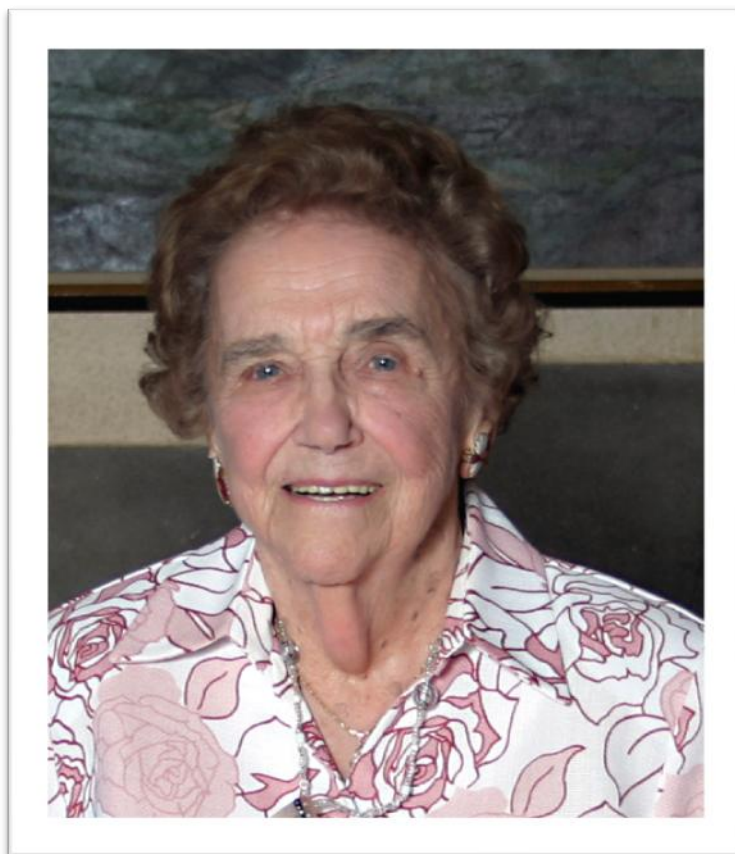


MEMOIR  
OF  
MARY CONSTANCE HUNT MCLEAN, B.A., LL.B.



Assisted by Allison Kirk-Montgomery, Ph.D.  
The Law Society of Upper Canada  
May-June, 2007

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## PREFACE

This memoir is the product of six meetings that took place during May, June, October and November of 2007. It came about at the suggestion of Mrs. McLean's grandson, who read about The Law Society's History Project in the *Ontario Lawyers Gazette* and thought his grandmother's long and interesting career and life would be an ideal contribution.<sup>1</sup> He was right: his grandmother, born Mary Constance Hunt in 1910, is unique, as is her story. Her memory of life and work in a legal family extends almost nine decades. J. J. Hunt, KC, (1876-1945), Mrs. McLean's father, was one of the first Roman Catholic lawyers in Hamilton, during a period in which religious affiliation shaped business and social life. His daughter Constance has always risen to a challenge. She had to fight her way into French studies at McGill University. She became a top student at Osgoode Hall Law School, and was called to the Bar in 1934, in a decade in which few women braved the profession. She soon married her fellow law student, a Protestant, James Montalieu McLean (1909-1989), who was also called in 1934. The young couple settled in Hamilton and Mont McLean joined his father-in-law's general practice. For the next sixty years, either Montalieu McLean, Constance McLean, or both of them, were in practice in that city. Her memoirs provide a rare glimpse into law as a family profession: they describe what it was like to be not only a woman lawyer, but also the daughter, wife, mother and grandmother of a lawyer in the twentieth century.

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<sup>1</sup> "The Heritage Committee's Sole and Small Firm Practitioners' History Project: In Quest of the History of Ontario's Legal Profession," *Ontario Lawyers Gazette* Fall/Winter 2006, Vol. 10, 3.

After wartime military service, Montalieu built a busy practice, first in partnership with Walter Tuchtie, then alone, and finally associated with Dermot and John Nolan, Mrs. McLean's nephews. Montalieu specialized in bankruptcy and corporate law although he was indirectly involved in the notorious Evelyn Dick murder trials. During these years, Constance raised five children and used her considerable energy and talents to start and run philanthropic organizations, notably the first volunteer service in a Hamilton hospital. She retained her membership in the Law Society and kept her hand in the practice, helping first her father and then her husband with real estate valuation and estate work. After nearly four decades of practice, Mont McLean's health began to decline. In 1975, he retired and Constance bravely returned to practice, at the age of 65. Her intention was to wind up business that had been in the firm since her father's time. Instead, with the support of her nephews, she continued in active service, mostly in estates, until she was 85. At present, Mrs. McLean may be the member of longest standing of the Ontario Bar. She is certainly one of the most engaging.

In May, Mrs. McLean welcomed me into her home on St. James Place in Hamilton, where all of our sessions took place. After this introductory meeting, I prepared for her a list of questions that formed the basis of our discussions. I recorded four of our meetings and the transcripts follow. The text has been edited by both of us, to remove repetition and to add clarity. Though nothing significant has been deleted, some of the material has been reordered to improve flow. The transcripts also incorporate extra material added by Mrs. McLean after the interviews. In the Appendix, readers will find a list of the recordings that accompany the transcripts.

Mrs. McLean has given many hours to this project, while enjoying a family life that would exhaust most people in perfect health and decades younger than her 97 years. Between our sessions, Mrs. McLean searched her personal archives for material related to her career, and to that of her father and husband. As a result, I have been able to include a number of photographs and scans of documents. Furthermore, Mrs. McLean has kindly loaned to The Law Society of Upper Canada her Osgoode Law School Student Handbooks, copies of exams she and her husband sat in the early 1930s, and other materials. Paul Leatherdale and Susan Lewthwaite of the Archives of the Law Society of Upper Canada

provided the class photographs of Constance Hunt and Montalieu McLean, and have assisted in other ways.

Constance Hunt McLean is a remarkable woman, as is evident in this narrative of her life salted with her opinions and observations. She has approached the memoir project in the same way in which she has faced bigger challenges in her life: forthrightly, whole-heartedly, and with loads of humour and charm. It has been my privilege to assist her in capturing her memoir.

Allison Kirk-Montgomery, Ph.D.

31 December 2007



## TRANSCRIPTS

### FIRST INTERVIEW – 15 May 2007

AKM: Today is Tuesday, the 15<sup>th</sup> of May, 2007, and I am at the home of Mary Constance Hunt McLean at 38 Saint James Place, Hamilton, Ontario. My name is Allison Kirk-Montgomery and I am here on behalf of the Law Society of Upper Canada, to learn about Mrs. McLean's life and times in the law.

Good morning, Mrs. McLean. I think we should start by you telling me your full name and date and place of birth.

CHM: Good morning. Well, my name when I was born was Mary Constance Hunt, and I was born at home, at 6 Stinson Street, in Hamilton, on May 30, 1910. I've been dogged with that "Mary" because everybody calls me Constance.

AKM: It's almost your birthday.

CHM: I'll be 97.

AKM: And that makes you, as far as we know, the oldest living member of the bar of Ontario.

CHM: No, I don't know about that, but the Law Society is pretty sure that I am the oldest one that is still active. You know, I get all the law reports and I get everything from the Hamilton Law Association, and I'm an honorary life member of the Hamilton law Association, and a life member of The Law Society of Upper Canada.

AKM: That's wonderful. Now, can we go back to the beginning, back to 1910, and can you tell something about your parents and their background.

CHM: Well, my mother's paternal great-grandparent was a squire from Northern Ireland, whose first wife died in childbirth. There were no bottles in those days and so they had to hire a wet nurse, my great-grandmother, Jane MacDonald. They say she was one of the MacDonalds from Glencoe but I don't know. Anyway, she evidently was very beautiful, and he hired her and then I guess he fell in love with her, I don't know. Well, his first wife's children were so horrified that they all took off to Australia, and somehow he let the baby go with them. My great-grandfather was a graduate of Trinity College in Dublin, and of Edinburgh University, and he was an ordained Presbyterian minister. Subsequently, they emigrated to Canada, to Ancaster, and took up farming. They are buried in the Presbyterian Cemetery in Ancaster.

The strange thing is that that man had all these degrees, and he never made any attempt to educate his children. I think he was a real misfit over here. I think myself (though people don't admit these things) he started to drink a bit and neglected everything.

AKM: It must have been quite a journey for him from Ireland all the way to Ancaster.

CHM: Yes. Somewhere in our archives or photographs there is a picture of me with his wife. I really don't remember. I was only about two years old.

AKM: That would be your great-grandmother.

CHM: My mother's name was Mary Anne O'Brien and she was commonly known as Annie. She was a combination of peasant Irish and upper class Irish, half north and half south. My mother's father, named William O'Brien, came from the States and he came to Canada to work on the TransCanada Railroad. He fought with the Royal Hamilton Light Infantry against the Fenians. A grateful government gave him land in Kenora but it was too far away to be useful. Later, he lived in Hamilton on Pearl Street, I



think, almost at King, and during his career, he was a sharecropper – at Victoria Park where they had a sharecrop. Later, he owned a furniture store on York Street. When he retired, he had the concession for a corner variety store and worked there until he died.

My grandmother O'Brien, born Susan Brown, my mother's mother, came out in a sailing vessel from Ireland with her parents William and Susan Jane Brown, when she was ten years old. I don't know just exactly how old she'd be now, but she died in about '29. She was ostracized from her family because she married William O'Brien, the Fenian fighter, and raised four Catholic children. She herself became almost more Catholic than the Church.

AKM: So you remember your grandmother very well?

CHM: Oh yes. My grandmother was about 79 when she died. I was nineteen. I vaguely remember my grandfather. He died when I was twelve.

AKM: So your grandmother was born about 1850. Was she the one who told you these stories?

CHM: Pretty well. My mother had three brothers. One of them was my godfather.

AKM: Did they live in Hamilton?

CHM: They lived in Hamilton, yes.

AKM: And what kind of work did they do?

CHM: Well, one, Herbert O'Brien, worked for Burlington Steel, and he was their chief electrical man. The other one brother, Edward O'Brien, owned what used to be

called Hamilton News. It still is in existence in some other name now. They distributed all the newspapers, all the magazines, to the convenience stores in Hamilton.

AKM: And you knew your cousins?

CHM: Oh, yes. Edward O'Brien's children are the ones that I still am in great contact with. One of them is virtually my surrogate sister, because I only had one sister, who just died. And you asked if any of my relatives went to university – they all graduated from University of Toronto, St. Michael's. One of my cousins is dead, but the other is a Monsignor, William O'Brien, in the diocese of Hamilton.

AKM: So most of them went to University and had professional careers?

CHM: Yes.

AKM: Did any of them become doctors?

CHM: No, we didn't have any doctors. Peggy, my cousin, she was a high school teacher.

AKM: And no lawyers, on the O'Brien side?

CHM: No, there were no lawyers.

AKM: What kind of person was your grandmother?

CHM: The funny part of it is that the old great-grandfather genes came down through my grandmother and my mother. Because although my grandmother never was really educated, she was quite a lady and she always dressed very nicely. My mother didn't have any university education but she educated herself. I tell you, if you used one

word of bad grammar, she was on your tail! And the funny part of it is, is that this trait came down through my sister. My sister was a high school teacher.

AKM: But you didn't mention yourself. What about you? Are you a grammar expert?

CHM: I once won a Governor General's Medal in English, in Grade twelve. So I know grammar but I am willing to accept some of the things that are not essentially correct but have become colloquialisms, but my sister never would [laughs]. But anyway, you asked me to describe my mother.

AKM: Yes, your mother.

CHM: She was beautiful, gentle, very intelligent, very ambitious academically for her daughters. I knew from the time that I realized anything about education, that I had to go to university. So at the time, I thought, "I might as well get through here as fast as I can," so I worked hard at school. Mother was very gracious, but very frail in health.

AKM: Was she.

CHM: They never really expected her to have any children, but she had the two of us. We were five years apart.

AKM: And I think you mentioned that you were born 10 years after they were married, is that correct?

CHM: Ten or eleven, I'm not quite sure.

AKM: She sounds like she was very much an influence on your life.

CHM: Yes, but then, unfortunately, I went away to McGill, so young. By the time I came back to Ontario and went into law school, she had developed cancer and she was very ill. It was kind of a hard time for all of us then.

AKM: Yes.

CHM: So I guess maybe that's enough about my mother.

AKM: Well, what about your father?

CHM: Well, my father was born in 1876. He and my grandmother lived on Bold Street. His parents were emigrants from Ireland, as a result probably of the potato famine. They tell me that his father was a policeman in Ireland. The family story is that he was one of "Dublin's finest," the police force. I can't verify that, because when you are young you don't ask too many questions. And he was from County Clare and my grandmother was from Kilkenny. I don't know how they ever got together.

AKM: Now your father's name was John Joseph Hunt. Did he go by John?

CHM: We used to call him JJ but he was called by John. His father was Lawrence.

