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Della Stanley*

Richard Chapman Weldon
1849-1925
Fact, Fiction and Enigma

Should you ask me, whence these stories?
Whence these legends and traditions?

The Song of Hiawatha
H.W. Longfellow

I. Introduction

For most contemporary students at the Dalhousie Law School Richard Chapman Weldon is probably little more than a portrait, a name on a building, a legendary figure whose memory as “the heart and soul” of the school is passed on from year to year as part of alumni tradition.¹ Those who may have read something of the career of the first Law Dean probably have wondered if such a reportedly exceptional man ever existed. Certainly, much has been recorded in the past which exaggerate his abilities, his successes and his characteristics. Throughout his life and in death he attracted words of praise and admiration. His obituaries portrayed a god-like figure unsullied by the evils and sins of normal human life. His descendants, three generations later, cherish an image of one who was larger than life, faultless and blameless. Even his opponents as well as supporters acknowledged his “pre-eminent ability”, “keen thought” and “uncompromising integrity”.²

In part such a person did exist. But over time, fact and fiction have become confused. Unfortunately Weldon did not leave to posterity any private diaries or files. Nevertheless, in drawing upon the papers of friends and colleagues, the Law School’s files and memorabilia, political manuscript files and government documents, newspapers, family-held letters and a few interviews with his contemporaries, the biographer can begin to sort out exaggeration from the reality. What emerges is a truly complex and unusual person, an enigma. Weldon was loyal to his friends, family, students, colleagues and beliefs, but he could not give unswerving loyalty to his political party. He was exceptional in his day as far as his scholarly training was concerned, but he published nothing of scholarly

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1. *Annual Report of the President of Dalhousie University* July 1, 1913 - June 30, 1914, 3.

2. H.J. Morgan, “R.C. Weldon”, *Canadian Men and Women of the Time*, (Toronto, 1898, 1912).

consequence during his career. He was unhesitating in his financial assistance to needy students and acquaintances, but within his family he was excessively thrifty. While he was often described as soft-spoken and mellow, his political speeches could be acidic and just short of slanderous. To his students he was a majestic, reserved individual, yet in 1900 he rashly sank his family savings into a mica claim and spent a summer with two of his sons searching in the mountain wilderness of British Columbia for a non-existent mine. Tradition portrays Weldon as "a great and good man".³ History will present him as one who did his best, perhaps even did it better than most, but who had failings and weaknesses like all humanity. He was a man of contrasts and contradictions, a man deserving of admiration, but not sanctification.

II. The arrival of Richard Chapman Weldon in Halifax in the summer of 1883 to assume the Chair of Constitutional and International Law at Dalhousie University and the Deanship of the yet to be realized Faculty of Law attracted little attention. Indeed, some might have wondered why such hopes were pinned on this man. Weldon was not a lawyer, he was not a university administrator, he had never taught any law subjects and he had no reputation as a public figure. But those who had sought him out knew more. He was highly educated for his time, possessing a doctorate from Yale University. He was highly regarded as a teacher, had read widely in the areas of constitutional history and international law and had begun to article as a law clerk. He also believed firmly in the idea of a regional, university-affiliated law school and possessed a youthful energy and an engaging personality. Such were the qualifications needed to turn the vision of a law school into a reality.

Richard C. Weldon probably never gave a thought to the idea that a building might one day be named after him. Even as a boy growing up on his father's farm at Penobscot, New Brunswick, it is unlikely that he dreamed of greatness. Nevertheless, he possessed ability and ambition and his parents, Richard Chapman Weldon I and Catherine Geldart, encouraged their eight children to expand their horizons through reading and education. They sought to provide "a quiet, amiable and delightful family life" for their children.⁴ It was in this environment that the tall, lean, intent young Weldon developed his gentle, boyish temperament, his unshakeable faith in God, the Crown and Right and his love of the outdoors and sports. After attending the Upper Sussex High School, he studied at Mount Allison Wesleyan College where he received his B.A. in 1866. The choice of Mount Allison was an obvious one, as the

3. *Chronicle Herald*, November 26, 1925.

4. B. Russell, *Autobiography of Benjamin Russell* (Halifax, 1932) 73.

Weldons were Yorkshire descendants with strong Methodist roots. While at Mount Allison, Weldon was reportedly “far and away the most able and brilliant student of the class.”⁵ He loved history and economics and excelled in mathematics and sports. He developed friendships easily, several of which lasted all his life. An avid debater and devotee of English literature, especially poetry, Weldon encouraged his three closest friends — George W. Burbidge, Samuel A. Chesley, and Benjamin Russell, all good students and future judges — to join him in his interests.

Upon graduation in 1866, “Dick” Weldon, now aged seventeen, accepted a position teaching at Norton Superior School on the banks of the Kennebecasis River, not far from Sussex. Here he remained from November 1866 to September 1868,⁶ during which time he gained a reputation as a popular, imaginative teacher who challenged his students while imposing strict discipline.⁷ In addition to the traditional three Rs, Weldon taught mensuration, surveying, and navigation, subjects which reflected his own interests and inclinations.⁸ Whether he spoke to his students about the momentous events of July 1, 1867, we do not know, but like his father, Weldon was a pro-Confederate and much of his later career was spent teaching the terms of the British North America Act and related judicial constitutional decisions.

Weldon returned to Mount Allison in the fall of 1868 to pursue Masters studies in economics, receiving his degree in May 1870. But his interests were more in the area of the humanities. Perhaps inspired by his eldest brother, Robert, who had attended Yale University before taking up the practice of law in Saint John, Richard C. decided to pursue doctoral studies in New Haven.⁹ Arriving at Yale in the fall of 1870, he studied constitutional law with Dr. Richard Dana and international law with Dr. Theodore Woolsey. For his thesis he looked at the international implications of a contemporary issue affecting Anglo-American relations, the so-called *Alabama* claims. The question of whether the United States should be reimbursed by Great Britain for damages inflicted by the C.S.S. *Alabama* and her sister ships on American vessels during the Civil War was turned over to arbitration in the Treaty of Washington, May 1871. Weldon argued that the British had every right to do as they had.¹⁰ The arbitrators thought otherwise, however, and in 1872 awarded \$15.5 million to the Americans. It was not the last time that Weldon supported

5. *Ibid.*, 71

6. *Report of the Chief Superintendent of Schools*, (Fredericton, 1867, 1868, 1869).

7. Russell, *op.cit.*, 76.

8. *School Reports, op.cit.*, 1868, 1869.

9. Robert was with the firm Alward and Weldon. He died in 1868.

10. G. Campbell, “Chapman Weldon was a Giant”, *The Island's Daily Colonist Magazine*, November 19, 1961, 2. Joseph Weldon to Helen Stacey, 1962, private correspondence.

the losing position. Nor was it the last time he expressed his admiration for Great Britain and his suspicion of American intentions.

Among the youngest doctoral candidates at Yale, Weldon's intellectual abilities must have impressed his professors. Friends later indicated that he had even been offered a position there. Whether it was his "desire to remain a British subject" and "to live under the old flag," or whether it was the call of family or love for New Brunswick, we do not know, but Weldon did not stay at Yale.¹¹ Instead, he accepted the offer of his former and favourite professor at Mount Allison, David Allison, to return to his *alma mater* as a full-time professor.¹²

Before taking up his new position, Weldon decided to follow up on a suggestion made by Professor Woolsey. Woolsey, a strong advocate of the position that "relations between states must. . . become as. . . obedient to legal principles as. . . relations between individuals. . .," noted that drafters of the 1871 constitution for Bismarck's Reich had studied the American Constitution and the British North America Act.¹³ Some of these experts were lecturing at the University of Heidelberg and Woolsey convinced Weldon that his knowledge of constitutional and international law would be greatly enhanced if he attended the lectures.¹⁴ Fluent in German, French, Greek, Latin and, of course, English, Weldon decided his next stop would be the ancient town of Heidelberg on the Neckar River. Sometime late in the summer of 1872 he boarded a ship bound for Germany, earning part of his passage by making navigational calculations and observations.¹⁵

Weldon was thrilled by his experiences in Germany, to which he made frequent references in later years.¹⁶ He loved to stroll the cobblestone streets and the surrounding countryside. He browsed through bookstores and walked to Mannheim, several miles away, to hear opera rehearsals. In November, he registered as a student of law at the Academie Ruperto-Carolae,¹⁷ where he attended lectures by the international law expert Johann Caspar Bluntschli.¹⁸ Sadly, Weldon's stay was cut short by illness and sometime after January 1873 he returned home to Sussex for much needed physical and mental rest.¹⁹

11. Saint John Museum, Citation for D.C.L., Dalhousie University, May 1916. Archibald MacMechan in *Halifax Herald*, November 28, 1925.

