Peter McCarthy had been added. The loss of James Lougheed and Colin Campbell, both of whom went on to illustrious legal careers, the former in Calgary and latter in Winnipeg, was undoubtedly a misfortune for the firm, though it is not entirely clear that their departure was a consequence of the recession.<sup>64</sup>

An even greater misfortune was the destruction of the firm's premises, its excellent library, and many of its files, in a fire that engulfed the Imperial Bank block April 29, 1882.<sup>65</sup> The set back was temporary, however. After a few months in temporary quarters, they took occupation of a fine suite of offices on the second floor of the new Imperial Bank Building on Main Street. As well as being the firm's landlord, the Bank was also one of its principal clients, and would continue to be for many years to come.

J.A.M. Aikins left the bachelor digs on Hargrave Street early in 1883. His father, J.C. Aikins, had recently moved to Winnipeg as the new Lieutenant-Governor of the Province. (The newspaper report of his first levee, January 1, 1883, noted ominously that "no wine was served," confirming that a new era had opened at Government House.) J.A.M. Aikins was soon reported to be living with his parents at Government House.<sup>66</sup> He would remain there until his marriage late the following year.

Winnipeg would continue to feel the effects of the economic downturn for some time to come. The fact that pennies came into circulation for the first time in August 1883 (the smallest previous coinage having been five-cent pieces) was a tangible reminder that boom times were over.<sup>67</sup> Winnipeg continued to develop in many respects, however. This was especially so in relation to railway activities. The *Free Press* for November 22 announced that the court house clock had just been adjusted to conform to the new system of standard time, rendered necessary by the impending inauguration of trans-Canadian railroad transportation. Winnipeg would be a major hub of that new transportation network, and C.P.R. Solicitor J.A.M. Aikins would be called upon with increasing frequency to serve the

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<sup>64</sup> *Supra*, note 46 at 214. There may have been a personality clash between Aikins and Campbell, as both were very ambitious men.

<sup>65</sup> *Manitoba Free Press* (29 April 1892).

<sup>66</sup> Henderson's *Directory for Winnipeg*, 1883.

<sup>67</sup> *Manitoba Free Press* (1 August 1883).

Company's growing legal needs. The fact that the Aikins firm employed at least eight articulated students at the time indicates that it was continuing to prosper despite the relatively quiescent state of the general economy.

The rail link between Winnipeg and Montreal was completed in August 1885, with six-day-a-week service commencing immediately,<sup>68</sup> and the "last spike" of the rail link to the west coast was driven on November 7th of the same year. When the first trans-continental train arrived in Winnipeg on its way to the west coast the following summer, decked out in mementos of the various centres through which it had passed, the local response was enthusiastic in the extreme, with speeches, athletics, and a balloon ascension.<sup>69</sup> The party was revived two weeks later, when Prime Minister Sir John A. Macdonald paid his first visit to the west to join in celebrating the achievement of his "national dream." (Lady Macdonald had been met at the station by J.A.M. Aikins when she arrived a few weeks previously on her famous inspection tour of the new railway.<sup>70</sup>) While in Manitoba, Sir John did some local sight-seeing, no doubt accompanied at least part of the time by members of the Aikins family.

Firm members still spent a lot of time in court. An analysis of the first volume of the Manitoba Reports — for 1884 — discloses, for example, that of a total of 114 proceedings reported, members of Aikins, Culver and Hamilton were involved in 33 — close to 30% of the cases. The firm member whose name appeared most frequently in the Manitoba Reports that year was G.G. Mills, with 12 appearances. He was followed closely by Aikins (9) and Beck (8). Culver appeared 5 times. The fact that Hamilton was not mentioned at all is accounted for by the fact that his was chiefly a solicitor's practice. (It must be remembered by the way, that the Manitoba Reports recorded only major litigation, and could not be considered anything more than a "tip of the iceberg" type indication of a lawyer's total courtroom exposure.) Aikins' most newsworthy courtroom appearance during this period was his participation, as a junior Crown Counsel, in the appeal of Louis Riel from his treason conviction for his role in the 1885 Northwest Rebellion. Riel's counsel had appealed to the Full Court of the Manitoba Court of Appeal, which had appellate jurisdiction from the Northwest Territories at the time, claiming that the court which

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<sup>68</sup> *Manitoba Free Press* (26 October 1885).

<sup>69</sup> W.J. Healy, *Winnipeg Early Days* (Winnipeg: Stovel, 1927) at 28.

<sup>70</sup> *Manitoba Free Press* (25 June 1886).

convicted Riel had lacked the jurisdiction to do so. Aikins presented the Crown's arguments in support of jurisdiction. He and his Crown colleagues were successful, the appeal being denied. A further appeal to the Judicial Committee of the Privy Council (in which Aikins did not participate) was eventually dismissed, and Riel was hanged.

The size to which the Aikins firm had grown by 1885 — seven qualified lawyers plus several students — would not be duplicated until 1912. (It had reached nine by the time of Aikins' death in 1929). The economic depression that settled in like a long prairie winter in the late 1880s would not thaw until shortly before World War I. Circumstances were never very bleak for the law firm, however; with clients like the C.P.R., the Imperial Bank, and, after its establishment in 1892, the new Great West Life Assurance Co., there was rarely a lull in the demand for the firm's services.

### G. From Barrister to Solicitor

Both the firm in general and J.A.M. Aikins himself continued to ply the courtrooms. Aikins played a large, though ultimately unsuccessful, role, for example, in the litigation arising from "The Battle of Fort Whyte," an attempt by the C.P.R. to prevent a railroad linking Manitoba with the United States from crossing the C.P.R. right-of-way with its trackage.<sup>71</sup> He was splendidly successful before the Supreme Court of Canada, however, in an attack on an attempt by the City of Winnipeg to circumvent legislation exempting the C.P.R. in perpetuity from all municipal taxes and other levies by the City.<sup>72</sup> There were also plenty of run-of-the-mill tort cases arising from level crossing accidents and similar mishaps. In 1902, for instance, Aikins was out of the province defending the C.P.R. from a claim brought by a man injured in a derailment when his first daughter (the first surviving child of his second marriage) chose to be born. At Christmas that year Helena, as she was christened (later Helen) received, as mementos of her father's absence at her birth, a model train used as an exhibit at the trial, along with a copy of the Appeal Book, inscribed:

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<sup>71</sup> *Attorney-General of Canada v. Ryan* (1887), 5 Man. R. 81 (Q.B.). The Supreme Court of Canada proceedings, holding against the C.P.R., were never formally reported, but are described in A.H.F. Lefroy, *The Law of Legislative Power in Canada* (Toronto: Toronto Law Book, 1897) at 605.

<sup>72</sup> *Winnipeg (City of) v. Canadian Pacific Railway Co.* (1900), 30 S.C.R. 558. Aikins was led in the Supreme Court by A.B. Aylesworth.



To Baby Helena

Xmas 1902

Companion to the train of cars used in this suit being tried when she was born.<sup>73</sup>

Nor were Aikins' powers of advocacy always employed in major litigation; the *Free Press* for June 8, 1906, reported that he had appeared in Police Court to defend the owner of Maw's Garage on a traffic charge.

There was, however, a gradual shift of emphasis away from litigation, and toward solicitor-type business counselling. Whereas the firm had been involved in almost 30% of the cases (33) reported in the 1884 volume of the Manitoba Reports, the percentage had fallen to 18.5% (17 cases) ten years later. It rose slightly to 20% (16 cases) for 1904, and then plunged to 9% (9 cases) in 1914. This trend was paralleled in James Aikins' own career. Whereas he had been personally involved in the bulk of the firm's litigation in the early years, he was credited by the 1910-11 volume of the Manitoba Reports with participation in only two of the firm's unusually high total of 23 cases for that year.