AKM: They emigrated here.

CHM: They emigrated and then they had my father and then my grandfather contracted TB. He died when my father was two years old.

AKM: And he was the only child?

CHM: Yes. And my grandmother didn't even get to the funeral because in those days, Holy Sepulchre was almost like where Toronto is now. They had the hearse pulled by horses. So she didn't make his funeral. Eventually my sister and I found out where he was buried in Holy Sepulchre.

AKM: Your grandmother told you about that?

CHM: Yes, she told me about that because she lived until she was 87. I was in my thirties when she died.

AKM: So you were lucky to have both grandmothers until you were an adult.

CHM: Well, yes and no. My grandmother Hunt was a terror. She complained about everything and I can tell you – she was from the south of Ireland, and my grandmother O'Brien was from the north. We couldn't take them in the same car! They'd get into an argument.

AKM: About politics?

CHM: They'd get into an argument about anything! I don't think women knew enough about politics in those days.

AKM: Now, how did your father get along with his mother?

CHM: My father was a saint. She lived by herself in later years. She had a little cottage, and he used to go and buy her groceries. And if he bought chicken, she'd say, "Why'd you bring that? I really felt like a bit of beef today!" She never was satisfied. And he bore it patiently. When she got older he hired a nurse for her. She was always firing them. I can remember once, my father had to go over at midnight because the

nurse phoned to say she was quitting because my grandmother was so hard to get along with.

You ask how she supported herself. Well, nobody actually told me that, but I would say she probably did what poor widows did in those days, because most women weren't educated, and she probably did sewing, housework and other menial tasks. But she managed to get along!

AKM: And did she have children from her second marriage?

CHM: No. She only had the one child. From the second marriage she had a stepson. And my father was very good to him. He didn't have much money and my dad was always subsidizing him and that. But I didn't really know him.

AKM: You had no aunts and uncles on that side – you only had your grandmother.

CHM: Yes.

AKM: And there was no association on your father's side with the law or courts – just the policeman?

CHM: Yes. Not until my Dad hit the courts, yes. I suppose maybe a policeman is a connection to the law.

AKM: Pretty close to the court.

CHM: Yes, for sure.

AKM: So we have your parents and now you were born at 6 Stinson Street. How long did you live there?

CHM: Until I was six.

AKM: Do you remember the house?

CHM: Oh, yes, yes. My sister was born there too.

AKM: What was your sister's name?

CHM: My sister was Kathleen Clare Hunt and her married name was Nolan. I was five and a half when she was born. You've got a question of who lived in your home when I was born? Well, just my mother and my father and my sister. But we always had live-in help.

AKM: Where did they come from?

CHM: Most of them came from either Ireland or Scotland. I can always remember one of them. When we moved out of that house, my mother and father had decided they were going to build a house to suit themselves. So we rented a big house on Wellington Street where there were many big houses, a lot of them still there. I can remember the maid that we had there. Her name was Agnes Gill, and she lived at 82 Flower Hill in Airdrie, Scotland. I can always remember her because my father loved cats and he always came home for lunch. You could see when he was coming because he was always followed by a bunch of these stray cats. They always used to come and stop at the house with him. Agnes hated cats, and I can always remember my father saying, "Oh, Agnes, now get out a few bowls and help out these cats!" And she was always shaking her head. So that's what I remember about who else lived in the house.

AKM: And you liked cats yourself?

CHM: I don't think I liked them. Maybe that's why I didn't like them after that because the strays were dreadful looking things.

AKM: So you lived on Stinson for just your six years. Do you remember your neighbourhood at all, or your friends?

CHM: Oh, yes I do, quite well. One thing I do remember is that my little sister, by the time I was about seven, she was in a little stroller, and of course there was no traffic in those days. My mother used to make me take her out in the stroller and I used to get so mad, I didn't want to do that. And one day I remember, whatever I did, and I still can't remember if I did this deliberately or whether I was just not thinking, but anyway, she ended up in the ditch! [laughs] So that's one thing I remember. That's when we had our first car. My mother used to drive and there was an alley behind the house.

AKM: What kind of car was it?

CHM: The first one was an Overland, I remember that, and then later on, we got a Studebaker, which was a little bigger.

AKM: And your mother was the family driver? Why was that?

CHM: Well, in those days, a car was an awesome thing. They both drove horses and buggies when they were first married. But my father eventually got up the courage to get a license and finally he drove the car.

AKM: Do you remember your phone number?

CHM: I remember first there was nothing in front of the numbers, and then it was Regent 2424.



AKM: What about your friends? Your sister was too little to play with when she was born.

CHM: Oh, there were a couple of kids. There was a girl who lived in one of the big houses just down the street. Her name was Dorothy Ballantyne. She is the only one I remember.

AKM: From Wellington Street?

CHM: And did I have any chores to do? [Mrs. McLean is referring to a list of questions.] No. I was really spoiled that way, and so was my sister. And even when I went to McGill, we had maids in the residence [laughs].

AKM: So your mother didn't make you do chores but you had to pay attention to your homework?

CHM: Oh yes.

AKM: What about family life? You mentioned that your father would come at lunch time. Was he home at dinner every night too?

CHM: Yes.

AKM: And did you go to church every Sunday?

CHM: Oh yes, mass every Sunday. We went to St. Patrick's.

AKM: Where is that?

CHM: That's at the corner of Victoria and King, that great big old church. We went there every Sunday. As a matter of fact, my youngest son Ian was a school teacher, both high school and grade school, but he ended up teaching at St. Patrick's.

And hobbies – mostly it was reading. I was always remember my grandmother O'Brien, who used to say, "I pity the man that marries Constance, because she'll be doing nothing but reading books!" She looked after us, she did a lot of babysitting for us, and when I wanted to get away from her I'd always go on the attic stairs with my books.

AKM: What did you used to read?

CHM: Well, for my sixteenth birthday, I asked for a whole set of Dickens, and I still have it in my library.

AKM: Did you have a favourite Dickens character?

CHM: Not particularly, you know. I think I found the most interesting one was the one about the French Revolution where everybody was getting their heads chopped off.

Now you want to know what my family did for fun? On family holidays we went to New York, Philadelphia, and Detroit. Once we got the car, we used to go on picnics and sometimes, we'd go as far as Grimsby which was quite a thing. But of course we had to take the grandmothers separately [laughs].

AKM: Did you go swimming?

CHM: Oh, yes. When I was nine years old, one of my father's clients took a mortgage on a house on Hamilton Beach, but the mortgagors defaulted, so the mortgagees got possession of the house and didn't want it. So my father bought it from them, and we went to Hamilton Beach every summer.

AKM: So you would move out there?

CHM: Yes, we would move out there. And later on, even sometimes we'd move out if it was nice weather before school was over. When I was big enough, I used to go on the old radial cars from the city to the Beach.

AKM: Where was that on Hamilton Beach?

CHM: It was close to the canal, near the lift bridge. At that time, all the social Hamilton people went on Hamilton Beach, and this house was right there. Sir John Gibson who was the Lieutenant Governor of Ontario had a house right across the road. And there was a big family named Maleck. They had a house across the road. There was another family named Zimmerman. I can always remember when we moved in, the Zimmermans had children and my sister and I were out there playing on the sidewalk. We saw these little Zimmerman girls and wanted to play with them. But their mother came out and said, "Cecily! Beatrice! What have I told you about playing with strange children! Come on home!" Well, of course, that was a real blow for us. But the funny part of it is that Bea Zimmerman Whiteside and I ended up as the greatest friends. Because later on in life, our husbands were both officers in the Argylls!

AKM: Did you stay in touch through the years, or did you rediscover each other later?

CHM: Oh no, we didn't stay in touch as children because we weren't allowed to play with each other! [laughs] I found other friends down there. One of them was Margaret Long (her family had the Long Company), and she was my great friend until she died. And then there was another girl next door, named Alma Duncan. She was more my sister's age. She became very well known in the artistic world. My sister always kept in contact with her.

AKM: Would your father continue to work in the summer and come at night, or did he take holidays and move out there with you?

CHM: Yes, he moved out there with us and he'd go in by the radial car, or by that time I think he was driving. My sister and I inherited that house when my father died in '45. By then, the radial car had been replaced by the highway and my eldest boy nearly got killed on the highway, so my sister and I sold it.

My mother and father argued because they were going to build a house. They owned several lots. One was on St. Clair Boulevard..But then my mother decided that she didn't want to live there. For some reason, they had some good friends, so they bought a couple of lots on West Avenue south, and they thought they might build there. But no! they didn't [laughs]. We moved in to the Mountainview Apartments because they were still arguing about this house. I used to play tennis at the tennis club across the road. The property was owned by the Southam family. Eventually they developed the property and my parents bought one of the lots, on which they built my present home.

AKM: No arguments.

CHM: The only arguments after that was how much they were going to spend on the house. My father was very careful because he earned the money the hard way. My mother had more grandiose ideas than he did about some things.

AKM: So this was in the 1920s, late 1920s?

CHM: Well, my sister and I went to Loretto and my sister and I used to take the radial car and it used to stop right at the Mountainview Apartments entrance there. If we were a bit late, the old radial man would wait for us. So I left Loretto in 1928. We moved in here in '31.

AKM: Let's talk about school then. Did you like school?

CHM: Yes, I did, some of it. Mathematics was not my strong point although I married a mathematician who I was told was the best mathematics student that ever went to Woodstock Collegiate, at that time.

AKM: And you still married him!

CHM: [laughs]. I still married him. I still count on my fingers some times. But I loved languages and history and English etc.

AKM: Were you good at them? Did you get good marks?

CHM: Yes, I did. In order to get through the mathematics, I had to take geometry and algebra, and thank goodness, I had a good memory. I swear I memorized the books [laughs] because I was so afraid of getting poor marks. But as far as English, history and languages, I got top marks.

AKM: And this was all at Loretto Academy?

CHM: No, I went first to St. Patrick's School because we lived in that area. Then when I was going to go to high school, my mother went up and registered me at Loretto. I was a very independent kid, I can tell you. The Loretto nuns wore the craziest headdresses: they came out and across the shoulders all around, ending with a bib in the front called a "gamp." I made up my mind I didn't want to go there. So I didn't say anything to my mother and my father, but at that point I was thirteen, fourteen. In those days, kids went around on street cars alone, so I went up to Loretto by myself supposedly, but I didn't actually go to Loretto. I went up to Central Collegiate and registered.

AKM: By yourself?

CHM: Yes. And of course my father nearly had twenty purple fits, because he was the Catholic secondary school representative on the public school board, as he was for about thirty years. And here am I up there! So they talked about it as I gathered later on, but they were very sensible. They said to each other, "You know she's always done very well at school, and maybe we shouldn't stop her." So they let me stay, and I stayed for two years, and then I began to realize that I was sort of an embarrassment to my family. My mother's bridge club partners had children and most of them were at Loretto. So I decided on my own that I'd go to Loretto. I was there from then on, through grade thirteen.

AKM: How was the experience compared to the Collegiate?

CHM: Well, Collegiate was fine, because I had a couple of good boyfriends. The main one eventually became a doctor and he was my doctor for years. But then, I made some good girl friends there too. So it was a different experience, but I really didn't mind it.

AKM: What about the quality of education? Was there any difference?

CHM: Well, I think there was more personal attention at Loretto. I remember there was one teacher that took a dislike to me up at the Collegiate, and she was pouncing on me all the time. Another male teacher asked me if my father was on the Board of Education, and I said yes, and so after that he was always palavering me. Those were the things that I can remember. But no, it was fine. When I graduated, the nuns wanted me to go to Loretto College. They would have given me a scholarship to go to Loretto College in Toronto at St. Michael's. But I didn't want to go to Toronto.

AKM: You didn't? You wanted to go to Montreal?

CHM: What I wanted to do was I wanted to go to Oxford. And I actually had sent in to get application papers. But my mother was so sick, with cancer, and of course all the good surgeons were off to War. She was in pretty bad shape. So I thought, well, I've got to stay closer to home. So McGill was what I picked. She didn't die until I was in my second year at law school.

AKM: Very tough. Did you always know you wanted to go to university?

CHM: Well, as a child, I was always told I had to so I never even thought about wanting.

AKM: What university did your parents want you to go to?

CHM: Oh, they wanted me to go to Loretto at Toronto and become a teacher, because my Dad, as I told you, was on the Board of Education, and he could have got me a good job.

AKM: As a teacher?

CHM: Yes. My sister became a high school teacher. My mother was so sick she didn't want to leave my father with the whole burden, so she went to McMaster.

AKM: Why did you want to go to Oxford?

CHM: I don't know; it just appealed to me. Now, when I think of it, I wonder how I would have fared at this old university. Oxford and Cambridge were both way back in the dark ages as far as their buildings and the way they ran things.

AKM: And you were pretty independent.

CHM: I was independent. Maybe some of it was for adventure, I don't know. By that time, of course, I had been at Oxford with the Bar Association.

AKM: Maybe you should tell about that now. You were about fourteen, were you?