12. Russell, *op.cit.*, 77.

13. *Evening Mail*, April 23, 1914.

14. C.H. Cahan, "Nova Scotia's Part in the Development of Constitutional Government", *Proceedings Canadian Bar Association*, (1936) 96-97.

15. J. Weldon, *op.cit.*

16. Interview with Rhoda Weldon, March 26, 1986, Halifax.

17. Saint John Museum, copy of registration document.

18. Bluntschli, 1808-1881. Author of *Le Droit International Codifié*.

19. Correspondence of author with Elizabeth Weldon. Also in Weldon's library there were

In the fall of 1875, Weldon took up his position at Mount Allison as Professor of Mathematics and Political Economy. He quickly became “a warm friend” to his students, who remembered him as being “efficient and kindly” in the classroom and always in touch with current developments and texts.²⁰ He also readily joined in campus sports and served as a part-time librarian. Little wonder that Mount Allison was sorry when Weldon announced in 1883 that he and his wife, Maria S. Tuttle, and their three (about to be four) children would be moving to Halifax, where he would assume a professorship and deanship. Soon after his move was announced, the student paper, the *Argozy*, described him as “good at cricket, great at handball and mighty in the classroom”.²¹ It also rather perceptively suggested that Weldon “is going to a branch of teaching more congenial to his taste”.²² That he was.

As early as June 1880, Weldon had decided to equip himself with some practical legal knowledge. He was good at mathematics, but he preferred what today would be called political science and legal analysis. He successfully applied for admission as a law clerk in the Sackville office of Christopher Milner.²³ There he pursued his articles in conjunction with his teaching and family responsibilities. Having accepted the challenge to set up the law school in Halifax, he decided it was time he was called to the Bar. In November 1884, he passed “a highly creditable examination” conducted by his old friend Benjamin Russell, several members of his own faculty and a couple of leading downtown lawyers²⁴ and was called to the Nova Scotia Bar along with seven of his own students.

III. Although Weldon was largely responsible for setting up the Dalhousie Law School, he was not the originator of the concept. That role was played by twelve young Halifax lawyers who, in 1874, incorporated themselves as the Halifax Law School. At the time, candidates for admission to the Nova Scotia Bar required no systematic academic training. There were no common law degree-granting institutions and only in Ontario had there been a serious move toward something more formal than articling apprenticeship. Between 1861 and 1881, the Law Society of Upper Canada had attempted, on several

several books inscribed Heidelberg and dated between November 1872 and January 1873. Books in possession of Rhoda Weldon, Halifax.

20. *Argozy*, April 1883, 79.

21. *Ibid*, October 1883, 11.

22. *Ibid*, April 1883, 79.

23. P.A.N.S. MG 39 “M”. June 8, 1880 — see file regarding application for admission to N.S. Bar, 1884.

24. *Ibid*.

occasions, to provide lectures, readings and moots at Osgoode Hall.²⁵ Meanwhile, in Nova Scotia, lawyers were trained solely according to the traditional English apprenticeship model. After several years of clerking for a practitioner, candidates took a "haphazard" entrance examination.²⁶ The problem with this approach was that students, too often were left on their own, with little or no guidance, tied to routine office paper work with little opportunity to develop their critical faculties or their advocacy skills, and given no instruction as to theories of law or what to read and study.²⁷ Nova Scotians did not even have the advantages of law clubs like the Osgoode Hall Legal and Literary Club to bring them together in part-time study.²⁸

A lack of funds prevented the development of this practitioners' training institution, but the founders of the Halifax Law School did not abandon their conviction that law students needed more formalized training. Initially, their interest lay in the area of practical training, but by the early 1880s they favoured an academic orientation. In 1876, led by Robert Sedgewick and John S. Thompson, they supported the inauguration of the region-oriented examining institution, the University of Halifax,²⁹ which conducted law exams leading to a LL.B. Like the Halifax Law School, a lack of funds resulted in the demise of the Halifax University in 1881, but, determined that the idea of a formalized law programme should not die, John Thompson guided to its final passage an Act to Provide for the Organization of a Law Faculty in Connection with Dalhousie College, 1881.

The model for a university-based law school, rather than a practice-oriented school run by the legal profession, came not from England, but from the United States. In fact, the idea that law should be treated as an academic subject had little support in England, although Cambridge and Oxford introduced law degree programmes in the last quarter of the nineteenth century.³⁰ In the United States, however, partly owing to the greater demand for specialists in areas like corporate law, the universities had, by the 1880s, become the primary learning centres. Academics, such

25. G.B. Baker, "Legal Education in Upper Canada 1785-1889: The Law Society as Educator", in D. Flaherty (ed) *Essays in the History of Canadian Law*, II (Toronto, 1983). B.D. Backnall *et al.*, "Pedants, Practioners and Prophets: Legal Education at Osgoode Hall to 1957", [1968] *Osgoode Hall L.J.* 6.

26. J. Willis, *A History of Dalhousie Law School* (Toronto, 1979) 22.

27. *Ibid.*, 22-23. B. Russell, "Legal Education", *Proceedings of Canadian Bar Association* III (1918), 118-119.

28. J.P.S. McLaren, "The History of Legal Education in Common Law Canada", paper delivered to Federation of Law Societies, Winnipeg, October 23-26, 1985, unpub. 5.

29. P.B. Waite, *The Man from Halifax: Sir John Thompson* (Toronto, 1985) 97-99.

30. McLaren, *op.cit.*, 7.

as Harvard's Law Dean, Christopher C. Langdell, had convinced the profession that university law schools best "satisfied at one and the same time, the scholarly pursuit of . . . law as the object of scientific study and the practical objective of producing the finest legal minds for service as lawyers to the top corporate law firms and highest echelons of government".³¹ The Halifax "dreamers" were equally convinced and lobbied to raise the funds necessary to set up the Dalhousie Law Faculty. They were joined in their cause by the university *Gazette*, which argued in February 1883, that such a school would not only give Dalhousie more students and "increase its reputation", but also give lawyers "a wider and more liberal view of the principles on which their profession is founded."³² The answer came in March 1883, when the ever generous, Nova Scotia born New York publisher, George Munro, who had already financed several chairs at Dalhousie, announced that, commencing October 1, he would endow a Chair of Constitutional and International Law, a Professorship of Contracts and the start of the Dalhousie Law School. The dean would be Richard Chapman Weldon.

According to tradition, Robert Sedgwick, who knew that Weldon had supported the University of Halifax, and Benjamin Russell, who knew Weldon's academic and teaching qualifications, were responsible for his selection.³³ Weldon did not let them down, displaying typical enthusiasm as he took up the challenge of establishing the school. Sedgwick, Thompson, and Wallace Graham, Thompson's law partner, probably told him of their impressions of the law schools at Harvard, Boston University, and Columbia, which they had visited in April 1883.³⁴ Weldon was himself an admirer of the Harvard model.³⁵ But what he, Chief Justice Sir William Young, Alexander Forrest, and Judge S. Leonard Shannon, one of the original "dreamers", pieced together as the curriculum was something unique to themselves. The concept of a "liberal-technical curriculum" might very well have been Harvard-inspired, but the particular subjects selected were more a reflection of Weldon's personal interests, of subjects covered in the former LL.B. exams of the University of Halifax, and of requirements for the Barristers' Society's entrance exams.³⁶ In 1886, the curriculum was revised to better balance the practical and academic subjects and during his thirty-one years as dean, Weldon oversaw the addition of several subjects, such as

31. *Ibid.*, 7-8.

32. *Gazette*, February 9, 23, 1883.

33. Russell, *Autobiography*, *op.cit.*, 136-137.

34. Waite., *op.cit.*, 123.

35. *The Inaugural Addresses Delivered at the Opening of the Law School* (Halifax, 1884) 46.