#### H. Professional Leadership

But if Aikins' role in litigation diminished over the years, his prominence in the legal profession certainly did not. The Court of Queen's Bench, sitting in full Banc, had officially certified him as Manitoba's most senior lawyer in a remarkable 1892 proceeding brought on by a squabble over which of two barristers who had received their Q.C. patents the same day should be give precedence when appearing before the same court on motions: Aikins, who had been called to the Manitoba bar first, or H.M. Howell, who had been called to the Ontario bar first. The decision went to Aikins.<sup>74</sup>

His leadership was not merely formal. J.A.M. Aikins took the initiative in matters affecting the legal profession with increasing regularity as time passed. This leadership was especially conspicuous with respect to professional organizations. A Winnipeg Bar Association had been formed in June 1906, with the active involvement of several members, past and present, of the Aikins firm. (Five of the sixteen members of the first Council either were or had been members of the

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<sup>73</sup> Appeal Book in possession of Mrs. Helen Ney, Winnipeg. The case was *Kinney v. C.P.R.* (1902), 5 Terr. L.R. 420 (S.C.N.W.T.). There being no reported decision of the appeal, it would appear that the case was settled.

<sup>74</sup> *In the Matter of Her Majesty's Counsel* (1892), 8 Man. R. 155 (Q.B.).

Aikins firm).<sup>75</sup> On November 10, 1911, a dinner meeting of the Winnipeg Association was held at the Royal Alexandra Hotel, and it was decided during that meeting to expand to a province-wide organization. The expansion was the direct result of the fact that J.A.M. Aikins, who was President of the Winnipeg Bar Association at the time, had invited a number of lawyers from other parts of the province to attend the banquet as his personal guests. After resolving to create the new provincial association, the assembly elected J.A.M. Aikins as its first President.<sup>76</sup>

### **I. Canadian Bar Association**

While important in itself, the creation of the Manitoba Bar Association was much more so because it became a stepping-stone to the establishment of the Canadian Bar Association in 1914.<sup>77</sup> Again, J.A.M. Aikins and members of his firm were instrumental. A "Canadian Bar Association" had been formed in 1896, but it had expired after a brief existence. The germ of the idea for the modern Canadian Bar Association appears to have been a suggestion made by some Canadian observers at the American Bar Association meeting held in Montreal in 1913. Canada's Minister of Justice, Mr. Doherty, had attended that meeting, and spoke at a dinner of the Manitoba Bar Association later that year proposing that steps be taken to create a Canadian organization similar to the American one.

That suggestion was taken up by J.A.M. Aikins, who was still the President of the Manitoba Bar Association. Aikins made arrangements for a preliminary meeting to be held in Ottawa in February 1914 to discuss the feasibility of establishing a national organization, and the success of that meeting led to an organizational meeting the following month, which Aikins chaired. The second meeting, again held in Ottawa, was attended by representatives of the profession across the country. It created the Canadian Bar Association, and elected J. A. M. Aikins as its first President. Aikins was to remain President until 1927, and to continue as Honourary Life President until his death. Since then, four other members or former members of the firm have served as President, and several others have played key roles on the Association's executive.

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<sup>75</sup> *Manitoba Free Press* (23 June 1906).

<sup>76</sup> *Winnipeg Telegram* (10 November 1911).

<sup>77</sup> See E.H. Coleman, "The Canadian Bar Association" (1948) 26 *Can. Bar Rev.* 3.

### **J. Sir James**

When the King's Birthday Honour List appeared in June 1914, Aikins' name appeared among those upon whom knighthoods had been conferred. While "Sir James" had earned this rare honour by a lifetime of public service, it was widely believed that his instrumentality in the creation of the Canadian Bar Association had been the crucial factor.

### **K. American Links**

The idea for creating a national organization of Canadian lawyers was by no means the only contribution that lawyers from the United States made to the collectivization of the profession north of the border. All the time he was at the helm of the Canadian organization, Aikins saw to it that there was ample opportunity for Canadian lawyers to rub shoulders and minds with their American counterparts. Though always a stout defender of the Empire and all things British, Sir James admired many things about the way Americans practised law, and he took great pains as President of the Canadian Bar Association to establish and maintain friendly relations with professional organizations in the United States. He invited American representatives to attend meetings of the Canadian Association, and he was enthusiastic about accepting reciprocal invitations. Some indication of the warmth with which he was regarded by lawyers south of the border can be found in a potpourri of songs with which he was serenaded by members of the Chicago Bar Association, which tendered him a dinner during his final year as C.B.A. President in 1927.<sup>78</sup> Some of the lyrics, reflecting the current American preoccupation with Prohibition, and the somewhat more relaxed liquor laws that prevailed in Canada at the time, might have been a trifle embarrassing to the teetotalling Aikins:

#### **Reciprocity**

(Tune: First three lines, "John Brown's Body."

Last two lines, "God Save the King")

Four and twenty Yankee boys afeeling kind of dry  
Went away to Canada to get a drink of rye,  
When the rye was opened then they all began to sing  
— "Hell with the Volstead Act,  
God Save the King."

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<sup>78</sup> P.A.M. 477, J.A.M. Aikins Scrapbook, 1926-29, Program, Chicago Bar Association Dinner to Sir J.A.M. Aikins, January 20, 1927.

**To Sir James**  
(Air: "Sweet Afton")

Flow gently, Sweet Moonshine, among the green stills,  
Our guest has no reason to sample their thrills,  
He hails from Manitoba, oasis supreme,  
Flow gently, Sweet Moonshine, disturb not his dream.  
Brother Aikins, we greet you as chief of your bar,  
The light of your wisdom is ever shining from afar.  
We marvel at the prowess your record proclaims,  
And offer together a toast to Sir James.

Other songs, though, he would undoubtedly have cherished:

**The Canadian Pooh Bah**  
(Tune: "Private Tommie Atkins")  
Music by S. Potter  
Published by Oliver Ditson Co.

When the folks across the line get in a jam,  
When the banks or legislators need advice,  
When Government is hunting for the man  
To show the way across the thinnest ice;  
It doesn't matter where the job may be,  
Nor what the stake or nature of the game.  
One they know is always willing,  
Mind not centered on the shilling,  
They call on Jimmie Aikins just the same.

Chorus

Oh, oh,  
Jimmie, Jimmie Aikins.  
Man of common sense and sand,  
You're a credit to our calling,  
And the pride of your own land.  
From Vancouver to Rimouski  
You're the first of "Who Is Who,"  
All hail, all hail, Sir Aikins,  
From Chicago's Bar to you!

**A Hand Clasp**  
(Tune: "Smiles")

To Sir James we give a greeting  
And extend a friendly hand  
With a clasp that has a warmth of feeling  
That we know our guest will understand —  
Though he came from past the lakes to meet us,  
Though his journey home may take him far,  
We have learned to know he's never distant;  
He's a brother to all the bar.

### L. Trainer of Lawyers

An aspect of Aikins' contribution to the legal profession and the practice of law that should not be overlooked is the training he and his firm provided for lawyers who went on to celebrated careers in the Canadian west. Isaac Pitblado, who would one day succeed to Aikins' mantle as undisputed leader of the Manitoba bar, originally signed on with Aikins in 1887 as a student in the C.P.R. law office, and later shifted to the firm's office for the completion of his service under articles and the beginning of his illustrious practice at the bar.

And the example of Isaac Pitblado — a brilliant young man rigorously trained by the Aikins firm who then moved on to establish a prestigious law firm of his own — was to be repeated many times by "graduates" of J.A.M. Aikins and his colleagues. One was Colin Campbell, who became a leading Manitoba barrister, as well as Attorney-General of the province. Another was James Lougheed, who launched a star-studded professional and political career in Calgary after leaving the Aikins firm. Lougheed was also able to attract other talented associates of J.A.M. Aikins, to his Calgary firm. Peter McCarthy, who established a very active litigation practice with the Aikins firm, left to join Lougheed in 1886, and N.D. Beck, hired by Aikins in 1884, and destined for a distinguished judicial career, also became a member of the Lougheed McCarthy partnership.

While there was a good deal more menial drudgery assigned to law students in those years than there is today, the quality of training provided by James Aikins and his partners appears to have been high. Isaac Pitblado praised the instruction he received as a student of the Aikins firm:

Mr. Aikins had not only high standards of legal ethics but high standards of legal work. He expected of his partners and his staff that the work would be done to the best of one's ability. No shirking was encouraged. I know of no better training that a young man could have had.<sup>79</sup>

Coming from one who left the firm about a year after his call to the bar (though he was to join it again briefly in the future), and eventually became the leading figure of the Manitoba law firm that provided stiff competition for Aikins and his colleagues for many years, this was high praise.