CHM: The British Bar invited the American Bar and the Canadian Bar to come to a convention, and so my parents decided to take only me because my sister was too young. I had just turned fourteen when we went. So my mother said, "I'm not going to leave her with babysitters." I was as tall, even taller than I am now, because I've shrunk through the years. I looked the part of a sixteen-year-old so they registered me as sixteen, so I got to go where they went.

AKM: So you went to the meetings?

CHM: I could go to anything, thanks to my father. My father was a very congenial type of fellow. He always seemed wonderful with outsiders but at home he wasn't so easy all the time. Anyway, when he registered, there were all these titled people working on registration. There was some little duchess who took quite a shine to my father when he registered. So we got into some of the most amazing places. She asked my father where he would like to go, Oxford or Cambridge. And he said he wanted to go to Oxford, so we went to Oxford.

We saw all around and then my mother and I were invited back for a small luncheon (I don't think there were more than twelve or fourteen people) at Lord Haldane's residence. At that time, he was the Chancellor of the Exchequer. Of course that was quite an experience for me. I always remember one of the maids. They all came in and served with their china dishes and they served everybody individually. One of them dropped one of the dishes and cut her arm. She never issued a peep. She just grasped her arm and walked slowly out of the room. That's one of the main things I



remember. Of course I was still a youngster then and I was rather overcome by some of our experiences. So I suppose that was what got me really interested in Oxford.

Of course we went other places. We went to Buckingham Palace. This was during the reign of George the Fifth, and the Prince of Wales who was of course Edward the abdicator, Edward the Eighth. We were right on the outside of the row as the royal family walked through, so we got a really good look at the King and Queen Mary. I think the only people that actually met them were people like my future great-uncle-in-law Wallace Nesbitt who was chairman of the Canadian Bar at the time. But one thing that did happen that was very embarrassing to Canadians: there was one lady there who married a very bright young lawyer who wrote law books. She was much older so it's possible he married her for her money. She had a house in Toronto on a street where the big estates were in Rosedale. At that time, the Prince of Wales owned a farm out in Alberta and he used to come to Canada frequently. Anyway, when he used to come to Toronto, this lady had such a big house that he was most often billeted there. Well, that day at Buckingham, she was right close to us and as the royal couple passed, she stepped out into the aisle and she said, "Oh, your majesty!" Of course you were not supposed to hold out your hand or speak! Nowadays, they're easygoing but not then... She said, "I'm Mrs. So and So," and she added, "I used to entertain your son when he was in Toronto." Of course, Queen Mary was the worst old aristocrat. She just kept her head up. The king was better. He said, "Oh, that's interesting, and I'm happy to meet you," and passed on by. [laughs] Oh, the whole Canadian contingent was in an uproar over this! So that's just one little item I remember.

AKM: Did they think she stepped out of line?

CHM: Oh, definitely! You don't do that. Another story I remember about that day was about my father. When we were going over, we were told to bring formal dress. At that time, morning coats were coming into style, but my father's dress suit was a frock coat and my mother said, "Now, John, you are going to have to get a morning coat." But he said, "I certainly am not. That frock coat's perfectly good." Anyway, along comes

the King, George V, in a frock coat! And all the bar afterwards said, “John, you were the only man that was properly dressed!”

I have met the Queen several times but in those days, it was only the greatest of the great that got to meet them. Oh, yes, I went to every other thing and a lot of them were very interesting.

AKM: Was that the first time your parents had been to Europe?

CHM: Yes. And after, you could have gone either to Ireland, or to France, to meet the Irish or French Bar. And my Irish father decided to go to France!

AKM: Why was that?

CHM: I don’t know, but Paris appealed to him. I can’t remember if he’d been to Ireland before. I don’t think he had though. Anyway, we went to France and it was exciting to see the French ballet and drink champagne and all those things. It was quite an experience for a girl my age. But after that, we didn’t go home. We toured Europe until it was time to go back to school. I went to places like Rome and Venice and so on. So I saw many places when I was only fourteen years old!

AKM: Were there any other children that you remember on the Bar trip?

CHM: I don’t remember any children. But I do remember two girls that were probably late teenagers. They were the daughters of the Attorney General for Quebec. I remember when we got to France at one point, they were absolutely furious because they spoke Quebec French well, but the French they spoke in France was different! Oh, these girls were upset because the French people could not understand their accent.

AKM: Do you remember yourself, hearing the different accents in England...

CHM: Oh yes. Actually one of the countries we visited latterly was Scotland. I couldn't understand what they were saying at all! When I went to McGill, the professors spoke in Parisian French. And I could never understand a word of French-Canadian French. And of course patois French. That's another story.

AKM: Before we leave your childhood, I want you to describe yourself. I know you were independent. What did you look like?

CHM: I looked terrible.

AKM: Why do you say that?

CHM: [laughs] I always suffered from puppy fat, you know. Somewhere along the line I found a picture of myself when I was on the Bar trip to Europe. You wouldn't call me fat now, but I thought I looked terrible. And then of course, mostly every place we went we had to wear hats. And I looked so terrible in this hat! So until I went to McGill, I guess, I always was kind of battling the battle of the bulge. I don't think I was a very attractive teenager.

AKM: Were you shy?

CHM: No, I don't think I was shy, but I don't think I was very outgoing. Small talk never interested me, and I'm still the same. My sister was outgoing but I'm not outgoing at all. Outside of that I can't remember much about myself at that point.

AKM: What about university? You didn't go to Oxford – your mum was very ill. Why McGill?

CHM: Well, I guess it was to get away from Toronto and all the other universities were newcomers: Western and McMaster. McMaster started in Toronto as a

Baptist university and of course I wouldn't have gone there. But they came to Hamilton just two years before my sister went in. So McGill was far enough away – you know you don't want to be too close to home when you are at that age – and then I decided I wanted to study French.

AKM: When you got there, you decided?

CHM: I decided before I went.

AKM: How old were you when you went to McGill?

CHM: I guess I was about seventeen and a half.

AKM: Was that average or a little bit young?

CHM: It was fairly young, I'd guess. Girls just didn't go to university in those days. The wealthy ones had coming out parties and the whole thing. They snagged wealthy husbands. The poor ones couldn't go beyond high school.

AKM: You weren't interested in a coming out party or a wealthy husband?

CHM: Heck, I wasn't interested in a husband at all until I met my husband, and then we were engaged in six weeks.

AKM: You wanted to study seriously.

CHM: Yes. But when I went to college, my father went down with me to McGill, and when I tried to register in French, they sent me to see the Dean. He said, "No, we won't take her because, we've never had a student that came from Ontario with their Ontario grade 13 French that ever made it." I was adamant. The Dean said, "I tell

you what we'll do: we'll let you in, but," he said, "if you can't make it, don't try to get out, you'll just have to fail."

So anyway, I went to my first class. I remember it was a lady named Mme Durand-Jolie. She was chattering away, because this is the first day, and all the other students were answering questions. She looked at me and she said something and I didn't understand a word she said. The girl next to me said, "She's speaking to you!" and I said, "What did she say?" And she said, well why aren't you answering any questions or taking any notes?" I said, "Tell her that it's because I don't understand a word she says." Well, oh! [laughs] It turned out that she was a Don and she lived in the room next door to me. She told me to write home and ask my father if he'd pay for private lessons. Well, the poor fellow wrote back, "yes," and I tell you, that woman dragged me all over Montreal. She took me to church, she took me to art galleries, she took me to everything. The result was that I graduated from McGill in French with first class honours! They even wanted me to go to the Sorbonne. They would have given me a scholarship to go to the Sorbonne, but of course, my mother was so sick I couldn't go. By that time, I had pretty well decided I wanted to go to law school.

AKM: So you were the first Ontario student to graduate from McGill in French?

CHM: I really can't verify that, but I do know that when I left, they established a scholarship for students that come from out of province – it could have been Saskatchewan or anywhere – that got the best marks in French.

AKM: Wonderful. Your parents must have been very proud of you.

CHM: Yes, they were [laughs].

I think sometimes they thought I was pretty independent but latterly they really got to depend on me, you know.

AKM: It sounds like it was a wonderful experience.

CHM: Oh yes. It was a wonderful experience too, because I had a boyfriend. He was nine years older than I was. He was the brother of one of the girls that I knew at university. He had a very good job. He used to go to all the big balls in Montreal, so he always took me. I had quite a social life, I can tell you. My mother was the most wonderful seamstress, and she sent me to McGill with the most beautiful clothes. This man's friends used to ask, "Who is that girl that has such lovely evening gowns?" But despite that, I worked. I worked hard in order to get the marks that I did.

AKM: But you never thought of marrying him?

CHM: Well, you know, I think he would have married me, but by that time, I had decided I wanted to go to law school, and I didn't think I wanted to marry him anyway. I really wasn't ready to get married. He was nine years older. So I came home. The first year after that, my mother and father took us on our first cruise. We went from Montreal to New York and back, on the old White Star line, the *Laurentic*. We stopped at Montreal and he came for dinner, and I thought to myself, "I wonder why I was so interested in him," because he sort of looked like an old man after I had spent a year at law school and had seen all the younger fellows.

So that was the story of my life in Montreal.

AKM: Before you decided to go into law, what did you think you were going to do with your education, with your French degree?

CHM: Well, if my mother hadn't been sick, I think I might have gone to the Sorbonne. But I never really thought what I was going to do with my education. I was just going to learn French, which I did. But don't speak to me in French now, because I tell you, it's so many years ago that you can lose your ear for the language. But every time I've gone on a trip – and I've been to France, and I've been to Martinique – I wasn't there more than a day when so much of it came back to me. I think that if I'd

gone and lived in France that I would have picked it up again quickly. When we tried our final exams, half of them were written, and half oral, taken before the assembled French department, I must have spoken it pretty well then!

AKM: In your class, were there very many women? What was the proportion?

CHM: Oh, yes, there were a lot of women in Montreal in French. But you asked me why I decided to go to Osgoode at one point. I couldn't have gone to law in Quebec because women weren't allowed in law then. I don't think I would have anyway. I wanted to be closer to my mother at that point.

AKM: So why did you decide to go into law?

CHM: Well, I don't know. Maybe because of my father being a lawyer, and maybe because it was a challenge for women in those days. And because of my cat, maybe.

AKM: Your cat? Tell me more about your cat.

CHM: Well, I don't even remember anything about the darned cat!

AKM: Tell the story, it's a good story.

CHM: Well, I'm sorry that I get into so many of these *non sequiturs*.

AKM: Don't be silly; this is wonderful.

CHM: Well, I had this little cat and I remember vaguely sort of running around and hugging him. And he ran out on Stinson Street, and it must have been meant to happen because there were so few cars in those days: he got killed. And I've been told

that I said, “Well, I was going to make him a lawyer,” (so I must have realized that my father was a lawyer), “so I guess I’ll have to be a lawyer myself now!” That was the first time I ever thought about it, but it was always in the back of my mind someplace. I didn’t get any real resistance from my family. My father thought it was strange – women just didn’t go in to that profession. When I was at McGill, I presume probably that of all the girls I was the poorest one, because there were all these wealthy, wealthy girls. These were the only ones that were getting educated. You remember Robert Stanfield? His sister was there, and their father was lieutenant governor of Nova Scotia at that time. President of the Sun Life’s granddaughter was there. All these girls came from very wealthy families.

AKM: Did you consider yourself middle class?

CHM: Oh, yes, by then definitely, but I certainly didn’t consider myself upper class and these days were really the beginnings of the upper class in Canada because they were so wealthy. That’s what usually happens.

AKM: So when you were younger, it had never been a discussion in your family whether or not you’d become a lawyer.

CHM: No. I don’t think so. I don’t know. I can’t tell you that because, you see, when I went away to McGill, I only came home at Christmas, because there were no airplanes. There were just trains, and it took nine hours to get there,. So I only came home at Christmas time.

AKM: How many years were you there?

CHM: Well, they let me into second year because I had grade thirteen and they didn’t have grade thirteen there. So they put me in second year. In order to get the honours degree, I should have had an extra year. So they told me they’d give me the



honour degree if I went to their MA programme at summer school. I went to summer school – I still have the certificate upstairs – I don't remember whether it was one or two summers but I remember I went by boat. I got first class honours in the MA programme too, so they gave me the honours degree too. I earned a minor in English and history.

AKM: So you really were away from home, weren't you, summers as well?

CHM: Yes, so that's why I don't remember a lot of what went on.

AKM: Was it three years at McGill?

CHM: I was three years at McGill, plus the two summers in Montreal too.

AKM: So you really didn't have the experience of living at home in the summer and going back.

CHM: No.

AKM: So you were almost twenty-one when you came home.

CHM: Well, I was twenty when I tried my final exams. I was twenty-one before I graduated.... The same when I was called to the Bar. I was twenty-three when I tried my final exams, and I was twenty-four, just turned, by the time I was called to the Bar. Now they are twenty-nine, thirty, just the way things go.

AKM: Yes. Did you think of any other profession or career?

CHM: No! I was too busy resisting school-teaching [laughs].