36. Willis, *op.cit.*, 45.

Wills, Insurance and Medical Jurisprudence, Procedure, and Office Practice, in order to meet the new legal concerns of the day. Yet, on the whole, the pattern was set in 1883, and today subjects such as International Law and Constitutional Law remain strong components of Dalhousie Law School's curriculum. The result was a programme which embodied Weldon's own vision of the school as an institution dedicated to teaching men, future lawyers and public servants "the science of government," to preparing them to become intellectual leaders and to providing them with "useful and practical studies".³⁷

As is the case with most experiments, the opening years were ones of trial and error, but by 1886 the LL.B. degree programme required three-years of full-time study, averaging twenty-one weeks a year. Starting in November 1884, moot courts became compulsory, with faculty and local judges and lawyers volunteering to participate. Although only Weldon received a full salary and most instructors received no payment, they were generous in terms of financial donations and in the giving of their time. This was probably because several of the original staff of eight, including Benjamin Russell, S. Leonard Shannon, John Y. Payzant, and John S. Thompson were among those who had supported the Halifax Law School. The others were judges or practitioners who also favoured the idea of a university law school.

Weldon's deanship was not without its ups and downs. There were times of turmoil and tension brought on by the problems of financing, physical space, staffing, scheduling and the setting of curriculum, entrance, and evaluation policies. The opening years, which can be characterized as creative and experimental, were followed by a long period of consolidation ending in routine activity and relative stagnancy. True, the number of students grew and the school quickly established itself as a permanent fixture in the legal education process. By 1891, the LL.B. was accepted as a substitute for the final exams before the Barristers' Society and when the Law Society of Upper Canada began to think seriously of joining the University of Toronto in setting up a provincial law school, the secretary, J.H. Esten, asked Weldon to outline how Dalhousie Law School had been established.³⁸ When Weldon retired in 1914, the law school's 429 graduates had gained a reputation across the country as well-trained, reliable professionals in business, law, and academics.³⁹ Nevertheless, Weldon had moments of doubt and concern as to the school's survival.

37. *Inaugural Addresses*, *op.cit.*, 51-52.

38. D.L.S.A., J.H. Esten to R.C. Weldon, January 10, 1887, Box 1.

39. *President's Report*, *op.cit.*, 6, 11.

Although instructors usually could be found locally, it was not easy to schedule classes to complement their practice commitments. The result was a degree of uncertainty and discontent among students. In 1889, students requested that the school install telephones to speed up the receipt of messages from instructors cancelling classes on short notice⁴⁰ and, in 1913, students complained that the instructor of Real Property was “conspicuous by his absence”.⁴¹ Some years courses were cancelled because lecturers could not be found. Occasionally, instructors resigned during the term, usually because of practice responsibilities. But, one year, Humphrey Mellish ('90), left because he was “upset by the unruliness of the freshmen”.⁴²

Scheduling became somewhat easier after 1886, when the majority of the student body consisted of full-time day students rather than full-time articling clerks pursuing law courses in their off hours. However, finding suitable times for staff was always a problem. This became an even more personal issue for Weldon in 1887 and Russell in 1896, when they were elected Members of Parliament. During his nine years in political office, Dean Weldon understandably encountered some criticism from students. Nevertheless, in 1889, his supporters noted that Weldon had very conscientiously given all his lectures, held his exams a week earlier than usual, and turned in marks before leaving for Ottawa.⁴³

Finding space for the school was a particular problem in the opening years. Although conceived as an integral part of Dalhousie College, it was several years before the law school was physically part of the university. There was some discussion of adding space to the existing college facilities, but it was decided that, for its opening year, the school would rent two large rooms in the high school on Brunswick Street. By November 1884, the School Board had informed Weldon that it would need the rooms the following year. Since the university still did not have space and, since time was of the essence, Weldon and Russell purchased a large impressive house conveniently located on Morris Street. Once the home of Nova Scotia's Chief Justice, Sir Brenton Haliburton, Haliburton Hall was subsequently turned over to the law school, and Weldon, Russell and a local carpenter made the necessary renovations. As arranged prior to the purchase, the college paid \$400 annually to the school as rent. But another move was soon on the horizon. Many, including George Munro, were anxious to see all faculties of Dalhousie under one roof.⁴⁴ Work finally began on the Forrest Building on Carleton

40. *Gazette*, November 28, 1889.

41. *Ibid.*, June 8, 1913.

42. *Ibid.*, November 4, 1895.

43. *Ibid.*, March 14, 1889.

44. D.L.S.A., G. Munro to R.C. Weldon, March 14, April 23, July 16, 1885, Box 1.

Street and, after a short sojourn in classrooms at the Medical College, Dalhousie Law School took up residence with other faculties in the fall of 1887. The school remained in the Forrest Building throughout the remainder of Weldon's deanship, but even then there were complaints. In 1889, the *Gazette* noted that classrooms were too small for the numbers and that Russell's rooms were particularly "uncomfortable and poorly furnished".⁴⁵

Finances were probably the most serious problem threatening the survival of Dalhousie Law School during the Weldon years. Unlike Osgoode Hall, neither the school nor the law library received any government assistance and very little university aid was forthcoming.⁴⁶ A quick perusal of school accounts reveals that expenses often exceeded income, as they did in the first year when \$1,959.00 came in and \$2,019.00 went out.⁴⁷ In 1885, John Thompson estimated that at least \$2,000.00 more was required annually to cover operating costs.⁴⁸ Faculty, alumni and friends gave what they could and over the years student fees were increased, but not without complaint. In 1886, one student wrote the dean demanding to know why fees had increased from \$20 to \$30 a year and whether third-year students would have to pay at the new rate.⁴⁹ The school was starved financially and in November 1896, the *Gazette* went so far as to warn that the growth of the school was being retarded by "a scarcity of money".⁵⁰

Limited funds curtailed the hiring of professors, but, more importantly, it seriously jeopardized the creation of a well-supplied library. This was of grave concern to Weldon, who knew the importance of a good library to teaching and intellectual pursuits. Even a modest library was essential if the school was to gain any respect within the academic and legal communities. Weldon stressed that staff "must acquire the practice of original research. . . the scholarship and teaching skill and enthusiasm of the faculty must. . . determine the reputation of any school".⁵¹ The "three wise men" who had toured the American law schools in April 1883 concurred. But there was no money and very few books with which to start. The first step was an appeal to the public for money and books made on August 9, 1883, at a meeting at the city library. The second step involved gaining permission from the Barristers' Society and the Court

45. *Gazette*, December 19, 1889.

46. Willis, *op.cit.*, 56 — University appropriated funds for the Law library in early 1900s.

47. D.L.S.A., Account Books, Box 1.

48. Willis, 37.

49. D.L.S.A., Charles W. Lane to R.C. Weldon, October 20, 1886, Box 1.

50. *Gazette*, November 18, 1896.

51. *Ibid.*, January 21, 1895, June 28, 1898.

House to use their libraries on a reciprocal basis. The third step involved hiring a librarian to oversee the acquisition of books.

The first step resulted in the emergence of a rather haphazard book collection of reports, debates and texts donated by staff, friends, lawyers, and judges. Nevertheless, by October 1883, there were about 3,000 volumes. Over the next three decades the number increased through loans, gifts and estate bequests, such as those of John C. Haliburton in 1885 and Sir William Young in 1888. Occasionally, Weldon used student fees to purchase essential textbooks. With a shortage of reports and contemporary magazines it was not surprising that students complained of overdue and missing items.⁵² In March 1888, one suspect was admonished by this sign hung on the library door, "Bring Back those Books O Man of Hants And We'll Return Your Stolen Pants".⁵³ Meanwhile, the second step was easily achieved. As early as March 1883, the organizers had set out quite intentionally to secure the support of the local Bench and Bar and the Barristers' Society.⁵⁴ Such support was readily forthcoming and reciprocal library use was arranged.

The third step, that of providing a full-time librarian, was a serious problem, one which Weldon never resolved because of financial constraints. Things started well with the hiring of John T. Bulmer in October 1883. Bulmer, a friend of Thompson, was a lawyer and the former provincial legislative librarian. He happily dedicated himself to building up the library and assisting students in their research. Yet, when Weldon was unable to afford an extension of Bulmer's contract after the spring of 1885, the law school lost its full-time librarian. From then on, Weldon carefully scrutinized his students each year for one or two who would be suitable as part-time student librarians. Among those hired were such future notables as James Dunn ('98) and R.B. Bennett ('93). In the 1892-93 academic year, A.H.R. Fraser ('92) who had just graduated from the school and who later became law librarian at Cornell University, was hired, but he was the last full-time librarian until 1954.