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<sup>79</sup> Pitblado & Hoskin, *Learned Friends: 1882-1974* (Winnipeg: Pitblado & Hoskin, 1975) at 24.

#### IV. BUSINESSMAN

##### A. Millionaire Lawyer, or Lawyer Millionaire?

In an article entitled "Winnipeg's Millionaires," published January 29, 1910, the *Winnipeg Telegram* pointed out that the kind of wealth J.A.M. Aikins had amassed by that point in his career was not commonly associated with the practice of law:

J.A.M. Aikins, K.C., holds the somewhat unique position of being a millionaire lawyer ... That he enjoys and has enjoyed one of the most lucrative practices of any lawyer in the Dominion for nearly a third of a century does not entirely explain the fact that he is a ... millionaire.

Not enough is known about Aikins' business activities to "entirely explain" the fact that, by exception to the general rule that lawyers who become hugely wealthy seem to do so outside the practice of their profession, he became rich while heavily engaged, on a day-to-day basis, in the practice of law.

##### B. Real Estate Speculator?

The explanation offered by the *Winnipeg Telegram* was that Aikins "invested largely in real estate," and it is undeniable that he was closely involved with real estate development almost from the moment he arrived in Manitoba. His father had acquired large land holdings in the west, no doubt through his connections in governmental and railway circles, and their development seems to have been associated with the Manitoba and Northwest Loan Company, organized by Senator Aikins and associates, for which James acted as solicitor.<sup>80</sup> His brother Somerset, who had preceded him to Manitoba, and with whom James was linked in many ventures, was in the real estate business all his life. In May, 1882, James was reported to be an original shareholder in two new real estate ventures: the Ottawa Land Company, and the Prince Albert Colonization Company,<sup>81</sup> and a few months earlier the *Free Press* had noted that Aikins and his law partners had purchased the Brunswick Hotel, at the corner of Rupert and Main, for \$25,000.<sup>82</sup> If one historian's account of how lucrative the hotel business had become as a result of Winnipeg's population

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<sup>80</sup> *Manitoba Free Press* (9 November, 1881).

<sup>81</sup> *Manitoba Free Press* (4 & 25 May 1882).

<sup>82</sup> *Manitoba Free Press* (30 November 1881). The issue for November 10th had announced the opening of the hotel.

explosion can be believed, the latter investment was particularly astute:

Hotel and rooming house keepers reaped a golden harvest. ... [A]ll hotels were jammed and hotel keepers slept two men in a bed. In addition they charged 50 cents a night for the privilege of sleeping on their floors, with the 'guest' using his overcoat as the pillow, and reputedly covered every inch of floor space every night. It was said that there was one hotel keeper who was so greedy that whenever he saw someone on the floor fall fast asleep, he would pick him up and stand him against a wall to make room for another man on the floor.<sup>83</sup>

While the latter anecdote was no doubt fictitious, it gives some indication of the returns to be expected from the partners' investment.

James was described in a 1913 publication as "an extensive owner of high-class business property" in Winnipeg.<sup>84</sup> Just how "extensive" those holdings were is not known, but he is known to have owned two major office buildings: the Aikins Block on McDermot Avenue, and the Somerset Building (Somerset having been his mother's maiden name as well as his brother's given name) on Portage Avenue. The former property was the former *Free Press* building which Aikins had caused to be extensively and handsomely re-modelled in 1906 for use as business offices for his law firm and several tenants (one of the tenants being Aikins' former landlord and long-time client, the Imperial Bank of Canada, and another, brother Somerset's real estate office). The Somerset Building was constructed the same year on land that Aikins had acquired several years previously adjacent to the grand new T. Eaton Co. department store (also to become a client before long), which had just been recently completed. Reputed to have cost upwards of \$250,000 (second in value only to the \$500,000 Grain Exchange Building among structures completed in 1906) the Somerset Building was the first in western Canada to have employed reinforced concrete construction, and was also considered to be one of the finest office premises in the west. Before the building was five years old it had proved so desirable a location that two additional storeys had to be added. The Aikins firm itself moved from the Aikins Block to the Somerset Building in 1920, and remained there for almost half a century.

Other known Aikins real estate holdings included the several acres along the Assiniboine River upon which he built his palatial home "Riverbend" in 1901, and a large farm near Headingly. As a result, no

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<sup>83</sup> *Supra*, note 48 at 29.

<sup>84</sup> F.H. Schofield, *The Story of Manitoba*, vol. 2 (Winnipeg: S.J. Clarke, 1913) at 8-9.

doubt, of reverberations from his bucolic childhood, Aikins always had a fascination for farms. According to E.K. Williams, who was a member of the Aikins firm from 1919 until 1940, Sir James couldn't resist a farm for sale, and was constantly buying and selling agricultural properties.<sup>85</sup>

Despite his unquestionably substantial involvement in real estate transactions there is still some reason to doubt, though, that Aikins was a sufficiently large-scale real estate speculator to account for the great wealth he accumulated. One reason is that Somerset, who was in the real estate business on a full-time basis (and was often involved in joint enterprises with James), did not become nearly as wealthy as his barrister brother.<sup>86</sup>

Another is the fact that neither the bursting of the real estate speculation bubble in 1882, nor the collapse in 1913 of Manitoba's massive turn-of-the-century expansion, appears to have inflicted a major setback to Aikins' financial situation. The former calamity, which caused real estate values to plummet to levels from which they did not fully recover for almost two decades, cast Manitoba businessmen and farmers into what J.C. Aikins, James' father, described as a "slough of despond,"<sup>87</sup> brought about the failure of some fifteen hundred Winnipeg businesses,<sup>88</sup> and was thought responsible for a wave of insurance-motivated incendiarism of business premises (including, perhaps, the fire that destroyed the building in which Aikins' law firm was located).<sup>89</sup> The latter recession, though perhaps initiated by short-run economic factors, was prolonged by World War I, and then partially perpetuated, for Western Canada, by the opening in 1914 of the Panama Canal, which permanently diminished the importance of the west in general and Winnipeg in particular as

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<sup>85</sup> E.K. Williams interview with Dale Gibson, 1970. Aikins' daughter Elizabeth Ney claimed that he had originally acquired the family farm in order to satisfy the land-owning requirement when running for election in Brandon in 1911: E.A. Ney & A.R. Wickett, "A Girlhood in Government House" (1990) April/May *The Beaver* 14 at 17.

<sup>86</sup> The *Manitoba Free Press*, reporting Somerset's sudden death on May 5, 1911, referred to him as "one of the best known and most highly esteemed citizens of Western Canada," said of his business career only that "he has been constantly engaged in financial affairs and in real estate investments, in which he was quite successful."

<sup>87</sup> *Supra*, note 60.

<sup>88</sup> *Supra*, note 48 at 29.

<sup>89</sup> *Manitoba Free Press* (29 April 1882); interview with J.A.M. Aikins in *Saturday Night* (26 August 1916).



a transportation corridor between the Atlantic and Pacific oceans.<sup>90</sup> An economic historian has observed that "the virtual cessation of developmental activity" to which these events led "produced an unwonted quiet and deep pessimism on the western horizon."<sup>91</sup> There are parts of the Canadian west in which this pessimism never dissipated. Yet neither of these economic catastrophes seems to have had a significant impact on James Aikins' spirit, or on his financial fortunes.

### C. Commercial Entrepreneur?

Another possible source of Aikins' wealth was his involvement in the general business community. He did hold a variety of important corporate directorships throughout his career. In 1884, for example, he and his brother Somerset were both elected as directors of the Manitoba Southwestern Colonization Railway.<sup>92</sup> At the time of his death he was a director of his long-time client, the Imperial Bank of Canada, as well as President of General Assets Ltd., and a director of several other companies, including Northern Trusts Co., Canadian Indemnity Co., Canadian Fire Indemnity Insurance Co., and Gresham Life Assurance Society.