AKM: Was there a lot of pressure to be a school teacher?

CHM: Well, not really. There was gentle pressure. I guess they both knew how stubborn I was. Academically, I would have made a good school teacher, but I wouldn't have been a good school teacher..

AKM: Why not?

CHM: Because to be a good school teacher, you have to have the patience of Job. My youngest son has the patience of Job and a couple of other Jobs and he was a wonderful school teacher, but I would have been too impatient with the difficult children.

AKM: And is that what you thought about at the time – that you weren't suited to it?

CHM: Well, I didn't think I would have liked it. I knew I wasn't suited to it, but I'm sure I would have hated it.

AKM: Do you think your parents were delighted, though, about you going into law?

CHM: Well, I don't think they were delighted, but I think they resigned themselves. When they saw how well I did, they were quite pleased. Unfortunately, my mother didn't live to see me called to the Bar.

AKM: When did she die?

CHM: She died in 1933.

AKM: Just before.

CHM: Yes, and I graduated in '34.

AKM: Did you have it in your mind from the beginning that you would practice with your father?

CHM: Well, I suppose originally. But by the time I'd graduated, my husband was on the scene. And my father was not easy to get along with.

AKM: I'm going to ask you about that when you get to articling. Well, here you are, back from McGill, a wonderful experience; you go to Osgoode. Is that the order?

CHM: I started at Osgoode in September. I had come home in the spring. I graduated from McGill in June. The summer – I guess I spent it at the beach!

AKM: Did you still have the place? Yes you did.

CHM: Yes, we didn't sell the place until after my father died. Anyway, and then, I just went to law school. But what I did was, before I went to law school, I sort of thought I wanted to get my MA in French. And so, I applied to register in the MA programme at University College in Toronto. Well, they wouldn't take me. Why, I don't know. I wrote and told the head of the French department at McGill. He was insulted!

He wrote back and gave them a blast, so they took me. So the result is that I got into the university college graduate residences. Well, here I was, running between University College and Osgoode. I thought Osgoode was a gloomy old place. The first year at Osgoode, I found very very difficult, because at the University of Toronto they had an undergraduate law degree. I think they still have it, though I don't know. But honestly, most of these fellows had taken that undergraduate law degree and they had some basis in law. I had nothing, except my desire to become a lawyer. So I had a very hard time. In the interval, my mother would get sick and they'd think she was going to

die this weekend, and they'd bring me home. So eventually, I realized that I couldn't take both.

AKM: So you were attending both programmes?

CHM: I was doing both, attending both programmes. The University of Toronto's programme was a little different because at McGill, everybody was supposed to be able to speak French, so we took French history, we took French politics, we took everything like that. I can't remember what the University in Toronto was but it was different. They were still doing phonics and basics like that.

AKM: Not interesting.

CHM: Yes. But eventually I realized, that if I was going to get through law school, I can't do both.

AKM: So when did you quit your Master's?

CHM: I quit the first year. But they let me stay on in residence; I lived at University College for all three years, at 49 St. George. My son Ian and I were in Toronto recently. (I've been there lots of times but I usually went shopping or something, though recently mostly I go just to visit my kids, the grandchildren, or friends). But this time, I said to Ian, "Let's go on an exploratory trip." At the University, there are all these beautiful, beautiful new buildings that I'd never seen. But here was 49 St. George, still there. I said to Ian, "Next time I am going to go down and I am going to go to knock at the door and find out what's in there now."

AKM: What was it like living there?

CHM: Well, I made one of my best friends in there. Her name was Jane Clayton and she was from Fredericton, New Brunswick. She was taking her MA in science, I think. She was a very chatty person and she used to come to my room to talk. I had a roommate and we had the room on the first floor as you go in on the hall door. She used to come down and she was always very curious about me, I guess because I went to McGill I don't know, but anyway, she was always asking me all kinds of personal questions. I used to think she was too nosy, but I got used to it. So she became my lifelong friend. I visited Jane Clayton in Fredericton. She later married an Anglican minister. They moved to the States and then he became an Episcopalian. Anyway, he used to come to visit us in Hamilton all the time, when he would be down at the synod in Niagara. He loved golf, and my husband used to always have to take him to the golf club. I went to Fredericton when I was younger and I remember it cost five dollars to go from Toronto to Fredericton. Then there was the girl that I lived with – she married a dentist – and I saw her from time to time, but not too often afterwards. And then there were a couple of other girls that I was friends with.

AKM: Only five dollars for that long trip?

CHM: [laughs] I remember, I sat up all night. So that was the sort of relationships we had there.

AKM: Friends that you made outside of law school but while you were going to law school. That must have been a very difficult year, though, with your..

CHM: Oh, it was terrible. It was just dreadful.

AKM: And you would be so used to doing so well.

CHM: Yes. I managed to come about twentieth, I think, that year.

AKM: Out of how many?

CHM: Well, we started off with about a hundred. Some of the people in the class photograph never graduated. Some of them flunked out in the last year. But I'd say there were about sixty in the last year.

AKM: Twenty was pretty good, don't you think?

CHM: That was only in the first year. In the last year, I came – well, it's questionable. My husband came third. I came, in the Christmas exam, fifth, but in the final exam, I came fourth. I beat the guy that came fifth, so when they averaged the whole year, I've never really known whether I came fourth or fifth.

AKM: That's amazing.

CHM: Yes. Well, that was good, yes.

AKM: You would have been the highest woman student?



**Figure 1 Constance Hunt, Osgoode Hall Law School, Class of 1934.**

Photograph courtesy of the Archives of The Law Society of Upper Canada.

CHM: I was the highest woman in that class, I can tell you, because there were only two of us called to the bar in that year. My friend Mary Appleby, who lived in Islington, was the other one. I visited her in a nursing home up in Minden about four years ago. Then I said I'd be back and I didn't get a chance. Then, about two years ago, I phoned and I asked if she were still there, and they said no, she'd died.

AKM: So there were only the two of you?

CHM: Only two of us were called to the Bar in the spring call.

AKM: And how many in the class, that maybe dropped out or flunked out?

CHM: Well, the list said there were six girls, but one girl dropped out before, because she joined – remember that Oxford movement where you could get up and you told all your sins?

AKM: Yes.

CHM: Well, she dropped out entirely. I believe she came back later and did join Osgoode again and she got called to the bar.

AKM: Do you remember who that was?

AKM: Her name was Struthers, I think. She dropped out. Now, there was a Florence Forrest and Emily Williamson and Bessie Adelman. They obviously didn't graduate in the spring call – they must have failed in one or two subjects. But in those days they had "supps."

AKM: Supplementary exams?

CHM: Yes. Now I think that Florence Forrest was called in the fall of that year – she took the supps and she passed. I'm not quite sure when Bessie Adelman graduated because I never kept track of her. But Miss Williamson was old, we thought she was really ancient; she was in her fifties, and she had been a legal secretary. I know she was called to the bar. She came to my wedding.

AKM: So most of the men, or many of the men, had done the undergraduate law course.

CHM: Yes.

AKM: Any of the women that you remember?

CHM: No, I don't think so.

AKM: One legal secretary..What background did the other women have had, that might have led them...

CHM: Well, I think Mary Appleby went to some ladies' college for high school – I don't know whether she graduated from university or not.

I can't remember about Florence Forrest, because you could at that time get in with two years university, you see.

AKM: I think in 1931, they said you didn't have to have two years. They'd lowered the requirement at that point.

CHM: No I think you still had to have two years.

In my father's day, the system was different. You used to be able to work in a law office and then you could try an admittance exam, and you could get in the law school. I remember there was this man named Frank Dillon, who worked for my father



when Kay and I were young. He was a pompous fellow. We ended up calling him Lord Dillon. But anyway, he was a lazy fellow. He never got around to trying that exam, so he ended up as sort of a law clerk. That was the difference in the system when I was young. Later on, it was different again.

AKM: I'm very much interested in your experiences at Osgoode and what you thought of your education.

CHM: Here are these books [Osgoode Law School Student Directory for 1931-2, and for 1932-3]. I know you have questions here about law school..[Mrs. McLean looks at a sheet of questions prepared by AKM] Now you ask what professors I remember. I've got them all here. I brought the class picture down and then I discovered they're all in this book.

AKM: All right, and I'm interested in your impressions of them.

CHM: We've got John D. Falconbridge.

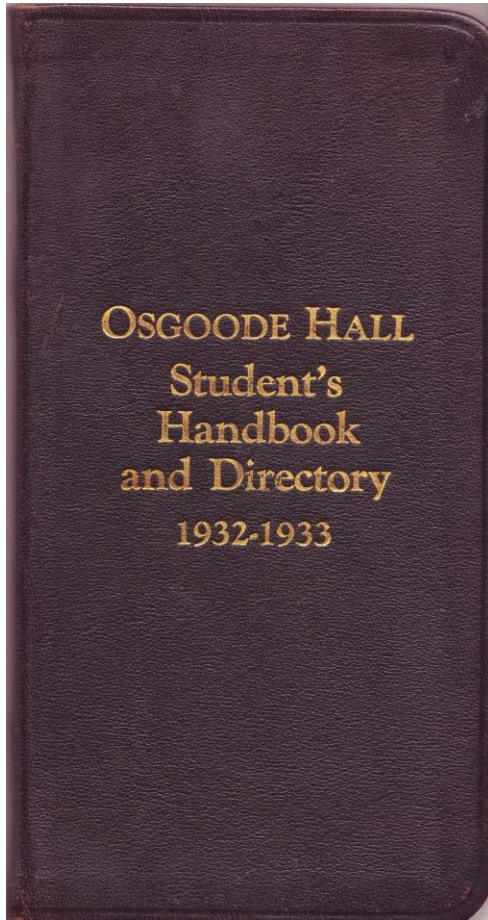
AKM: He was the Dean, was he not?

CHM: He was the dean of the law school, yes. And it's got all his history here.

AKM: But what do you remember about him?

CHM: I remember he was a nice old man but a darn poor lecturer, because he was much older at that time. He was called to the bar in 1896. And then there is Donald Alexander McCrae. Well, I had trouble remembering about him but it says that he taught evidence. Evidence was the subject for some reason or other that I just didn't clue in to too well.

AKM: Did you have a set number of courses?



**Figure 2 Cover of Osgoode Hall**

**Student's Handbook, 1932-3.**

Property of Constance McLean.

CHM: Yes, we had to take them and we had to pass them all. Now, they decide they're going to be criminal lawyers or they're going to do litigation or commercial law or whatever. But anyway, we had to do everything.

AKM: You don't remember Donald McCrae.

CHM: He used to be the dean of Dalhousie.

AKM: Right.

CHM: And then we had Cecil Augustus Wright, one of the smartest lawyers I ever came across. He won the Gold Medal at law school and all the scholarships, and he was a lecturer in my day, a very good lecturer. He lectured in wills, I guess and a couple of other subjects.

AKM: He was young, as well, wasn't he?

CHM: He was young.

AKM: Did you ever experience the case study method, or was that later? I know that Caesar Wright is famous for bringing the case study method, instead of just lectures, to law school. He tried to change how the students would learn.

CHM: No, my son probably did. My eldest son went to University of Toronto law school and Caesar Wright was the Dean. And my son was too young to go. Two years at McMaster in mathematics – he was very good in mathematics. He was only seventeen. So he may have learned by case study. When I was in law school, Caesar Wright was just a lecturer.

And then the next one was my beloved John J. Robinette.

AKM: Your “beloved”?

CHM: Oh, I loved that man. I don't mean [laughs] personally.

AKM: Why?

CHM: He had such a wonderful personality and he was such a wonderful lecturer. He had a good sense of humour. Now Caesar Wright didn't have a good sense of humour because that Florence Forrest I told you about, she was a horse woman. She came from Port Hope and she used to ride her horse to Toronto. She kept him in a stable and she used to come in her riding clothes to lectures. And the boys used to go, "giddyup giddyup/cluck cluck." So Caesar Wright told her in no uncertain terms she was not to wear her riding habit! [laughs].

But John J. Robinette, he was wonderful. He also lectured in real estate, and I hated real estate but I was happy to go to his lectures because I liked John.

AKM: So he lectured in real estate, and what else?

CHM: Well, what the heck did he lecture in? I'll try to remember?

AKM: Was it only real estate?

CHM: No, he lectured in a couple of other ones.

AKM: But you remember the real estate...

CHM: Yes, probably because I didn't like the subject. And then there was Arthur Rodger Clute, the worst lecturer we had there at the time. He was called to the bar in 1899, and he lectured in subjects that I absolutely detested, like the law of negotiable instrument, that was mathematically based. I always remember him because he was so terrible. There was Foster. I don't really remember much about him, but he was an older one too. He was called to the bar in 1909.

And then there was James McRuer and he became Chief Justice. He lectured in criminal law. My mother was very sick during the last exams of law school in 1933, and I was called home so often that I didn't have time to even look at the criminal law books. And I went to Osgoode at the time, but I said to my friends, "I'm not going in to the

exam. I don't want to fail a subject." The girls pushed me in. Well, I didn't get my best marks in that subject, but I got what you'd call a second class mark, based just on what I remembered from his lectures. So he must have been a pretty good lecturer, I can tell you that!