In spite of limited resources and the problems of staffing and space, Dalhousie Law School became a firmly entrenched part of the university. The students developed a strong sense of community which they carried into their professional lives. They regularly organized group events, including sleigh rides, hockey games, seasonal parties, at homes and the annual graduating class dinner. In November 1884, they formed a debating club which dealt with political, economic and legal issues.

52. *Ibid.*, January 21, 1895, June 28, 1898.

53. *Ibid.*, March 7, 1888.

54. D.L.S.A., Faculty Minutes March 1883, Box 1.

Subjects were hotly debated such as the defeated resolution that "prisoners be permitted to give evidence in criminal cases and be placed on the same footing as witnesses".⁵⁵ In 1886, this club was transformed into the Mock Parliament. Designed to teach parliamentary procedure and develop oratorical skills, it was one of Weldon's particular interests and he often advised students as to procedure. As in the case of the Moot Courts, Weldon attended as many as possible of the Parliaments which were popular with the students. Indeed, the Mock Parliaments may have contributed to the political tastes of some, such as R.B. Bennett and R.A. Squires ('03). The issues were usually of a contemporary nature including such topics as reciprocity, women's suffrage and provincial rights. Weldon's own views on the importance of independence and personal conscience in the political arena appear to have influenced the nature of the Mock Parliament. In 1889, the *Gazette* commented that "members have not been strict party men at all. They have voted... as their consciences have dictated and not at the beck and call of a party leader".⁵⁶

Dean Weldon was undoubtedly one of the formative factors in the welding together of the law school "family". As one student put it, "his contact with the students was magnetic".⁵⁷ As his schedule allowed, he was available to students and encouraged other instructors to follow his example. He was regarded by most in his classes as "far above the ordinary man".⁵⁸ He was thorough, well organized and noted for his clarity of expression. His love of literature came through in his penchant for "majestic metaphors".⁵⁹ A versatile teacher who taught Torts, Crimes and Shipping when necessary, Weldon preferred the broader intellectual subjects of Constitutional Law and History, International Law and Conflict of Laws. His lectures consisted of detailed historical background, followed by relevant case descriptions and discussion, and, according to students, were rarely boring. He "quickened the dry bones of antiquity... and the pageantry of the past", said one student.⁶⁰ Others commented, "in class the Dean is a thoroughly practical man and is ever prepared to point to a moral with respect to the national and political movements of the day".⁶¹ Always striving to be up to date, Weldon made his "lectures interesting in the light of our times and the conditions of our country".⁶²

55. *Gazette*, November 28, 1885.

56. *Ibid.*, May 21, 1889.

57. H. Mellish, *Dalhousie Alumni News*, 6, December 1925, 3.

58. R.H. Murray, *Ibid.*, 2.

59. J.E. Read, 11 *Can. Bar. Rev.* 392.

60. *Ibid.*

61. *Gazette*, December 22, 1896.

62. *Ibid.*

As important as the content of his lectures was, the inspiration and influence he had on the opinions of his students, many of whom would become decision-makers and policy formulators, were even more significant. As one student stressed, "he inspires his students to go through life with their eyes open".⁶³ A strong federalist who believed firmly in the strict division of powers and two-party government, his lectures on constitutional Law and History "assured. . . that we had clear and definite opinions regarding. . . the intentions of those who drafted the British North America Act".⁶⁴ He was not shy about criticizing court rulings and emphasizing his belief in strong central government. On one occasion Weldon urged his students to use their analytical skills and knowledge of legal principles in evaluating the decision of C.J. Sir Antoine-Aimé Dorion of the Court of Queen's Bench, Appeal Side, Quebec, in 1881, in *Regina v. Mohr*. The defendant, Sigismund Mohr, as agent for the Bell Telephone Company, had erected three telephone poles on one of the main streets of Quebec City, but in so doing had allegedly obstructed the passage of pedestrians and trams, thereby creating a public nuisance. The lower court had ruled that the placement of the poles had not followed the regulations set out by the local government for such work. The appeal court concurred. Dorion ruled that the erection of telephone lines within a province, even if they were being installed for the general advantage of Canada under a federal government contract with Bell Telephone, was subject to Quebec laws. This decision offended Weldon's view of federalism and the British North America Act. He told his class, "This is a badly decided case where the judge must have been labouring under a misconception of the character of the works". He then added that it, "reflected very strongly on the legal ability of. . . Dorion".⁶⁵ Such criticism must have produced heated debate in class. Discussion was clearly very much a part of Weldon's teaching method as R.B. Bennett suggested in his student diary on January 15, 1891, "had a high old time in Constitutional History in regard to duration of Parliament. . . ."⁶⁶

Weldon's undying admiration of England permeated his lectures. He tried to instill in his students this same pride stressing that, "the secret of England's very long life and unbroken growth is due to her Parliament and Free Institutions" and that "the English can claim fairly that they

63. *Ibid.*

64. Cohan, *op.cit.*, 96-97.

65. D.L.S.A., Constitutional Law lecture notes of S. Edgar March, 1891-92, Box 1. Weldon's assessment of this ruling was probably based on his strict view of federalism, but it is interesting to note that Dorion, once leader of the Parti Rouge and a leading anti-confederate and a strong advocate of provincial rights, represented so much Weldon rejected.

66. D.L.S.A., Student Diary 1890-91, R.B. Bennett, Box 1.

have surpassed all competing races in perfection of the Art of Government".⁶⁷ At the same time, his comparative lectures on American, British and Canadian practices were none too charitable regarding the Constitution of the United States. He commented, "there is a real Ruler in British countries, the Prime Minister, Americans show want of unity of purpose".⁶⁸ Later, he rather cynically noted that "in the United States the speaker of the Lower House. . . is supposed to be impartial and silent, unable to open his mouth, yet Hon. Thomas B. Reid is the most important man in the Congress".⁶⁹

Weldon's admiration for the Empire and disdain for aspects of life in the United States were further revealed during his nine years in the House of Commons. It was not surprising that he happily accepted the offer to run in Albert County, New Brunswick, for the Conservative Party of John A. Macdonald in the federal election of 1887. Within his family circle there were several political models, including his grandfather, John Chapman, M.L.A. for Kent, New Brunswick, and Charles Wesley Weldon, M.P. for Saint John City. His father, an avid Conservative, was also active at the local level in Kings County. Albert was a good choice as a constituency, since it was in that county, near Elgin, that Weldon had a farm, which he had bought with his father in 1876 and to which he took his family every summer.

It was one of Weldon's guiding principles, when he became Dean, that the law school would be a training ground for those who would one day "be called upon to discharge public duties".⁷⁰ Here was an opportunity, no matter how out of the ordinary within the academic community, for Weldon to assume public office and to be a living model for his students. Such a firm believer was he in public duty that it was once said that he could not understand any man lacking the ambition to enter the political arena.⁷¹ Even after defeat in the federal election of 1896, he refused to give up, trying unsuccessfully in November 1900 and again in October 1906. In this latter by-election he confronted the federal Liberal finance Minister, W.S. Fielding, in Queens County, Nova Scotia, even though right from the beginning he expected defeat. To his friend Harris Congdon he wrote, "prudent advisors with some local knowledge of conditions think I will be simply snowed under and beyond doubt I will. . . ."⁷² But the party leader Robert Borden had asked him to run,

67. Constitutional History lecture notes, source uncertain. Harrison. Typed copy, 33.

68. *Ibid.*

69. *Ibid.*

70. *Inaugural Addresses, op.cit.*, 51, 53.