Although this indicates a substantial connection with the business community, it does not suggest massive participation, and the most important of his directorships, with the Imperial Bank, was not acquired until 1914, well after he had amassed the bulk of his fortune. It is possible, of course, that he held more, or more important, directorships earlier in his career than at the end of it, but there is no evidence currently at hand that would support this. Most references to his commercial activities placed more emphasis on his role as counsel to important corporations rather than as shareholder or director.<sup>93</sup> His association with Great West Life Assurance Co. was typical: while active in the organization meetings, responsible for the company's incorporation, and listed as a member of the first, provisional,

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<sup>90</sup> J.A. Jackson, *The Centennial History of Manitoba* (Toronto: McClelland & Stewart, 1970, at 175-9.

<sup>91</sup> *Supra*, note 48 at 130.

<sup>92</sup> *Manitoba Free Press* (3 June 1884).

<sup>93</sup> *E.g.*, *supra*, note 84.

Board of Directors,<sup>94</sup> he did not become a member of the permanent Board, but was appointed instead as company Solicitor.<sup>95</sup>

Further doubt is cast on the hypothesis that Aikins played a major entrepreneurial or managerial role in the Canadian business community by the fact that most of his interests were Winnipeg or Manitoba based. The *Winnipeg Tribune* observed at the time the probate of his estate was announced that: "Practically the entire estate consists of Manitoba properties and securities. Investments outside the province are negligible."<sup>96</sup>

#### D. Canny Dabbler?

The Inventory accompanying the Probate Application for the Aikins estate<sup>97</sup> indicates that at least by the end of his life Sir James was financially quite conservative. The only real estate that he owned directly by that time was a quarter interest in a quarter acre of farm land, valued at \$150. The great bulk of his assets were investments, divided roughly equally between stocks and bonds. Total bank shares were valued at \$66,975, which would indicate that he had not even been a heavy investor in the Imperial Bank. Of the roughly \$819,000 in bonds, at least \$367,000 were Dominion of Canada bonds.

All this might present a somewhat misleading picture, since a large quantity of the company shares Aikins held at death were those of General Assets Ltd., of which he was President, and which was probably a personal holding company. General Assets Ltd. might possibly have dealt in real estate and/or more speculative investments. It is doubtful that even it was a particularly venturesome enterprise, however, given the investment philosophy reflected in the instructions that Aikins' will gave to his trustees. The will authorized investing in government securities or in first mortgages ("provided that such investments are in other respects reasonable and proper") and in other investments permitted by law, "but in none partaking of the nature of speculative securities."<sup>98</sup> Considering that these instructions were written in the bullish economic climate of 1928, they suggest strongly that their author was no commercial swashbuckler.

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<sup>94</sup> *Manitoba Free Press* (21 January, 1892).

<sup>95</sup> *Manitoba Free Press* (30 June 1892).

<sup>96</sup> (25 March 1929). Confirmed by P.A.M. 19319, Part II, Surrogate Court Records, Aikins Estate, Inventory.

<sup>97</sup> P.A.M. 19319, *ibid.*

<sup>98</sup> *Ibid.*, Last Will and Testament of J.A.M. Aikins.

It would appear, therefore, that although conclusive data are not available the sources of Sir James Aikins' wealth were diverse, and involved cautious investment in safe property and securities, rather than in speculative enterprises. It would also appear that the practise of his profession, on behalf of many of the most important commercial enterprises in western Canada, was a major source of Aikins' primary income, and may well have been the most important source of all.

## V. PUBLIC FIGURE

### A. Community Leader

Professor Wilton pointed to participation in politics as the third major way in which lawyers served business interests, and she observed that: "Involvement in politics, whatever its other attractions, was ... an effective means of attracting legal clients."<sup>99</sup>

This was dramatically so for J.A.M. Aikins, especially if the notion of "politics" is interpreted broadly enough to encompass all forms of conspicuous participation in public life. It has already been noted that within days of his arrival in Winnipeg the *Free Press* was reporting his speeches on social issues; that he assumed organizational and leadership responsibilities in relation to the temperance movement, the Y.M.C.A., and various activities of the Methodist Church almost as swiftly; and that he was vigorously involved in the provincial election campaign that occurred during his first year in Manitoba.<sup>100</sup> There would be no let-up during the next half-century in his public activities, as polemicist, organizer, high-profile philanthropist, and, eventually, full-fledged politician.

### B. A Partnership Responsibility

Aikins always expected that members of his law firm would assist and emulate him in these public endeavours, and some of them seem to have been chosen with that potential in view. C.E. Hamilton, who replaced Monkman in 1881, was a case in point. Very shortly after joining the firm, Hamilton had relieved Aikins of several of his community responsibilities. He was appointed President of the Total Abstinence Society on May 12, 1881, and on June 8 the *Free Press* announced that he had taken over from Aikins the responsibility for

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<sup>99</sup> *Supra*, note 38 at 6.

<sup>100</sup> *Supra*, text accompanying and following note 36.

the Sunday afternoon Bible class at the Y.M.C.A. On September 9 of the following year, he replaced Aikins as President of the Y.M.C.A. Hamilton was also much involved in Law Society affairs, acting, for example, as secretary of a Law Society Committee appointed in May 1883 to look into a number of the profession's concerns about the judicial system.<sup>101</sup> In January Hamilton had chaired a citizen's relief committee to assist newly arrived and impoverished Jewish immigrants,<sup>102</sup> and at about the same time he joined the Law Society committee he acted as secretary for the Property Holders Protection Association, recently formed to combat the wave of arson that accompanied the economic collapse that year.<sup>103</sup> It wasn't long before Hamilton was attracted to politics. He was elected Mayor of Winnipeg December 9, 1884, and served in that capacity throughout 1885. As if that were not enough, he became a member of the Provincial Legislature, and Attorney-General, in February 1885, not long after becoming Mayor. Hamilton remained Attorney-General until the Norquay Government fell from power late in 1887, whereupon he moved to St. Paul, Minnesota. There he practiced law, and was active in politics and business for many years.

### C. Royal Commission

Passing on some of his community affairs to partners did not mean that Aikins himself was any less actively engaged in the public arena, however. He simply took on new responsibilities. Only a week after his election as a Law Society Benchler in May, 1881, for example, he left Winnipeg on a six week prairie excursion that testified to his rapidly rising prominence. He had been appointed by the Government of Canada as one of three members of a Royal Commission to investigate allegations made against one Matthew Ryan, a Stipendiary Magistrate for the Northwest Territories. In company with Edgar Dewdney, of Regina, and Joseph Taillefer, from Quebec, he travelled westward, first by steamboat on the Assiniboine River, and then overland, to visit and take evidence at the various small prairie settlements on the magistrate's judicial circuit.<sup>104</sup> The report of the Royal Commission, though never made public, was thought to have

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<sup>101</sup> *Manitoba Free Press* (5 May 1883).

<sup>102</sup> *Ibid.* (10 & 30 January 1883).

<sup>103</sup> *Ibid.* (14 May 1883).

<sup>104</sup> *Saturday Night* (26 August 1916); *Manitoba Free Press* (12 May & 25 June 1880).

recommended the action eventually taken: dismissal of Magistrate Ryan.<sup>105</sup>

#### D. New Responsibilities

Upon his return to Winnipeg, Aikins continued to undertake new obligations. In August, 1881, he was chosen as a member of the University of Manitoba Council, having been awarded an honorary degree by that institution in June. He would remain on the Council for many years, and serve on several of its special committees. He remained prominent in the temperance movement, active in the affairs of his church, and increasingly involved in matters of concern to the organized bar. He was named Secretary of the Law Society Benchers in June 1883,<sup>106</sup> and Treasurer in June, 1885.<sup>107</sup> He and his partner Culver were members of the committee formed to establish a Methodist College for Winnipeg.<sup>108</sup> Wesley College, which eventually formed part of the University of Winnipeg, opened classes in the fall in 1888, with seven students, on the premises of Aikins' Grace Church,<sup>109</sup> and both Aikins and Culver were subsequently to serve on College Board, with Aikins as Chairman from 1888 to 1907. In 1889 Aikins was named Honourary Bursar of the University of Manitoba, and remained such until 1916.<sup>110</sup>

Aikins' renown, by at least the mid-1880s, as a public speaker and protheletizer of conventional morality is evident from frequent newspaper accounts, such as the following report of an impromptu address he gave as a last-minute replacement for Premier Norquay at one of the "monthly entertainments" held in the C.P.R. Library:

[He] gave one of his characteristic addresses which are so well calculated to stimulate energy, thought and the higher moral values. The useless classes of mankind were eloquently reviewed, and the stirring appeals made in the interests of industry, honesty,

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<sup>105</sup> *Saskatchewan Herald* (18 July 1881).