Then there was Wishart Spence, who became a judge on the Supreme Court of Canada. Wishart lectured me in bankruptcy. Well, I hated bankruptcy too! While Wishart Spence was there as a lecturer, or maybe earlier on, he met a Catholic girl, about whom I don't suppose the Spences were very happy. I knew that young lady, because she used to go to the Newman Club, which was the club for Catholic students, just up the street from 49 Saint George. I used to go there with the boys from law school because we had the Newman law school club. So I met that lady, and we became very good friends. When Wishart Spence got married, my husband and I were invited. (We weren't married then.) I always said, Wishart Spence must have given me the good mark I had in bankruptcy because I hated that subject so much!

AKM: Now, you will pardon me, but I haven't heard you say you loved anything at law school yet!

CHM: Oh, I loved wills. I loved the history of English law, and I think that's what McCrae lectured in. I came first in class in history of English law. I came first in the class in contracts. I loved wills, and estates.

CHM: I don't know. They were just interesting. They were about people. They weren't about old figures that never did anything.

[Looking through book] There was Henry Borden and Kenneth Morden. I never liked either one of them personally, because they were younger and they graduated in, let's see, Borden graduated in '21 and Morgan graduated in '28. So they were younger, and they stuck their nose up at girls in the class. I think Morden lectured in trusts. I can't remember what Borden lectured in.

## Law Society of Upper Canada

### EASTER EXAMINATIONS—1934

#### WILLS AND ADMINISTRATION—THIRD YEAR

Examiner—Cecil A. Wright

Note: Questions are of approximate equal value. Allot your time accordingly.

1. T draws up a form of will which reads: "I leave one-half of my estate to A if he shall not marry X. The other half I leave to B." T signs this in the presence of O and P who are together at the time. O, feeling faint, leaves the room without subscribing the will. When he returns a few minutes later, T says to him: "Just after you left, I saw that I had mistakenly put a 'not' after 'shall' and before 'marry' in the gift to A. I have drawn a line through the 'not', as you can see, I have initialled the change, and P has signed the will and also initialled the change. I wish you would now do likewise." P, who is just on the point of leaving the room, corroborates T's story. O then signed the will and initialled the change.

What, if anything, is entitled to probate?

2. T bequeathed the residue of his estate "to such person as I shall name in a paper to be found in a sealed envelope in my desk, and if I leave no such paper in my desk, then to A".

(a) If there is such a paper naming B, in existence at the time T executed his will, will B take the property?

(b) If T later makes a paper naming B, will B take the property?

(c) Will A take the residue in either or both cases?

(d) If T leaves no paper, will A take the residue?

Figure 3 Law Society of Upper Canada Law School Examination, Wills and Administration, Easter 1934, first page. Property of Constance McLean.

AKM: Why do you think it was the younger teachers that were less pleased with girl students?

CHM: The older men were more respectful to women [laughs]. The younger men pretty well ignored us. In general, they treated you well as long as you toed the line.

I've got here a note that I was the First Vice-President of the Legal and Literary Society [laughs].

AKM: Now what did the Legal and Literary Society do?

CHM: Well, I can tell you. [Reading from the Students' Handbook] "Every student of the Osgoode Law School is also a member of the Legal and Literary Society. The chief purpose of this society is to foster a spirit of good will amongst the student body. With this end in view, various activities have been planned for the coming year. The Executive shall hold three or four luncheons during the year, in the Arcadian Court, at Robert Simpson's. The cost of these functions will be 40 cents per person." [laughs]. "Leaders at the Bar of this city will be speakers, and these gatherings should be most noteworthy."

AKM: Now, you are reading from a book. What is the name of that?

CHM: It's the Osgoode Hall Students' Directory, for the year..

1933-34, our year.

AKM: So you were automatically a member..

CHM: I was automatically a member, but I got elected to be first vice-president.

AKM: Did you organize some of these luncheons?

CHM: Well, I guess I must have. I don't know. I mean I would have had to take part because I was an executive member. Now here, "social activities suffice to say, that a Fall Dance was being held at the Embassy Club in October."

AKM: Did you go to that?

CHM: Well, my husband – James Montalieu McLean -- and I fell in love there [laughs]. He brought another girl and he kept cutting in with me all the time.

AKM: You have to tell more about that, Mrs. McLean!

CHM: And then it says, "The Christmas Dance will be held at the Royal York." Well, I'd already agreed to go with my current boyfriend then, but I told him I was sorry, I was going with this Monty McLean [laughs]. My old boyfriend was heart-broken and pretty mad, I think.

AKM: And you were pretty well engaged by the Christmas Dance, were you?

CHM: We were engaged in six weeks! [laughs] We didn't have money to get married for three years, but we were engaged in six weeks anyway.

AKM: Socially, well – when did you have time in that year to do these social things? With your mother's illness, and the classes, it must have been difficult. Maybe this was the year following...

CHM: Yes, it was very hard. But my mother was dead by the time I graduated, so I didn't have that pressure. She died in July of '33.



AKM: That would be your first year there?

CHM: No, my second year. So then, when I went back, I had all kinds of time. And of course, having my future husband for most of that year, we used to study together. I got to know my husband at the Embassy Club dance, but I already knew him, because he always sat where the girls sat, in the front seat, because his feet were so big. My husband was six foot four in his shoes. And he had huge feet! They probably were size twelve and a half.

He was always very polite, you know. So I always used to say good morning to him and I remember that Emily Williamson said, “Oh, if I were younger, I would certainly go for that young McLean.” I said, “You must be crazy! Not that great big tall galoot.” She said, “Yes.” And even my mother - my mother had a sense of humour. I had a boyfriend who had small feet, and she said, “His feet are too small. That indicates what he’s got in his head.” My mother only met my husband once, when she was dying. Afterwards she said, “Well, I never expected you to take me so literally.” [laughs] She said, “Look at the size of his feet! He must have lots of brains.” [laughs] Well, that’s another story.

AKM: Can we move into articling in your father’s practice with your father?



**Figure 4 James Montalieu McLean, Osgoode Hall Law School, Class of 1934.** Photograph courtesy of the Archives of Law Society of Upper Canada.

CHM: OK. I was articled to my father while I was still a student. I pretty well did what my father told me to do.

AKM: I want to know what he told you to do.

CHM: And then, of course, after we were called to the Bar, my husband came to Hamilton, I left my father and we went down and opened up a little office down on Ottawa Street.

AKM: Downtown Ottawa Street. But he didn't last very long there, your husband, in your own practice, did he?

CHM: No, because I think I told you that my father's associate (they weren't actual partners) Schreiber, saw the handwriting on the wall, I think. Here I was coming along and here I was bringing somebody I was going to marry, another lawyer. So he left and started up by himself. And then my husband was supposed to start in Woodstock because with his uncle but he decided to come to Hamilton. As soon as Bill Shreiber left, my father asked my husband to come and help him. So then, we were both there.

AKM: That was the beginning.

I'll stop there today, but it has been wonderful so far, Mrs. McLean.

CHM: Yes.

## SECOND INTERVIEW – 17 May 2007

AKM: Today is Thursday, the 17<sup>th</sup> of May, 2007. Mrs. McLean, we were talking last time about your social life and we left you on the brink, at the dance, meeting your future husband and dancing with him. But I wanted to ask you more about social life in general at Osgoode. After your mother died, you had more of a chance to be like a typical student.

CHM: Yes, well, I always had a pretty good social life because, I think I told you that there was a law group at Osgoode, the Newman Law Club, and so there always was somebody that was taking me someplace. In addition to that, there was always other people in the class that asked me out.

AKM: The Newman Club was a Catholic club?

CHM: Yes, it was, for Catholic law students. At Osgoode, of course, I was the only girl so that was a bonanza!

AKM: Were you the only woman Catholic student, or the only one that belonged to the club?

CHM: I think so. One girl was Jewish, and I know Mary Appleby was a Protestant. I think I was the only Catholic.

AKM: So was there a Jewish law club as well, do you remember?

CHM: I have no idea. There might have been. But there were lots of dances and things like that and the student directory tells about the activities, what activities students put on during the year and I think I read you about that.

AKM: You did, you mentioned about the luncheons. There was a good school spirit, would you say?

CHM: Well, not like there is at university...I know I am still getting things from McGill, and always they send me the McGill newsletter – what's happening and how the university's expanding and that sort of thing. I wouldn't be interested except that I have a couple of grand-nieces and a grand-nephew that are at McGill. But Osgoode's not like that. It's at York University now, and since it was transferred to York, we do get some mail. Sometimes there are requests for money!

AKM: Yes, I'm sure.

CHM: It was fun while we were there at Osgoode, but after we left, I think there wasn't a great sadness that we left these hallowed halls, you know? [laughs]

AKM: Was there a sense of sisterhood among the women? Did you associate as a group? There were so few of you.

CHM: Yes and no. My recollection is that the women caused problems once they turned up in law because of the bathroom facilities and everything. My recollection is that we had a common room and a washroom way down in the bowels of the building and occasionally we saw girls from other years down there. But only the girls in our year would be there all together, and maybe the ones from another year that would come in when their lectures were finished. So there wasn't a great deal of group interest.

AKM: So you stayed pretty well with people in your year.

CHM: You wanted to know if I knew Margaret Hyndman. Well, I did. But she was ahead of me by quite a bit. The reason that I knew her was there was a legal sorority. There was one association for the girls and one for the boys. In any university there are

several, but there was only one at law school. I can't remember the name of it, but it was not a social affair – it was academic. You had to have certain marks to get in. I belonged to that, and I attended a few meetings. I met some of the older lawyers that belonged to it.

AKM: Was that only for law students?

CHM: Only women law students. I can tell you the name of the men's: it was Phi Delta Phi, because I got my husband's fraternity pin. He said, "I only joined it because I can't afford an engagement ring!" Somewhere in my jewellery archives I have both those pins attached together. So I had a bit of social life with that sorority for a time when I was there.

AKM: Was there anyone else in your year who belonged to that sorority?

CHM: Yes. Florence Forrest belonged to it, but she did better, I guess, in her first year than she did after, because she didn't graduate with us. But she did eventually get called to the bar.

AKM: What do you remember about Margaret Hyndman?

CHM: I don't remember very much about her. I do remember that she was a very - well, I wouldn't call her aggressive, but she was the sort of person that you noticed. She was very well known in the profession and was quite a good lawyer. I don't know whether she became a judge or not.

AKM: What about the quality of your education? You'd had a wonderful education at McGill, and you thought some of the lecturers at Osgoode weren't very good, an opinion that was shared by other people who have done their memoirs. Were you disappointed at the quality of education there, or was it what you expected?

CHM: Well, I don't know, because there were some wonderful lecturers. Like Robinette, and Wright. As I say, in my first year I found it very hard, because it was completely different from what that to which I was accustomed. And then I had to contend with all these graduates from university undergraduate courses. But as time went on I got into it, and I think that the reason that I managed to come out so well in the end, despite my mother's illness and so forth, is that I had an ability to zero in on a point. I can remember there was one young man, quite a nice young man, and he flunked out in the first or second year. He seemed smart enough, but he never got to the point. He always wound around it, and had so much stuff that didn't really belong there, that he didn't do well. But that was always my strength. When I wrote exams, the minute I read the question, I could zero in on the point, and go right from there. I think that is something that is very important in law. I think that is what happened to the older lady student that was a legal secretary. She was a lovely person, but I don't think she ever learned how to do that.

AKM: At the time that you were at Osgoode, there was a lot of controversy about the place of legal education compared to the importance of articling in preparing to be a lawyer. Do you remember any of that, a debate while you were attending school, about whether or not the legal education component should be increased, whether there should be more classes and less articling?

CHM: No. But as to whether Osgoode was an inferior law school, Osgoode was the only law school in Ontario! There was one in Quebec but there were no women in it. UBC might have had a law school, but I never heard about it. I don't know where you picked that up. I only heard that Osgoode was a good law school. Now, later on, the University of Toronto law school was considered top drawer, and that was because of Caesar Wright.

AKM: And he was a lecturer at Osgoode when you went to law school.

CHM: He became the dean when he went to University of Toronto Law School.

AKM: Some historians have said that compared to other North American law schools at the time, Osgoode was old-fashioned in its methods and behind the times.

CHM: Well, if you compare it to Harvard, maybe, I don't know. One of our best friends that was in our year graduated from Harvard Law School and he came back because he wanted to practice in Ontario. So if you compare it to a law school like Harvard, possibly it wasn't that great.

AKM: As you say, what options did a young woman have? Now, can you tell me about articling with your father while you were attending school? You had always planned on articling with your father, is that correct?