71. MacMechan, *Dalhousie Alumni News, op.cit.*, 2.

72. P.A.N.S., Congdon Papers, MGZ vol. 1096 #470, R.C. Weldon to H.S. Congdon, September 19, 1906.

duty called, and after all, he did enjoy the thrust and paré of politics. "I would delight in the conflict if my School duties were not so urgent now," he wrote Congdon.⁷³

IV. The arrival of Weldon in Ottawa following a hard-run campaign in February 1887 against Alexander Rogers was heralded by glowing reports from Sir Leonard Tilley to Sir John A. Macdonald: "...Albert County has sent you a splendid man. . .thoroughly likable. He is one of the ablest men we send you. . .".⁷⁴ Macdonald then asked the "Doctor" to move the address in reply to the Speech from the Throne. Able Weldon was, but little did the Prime Minister or the Liberal-Conservative Party anticipate the confrontations they would have with the man who quickly acquired the nickname "Ajax".⁷⁵ Weldon first left an impression as a speaker. Although "his terrific speed was the despair of the Hansard men"⁷⁶ and his prepared speeches were often plodding, making him, "one of the most uneven speakers of the House,"⁷⁷ the gallery soon attracted visitors when he spoke. Fred Williams, a reporter for the *Toronto Mail and Empire*, said, "he never spoke unless he had something to say," and described Weldon as "a giant of debate".⁷⁸ Drawing upon his academic training and literary interests, Weldon used the same kinds of grand metaphors and literary references as he did in his lectures. "A scholarly speaker. . . with a fine literary finish," he was at his best when he spoke without a text.⁷⁹ His extensive knowledge of constitutional and international law and of parliamentary practice and economics, marked him as a unique Member of Parliament. Little wonder that he attracted the attention of the politically astute Lady Aberdeen who wrote in her diary of July 17, 1895, "Professor Weldon. . . is a magnificent looking man and he spoke exceedingly well".⁸⁰ On meeting her, Weldon wrote, "she treated me more like a sister than a wife of a Governor-General".⁸¹

As gentlemanly and modest as he was, Weldon could be very forceful and acidic when speaking in the House or on the hustings. He enjoyed adding classical allusions and illustrative stories to his speeches. He was

73. *Ibid.*

74. P.A.C., Tilley Papers, MGZ 26 A. vol. 277 Pt 1, 127285-88 S.L. Tilley to T.A. Macdonald, February 28, 1887.

75. *Gazette*, February 14, 1891.

76. Campbell, *op.cit.*, 3.

77. C.M. Adams, *Prominent Men of Canada* (Toronto, 1892) 164.

78. *Morning Telegram*, September 20, 1925.

79. Adams, *op.cit.*

80. J.T. Saywell (ed.) *The Canadian Journal of Lady Aberdeen 1893-1898* (Toronto, 1960) 242.

81. P.A.N.S., Congdon Papers, Weldon to Congdon, March 5, 1896.

forthright, preferring to "call a spade a spade".⁸² In January 1896, during a debate on the merits of free trade with the United States, Weldon accused Sir Richard Cartwright of misrepresenting trade figures, saying, "I do not know a more immoral act. . . it is the trick of a cheap, two-penny-half-penny petty advocate".⁸³ That same year he placed much of the responsibility for the chaos within the Conservative Party at the height of the Manitoba Schools controversy at the feet of Sir C. Hibbert Tupper when he was Minister of Justice. Decrying Tupper's appointment, Weldon lashed out, "Nothing could be more deplorable than the selection of that gentleman. . . an impetuous, excitable, young man. . . whose best friends even could not claim for him that his previous employment had fit him for it. . .".⁸⁴ On another occasion during debate on a constitutional point, Weldon noted the absence of David Mills who prided himself on his constitutional expertise, and jibed, "Angels and ministers of grace defend us? The honourable member for Bothwell silent on a constitutional question."⁸⁵ Nevertheless in spite of these outbursts, Weldon's speeches were on the whole, more reminiscent of his university lectures than political oratory. He always carefully set out the legal terms, historical origins and constitutional implications of the issue at hand. And, as in his lectures, his particular interests and biases were readily visible.

Weldon was a diehard imperialist who praised Joseph Howe's imperialist sympathies and said of himself, "no member of the House could be a stronger Imperialist than I am. . .".⁸⁶ One of his closest friends in Ottawa was the Liberal M.P. and Orangeman from Ontario, Alexander McNeill, who with Dalton McCarthy, formed the Imperial Federation League. From 1896 to 1907, Weldon also represented New Brunswick as a Vice-President of the British Empire League which replaced the Imperial Federation League. On that same council sat C.H. Cahan ('08) of Nova Scotia, whose firm, Harris, Henry and Cahan, specialists in Admiralty and Marine Insurance, Weldon joined as counsel in 1897. Weldon often spoke in favour of closer trade ties with Britain and of the need to support this "Weary Titan" in any military conflicts.⁸⁷

Perhaps because of his studies at Yale, Weldon assumed a very practical position regarding Canadian-American relations. He recognized that cordial relations were essential not only to Canadian peace, but also

82. *Canada: Debates of the House of Commons*, January 17, 1896, 230.

83. *Ibid.*

84. *Morning Chronicle*, April 8, May 5, 1896.

85. *Debates, op.cit.*, July 17, 1895, 4641.

86. *Ibid.*, July 17, 1895, 4649.

87. *Daily Sun*, October 12, 1899. *Debates, op.cit.*, January 17, 1896, 235-236.

to warm Anglo-American relations, "so that England may not have this enemy in her rear. . . when she will have to fight. . . with her great rivals of the old world".⁸⁸ Nevertheless, that did not mean a ready acceptance of whatever the United States wanted. While it was important to "avoid words of taunt or insult or reproach to that proud irritable people to the south," it was equally important to protect Canadian interests and not sacrifice them on the altar of Anglo-American relations.⁸⁹ He made this view clear when commenting, in 1887, on what should be done in light of the Americans' consistent practice of fishing illegally in Canadian waters; "Although the 60,000,000 of Americans to the south of us are conscious of their strength, we are 5,000,000 of Canadians in the north who are equally conscious of our rights".⁹⁰ Similarly, while campaigning for the election of March 5, 1891, he impressed upon his electors that although the pressing problems of the day were free trade, inshore fishing rights and the Bering Sea controversy, the primary issue was "whether this great country, which has been built up to a nation. . . shall be bound over hand and foot to the southern republic".⁹¹ Let us "be courteous yet firm in our dealings," he said.⁹²

On the question of fishing rights, Weldon was of the opinion that the three-mile limit followed the headland to headland approach.⁹³ He urged Sir Charles Tupper, one of the delegates to the Joint High Commission discussing the fisheries and his legal counsel, John T. Thompson and Wallace Graham, both fathers of Dalhousie Law School, to protect the fisheries for Canadian fishermen and, at the same time, use them as leverage to acquire better trade terms.⁹⁴

Although Weldon was, as he put it, "trained in the school of free trade, brought up on Adam Smith and Ricardo, on Henry Fawcett and Stuart Mill," he could not accept the Liberal call for unrestricted reciprocity.⁹⁵ That to him was "annexation with a mask on it."⁹⁶ He viewed it as a threat to national economic development and imperial preference. While he did not "worship the National Policy as a fetish," he did argue that there were circumstances in both industry and agriculture where protective tariffs were beneficial.⁹⁷ He believed that the National Policy

88. *Ibid.*, 239.

89. *Ibid.*

90. *Debates, op.cit.*, April 15, 1887, 9.

91. *Daily Sun*, February 14, 1891.

92. *Ibid.*

93. *Ibid.*

94. *Ibid.*

95. *Ibid.*

96. *Ibid.*

97. *Debates, op.cit.*, January 17, 1896, 232.

had helped significantly in drawing Canada out of the world-wide depression of the 1870s and that it had not hindered trade with Britain or the United States. However, he also believed that the farming community would benefit from a lowering of tariffs on some goods.⁹⁸

In February 1893, Weldon expressed another concern about American values. In opposing the Nova Scotia government's decision to grant Boston industrialist H.M. Whitney 119-year leases to the major coal fields in Cape Breton, Weldon suggested that there was nothing to stop this powerful syndicate from closing the Nova Scotia mines in order to protect its American mines. As long as the royalties were paid, Whitney could do as he pleased with no thought for the welfare of the people and the region. Weldon also feared that the Americans would increase the price of coal with no concern for impact on Canadian consumers. Surely, he argued, this was one time the federal government should use the power of disallowance, since the Nova Scotia Mining Act 1892 could indeed prove injurious to the whole country.⁹⁹ American goodwill was not something to be taken for granted as far as Weldon was concerned.