<sup>106</sup> *Manitoba Free Press* (5 June 1883).

<sup>107</sup> *Ibid.* (8 June 1885).

<sup>108</sup> *Ibid.* (5 August 1885).

<sup>109</sup> A.G. Bedford, *The University of Winnipeg: A History of the Founding Colleges* (University of Toronto Press: Toronto, 1976) at 32.

<sup>110</sup> W.L. Morton, *One University: A History of the University of Manitoba 1887-1952* (Toronto: McClelland & Stewart, 1957) at 31.

and sobriety made a marked impression on the audience, their satisfaction being evidenced by loud bursts of enthusiasm.<sup>111</sup>

### **E. Changing Political Fortunes**

The end of the John A. Macdonald era brought a temporary diminution of J.A.M. Aikins' political influence. His father, J.C. Aikins, had retired as Lieutenant-Governor of the province, and returned to Ontario, in 1888. The provincial government had been Liberal since Norquay's downfall, and Thomas Greenway's Liberals were returned to power in January, 1896. Five months later, Wilfred Laurier led the Liberal Party to a stunning federal electoral victory as well. J.C. Aikins had the good fortune of being appointed to the Senate shortly before the federal Conservatives were turned out of office. The election of a Liberal government in Ottawa would not have been applauded by J.A.M. Aikins and his chiefly Conservative partners. One hurtful consequence for the firm was that Aikins lost the appointment as Counsel for the Federal Department of Justice, which he had held ever since coming to Winnipeg.

It was not long, however, before the political wheel of fortune took another turn, bringing a provincial administration to office with which Aikins and his colleagues had a better rapport. In 1898 (the year of the Klondike Gold Rush) Rodmond Roblin had stepped down as leader of the provincial Conservatives in favour of Hugh John Macdonald, the highly popular son of Canada's principal founding father. The temperance movement, with which J.A.M. Aikins continued to play a leading role, was attracting much support from Manitobans. In a referendum held in March 1898, Winnipeggers expressed support for closing saloons by 12,000 votes to 3,000. Macdonald, who though never a convinced prohibitionist was considerably more sympathetic to the temperance message than Roblin had been, ran on a partially temperance platform in the 1899 provincial election, and was voted into office in December of that year. As both a Conservative and a temperance advocate, J.A.M. Aikins was gratified.

### **F. Legislating Temperance**

One of the benefits that the change of provincial government brought for J.A.M. Aikins was an opportunity to give legislative expression to the views he had advocated consistently from his youth concerning the public sale and consumption of intoxicants. The Macdonald government asked Aikins to draft a new Liquor Act, introducing prohibition

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<sup>111</sup> *Manitoba Free Press* (7 August 1885).

to the province. In order to avoid the constitutional land-mines which he knew threatened the jurisdiction of the provincial legislature to pass such a statute, Aikins was obliged to draft the measure with great care. A member of the firm later recalled that: "Mr. Aikins threw untold energy into that undertaking. His research exhausted the field."<sup>112</sup> Premier Macdonald told the press that: "The task required unusual skill and study; both of these Mr. Aikins has given."<sup>113</sup> In view of both Aikins' customary thoroughness and his special enthusiasm for the temperance crusade, there is every reason to accept these assessments.

The statute was enacted by the Manitoba Legislature in 1900,<sup>114</sup> though not before a number of amendments, that the *Free Press* referred to as "mutilations," were insisted upon by the legislators.<sup>115</sup> In one of the earliest locally-drawn editorial cartoons to appear in the *Free Press*, a surprised Aikins is portrayed encountering a tattered and woebegone personified "Liquor Bill," which laments to its drafter: "I'm no credit to you now!"<sup>116</sup>

Doubts were expressed about the constitutionality of the legislation, and Rodmond Roblin, who replaced Macdonald as Premier in October of that year to permit the latter to run for federal office, and who was far from keen about the measure, decided to refer its constitutionality to the courts. The provincial Attorney-General, who was Aikins' former colleague Colin Campbell, led a team of four lawyers, including J.A.M. Aikins, in an attempt to persuade the Court of Queen's Bench en Banc that the legislation was within the powers of the province. Aikins did the lion's share of the preparation and presentation of seven days' argument before the Court in December, 1900. They were not successful at that level,<sup>117</sup> but when the reference was eventually appealed to the Judicial Committee of the Privy Council, Aikins' handiwork was held to be constitutionally valid.<sup>118</sup>

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<sup>112</sup> *Supra*, note 57 at 269.

<sup>113</sup> *Manitoba Free Press* (12 June 1900).

<sup>114</sup> *The Liquor Act*, S.M. 1900, c. 22.

<sup>115</sup> *Manitoba Free Press* (25, 26, 28 & 29 June 1900).

<sup>116</sup> *Manitoba Free Press* (2 July 1900).

<sup>117</sup> *Re The Liquor Act* (1901), 13 Man. R. 239 (Q.B.).

<sup>118</sup> *Attorney-General of Manitoba v. Manitoba License Holders' Association*, [1902] A.C. 73 (P.C.).

Aikins was no doubt disappointed not to accompany Attorney-General Campbell to England for the appeal (Richard Haldane, later Lord Chancellor, led for the province). W.R. Mulock, a leader of the temperance movement and a prominent Manitoba lawyer, publicly protested the Government's unwillingness to send Aikins to England, and hinted that perhaps the Government really didn't want to win the case.<sup>119</sup> This suspicion was heightened by the news that when the Privy Council, after hearing Haldane's submission, called upon Attorney-General Campbell, the latter said only: "I have nothing to say, my Lords."<sup>120</sup> Editorial response was caustic, and when it was learned that the province had been victorious, the *Free Press* remarked:

Mr. Colin H. Campbell's great speech appears to have done the trick. There is nothing like long-sustained and soul-inspiring eloquence to carry a point with a bench of judges.<sup>121</sup>

Asked by a reporter whether the Privy Council's decision met with his approval, Campbell would only say: "Well, you know the decision."<sup>122</sup> A newspaper cartoon subsequently depicted the Sphinx, bearing the face of Colin Campbell, solemnly intoning: "I have nothing to say."<sup>123</sup> When Aikins was interviewed about the victory he was described as wearing a "complacent smile," but his thoroughly professional comment did nothing to commit his governmental client to action.<sup>124</sup> He must by then have suspected, to his private consternation, that the triumph was a hollow one. The Roblin government ultimately declined to bring the measure into force despite its judicial validation.

The method used by the government to dodge its promise was to hold a public referendum on the subject. On April 2, 1902, the voters were asked to respond to the question "Are you in favour of bringing the Liquor Act into force on June 1, 1902?" The Licence Holders Association lobbied intensely on the "no" side of the question, and the prohibitionists urged their followers to boycott the vote on the ground

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<sup>119</sup> *Manitoba Free Press* (8 June 1901).

<sup>120</sup> *Ibid.* (30 July 1901).

<sup>121</sup> *Ibid.* (23 November 1901).

<sup>122</sup> *Ibid.*

<sup>123</sup> *Ibid.*

<sup>124</sup> *Ibid.*



(no doubt correct, but tactically questionable) that the government was not serious in its intentions to implement the legislation, if approved. In the event, the "no" forces prevailed by 16,600 votes to 10,621. The *Free Press* for April 8, 1902 published the following "epitaph" for the statute that J.A.M. Aikins had worked so hard to draft and to defend:

**Epitaph For Liquor Bill**

Here lies what's left of Liquor Bill  
His life was short and stormy, till  
Both friends and foes combined to end him  
With a strong dose of referendum.