CHM: Yes. The law school lectures were over at 11 or 12, and then you ran right to the office, and worked until 5 o'clock (that was the typical pattern). Unfortunately, there were no set programmes of articling for the law offices to follow in those days. For instance, my husband was with one of the big firms. He said, "All they had me do was put stamps on envelopes." Maybe it was not quite like that, but that's the way he remembered it. But I think it was hard on girls, harder than on the boys, but I had the opportunity to article with my father, who told what to do and that was really much easier on me. I never could have kept up the pace when my mother was dying, if I hadn't articulated with my father.

AKM: How did it work? You lived in Toronto at the St. George street residence, and you went to lectures in the morning?

CHM: Yes.

AKM: Then, when were you able to appear in your father's office?

CHM: Well, actually they gave me a car, so I was able to get back and forth. But it was mostly on the weekends that I worked with him because my dad was one of those fellows that would go back to the office on Saturday and Sunday. I think I probably got as much out of articling as some of the fellows in the big offices because there were no set programmes there. Later, my husband went with a lawyer called Maurice Crabtree. Crabtree was a sole practitioner. My husband said he was the one who really taught him law.

AKM: Was this in Toronto?

CHM: This was in Toronto. And Crabtree really wanted to keep him when we graduated. My husband always was very grateful to him.

AKM: So your husband didn't article with Craig McKay in Woodstock.

CHM: No. I think he was there in the summers when we had holidays, because that was the firm he was supposed to go into.

AKM: I see.

CHM: But at that time there was no stipulation that I remember, that you had to work in a firm in the summers, because a lot of students were working at something they could make more money at so they could get through law school. But my husband did work there, I'm pretty sure, in the holidays. I didn't really get involved with him until our second year.

AKM: Well, then, back to your articling. You probably did your share of putting stamps on envelopes for your father?



CHM: Oh, yes, he'd tell me what to do.

AKM: What did he tell you to do?

CHM: Well, I suppose if he wanted me to go to the registry office and search a title, he'd tell me to go. I'll tell you, the thing I hated the most in the world was searching titles.

AKM: Why?

CHM: Oh, I don't know. I suppose if you wanted me to review a will or something like that, I'd do whatever he asked me to do. That's pretty well what you did with articling, I learned a fair amount. I think I was just as well set up with my father as some of the other ones were. Now maybe some of them got into really, really big firms, like Stikeman Elliott. Stikeman Elliott is a big firm, but like all those big firms, they drive the young lawyers into the ground.

AKM: When you were doing your articles did you see clients?

CHM: I suppose so.

AKM: Nothing memorable?

CHM: No. Many of them probably went into small claims court, and that would be one of the jobs.

AKM: But you didn't do that?

CHM: No, I didn't. Because I didn't like court work, and I never intended to go into it.

AKM: It just had no appeal at all?

CHM: No, it didn't.

AKM: So, your father's practice at this time – did he have much court work?

CHM: No, I don't think so. At that time, there was no specialty practices, but I don't remember my father doing any criminal work. I think that he probably did a certain amount of litigation but no, no criminal work.

AKM: With his division court background, you would think that he might...

CHM: Well, he might have but I don't know.

AKM: Can you tell me a little about your father's legal background? We talked about his family background. I know that your father, J. J. Hunt, was the chief clerk of the Ninth Division Court in Hamilton. I wonder if you can tell me about his coming into practice? I think your mother was instrumental in that.

CHM: My mother said, "Well, John, you know as much about division court work as most of those lawyers that come in. Why don't you go into law?" So I guess she pushed him [laughs] but I don't know. In those days, teachers liked to earn extra money and my father was tutored at night, so he got the qualifications to go to Osgoode law school. He was called to the bar in 1915.

[Mrs. McLean shows AKM a photograph, below; the discussion is inserted in the text of the earlier interview to avoid repetition. It is of an interior of a building, with a counter on one side; there is a calendar showing the year 1911, and a plate with a name, W.A. H. Duff. According to the 1911 census, a man of that name lived on Barton Street in Hamilton and he was listed as a barrister, born in Ontario, aged 65. A marriage registration gives his name as William Alexander Duff.]

Now this photograph is something that has me baffled. But I think it might be the Ninth Division Court. You see all the books in there. But I'm not sure.

AKM: Is your father in this photo?

CHM: I never knew my father to have a moustache. The two men in the back have probably taken a book and gone in to read it, to search a title or something.



**Figure 5** Possibly the 9th Division Court, Hamilton, Ontario, 1911. Property of Constance Hunt McLean.

CHM: [Pointing to a woman in the photograph..] There was an Irish Catholic in the 9<sup>th</sup> Division Court, and she sent him a lot of business. People would come in and say, “We don’t know a lawyer.” I think she was probably the secretary..women didn’t get the big jobs in those days. This lady might be the one who helped my father get his first estate. The story is that a lady, Mrs. Schneider, came into the division court. She said she had money to invest and she wanted to get the services of somebody she could trust. The woman who worked there said, “there’s a young man I could recommend whose going to be called in the next call, so wait for him,” and that was my father. This lady trusted my father and she gave him all her money to invest and so he built her estate up by quite a bit.

I just disposed of that estate about four or five years ago. She was a maiden lady who left her money to her sister. Her sister left it to her son. Her son left it to his second wife. However, he created a testamentary trust in favour of his daughter by his first wife. This gave her (the daughter) a right to live in a house for life with all expenses paid, plus a small amount of cash. On her death, everything passed to the heirs of the second wife. The second wife and my husband were executors – when my father died, he was on the last will. The second wife died, which left my husband as sole executor. My husband died, so I as his sole executor was obliged to take on the responsibility. The lady who is the beneficiary of the trust is still alive.

The ultimate heirs are two very elderly men, who came to me and asked if they could get their money before they died. I decided that we would see what we could do. At that point, I was working with my nephews, at Nolan, Nolan and McLean, as we were known then. That would have been a conflict of interest for me to apply to the Public Trustee directly. Therefore, I applied to the Public Trustee through my “arms length” lawyer, Mary Lou Dingle, another estate lawyer who is still practicing. The Public Trustee agreed to release me from my executorship with the approval of the life tenant. The two nephews are now in charge of the estate but are subject to very rigid terms laid down by the Public Trustee (the life tenant must always be allowed to live in the home).

There was another estate that I inherited from my father. An old gentleman that had never married left all his money to a local charity, Hamilton Handicapped. My father

kept telling him to put some limit on this, but no, the Hamilton Handicapped was going to get all the money. He died about 1953, and of course I wanted to get rid of that one, because you know it was sizeable, and I had to keep investing it, and it was just a pain in the neck. Anyway, Mary Lou Dingle looked after that too, and the public trustee was the one that okayed it. So now, all the money was transferred to the charity and they're still running it. Last year, I got a Christmas card from them!

AKM: You mentioned at our first meeting that your father had developed or done some real estate development himself, on Stinson Street.

CHM: Well, he went in with a developer but my father didn't do any of the building of the houses. It was a very successful business. The development was on the south side of Stinson Street between Wellington and West Avenue. I guess maybe there were about ten houses there. By the time my father went to law school he had enough money to finance it.

AKM: Your father had articulated with George Kerr in Hamilton. Did you ever meet him?

CHM: No. I think the name of the firm was McFarlane, Kerr and McFarlane, a Protestant firm. My father told me that George Kerr told him that he shouldn't start up in Hamilton, that he would never make a go of it in this Scotch Presbyterian town. Well, I'm not fooling, I don't think he was in business more than a week when he was absolutely inundated with Italian business because there'd never been more than one Catholic lawyer in town. I think there was one other Catholic lawyer, a fellow named Mike O'Reilly, but I don't know too much about him.

Anyway, he always used to be fascinated because the Italians would come to him. They'd bought a house, but they wouldn't give you a cheque or anything. They'd get the money out of the bank and bring him \$4000, which was the value of most houses then. So my father had a great big vault installed in his office.

AKM: Your father didn't speak Italian himself. How did he communicate?

CHM: Oh, I don't know. There was probably an interpreter of some kind. I remember this particular real estate agent who would interpret for him sometimes.

My father did a lot of real estate work. I know that there was one real estate agent that brought all his clients to my father.

AKM: At that time, I guess the real estate services that your father would have provided would have been to both sides in the transaction, to buyer and seller, I think.

CHM: Yes. Now there are restrictions on that, but I don't think that there were any restrictions on it in those days.

AKM: No, there weren't.

CHM: No. Most of the real estate mortgages, at least then, went through law offices. Now the big banks and the trust companies have zeroed in on the mortgage business, but in those days most mortgages went through law offices. Many times I went with my father to assess a property before he would let any of his clients invest in it. He'd do it in person. I got so that I could pretty well pinpoint the value of a house. And I continued that work into our own practice, with my husband. Even now, I am pretty good at assessing the value of a house. Well, that was one experience I got.

AKM: So might your father find a property for a client then?

CHM: Well, yes, he did. For instance, he had money to invest for people, such as the first estate that has just gone out of our office within the last few years. There were other people like that, who would come in with money, and they'd say, "We have so much we'd like to invest and what about a mortgage?" So it was not only Italians, but it

was this lady's money that started his practice. It was a little different world as far as money went. The lawyers then, I think, were much more ethical.

AKM: Do you think so?

CHM: Yes, in those days, than some of them might be now.

AKM: And of course this was in the days before separate bank account for clients, and trust accounts, and so forth.

CHM: I don't remember much about that because when my husband and I first got married we didn't have any bank accounts!

AKM: Can you tell me what else you remember about your father's early practice?

CHM: I don't remember much about his practice from when I was a child. But I do remember going with him to wakes. At that time, there were so few, if any, Catholic lawyers in Hamilton – my father might have been the second. The Irish, of course, are great for wakes, and he was quite close to the Irish because his mother and father had been born in Ireland, so he knew a lot of people in Hamilton, and he always went to their wakes, and he used to take me around. You know, when my husband died, some of the grandchildren wouldn't even come into the room, but when I was young, I just went along with my father and seeing a dead person didn't bother me at all.

So, anyway, we go into this one wake and they greeted him and me very nicely, and when we came out I just happened to say, "Dad, who was that man?" And he said, "I don't know, I never saw him before in my life." He evidently got into the wrong room!

Maybe one way of staying in touch with his clients was to go to all the funerals and all the wakes. But that's about all I remember about it. So until I went into law school and into his office later on, I really didn't know much about what was going on.

AKM: You told me before that he practiced at the corner of Main and Hughson, in the Wentworth Arms Hotel building on the ground floor.

CHM: Yes, my father's office was on the main floor of that building. He had his name and his business on the front door. He was there until after I was called to the Bar, and I used to work with him there.

AKM: Do you remember who else occupied that building?

CHM: Yes, there was one other office, with a real estate agent.

AKM: Would he have worked with that agent sometimes?

CHM: Maybe he would, I don't know.

AKM: Would he have got walk-in business at his office?

CHM: Yes, but I don't know how much walk-in business there was.

AKM: Would your father have used a calling card or a business card?

CHM: Oh, yes, but I don't think I have one left.

AKM: I guess he would walk to work. It wouldn't be too far?

CHM: Oh, yes.

AKM: And you mentioned that when you were a child, he would come home at lunchtime?



CHM: Yes. He never got there, latterly, very much before 10:30. He was not a nine-o'clock-on-the-dot kind of lawyer.

AKM: Who else worked in your father's office at that time?

CHM: Well, there was a secretary, and Bill Schreiber.

AKM: He was an associate and not a partner, is that right?

CHM: I think so.

AKM: Do you remember when you were articling, who did the billing? Was there docketing at that time?

CHM: No, there was no docketing. Miss Elliott did the billing. They probably had an accountant in the background.

AKM: Did your father see his clients in the office, or more often, out of the office?

CHM: Well, I suppose, he often would take his client to see the house on which he was going to put the mortgage. But most of them he'd see them in his office.

AKM: Did your father have a letterpress, for office correspondence, that made copies?

CHM: Not in those days.

AKM: Was the office, when you first started, a quiet place or a busy place?

CHM: Oh, I suppose average, I don't know. The only thing I remember -- I think we still have it -- was an old adding machine that we kept because it was an antique.

AKM: And they were noisy. Did you ever use that?

CHM: I suppose I did.

AKM: What did you wear when you worked in the lawyer's office, in articling? Did you wear anything different than you would have had you been going..?

CHM: Oh, no. We certainly wouldn't have worn pants in those days, I can tell you. I just wore an ordinary suit.

AKM: When did you have your first pair of dress pants, do you remember?

CHM: Well, I can't remember but I've owned my cottage for over fifty years so I'm sure I had them when I went to my cottage.

AKM: You mentioned that your father was asked to take on a Jewish student, I think.

CHM: Well, this was Bill Shreiber. He also had a student named Frank Dillon.

AKM: It must have been very difficult for most Jewish students to find a place for articling or for working later.

CHM: Well, he got him through my uncle that ran the news company.

AKM: Tell me more about that.

CHM: My uncle owned the Hamilton News Agency. It had a different name in those days but it is still in existence. They took in all the magazines and books and distributed them to the stores and smoke shops and places like that. Schreiber was one of the kids that threw the papers off the truck. He once told my uncle he wanted to be a lawyer, and so my uncle took him to my dad. And my dad took him in.