Dean Weldon's views on Imperial and American relations were very much a reflection of his image of his own country. A nationalist in the mould of the Canada First Movement, he envisaged Canada as an independent nation bound by history and pride to the British Empire. He believed Canadians should see their duty to Mother England and that she, in turn, should regard Canada as a free and autonomous state. During one debate, Weldon belaboured the point that "within the limits of our power, this Parliament of Canada is as sovereign as the great Parliament at Westminster..."¹⁰⁰ In matters directly affecting the welfare of Canadian society and where England was slow or unable to represent Canadian interests in such matters, Weldon encouraged the government to act on its own. Such was the case with his Extradition bill, which put into statute form what was already done in practice under a treaty between Great Britain and the United States. For some years, Britain and the States had been unable to agree upon a more extensive version of the treaty. Meanwhile, Canada had become the refuge of several unsavoury fugitive criminals from the United States. Edward Blake had tried unsuccessfully in the 1870s to achieve passage of a Canadian extradition bill. Weldon picked up the torch and appealed "to the patriotism of the members".¹⁰¹ Much to Weldon's delight the bill

98. *Ibid.*, 231-234.

99. *Halifax Herald*, January 21, 23 February 16, 1893. *Mail Empire*, February 17, 1893.

100. *Debates, op.cit.*, July 17, 1895, 4649.

101. *Mail Empire*, April 24, 1889.

passed with the support of all sides on April 23, 1889. The *New York Tribune* praised the document as "a radical departure from colonial procedure. . . an indication that Canada is gradually emancipating itself from British control".¹⁰²

Weldon had no use for those who questioned the viability of Confederation. A strong federalist, he rejected the arguments of provincial rights advocates. Above all, he had no patience for the secessionist cause in Nova Scotia in the 1880s. No one was more pleased than he when the Nova Scotia Liberals, who had supported repeal, lost 14 of 21 seats in the federal election of 1887. Writing Charles Tupper he exclaimed, ". . . nothing in twenty years has given me so much unmixed pleasure. . . the absolute rout of the whole repeal gang".¹⁰³ Later, in 1895, when Louis H. Davies of Prince Edward Island suggested that the repeal feeling still existed in Nova Scotia, Weldon refused to acknowledge the existence of even the slightest sense of alienation, saying "they are as dead as the ashes of Julius Caesar".¹⁰⁴

Although Weldon would have preferred it if the Fathers of Confederation had created a legislative union, he also believed that Ottawa must strictly respect the powers assigned to the provinces.¹⁰⁵ In debates on religious and linguistic rights, Weldon argued that "the policy of a federal union was. . . to plough a fire belt around these questions wherever they might break out. . . that fire belt was to be coterminous with the lines of the provinces so that these burning questions might not spread into the federal territory. . .".¹⁰⁶ He was also a literalist in constitutional matters, stating that "if I can elect between two constructions I will take the one that gives the narrowest reading".¹⁰⁷ His students knew this and his political colleagues also soon realized that this was one of Weldon's unshakeable traits. So too was his readiness to offer criticism where he thought it was due. Having no use for the "fatal" education clause of the British North America Act, he said of the Fathers of Confederation, "I think they are not entitled to unstinted praise. . . undoing with the left hand that which they have striven to do with the right. . .".¹⁰⁸ On a related occasion, when the government indicated that it felt obliged to follow through on the so-called *Brophy v. Attorney-General of Manitoba* decision of the Privy Council, the attitudes of the opinionated law professor were eloquently expressed. "This," he said, "is

102. *Ibid.*

103. P.A.N.S., Tupper Papers, MGZ 6 F vol. 7, R.C. Weldon to C. Tupper, March 2, 1887.

104. *Debates, op.cit.*, April 30, 1895, 350.

105. *Ibid.*, July 17, 1895, 4641-4642.

106. *Ibid.*, 4658.

107. *Ibid.*

108. *Ibid.*, 4641-4642.

an opinion given at the request of Parliament, not an authoritative judgement. . . it is folly for us to contend that we must be guided by the . . . utterances of the gentlemen who sit at Westminster. . . I cannot look with eyes of idolatry on any casual remark made by their Lordships. . ."¹⁰⁹

Weldon was outspoken at times. He was adamant that he was not a lackey to the party whip. He refused to vote the party line when he disagreed with the position being taken and was often warned by his friends that his aloof ways would keep him from promotion within the political ranks. S.H. King wrote him in 1890, "perhaps you are a trifle too strong in the independent role".¹¹⁰ A couple of years later C.M. Adams noted, ". . . he is too independent and fair-minded to be a mere partisan".¹¹¹ They were right, but Weldon was not an office-seeker by nature. He regarded his political role as that of a "steward" protecting the interests of his electorate and his country.¹¹² He was too much an intellectual to blindly accept what his constitutional and economic experience told him was wrong. It was this very independence which resulted in his defeat at the polls in June 1896. He was unacceptable to his party and unwilling to think of himself as anything other than a Liberal-Conservative.¹¹³ As the *Atlantic Weekly* observed, "Weldon was so unfortunate. . . as not to be able to implicitly follow his leader and forthwith both parties proceeded to subject him to the guillotine".¹¹⁴

The issue which sealed Weldon's political fate was that of remedial legislation to be imposed on Manitoba by the federal government in order to reverse the terms of the Manitoba Schools Act. Passed in 1890, this act had abolished French as an official language and instituted a non-denominational school system. Roman Catholics and French-speaking Manitobans had protested to Ottawa, arguing that separate schools and French-language instruction had been guaranteed in the Manitoba Act of 1870, which had conditioned the entry of Manitoba into Confederation. Initially, the government of Sir John A. Macdonald, and subsequently that of Sir John S. Thompson, decided to leave the question of constitutionality up to the courts, since such a sensitive issue could tear the Conservative Party to shreds. Weldon agreed with this approach. Meanwhile, he began to study the documentation for himself to see if there was a treaty agreement guaranteeing separate schools. At first, he believed the complaints were justified, but after reading Alexander Begg's

109. *Ibid.*, 4648-4649.

110. Dalhousie University Archives, MSZ A-4, S.J. King to R.C. Weldon, October 21, 1890.

111. Adams, *op.cit.*, 164.

112. *Daily Sun*, February 14, 1891.

113. *Gazette*, May 29, 1931.

114. *Atlantic Weekly*, June 27, 1896.

three-volume *History of the North-West* and his *The Creation of Manitoba*, as well as the reports of the negotiations resulting in the Manitoba Act, Weldon changed his mind.¹¹⁵ The Privy Council reached much the same conclusion in its rulings of July 1892 in both *Barrett v. Winnipeg* and *Logan v. Winnipeg*. It decided that there were no constitutional guarantees and that an established separate school system had not existed prior to 1870.¹¹⁶

Frustrated by the court's rulings, the affected minority groups, who were rapidly gaining support from Catholics and French-speaking Canadians outside Manitoba, decided to ask Ottawa to impose remedial legislation based on Section 2, subsections 2 and 3 of the Manitoba Act, and Section 93, subsection 3 of the British North America Act. They claimed that, where separate schools had been set up after joining confederation, an appeal could be made to the Governor General in Council if that system were ever destroyed. On the issue of remedial legislation itself, Weldon had no doubts. The government had the constitutional authority to impose a Remedial Order under the wording of that "mischief-making clause", 93.¹¹⁷ The Privy Council agreed in January 1895. The Governor General in Council had jurisdiction to hear the appeal of the aggrieved party and to make a Remedial Order if the grievances were upheld. Thus far, Weldon had no difficulties in supporting the position taken by the government, which was now under the weak leadership of Sir MacKenzie Bowell following the sudden death of Sir John Thompson in December 1894. In February, the cabinet, acting as a judicial tribunal, heard the appeal of the aggrieved Manitobans. Then, feeling the pressure of French-Canadian interests in the Cabinet, Bowell's government announced on July 8, 1895, that unless Manitoba made changes to its Schools Act to redress grievances, Ottawa, acting on the Authority of the Privy Council would impose a Remedial Order early in the new year.¹¹⁸ It was at this point that Weldon parted company with his colleagues. While he agreed that Ottawa had the right to impose an Order, he believed that there was no moral or legal obligation to do so.¹¹⁹ After all, the Privy Council had simply rendered an opinion. On July 11, 1895, he announced in the House that he would never support the government on remedial legislation.¹²⁰ The constitution

115. *Debates, op.cit.*, July 17, 1895, 4653-4654.

116. *Ibid.*, 4645.

117. *Ibid.*, 4643.

118. *Ibid.*, July 11, 1895, 4214-4212.

119. *Ibid.*, July 17, 1895, 4644.