**G. Continuing Public Service**

As always, Aikins continued to be called upon to speak about or lend his support to a vast range of topics and projects. He served, for example, on the Commission appointed by the provincial government to study the advisability of establishing an agricultural college, and supported the Commission's 1903 report favouring the project.<sup>125</sup> Later (in 1907) he chaired a controversial committee created to make recommendations about the future growth of the University of Manitoba. Although that commission was unable to agree upon its conclusions, it played the important role of identifying and articulating the various points of view — an indispensable step toward resolution of the problem.<sup>126</sup> In December 1901 and January 1902, Aikins was part of a delegation lobbying the government on the topic of improved education facilities for eastern European immigrants.<sup>127</sup> It was he who, in February 1902, initiated a resolution by the Manitoba Law Society urging the appointment of a Manitoban to the Supreme Court of Canada.<sup>128</sup> (The appointment the following year of Chief Justice A.C. Killam to the Supreme Court was the gratifying conclusion of that proposal.) In 1904 Aikins served as the Winnipeg President of the Canadian Club, and participated prominently in the celebrations to mark the 25th anniversaries of the Winnipeg Y.M.C.A.,<sup>129</sup> and the

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<sup>125</sup> *Ibid.* (10 August 1901).

<sup>126</sup> *Supra*, note 110 at 75ff.

<sup>127</sup> *Manitoba Free Press* (31 December 1901, 3 January 1902).

<sup>128</sup> *Ibid.* (17 February 1902).

<sup>129</sup> *Ibid.* (31 January & 1 February 1904).

Manitoba Association of Sunday Schools.<sup>130</sup> When the All Peoples Mission held a Thanksgiving dinner for Winnipeg's newsboys and boot-blacks, J.A.M. Aikins addressed the young guests on the topic "Be Honest, Upright and True."<sup>131</sup>

An important crusade in which Aikins was avidly engaged during this period, but which did not bear fruit until much later, was the movement for Church Union. In December 1904 he attended a meeting of Presbyterian, Methodist and Congregationalist representatives in Toronto, convoked to discuss the possibility of amalgamation.<sup>132</sup> He and all the Western Canadian delegates spoke in support of the proposal.<sup>133</sup> When interviewed upon his return to Winnipeg, Aikins spoke enthusiastically about the prospect,<sup>134</sup> and he continued to advocate Church Union whenever he had the opportunity in subsequent years.<sup>135</sup> Aikins' support of ecumenical arrangements among Protestant churches was no indication that his religious beliefs had weakened, however. He remained a devout practitioner of his faith, refusing, for example, to countenance any Sunday labour by members of the law firm.<sup>136</sup>

### H. Member of Parliament

J.A.M. Aikins had always been interested in politics; were it otherwise he would not have been his father's son. Apart, however, from campaigning on behalf of the Norquay Government back in 1879, he had not played a public role in political affairs. In 1911 he decided to enter the arena.

The Liberal government of Sir Wilfrid Laurier proposed to enter a free trade ("reciprocity") arrangement with the United States. The Conservative Party, led by Robert Laird Borden, opposed the arrangement, and made its opposition to reciprocity the main plank of its platform in the 1911 federal general election. (Interestingly, the parties' positions on free trade were diametrically opposite to the positions they defended during the 1988 election.) J.A.M. Aikins, an

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<sup>130</sup> *Ibid.* (June 1904).

<sup>131</sup> *Ibid.* (18 November 1904).

<sup>132</sup> *Ibid.* (17 December 1904).

<sup>133</sup> *Ibid.* (21 December 1904).

<sup>134</sup> *Ibid.* (28 December 1904).

<sup>135</sup> *E.g., ibid.* (5 February 1906).

<sup>136</sup> Interview with Jack Scott, 1988.

opponent of reciprocity, decided to contest the federal riding of Brandon for the Conservatives.

Since the C.P.R. was opposed to reciprocity because of the reduced east-west transportation traffic that would likely result, Aikins was accused of deriving his opposition to the proposal from an assessment of his star client's vested interest. A political cartoon from the *Toronto Globe*, depicting a western farmer demanding that a C.P.R. director explain the company's opposition to free trade, was reprinted in the *Free Press* (a staunchly Liberal and pro-free trade newspaper) with the added caption: "Perhaps Mr. Aikins could answer this?"<sup>137</sup> This was more than a little unfair to Aikins who, as a life-long Tory, had been consistently supportive of traditional conservative protectionist philosophy, and who had spoken vociferously as long ago as 1907 in a speech to the Canadian Club, in favour of Canadian autonomy.<sup>138</sup> Even more significant is the fact that Aikins would not have been able, as a practical matter, to retain his post as C.P.R. Solicitor if elected. He pointed this out during the campaign, but was inconsistent as to whether he had already severed his connection with the railway company, or would only do so if elected. The *Free Press* twitted him unmercifully about this inconsistency,<sup>139</sup> but whatever the actual situation might have been, Aikins did not stand to gain professionally from the position he took as a Conservative candidate.

The real reason that J.A.M. Aikins went into politics was probably that he was looking for another mountain to climb. He had won renown in the practice of law, his business ventures had made him a millionaire, his philanthropic endeavours had been crowned with remarkable success, his son was well launched on a professional career, and it was simply time for Aikins to turn his still astonishing energy to other tasks. It is possible, too, that the McDermot Street premises, which had also housed his brother's real estate business, now had less happy associations; Somerset had died earlier that year.<sup>140</sup>

On election day, September 21, 1911, Borden's Conservatives defeated Laurier's Liberals, and J.A.M. Aikins, elected to Parliament by what even the *Free Press* conceded was an "overwhelming major-

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<sup>137</sup> (11 September 1911).

<sup>138</sup> *Ibid.* (4 July 1907).

<sup>139</sup> *E.g.*, Editorial, *ibid.* (1 September 1911).

<sup>140</sup> *Ibid.* (4 May 1911). J.C. Aikins had died in August, 1904.

ity,"<sup>141</sup> was carried triumphantly from his campaign headquarters to his Brandon hotel on the shoulders of cheering supporters. A new chapter had opened for J.A.M. Aikins.

Although he was expected to take Ottawa by storm, that is not what seems to have occurred. An anonymous editorial writer for the *Ottawa Journal* provided the following account of Sir James's parliamentary baptism. It has an authentic aroma notwithstanding that it was written years later, on the occasion of Aikins' death:

Like many a lawyer before him, he was not a success in Parliament. His failure, however, was not because, as in the case of so many other great lawyers, of too much legalism and coldness. It was due to things almost precisely the opposite. When he came to the House of Commons in 1911 a high reputation preceded him. He was known to be rich, he had prestige as a jurist, and it was said that he was an orator. The House watched him with interest.

His maiden speech was an extraordinary performance. For the first time since the passing of Sir Richard Cartwright, the House heard quotations from Horace. Sir James, in fact, opened up with a rolling peroration, and went on with a succession of such swelling periods, and such a medley of quotations from the classics, ancient and modern, that by the time he had concluded the members hardly knew whether he was speaking on Sir Robert Borden's naval bill or delivering an oration on patriotism and literature. For a lawyer, his style was curiously clerical. He had all the gestures, all the solemn pauses, all the dramatic, lightning-and-thunder declamation of the pulpit; and by the time he had come to his final sentence he had succeeded in moving down from the fifth row on the Government side of the House to the Clerk's table.

It was a bad beginning. The House, even in a day when Laurier and Lemieux and Foster gave it the best of their rhetoric, didn't understand such oratory. ... And so later on in the session, when the Press Gallery held its annual dinner, and some newspaper wag made an extraordinarily amusing paraphrase of Sir James' perorations, his reputation as a parliamentarian all but perished.<sup>142</sup>

The same writer suggested that in Aikins' makeup "the preacher was not far behind" the lawyer and financier. In fact, he said: "Had he not taken up law and finance, Canada might have produced a second Moody."

### **I. Scandal in Manitoba**

Meanwhile, political wars were raging back in Manitoba.<sup>143</sup> Early in 1915 charges were made by the Liberal opposition in the legislature

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<sup>141</sup> *Ibid.* (22 September 1911).