AKM: Did he think he was good?

CHM: Oh yes. My father sent him home to get him cleaned up. He told him, "Have your mother put your best suit on, and come back. I want to take a look at you." [laughs]. And so, he came back and he looked better, so my dad took him on.

AKM: And he was there while you were?

CHM: Yes, for a while.

AKM: Your father provided a range of legal services. In those days motor vehicle law was starting up. Did he deal with any..

CHM: Well, I don't think he'd be involved in that since he didn't drive a car for a while!

AKM: All right [laughs]. Now. What about bill collecting? When you were articling, did you have to do some of that? It was the Depression. How did the Depression shape...

CHM: I don't remember anything about bill collecting other than collecting from our own clients who didn't pay us.

AKM: The Depression affected different towns differently. Do you remember much of what was happening in Hamilton at that time?

CHM: I don't remember much of anything. The Depression was in '29 and I was away at McGill.

AKM: Right.

CHM: The Depression was almost over by the time I went to work.

AKM: You have said that your father had a very successful practice. He certainly did well and built this beautiful home. Is there anything else you'd like to add about your father as a lawyer? Do you feel he enjoyed his work?

CHM: I think he did. He never really said he didn't, you know. But of course, the law is a pressurizing business in some ways. My husband's first case was a murder case, and he was so pressured with it that I never let him go back into criminal court again. That would be the same with my father. He would be pressured by whether or not the mortgages were going to turn out all right for the people to whom he recommended them. So outside of that, I suppose he liked it OK.

AKM: He was a great Liberal, very involved. Did he ever think of running himself?

CHM: No. He was the president of the Hamilton West Liberal Association for quite a few years but he never did think of running.

AKM: I wonder if you could repeat on tape for me the story of your mother and father at the first Liberal Convention.

CHM: Well, I don't know if it was the first Liberal convention but it was the Liberal convention where Mackenzie King was made the head of the Liberal party and of course you know he went on to be Prime Minister for quite a long time.

AKM: Do you think this would be 1919?

CHM: I'm not quite sure, but if you look up Mackenzie King you will find it. Anyway, each riding probably sent a representative because there were only about a hundred delegates in my recollection. I have a photograph of the group, though it's pretty tattered. My dad was from Hamilton, or maybe from Hamilton West (they had someone else from Hamilton East). Anyway, one of the delegates became sick in the middle of the whole thing. My mother was there, accompanying my father, so they appointed her the alternate. My father voted for Mackenzie King and my mother voted for William Stevens Fielding, the delegate from the Maritimes.

AKM: Your father was appointed a KC in the 1930s. How did that come about?

CHM: I have absolutely no idea. At 1930 I was at McGill and I just heard about, I guess.

AKM: So it was before you joined him for articling.

CHM: Yes, I graduated from McGill in 1931. His KC is in my nephew's office.

AKM: Did it mean much to your father? Was it important?

CHM: I think it was, because as I say, he was a self-made man. Several times he was in line for a judgeship, but I think that because he was a Catholic, he never quite made it. Things are different nowadays.

AKM: Do you think it changed his practice at all?

CHM: I have no idea.

AKM: He was also, you'd mentioned, the Catholic school trustee on the public school board for many years.

CHM: Well, in those days, the Catholics got support for grade schools up to grade ten, but they didn't get any support for grades eleven, twelve, and thirteen. It wasn't until Premier Bill Davis that they started getting funding for the later grades. So there was always one Catholic on the public school board for the high schools, because I don't think there were really many Catholic high schools that existed at that point. (There were, later on, Cathedral Boys and Cathedral Girls). My father was very concerned to protect the interest of the Catholic students in the public system.

As a Catholic, the only thing he couldn't be was chairman. He could be on all the committees. I can remember the meals that we either had late, or we had to have early at 5 o'clock because my father had to be at these blasted meetings. He was chairman of the committee that built the Technical School that used to be down Catherine Street North. He had a lot of very good friends on the Board, with whom he kept up all his life.

AKM: And he belonged to the Canadian Bar Association

CHM: You've got the story of that in this document [indicating a framed letter].

AKM: I would like to read the letter into the record.

CHM: That's fine.

AKM: This is from the Hamilton Law Association. [Reads:]

Dear Mrs. McLean,

The trustees of the Hamilton and County of Wentworth Bar Association learned with sincere grief of the death of your father, the late Mr. John J. Hunt, KC, and desire to record their profound sympathy. Mr. Hunt had a long and honourable record as a member of the profession in the city of Hamilton and greatly endeared to himself to the members of the profession by his courtesy, kindness, and sympathetic consideration for members of the profession who asked for his wise counsel and the benefit of his large experience.

He served his clients faithfully and well, and was a citizen whose record of public service was most admirable, particularly in the field of education, in which he played a leading role for many years.

Deeply concerned with and taking an active part in public affairs, he was for years a prominent and influential figure in the political life of Hamilton, to which he made a valuable contribution. The affectionate regard in which Mr. Hunt was held by the profession was greatly enhanced by his never-failing interest in the welfare of the profession, so that it might more worthily serve the public and advance the spirit of comradeship and cooperation among the members of the profession.

In the work of the Hamilton law Association and the Lawyers' Club of Hamilton, and particularly in that of the Canadian Bar Association, Mr. Hunt was deeply interested, and was ungrudging of his support. He seldom absented himself from meetings of the Canadian Bar Association, and by his genial disposition and cordial and courteous nature, made many friendships, not only among Canadian barristers, but among American, English, Scottish, and Irish members of the profession, helping thereby, to cement the bonds of fellowship among the members of the bar in the English-speaking world.

Mr. Hunt was even more closely linked to the fellowship of the Bar by the fact that both you, his daughter, and your husband, are members of the profession, and the trustees feel that it will be a consolation to them, to know that the late Mr. Hunt was held in the highest esteem and respect by the members of their own profession.

Sincerely yours,

Mr. Lees, Secretary, Hamilton Law Association, September 21, 1945.

AKM: That was pretty good.

CHM: Yes.

AKM: He was a busy man. Did he have any special goal in belonging to the professional associations? What did he want to see changed?

CHM: I don't know. I never discussed that with him. I might have but I don't remember really. They always discussed change at the Canadian Bar Association.

AKM: The Bar Association was very interested in the ethics of the profession.

CHM: Yes, still is.

AKM: Was that an interest and concern of his?

CHM: Yes, I would think so.

AKM: That is a very good letter. You must be proud of it.

CHM: Yes, very. He was very interested in the Hamilton Law Association. I think Dermot and John Nolan have a couple of interesting Hamilton Law Association albums – the members had their picture taken every year – and I can remember one photograph in which my father was sitting right down in the front row, and there were a lot of lawyers in the background. I think that picture was on their office wall. I'm not sure if it is still there, since they have downsized their firm.



AKM: Well, I have one more question about your father. Was he a speechmaker?

CHM: I think he was, yes. I never heard him make a speech, but if he was president of the West Hamilton Liberal Association he must have had to talk to get himself elected.

AKM: He must have. Do you remember any favourite stories that he would tell about the business of law or clients or colleagues?

CHM: Not particularly. If I did I probably forgot them.

AKM: Well, I think we will stop there, Mrs. McLean.

CHM: OK.

AKM: Thank you.

THIRD INTERVIEW – 23 May 2007



**Figure 6 The Hunt Family at Home, 6 Stinson Street, Hamilton, Ontario, 1910.** Property of Constance Hunt McLean.

[Mrs. McLean begins our session by showing me and describing an old photograph of a family group standing in the doorway of a brick home. The people depicted are Mrs. McLean's parents and maternal grandmother who is holding baby Constance Hunt.]

CHM: Six Stinson Street. It is quite a substantial home for a young couple, if you look at the front of the house. There is an old Irish saying among the Irish in Canada, that there are "pig in the parlour Irish" and there are the "lace curtain Irish." When I think of "pig in the parlour Irish" I think of a certain old man. My husband was made the executor of the estate of this old fellow. He had been in charge of all the Irish Sweepstakes for Canada. When he died, he had no relatives left, and my husband I had to go down to his house. The place was full of bugs and it was absolutely dreadful.

Anyway, when my sister married the second time, she chose an RAF officer, an Irishman, who came out here to Canada (her first husband was killed in the war, the first year they were married). He was a flight lieutenant in the air force. The second husband came out to train people at Mount Hope. He was a bombardier and won the Distinguished Flying Medal. He took quite an interest in my sister and he married her. That's the father of my sister's children. So one day, my sister and I were with him, and we said something about pig in the parlour Irish and lace curtain Irish and oh, he rose up – he didn't have any sense of humour – and he said, "I never saw a pig in our parlour." He couldn't understand why my sister and I simply roared! But in this photograph of the house on Stinson Street, you can see the lace curtains, and even lace on the blinds.

AKM: At every window. Does the house still exist?

CHM: Oh no, not as originally built. New owners put some great thing on the front, an addition that makes the house look ridiculous, a sort of outside veranda. All the houses looked the same when we lived there because we moved in to one of the ones that my father had built.

AKM: Did he have anything to do with choosing the plan of the house? Did he work with an architect?

CHM: I don't know but I know he worked with a builder named Jake Himmen. I moved out of there so early, I never even thought about it, really until I found this photograph.

AKM: Last time we talked we finished discussing your articles, which you did with your father, and you had met your future husband, and I believe you were engaged at the time you did your articles, and you met your future husband at law school.

CHM: Yes.

AKM: Can you tell me how your husband came to go to law school?

CHM: His father was a bank manager in Leduc, Alberta, where the oil is now. He developed TB and he died when my husband was two.

AKM: And that's where your husband was born, out west.

CHM: He was born in Leduc. But then he and his mother came east to live with her parents.

AKM: In Woodstock, Ontario. Did your husband have brothers and sisters?

CHM: No. Neither did my father because both of their fathers died when they were two years old.

AKM: That was something they had in common, wasn't it?

CHM: Yes. So as a child he lived with his widowed mother and his grandfather.

AKM: She wouldn't have had the resources to help him very much.

CHM: Well, actually, she was very musical. She was the next thing to a concert pianist, so she taught music, and I guess she contributed a fair amount to the household.

My husband was really a brilliant fellow, a lot smarter than I was. He started off in Woodstock Collegiate. I was told he was the best mathematics student they ever had come out of there. He tried an exam for a prestigious scholarship to go to Upper Canada College, called the Gordon Southam Memorial Scholarship, for boys all across Canada. My husband won it.

After that, a number of family members became very interested in him, including his great-uncle Wallace Nesbitt, who later became a judge on the Supreme Court of Canada. He lived very near Upper Canada College. He was married twice and his second wife was much younger and they had a son about eight or ten years older than my husband. The two of them took quite an interest in my husband. My husband was a great big tall gangly kid – and one of the reports from Upper Canada to his mother said that he was a “callow youth!” So I think they decided that they were going to mould him. This great-uncle literally took over his education, with the consent of my future mother-in-law.

My husband never really wanted to be a lawyer. He had no choice! They just said, “You’re going to be a lawyer.” He was interested in mathematics and science, and he wanted to be a geologist. He had made arrangements to go on a geological survey one summer. “No,” they said, “you can’t do that.” And of course his mother let them decide, because she had so much respect for this uncle.

The result was that he really fooled around! He fooled around in his first couple of years of law school. He really didn’t want to be a lawyer and he skipped lectures and did what he wanted, until he met me. And then he zeroed in, and that’s when he came third when he graduated, and he won the Matthew Wilson Memorial Scholarship. But I think he should have been first, because there were two Jewish boys that used to go to

Florida and spend the whole winter there. Then they'd come back and they'd borrow his notes! And they came first and second [laughs].

AKM: So your husband went to Upper Canada and eventually Osgoode Law School, and that's where you met him. In between, he went to university?

CHM: University of Toronto, Victoria College.

AKM: And what did he study there?

CHM: I don't think he studied much but bridge. I think he was so discouraged by the fact that he couldn't pursue his dreams. I think he just became completely disinterested, and fooled around the whole time in university. He graduated but he never even bothered going to the graduation. He didn't even pick up his certificate [laughs] so that shows that he was not too interested. He did play a lot of bridge and eventually became a life master of bridge with the American association. That was a great relaxation for him all his life. So he did get something out of university [laughs].

AKM: Did you play bridge?

CHM: I played bridge. I belonged to a Ladies' Bridge Club when I was young. But it was Culbertson's stuff, you know. A couple of times I went out to play duplicate with him. I came back and I said, "No more!" It was just like going out to an examination in bridge, because you are competing with all these tables. But my sister used to go with him. She liked that.

AKM: When you were called to the bar, you were called together?

CHM: Yes, and we'd been engaged for almost two years.

AKM: You were Catholic and your husband was Protestant. How did that play out in your relationship?

CHM: Well, at first it was rather difficult. One of the questions you asked me before was how did my family feel about it. My family never dictated, because they knew I was kind of a dictator myself! – so they let me make my own decisions. They would probably have preferred me to marry a Catholic, but I met with no objections. I think I told you that my mother only met him once, when she was dying. She said, “Well, if you think you can save your soul with him, OK.”