120. *Ibid.*, July 11, 1895, 4214.

did not compel the government to restore separate schools and Weldon urged the government to leave the issue in the hands of the province.¹²¹

For Weldon, the real issue was whether there were any merits in restoring French instruction and separate schools; "the true way to deal with this question is... on the merits".¹²² This, he stressed, was the question that had to be settled. Personally, he opposed separate schools, which was not surprising given his strong Methodist roots. But, what concerned Weldon was that the stance being taken by the government was one of coercion, rather than a rational action based on the merits of the issue. He conceded that if he were convinced that the Order would ensure national unity, then he would set aside both his opposition to the Order and to separate schools. "If I believed that strong as are my sympathies, and unconsciously strong as, no doubt, are my Protestant feelings, I have so great a desire to live on terms of good-will with my Catholic fellow-countrymen, whether they be of Irish, English, Scotch or French blood, that I would be willing to abandon my own convictions. . ."¹²³ Yet, in so saying, Weldon added that he doubted such was the case and he urged a cessation of such debilitating quarrels and a concentration on "a stronger policy for the North-West. . . fill that country with people, better our connections with England and improve our trade. . ."¹²⁴ Above all, he wanted the government to work toward facilitating a provincial solution rather than a federally imposed one, which he saw as no solution at all as far as the national welfare was concerned.

"Ajax" never shifted position throughout the many months of debate. In fact, the Remedial Order motion, introduced February 11, 1896, never came to a vote. The government's term had almost run out and Parliament was prorogued April 23, 1896. Several days later the Prime Minister resigned and Sir Charles H. Tupper assumed the leadership of the Conservative Party. Herein was another story, one in which Weldon played a rarely acknowledged part. Following the death of Sir John Thompson, the Conservative Party was hard pressed to select a new leader. The most likely candidate, Sir Charles Tupper, was not universally liked and had been sidestepped in 1891. Thus, the choice fell on a rather obscure former Grand Master of the Orange Lodge, MacKenzie Bowell. In spite of his inexperience and lack of leadership skills, Bowell managed to keep his party together until the fateful day he decided to proceed with remedial legislation. Then a struggle began in

121. *Ibid.*, July 17, 1895, 4644.

122. *Ibid.*, 4643.

123. *Ibid.*, 4658.

124. *Ibid.*

earnest between those who favoured Tupper and those who backed the leader. Weldon certainly had little use for Tupper as leader. Indeed, although Weldon denied in the House of Commons that his personal relations with Sir Charles Tupper had, "since 1887 been somewhat strained," and that he was "seeking to compass the destruction"¹²⁵ of Tupper, Weldon's private correspondence with Harris Congdon suggests otherwise. Robert McConnell, editor of the Halifax Grit organ, the *Morning Chronicle*, also believed Weldon disliked and distrusted Tupper and made no secret of these opinions in his editorials.¹²⁶

On March 21, 1895, Tupper resigned, believing Bowell should call an election before imposing the Remedial Order. He returned a few days later on the understanding that an election would be called before actual enforcement. But Tupper, like everyone else, saw that the indecisive image of the party was, among other things, reducing its public support. Between April and December 1895, the Conservatives lost three by-elections, two of which were in Quebec, where the resignation from the Cabinet in July of "A-A" Angers had convinced French Canadians that Bowell was not really serious about passing remedial legislation.

Meanwhile, Bowell, who was desperately in need of French support, was unable to find a replacement for Angers. By January 2, 1896 when parliament reopened, the wheels were in motion and when seven cabinet ministers resigned on January 5, it looked as though Bowell's days were numbered. The schools issue was the public reason, but internal jealousies were also contributing motives. While the seven ministers called for Bowell's resignation, others urged him to remain. The Governor General ordered him to form a new cabinet immediately, but Bowell could find few takers. On January 7, the *Morning Chronicle* indicated that Weldon had been among those who refused to accept an appointment.¹²⁷ How could he have done otherwise when he disapproved of Bowell's position on remedial legislation? Nevertheless, Weldon did believe Bowell should be given time to reorganize.¹²⁸ After all, Weldon did not favour the leadership of Tupper.

What many did not know was that Weldon and his friend Alexander McNeill were trying to find an alternative to Tupper. Their choice was C.J. Wm. Ralph Meredith of Toronto. On January 5, McNeill informed

125. *Ibid.*, February 27, 1896, 2411.

126. For private negative comments by Weldon see the Congdon Papers. For comments by McConnell see in particular an open letter to Weldon and C.H. Cahan, *Morning Chronicle*, February 25, 1896. This letter led to Tupper suing McConnell for criminal libel. Weldon was called as a witness for the defence. Nevertheless, he steadfastly maintained that he had never accused Tupper of "gross malversation of office."

127. *Morning Chronicle*, January 7, 1896.

128. *Debates, op.cit.*, January 1896, 41.

Lady Aberdeen that Bowell had sent Weldon to Toronto to ask Meredith to join the cabinet.¹²⁹ Bowell may have seen the writing on the wall. Two days later McNeill again met Lady Aberdeen and indicated that, should Bowell resign, Meredith or Weldon should be asked to assume the leadership.¹³⁰ Meredith declined the offer and, on January 8, McNeill indicated that, if asked, Bowell would suggest Weldon as the successor.¹³¹ January 10, the *Chronicle* announced that "Weldon has been strongly urged to take Mr. Foster's place in the scratch cabinet. . . ."¹³²

It is unlikely that Weldon was acting in quite as conspiratorial manner as it may appear. He certainly never accepted a position in the cabinet, a move which would have not only compromised his own beliefs, but would have ensured his defeat in Albert, a county noted for its large Orange Lodge membership and opposition to separate schools. Nonetheless, his actions were never made public and in early March 1896 he wrote Congdon that he "was playing a larger part in politics than the newspapers know".¹³³ In February, he had quietly chaired a caucus committee which appointed a reconciliation committee of fifteen Tory members. The hope was that the committee would draw up a compromise that would convince the Prime Minister to withdraw the remedial legislation. Much to Weldon's chagrin, the compromise was rejected.

Weldon was wrong if he really believed, as he said in February 1896, that "the gas is leaking out of the Tupper boom"¹³⁴ for Tupper's supporters were loyal. But Weldon and McNeill continued to search for an alternative to Tupper. On April 17, Lady Aberdeen learned that they now hoped Sir Donald Smith, who had tried to mediate in the Manitoba crisis, would agree to accept if given the opportunity.¹³⁵ It was not to be. Although Bowell had managed, with the Governor General's help, to form a cabinet by January 14, his days were numbered. When the time came, Smith said no, Bowell resigned and Weldon was not approached. Tupper, who had won a seat in Cape Breton in January, became leader on April 27, 1896.

V. By traditional standards Weldon was not a successful politician. He never won by a commanding majority and he was defeated twice, once

129. Saywell, *op.cit.*, 299.

130. *Ibid.*, 302.

131. *Ibid.*

132. *Morning Chronicle*, January 10, 1896.

133. P.A.N.S., Congdon Papers, Weldon to Congdon, March 10, 1896.

134. *Ibid.*, February 13, 1896.

135. Saywell, *op.cit.*, 330.

by over 1,000 votes. He held no cabinet post. He held no senate seat. He was never rich. History gives little or no space to his legislative contributions, including the Extradition Bill and a bill which denied voting rights for two years to those guilty of bribery during a federal election. Yet, in his day Weldon was a man of some public stature, noted for his wide knowledge and oratorical skills. A proud yet modest man, he was known to be true to his convictions, loyal to his Queen and country and of high moral character. The *Weekly Star* paid him the compliment of saying he was always a "terror [] to grafters."¹³⁶ He numbered among his friends those on both sides of the House and never let political partisanship effect his friendships. His opinions on constitutional and international matters were valued by men like John Thompson, who consulted him on the inshore fisheries and Bering Sea issues. His impressive carriage and gentlemanly manner were long remembered by those who saw him on the platform. In 1892, C.M. Adams maintained that Weldon was "undoubtedly looked up to as one of the strong men" in Parliament.¹³⁷ On another occasion he was referred to as "that great gun".¹³⁸ Perhaps in another set of circumstances he might very well have become a front-row figure, although his high moral standards, independence of mind and sensitivity to the insults of the political arena, no matter how commendable, would have been constant handicaps. Weldon once remarked, "I always sympathize with the underdog in a fight".¹³⁹ One wonders if it was because he could readily identify with that condition.