<sup>142</sup> *Ottawa Journal* (2 March 1929).

<sup>143</sup> See, generally: *supra*, note 90 at 184ff; D. & L. Gibson, *Substantial Justice: Law & Lawyers in Manitoba 1670-1970* (Winnipeg: Peguis, 1972) at 222-23; and *Winnipeg Free Press* (May-August 1915).

that there had been corruption in the construction of the new Legislative Building. It was alleged that the contractor, a prominent Conservative named Thomas Kelly, had been grossly overpaid for the work, and that there had been "kickbacks" to the Conservative government of Sir Rodmond Roblin. The government attempted to ignore the charges, but pressure from Lieutenant-Governor Sir Douglas Cameron eventually resulted in an agreement by Premier Roblin to appoint a royal commission to investigate the matter. The Lieutenant-Governor then objected to the members the Premier proposed to appoint to the royal commission on the ground that they would be biased in favour of the government. The federal Conservative government in Ottawa made several attempts to persuade the Lieutenant-Governor to accept the Premier's nominees. These efforts included a visit to Sir Douglas Cameron by Sir James Aikins, who urged the Lieutenant-Governor, as his constitutional duty, to accept whatever advice was offered to him by his ministers. The Lieutenant-Governor resisted these pressures, however, and insisted on a non-partisan membership for the royal commission. He eventually had his way, and Chief Justice T.G. Mathers was appointed, assisted by Mr. Justice D.A. Macdonald and Magistrate Sir Hugh John Macdonald. The Mathers Commission, and a second inquiry headed by Mr. Justice Perdue, eventually confirmed the existence of high-level hanky-panky.

The Roblin government resigned in May, and was succeeded by a Liberal administration under T.C. Norris. The scandal took a long time to dissipate, however, and both J.A.M. Aikins and other Tory members of his law firm who were known as friends of the discredited regime found themselves in the line of fire from time to time.

### **J. Provincial Conservative Leader**

Eventually the voters were asked to express their views about the matter in a provincial election, and Sir James Aikins was requested to take on the daunting task of attempting to guide the badly crippled provincial Conservative Party through the election. He agreed, resigning his seat in Parliament in July 1915, and accepting the provincial party leadership shortly thereafter. This should not be considered a completely sacrificial act on his part, since there were signs that he did not find the life of a government backbencher in Ottawa to be very rewarding. While his first few months of his tenure in Ottawa were marked by several speeches on a variety of subjects (the Speech from the Throne,<sup>144</sup> the Hudson Bay Railway,<sup>145</sup> immi-

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<sup>144</sup> Hansard (21 November 1911).

gration to the Maritime provinces,<sup>146</sup> the Tariff Commission,<sup>147</sup> and the extension of Manitoba's boundaries<sup>148</sup>), he seems to have made only a single speech in each of the years 1913 and 1914,<sup>149</sup> and none in 1915. He appears to have been spending more and more time in Manitoba, and the Manitoba Reports for 1914-15 list him as counsel in two significant cases. It is possible that Sir James had been disappointed by not being taken into the Cabinet. He had represented the Government of Canada at the Second International Conference on Moral Education at The Hague in August 1913, but that was hardly a major responsibility for a man of Aikins' capacity and ambition.

In return for agreeing to become its provincial leader, Aikins extracted a major policy concession from the party that he must have considered a sweet victory. Immediately below the banner headline in the *Winnipeg Telegram*, July 15th 1915, announcing that "Sir James Aikins Is New Conservative Leader," was the subheading: "Wild Cheers and Unanimous Vote Greet the Prohibition Policy of the Conservatives." The story under the headlines reported that the 1,693 delegates at the provincial Conservative convention had voted overwhelmingly to re-enact the liquor legislation, originally drafted by Aikins, that had died so lingering a death at the hands of the Roblin administration. This was good politics, of course. It distanced the party from the discredited Roblin government, and took advantage of the growing public demand for prohibition.

### K. Defeat

It was not enough, however. Although Sir James fought hard during the campaign to give the party a new reformist image, the voters were unimpressed, and returned the Norris Liberals to power with a large majority. Only five Conservatives were elected, four of them from French-speaking constituencies. Aikins himself lost in Brandon.

The Norris administration had run on an even more reform-oriented platform than the Conservatives, and once confirmed in office they moved swiftly on some of their promises. Legislation giving women the right to vote was enacted in January 1916, and prohibition

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<sup>145</sup> *Ibid.* (15 January 1912).

<sup>146</sup> *Ibid.* (29 January 1912).

<sup>147</sup> *Ibid.* (8 February 1912).

<sup>148</sup> *Ibid.* (4 & 8 March 1912).

<sup>149</sup> Rules of the House: *Ibid.* (25 March & 10 April 1913); *Dominion Lands Act, Ibid.* (6 May 1914).

legislation was approved by referendum in March and took effect on the 1st of June. Thus, although he was thoroughly trounced at the polls, Aikins had at least the satisfaction of seeing the temperance legislation for which he had fought so hard and long come into being. Neither he nor the thousands who joined him in celebrating this bold social experience could yet foresee how dismally it would fail.

### **L. Lieutenant-Governor**

In August 1916, the same month he led a delegation of Canadian lawyers to represent the Canadian Bar Association at the annual American Bar Association meeting in Chicago, Sir James Aikins was appointed Lieutenant-Governor of Manitoba. He served in that position, through two terms, until 1926. The move to Government House, where he had lived as a young man during his father's term of office so many years before, must have been an emotional event. While the appointment was doubtless a reward for his willingness to shoulder the unpleasant responsibility of leading the provincial Conservative party at one of its most humiliating moments, Aikins was not the sort of man to treat the position as a mere sinecure. It was later said of his ten years as Lieutenant-Governor of the province that:

[H]e discharged the social functions of the high office to which he had been called with a grace and distinction rarely equalled. His genial personality and his great ability as a public speaker led to invitations that he should be chairman or chief guest at countless gatherings. During his tenure of office he entertained with lavish hospitality and was the life of every dinner party and reception at Government House.<sup>150</sup>

And when he thought it necessary to exercise his own judgment in governmental matters, such as in refusing in 1922 to accept the resignation of the Norris government until after the business of the legislative session had been completed,<sup>151</sup> he did not hesitate to do so (notwithstanding his earlier advice to Lieutenant-Governor Cameron).

### **M. Active to the End**

During his entire tenure as Lieutenant-Governor, Aikins continued to guide the Canadian Bar Association, carry out his extensive benevolences, and maintain his staggering speaking schedule. Even after giving up his C.B.A. and Vice-Regal responsibilities he remained

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<sup>150</sup> C.G.D. Roberts & A.L. Tunnell, eds, *A Standard Dictionary of Canadian Biography*, vol. 1 (Toronto: Trans-Canada Press, 1934) at 6.

<sup>151</sup> *Supra*, note 90 at 707.

astonishingly active. A scrapbook of newspaper clippings kept by Aikins or his staff<sup>152</sup> records that in 1927, the year he stepped down as C.B.A. President, he delivered public addresses, or granted major newspaper interviews, on at least sixteen occasions in Winnipeg, Calgary, Toronto (two visits) and Chicago. The same year he chaired the Manitoba Advisory Committee on a Dominion-wide secondary school oratorical competition; was returned as Chief Scout for Manitoba; made a large donation to Queen's University (which had granted him an honorary degree the previous year); agreed to be President of the Manitoba Jubilee Celebrations; awarded prizes at the Manitoba Musical Festival; wrote a letter in French to the editor of Montreal's *La Presse*; and wrote a magazine article for the magazine *Saturday Night*. In 1928, his first year of total "retirement," he spoke or was interviewed no less than seventeen times in Winnipeg, Regina, Toronto, Montreal, Halifax, Bermuda, and Kingston, Jamaica, on topics that included:

- the past and future of Canadian Confederation;
- uniformity of provincial laws;
- discipline of lawyers (He travelled to several cities in the hope of developing a consensus among the lawyers in different parts of the country concerning a uniform approach to disciplining their professional colleagues);
- reminiscences of his first visit to the West delivered via the radical new medium of radio;
- the obligation of professional men to engage in public service;
- the desirability of free trade and political union with the West Indies;
- the pros and cons of Pan-American union, and union of the English-speaking peoples;
- the control of banking in Canada; and
- "Dickens and the Law." (He thought the novelist had painted an unfair picture of lawyers).

Even in the two months before his death in 1929 Aikins spoke at least five times in places as far apart as Winnipeg, Toronto, Jamaica, British Guiana and Grenada.

## VI. HUMAN BEING

THAT KIND OF PACE in one's late seventies demanded extraordinarily good health, a blessing that Sir James Aikins enjoyed until the illness

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<sup>152</sup> P.A.M. 477, J.A.M. Aikins Scrapbook, 1926-1929.



that struck him down on the eve of his 50th anniversary celebration, and carried him so swiftly away. The *Manitoba Free Press* had commented, December 10, 1926, on the occasion of Aikins' 75th birthday, on his excellent health:

[A] fast heel and toe walker would have his work cut out to catch up with him as he walks from his home to office and to various places about the city.

The *Winnipeg Tribune* for March 1, 1929, reporting his death, remarked that:

Sir James Aikins remained till the end of his days a speaking likeness of health and energy. He had the fresh complexion of youth, the light step of a muscular body and buoyant spirits. He would have passed anywhere for a man of sixty ...

The *Tribune* attributed Aikins' good health to his insistence on "[m]astering himself," ensuring that he was "disciplined — by himself — to a high degree of efficiency":

Sir James Aikins' physical life was like his business and public occupations, a highly organized affair. He knew the value of fresh air and sunshine, and of bodily exercise. He knew the danger of luxury and avoided it as he would avoid the plague. A hint of that tired feeling in the performance of his business duties was a self-imposed order to his farm, to jump into a farmer's clothes and a farmer's occupations, not the light ones, but the hard ones. He was fond of horseback riding and nearing the four score milestone it continued to be a favourite relaxation.

The same article asserted that

He loved life, but there was a price he would have been unwilling to pay for it. Life to him was glorious in the fullness of interest it has for him. He revelled in every moment of life in his work, in his out-of-door relaxations in his library, in his family and social contacts and in his eager, restless outlook on the goings on of the world.

There was another side to the coin, however. While Aikins may well have "revelled ... in his family," it is not at all certain that his family revelled in him. His first marriage disintegrated early, and his second appears to have been marked by considerable estrangement. Harold, the son to whom he looked to carry on the dynasty was, though successful, a bitter, heavy-drinking man, haunted by many demons, most of which seemed to lurk in the shadows cast by his towering father. Harold, who was never allowed to communicate with his natural

mother after her departure,<sup>153</sup> disappointed his father's dynastic ambitions by failing to produce a male heir. Sir James' daughter, Elizabeth, has written nostalgically about being a teen-ager in Government House,<sup>154</sup> but her recollections cast a rather austere light on her father:

- He banned alcohol from the premises (except when the Prince of Wales arrived with his own supply).
- He converted the ballroom into a garage (except for the time when, to make up for not letting his daughters go out with boys, he allowed it to revert temporarily to its former incarnation to accommodate a huge ball for Elizabeth, planned "as carefully as if it were a state occasion").
- He conducted daily Bible readings for the family before breakfast, and paced the three adjoining drawing rooms of Government House singing hymns on Sundays.
- He declined to take holidays ("except for short trips to the farm").
- He withheld consent for his elder daughter's marriage, and then refused to attend the small private wedding the young woman arranged for herself until he was prevailed upon by his son and brother-in-law (not, it will be noted, his daughter or wife). He then "stood behind everyone else, radiating disapproval."
- He refused, because of his objection to surgery, to allow his younger daughter to have her appendix removed, despite eight years of recurring appendicitis. She too was finally forced to make the necessary arrangements herself.
- Lady Aikins travelled constantly, alone or with her children, and maintained separate sleeping arrangements when at home.

While Sir James certainly had multitudes of acquaintances, he seems to have had very few friends. As early as 1882 Colin Campbell, writing to his fiancée about his decision to leave the Aikins firm, had commented that "in separating, no love is lost," and that: "J.A.M. and I did not agree very well nor does he get on well with any of the office."<sup>155</sup> And although there was profuse public praise for Aikins at the time of his death, the memory that lingered in the minds of many who knew him personally, and in the collective memory of the profession, was of a stiff, mean, and emotionally inarticulate (if occa-

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<sup>153</sup> Interview with Mrs. C. Riley, 1970.

<sup>154</sup> Ney & Wickett, *supra*, note 85.

<sup>155</sup> P.A.M. MG14 C6 Minnie Campbell papers, Box #1, letter from Colin to Minnie, (12 August 1882).

sionally sentimental) individual. The daughters of Aikins' associate H.A. Robson remembered the pleasure of a Christmas bonus for their father being tarnished by Aikins' accompanying remark that it was given to stimulate greater effort in the coming year.<sup>156</sup> Joseph Thorson, a brilliant lawyer, legal educator, politician and judge, did not know Aikins personally, but recalled that he had the reputation of being generally disliked by the profession.<sup>157</sup> E.K. Williams, father figure of the Manitoba legal profession for a generation, who did know and work with Aikins, confirmed the aptness of the word "mean" which so many used to describe him, although Williams added that Sir James was capable on occasion of sudden acts of generosity.<sup>158</sup>

Was this retrospective notoriety as a tight-fisted, narrow-minded establishmentarian justified? Throughout his career, James Aikins had manifested much concern for the situation of those who suffered from social disadvantage. His earliest church work in Winnipeg had been with home missions, which addressed the spiritual and temporal needs of native Indians and other disadvantaged groups, and his will contained a bequest for the same cause. The June 10, 1907 issue of the *Winnipeg Telegram* reported that he delivered a widely publicized address on "Jews: Their Faith and Virility — What They Have Contributed to History"; and the *Western Jewish News* for October 28, 1926, noting Aikins' participation in a ceremony celebrating the Balfour Declaration, which cleared the way for the establishment of a Jewish homeland in Palestine, commenting that he would be "gratefully remembered" by Winnipeg Jews. The *Manitoba Free Press* for February 20, 1923, reported an address by Aikins to the Canadian Club of Montreal in which he expressed apparent approval for the Progressive movement as "a protest against unjust conditions." Aikins' moral and financial support for young people and their organizations was prodigious, and he frequently spoke to women's groups and in support of women's interests. (The *Free Press* noted on July 2, 1928, that his Dominion Day speech to the Native Sons of Canada had been pointedly addressed to "Native Daughters" as well.) Yet we know how he treated his wives and children: with emotional detachment, frequent absence, and unbending, if caring, authoritarianism. And we can perhaps infer something about his attitude to other races from the condescension inherent in his reference in a December 28, 1928

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<sup>156</sup> Interview with Jean Robson, 1970.

<sup>157</sup> Interview, 1970.

<sup>158</sup> Interview, 1970.

*Halifax Herald* interview to the responsibility toward West Indian blacks as being "the white man's burden."

Sudden acts of largesse were, as E.K. Williams pointed out, undeniable. At the outset of World War I, for instance, Aikins notified the federal government that he was prepared to raise and equip a whole military brigade at his own expense.<sup>159</sup> And he did, after all, give his daughter a ball in place of a boyfriend, and invite the entire legal profession to help him celebrate his semi-centenary. If his will gave his widow a life income of only \$7,000 (which he was careful to point out was \$1,000 more than the *Dower Act* required) and an additional bequest smaller than that which he left to his secretary, it also treated some of his favourite charities munificently.

Perhaps his posthumous reputation was just another case of the good being interred with the bones. Or maybe it was a case of public charity being unable to compensate for private chilliness. Perhaps the "passion" which an obituary editorial claimed Aikins had devoted "to work and to be fit for work, as if to outpace the terrible swift foot of time,"<sup>160</sup> had supplanted an understanding other, more homely, forms of emotion.

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<sup>159</sup> *Manitoba Free Press* (1 March 1929).

<sup>160</sup> *Winnipeg Tribune*, March 1, 1929.