As a dean and professor, however, Richard Chapman Weldon, was a success by anyone's evaluation. Not only was the law school a highly respected institution, but decades after his death, Weldon was still readily acknowledged by the legal community as a leading participant in the shaping of legal education in Canada. The experiment that began in 1883 with so little money and so few resources became one of the models followed by subsequent common law schools in Canada. Not all would acquire the same sense of community, the same emphasis on public service, the same degree of cooperation with the provincial Bench and Bar, the same curriculum or entrance qualifications, but they did adopt the concept of combining intellectual and practical training within a university context. Not only did the school attract national attention, but in 1900, the English *Law Quarterly* observed that the law school's calendar "... gives evidence of a far higher ideal of legal education than

136. *Weekly Star*, May 1, 1907.

137. Adams, *op.cit.*, 164.

138. P.A.N.S., Congdon Papers, Todd to H. Congdon, November 1908.

139. *Debates, op.cit.*, July 17, 1895, 4640.

it has yet pleased our Inns of Court to recognize".¹⁴⁰ Even one hundred years after its founding, John McLaren observed that the Dalhousie model eventually became the preferred one; "the concept of practitioner education represented by the early Upper Canada model, was eventually dropped in favour of the university academic model practised at Dalhousie".¹⁴¹

Graduates of the Weldon era came to hold positions of influence and decision-making in all areas of Canadian society, as senators, politicians, premiers, lieutenants-governor, judges, lawyers, bureaucrats, university presidents, scholars, bank presidents, business executives and newspaper editors. All were, at one time or another, exposed to the ideals, principles and values of Dean Weldon. While most did not necessarily model their careers on that of Weldon, many did recognize the significant impact he had on their thinking and approach to public life. Even after graduation students would write Weldon for advice. In 1910, Richard McBride ('90), a former student of Weldon's and then premier of British Columbia, asked the dean to chair a provincial commission charged with recommending a location for the new University of British Columbia. For the months of May and June, Weldon, G. Dauth, C.C. Jones, O.D. Skelton and W.C. Murray toured twelve communities in British Columbia. Finally, they selected the magnificent present-day location at Point Grey, then on the outskirts of Vancouver. Such a spot, the commission reasoned, would provide a healthy rural environment, a high quality of life and the stimulating urban environment of a growing business and commercial centre.¹⁴²

The law school was a success. However, during the last few years of Weldon's deanship the reputation of the school was based more on the laurels of the past than the conditions of the present. The number of students continued to grow because university legal training, in addition to articling, was becoming the more generally accepted route to a career in law. Yet, as the university president, A. Stanley MacKenzie, observed by 1914, the school had fallen into a rather "loose state."¹⁴³ Since the late 1880s, there had been few changes in the curriculum or teaching methods and no effort to increase admission or term requirements, in spite of

140. *Law Quarterly Review*, July 1990, Vol. 16, 227.

141. McLaren, *op.cit.*, 26. For his significant contribution to the teaching of international law and to the acceptability of the subject as an essential part of the law school curriculum, see R. St. J. Macdonald in *Canadian Yearbook of International Law*, 1974, pp. 90, 98.

142. R.C. Harris, "Locating the University of British Columbia", in *Personality and History in British Columbia, Essays in Honour of Margaret Ormsby*, ed. J. Norris, M. Prang, (Vancouver, 1977) 106-125.

143. Willis, *op.cit.*, 70.

requests from students and the Barristers' Society.¹⁴⁴ The programme was not up to the standards of a rapidly changing, urbanized industrial society. To some it seemed as though Benjamin Russell was more in charge than the Dean.¹⁴⁵ Weldon was tired and often ill. Indeed, there was some suggestion that the mental deterioration, which sadly marked his retirement years, had begun to surface as early as 1907. He himself wrote that year "nothing is so puzzling to a man who has always been well to find himself entering good for nothing without ever knowing why".¹⁴⁶ Weldon had lost the enthusiasm of his youth. Political defeat, the loss of much of his family savings because of a failed venture to mine mica in British Columbia in 1900, and the constant strain of his teaching and administrative duties took their toll. Weldon probably knew it himself. Ever the realist, he once commented that he regretted that the school "hasn't done all I hoped it would."¹⁴⁷ It is what he added, however, which explains as much as anything his success as Dean and the success of the Dalhousie Law School. "But it is my child, I love it."¹⁴⁸

"Dick" Weldon had twelve other children he loved just as much, but because of the demands of his academic and political careers, he had precious few hours with his family. It was said that his last child, born in 1906, was the first baby he had held, since his first three boys were born back in Sackville.¹⁴⁹ Nevertheless, it was a close family and Weldon's children were not only in awe of their father, but passed their awe on to his descendants. Weldon's first wife, Maria, died in October 1892, and the following year he married the vivacious, Irish Louisa Frances Hare, daughter of Wm. Almon Hare, who was a well-known Halifax merchant. Although not an intellectual, she shared a love for poetry with her husband and bore him seven children as well as raising the five from his previous marriage.

In his retirement Weldon had more time to spend with his family. Even so, children who played at his large home in Dartmouth, "The Brae", recalled that he was often off alone quietly reading, gardening or walking.¹⁵⁰ Yet the children loved him, especially when he offered them maple sugar from his farm at Elgin.¹⁵¹ A stream of grandchildren began in 1908. One granddaughter, Helen, recalled, "my first memory was the

144. *Ibid.*, 73.

145. *Ibid.*, 71.

146. Dalhousie University Archives, *MacMechan Papers*, MSZ 82C #985, R.C. Weldon to A. MacMechan, June 16, 1907. Also see B. Russell's comment in *Gazette*, May 29, 1931.

147. Willis, *op.cit.*, 65.

148. *Ibid.*

149. Interview with Rhoda Weldon, *op.cit.*

150. Interview with Helen Creighton, June 23, 1986, Dartmouth, N.S.

151. *Ibid.*

shock of white hair, the broad kindly face and the warm bear hug he gave me.”¹⁵² A friend of the family, writing after Weldon’s death on November 26, 1925, said, “I can see him in that big low chair by the fire with the children climbing over him.”¹⁵³

When he was not with children, the increasingly vague, patient father, dean, teacher and politician sought consolation in long chats with friends like Archibald MacMechan, in long walks with his sons and in reading books. All his life he loved to read. While in Ottawa he had spent many relaxing evenings with the Canadian nationalist poets, Archibald Lampman, Duncan Campbell Scott and Wm. Wilfred Campbell. He enjoyed religious books, particularly those on the life of Christ, such as James Stalker’s *Imago Christi — the Example of Jesus Christ*.¹⁵⁴ In spite of his literary and academic interests Weldon did not write himself, even in retirement. Perhaps, having written dozens of lectures and speeches, he felt he had nothing more to say. Many, including Benjamin Russell, tried to encourage him to produce some scholarly writings, but Weldon declined. He may have lacked the confidence, for in 1906 he wrote Harris Congdon, “I wish that I had the writer’s gift.”¹⁵⁵ Even more tragically, it is probably the case that, by the time he retired and had the time to write, he did not have the mental stamina required.

Following his death, there seemed no end to the eulogies praising the man who had guided Dalhousie Law School through its first three decades. During his lifetime, Weldon had been honoured on several occasions, receiving a federal Queen’s Council in 1890 and honorary degrees from Mount Allison, in 1893, and Dalhousie in 1916. In recognition of his contribution to their personal lives, as well as to legal education in common law Canada, his students presented the school with his painted portrait in 1920 and, in 1928, began to raise money to support the Dean Weldon Professorship of Law. Perhaps the most lasting eulogy to the man whom George Patterson (’89) described as “the heart and soul” of Dalhousie Law School, came in March 1967, when the Weldon Law Building was opened to honour the first full-time teacher of common law in Canada. Today, in 1989, that building housing the modern Sir James Dunn Law Library remains a monument to Richard Chapman Weldon, a man who more than lived up to his family motto, “Bene Factum.”

152. Correspondence of author with Helen Weldon Anderson, April 9, 1986.

153. Elsie Johnson to Louisa Weldon, December 2, 1925. In possession of Rhoda Weldon, Halifax, N.S.

154. These books were in his library and were well annotated; in the possession of Rhoda Weldon.

155. P.A.N.S., Congdon Papers, R.C. Weldon to H. Congdon, 1906.