My father one day thought he’d drop by and see my future mother-in-law in Woodstock. After all, he was the father of the bride and he had never met any of my in-laws-to-be. He was on business in London so I don’t think she knew he was coming. I asked him how it went and he said, “Well, it was a pretty cool reception!” She told my husband, “Mr. Hunt and I mixed like oil and water.” My father would have been most gracious, because he knew there were problems. My husband’s family was opposed to my husband marrying a Catholic. Anyway, we worked it out in the end.

AKM: You yourself, obviously, didn’t think that being of two different religions would be a large obstacle to raising children.

CHM: You know, when you’re twenty years old, twenty one years old, you don’t really think of obstacles – all you think of is romance! There were obstacles afterward, but we worked it out. For instance, my husband wanted his kids to have the same type of education he had, so I had to agree that they’d go to Hillfield Strathallan College. The four boys all graduated from Hillfield. My daughter went to Loretto and, because she was a girl, that was fine with him. Also he compromised with the boys; we used to send them up to Loretto Academy because of my connection through my daughter. We used to send them up every Saturday morning and one of the sisters would give them some catechism lessons. Later on, I stopped it because I thought they were getting too old. I

also thought that the last sister we had was a little bit of a back number, a little bit orthodox, so I took over on Saturday mornings.

AKM: When you first married, your husband thought that Woodstock would not be a good place for you and he to locate?

CHM: Woodstock was chilly territory for me. He decided that I would probably meet with the same type of reception my father got! In fact, he thought they'd eat me alive in Woodstock!

AKM: No matter how charming you were.

CHM: Yes.

AKM: Where did you marry, and what was the date?

CHM: We were married on the 11<sup>th</sup> of July, 1935, just one year after we graduated. We married in old St. Patrick's Catholic Church, in Hamilton.

AKM: You had begun to tell me last time that you and your husband decided to set up a practice on Ottawa Street North. Why did you pick Ottawa Street?

CHM: Because we thought it was the growing area in Hamilton, and, I guess, the rent was cheap.

AKM: But you were only there for how long?

CHM: I don't think we were there long. We got married in '35. Then, Bill Schreiber left my dad's practice. My father then asked my husband to come up. We started at twenty-five bucks a week. Except that my husband's uncle, Wallace Nesbitt,



had left my husband five hundred dollars a year, which was just that little bit extra that we needed [laughs] to cover an apartment. Also, I saved two hundred dollars from what my father sent me at McGill. My father was a little erratic. Sometimes he sent me a whole lot and other times he would be mad at me and I wouldn't get quite as much. And with that \$200 we furnished our apartment, in the Mountainview Apartments not far from here.

AKM: It was your father that paid you each \$25.

CHM: He paid my husband \$25, he didn't pay me.

AKM: From the beginning, what did you plan your role in the practice to be?

CHM: You know in those days women were not pushed forward. Nowadays, of course, it's different. I pretty well went along with whatever they wanted me to do. As I told you, among other things, I became quite an expert at judging the value of homes because of the big mortgage business that we did

AKM: So your husband began in the same type of practice that your husband did – a lot of real estate, general practice?

CHM: Yes.

AKM: Did he bring a different clientele at all into the clientele?

CHM: Oh yes, he did eventually. He eventually specialized in corporation work and bankruptcy. Actually, the younger generation of lawyers used to call him "Mr. Bankruptcy" because he did most of the bankruptcy work around here. They wrote and offered to get him a QC. My husband had been offered a QC several times but he

wouldn't take it, because he thought that every lawyer that came back from the war and served overseas should have gotten a QC. [laughs]

AKM: He sounds like a man of strong opinions.

CHM: He sure was a man of strong principles.

AKM: Within three or four years of starting to practice, he was off to the war.

CHM: Actually he wasn't off right away. The first thing he did was he joined the navy because the Argylls hadn't been organized yet. He had an eye problem, not a really bad one – perhaps he was shortsighted - but to be sure he'd be accepted, he memorized the letters on the eye board. One day his doctor was talking to a friend of his, a naval officer, and the doctor said, "Say, how did you let that guy McLean in with his bad eyes!" Well, that was it. He was out of the navy. The first day the Argylls were mobilized, he joined up. At the time, I was up at Bigwin Inn with my father, and that was the summer before my first son was born. That would have been in July, and Don was born in January of '41. He had until October to clear up his practice, and then he went down to the camp at Niagara-on-the-Lake.

AKM: Well, that would have been a large change for your life and your father's life as well, with your husband going off. How had your father and your husband got along in practice?

CHM: Oh, fine, except that my father thought him a bit eccentric. [laughs] I always said that my husband should have married Walter Tuchtie's wife, who was my good friend, and that I should have married Walter, because Dad and Walter seemed like kindred spirits!

AKM: Your father's health was declining at this point?

CHM: Not until later, though he was only 69 when he died. But I think he was getting a little tired, or middle age was creeping up. But he went back to work, when my husband went into the army that October.

AKM: You had your first child, and you lived on your husband's military pay?

CHM: Yes. Well, all my children were born early, but I didn't know they were going to be born early. He came home for a weekend or an overnight leave, and he'd arranged that his mother was going to come down and stay with me. She wasn't to come for another couple of weeks, but my son Donald decided he would come into the world early. So my husband took me up to the Henderson Hospital and dropped me there, and then he had to go back to camp. The doctor phoned the camp as soon as the baby was born, about 3 am, and they said, "Oh, we'll tell Lieutenant McLean tomorrow, he's resting!" [laughs] They wouldn't wake him up.

AKM: So that was your son Don and he was born in January 1941. Would you tell me the names and dates of birth of your other children?

CHM: Mary Barbara in 1944, James in 1945, Robert in 1948, and Ian in 1950.

After Don's birth, my husband was sent with the Argylls to Jamaica, because they were guarding the coast of the United States – the government was worried about submarines. You probably have heard of the cold war – there wasn't much going on in the first months. As a result, they let some of the wives come to Jamaica. So when Donald was two, I set off from Miami in a plane that wasn't pressurized. I'd never been in a plane before. I often think of my father – he must have been so worried about me. But we made it. We had to come down in Cuba to refuel and Cuba was in the submarine area. I was there until the Argylls came home to Hamilton. They wouldn't let us come home earlier.

AKM: Where in Jamaica were you?

CHM: Well, I moved around, because my husband was moving around with the camp. I lived outside of Kingston for a while, when he was at Up Park Camp in Kingston. Then he was sent up into the mountains, and so we stayed at Ocho Rios. Now it's a big tourist place. We stayed in a hotel in Ocho Rios and there were two other officer's wives there with me. Then when the Argylls were moved, they made us stay there until the boys were back at camp in Niagara.

AKM: That was quite an adventure with a two-year-old.

CHM: Yes, in one compartment.

AKM: Then you had another child?

CHM: I didn't have my daughter until the Argylls got back. Central Command decided that they were going to break up the regiment; of course, that caused a furor in Hamilton, but they did it anyway. My husband was supposed to go overseas with them and my sister and I took him down, with all his gear, his trunk, and everything. He went into the officer's mess – he asked us to wait. He came back and he looked as if the world had come to an end, because he was on the list not to go. We never did find out why until later on. Then he was sent to train the new recruits for a few months, but he was unsuitable for this work. Eventually he went to the Judge-Advocate General's department in Ottawa, and he was in charge of courts-martial for the whole of Canada. We did find out later why he was not sent overseas, because one of the older officers told us. He was born on the 17<sup>th</sup> December 1909, and they had it that he was born in 1908, making him a year older than he actually was. I always say it was by the grace of God.

AKM: You were not upset.

CHM: No, I wasn't. He always tried to get back into action when he was in Ottawa, and he kept volunteering for missions, some of them I thought were suicide jobs. The Brigadier in charge of the Judge-Advocate General's Department, Reggie Orde, wouldn't release him, so we had luck again.

AKM: Was there a long tradition of military service in your husband's family?

CHM: No. I think he had a relative that was younger in the First World War, and he didn't go. He always came in for great criticism in the family and in his hometown. I think my husband decided that that was not going to happen to him.

You asked about my second child. That was my daughter. She was born in the Ottawa Civic Hospital.

AKM: What is her name, again?

CHM: Mary Barbara. We call her M.B., her two initials. We intended to call her Mary McLean, but the Woodstock people, every time they wrote, they referred to her as Barbara. We didn't want to get into any argument there; so we always called her MB. She was born in 1944, October 3.

AKM: Was your husband in Ottawa at this point?

CHM: Yes.

AKM: Did you go to Ottawa with him? How long were you there as a family?

CHM: Yes. I was in Ottawa about two and a half years.

AKM: What was that like?

CHM: It was very interesting because we couldn't get any apartments in Ottawa, suitable for a family. So we rented a great big property on the way to Manotick. It's was where the Jock and the Rideau Rivers meet. The Jock River ran right through the property. I was always scared to death that Don would get drowned. It had been a big picnic ground, and these people had a huge house on it, and they ran this business as a picnic ground. So we rented the house, which was a very nice house. There were two old retainers looking after the property, who owned a pony. Don loved to ride the pony. We stayed there until 1945.

AKM: How did your husband find the experience of his work?

CHM: He loved working for the Judge-Advocate General.

AKM: Then, after the war, you came back to Hamilton?

CHM: We moved here, to this house on St. James Place. My father died in July, 1945. My sister was still living here and she had had her first son, John Nolan.

AKM: And your sister continued to live here?

CHM: Yes, until her husband came home from the R. A. F. They had moved before Dermot Nolan was born.

AKM: And your sister's name was Kathleen?

CHM: Yes. She was my best friend.

AKM: So we have you with Donald and M.B., and it's 1945.

CHM: MB was born in '44.

AKM: What happened now with the practice?

CHM: When my father died in 1945, my husband got compassionate leave to come back because the war was just about over. My husband had a very good secretary who stayed with the firm through the war. Her name was Betty Rorke.

AKM: How was the adjustment back to civilian life and legal practice?

CHM: Don't ask me. I don't know [laughs]. He never really complained. I think in a way he missed the army because he missed a lot of his friends, especially Bill Lawson, later the Chief Judge Advocate General, who had been at law school with us. He made a lot of friends in the army here and there. Now he was back in business and he knew he had a family to support.

AKM: At this time was he already working a lot in corporate law or bankruptcy, or was that later?

CHM: I think he was doing some corporate law before he went to war. He didn't have time to do much before the war started.

AKM: No, only a few years.

CHM: But he seemed to pick up the practice very quickly.

AKM: But what about your role in the practice?

CHM: My role in the practice at that time was practically nil [laughs] because he really didn't have room for anybody but himself until he got things organized. And then of course, thirteen months later, we had Jim. So there, I had three kids. Actually, I had

four children in six years. Donald was the eldest and by the time we got back to Hamilton he was about four. He was almost four when Mary Barbara was born.

AKM: You were very busy.

CHM: I was, yes.

AKM: You would remember a little bit about being the daughter of a lawyer, and now you had four children who were the children of two lawyers. Do you think their lives were similar? What was similar about being a child of a lawyer in 1915 and 1940 to 1950?

CHM: I don't think there was much difference. If there was, I never noticed it.

AKM: Did your husband come home for lunch?

CHM: No. Well, before I knew him, he became a great golfer. He never came home for lunch, because if he had time for lunch he would rather be out on the golf course! But he was always home for dinner. He always was home for dinner with the kids. You see, when they went to Hillfield, they had lunch at the school.

AKM: It wasn't long before your husband went into practice with Walter Tuchtie, then? When did that occur?

CHM: I can't actually remember. I think it occurred very gradually. My husband knew Walter before the War, because my husband's first case, on Ottawa Street, was a murder case. It was an Indian named Dawson Maracle and he was charged with murder. At that point there was still capital punishment. Well, Mont was so agitated all during that trial, that I said, "Look, no more criminal law." He said it was terrible having a man's life in your hands. Somehow my husband got it reduced to manslaughter and



Maracle was sent to prison for a while. So after that, he didn't do any criminal law, but I think the next case he got was against Walter Tuchtie.

AKM: Against him?

CHM: Yes. And according to what Walter told me afterwards, he was very impressed by my husband. Walter was a couple of years older and had been working for Charlie Bell, who was a great lawyer in Hamilton at that time. At that time he was articling with him. Walter said, "I never met a new young lawyer, just graduated, who gave me such a hard time in court." My husband didn't win, but after that, he and Walter met and became friends. When we were going to be married, we invited him to our wedding, but he wasn't able to come. That's how Walter Tuchtie and my husband got together. Walter was of Ukrainian descent. Their office was in the old Bank of Commerce building, at the corner of King and James.

AKM: And you have said that your friend was his future wife? Mrs. Tuchtie was a friend of yours?

CHM: Mrs. Tuchtie and I graduated from Loretto in the same class.

AKM: What was her name?

CHM: Her name was Margaret Loughlin. She had a boyfriend at that time. He was a dentist. He was sort of a dour fellow, and Margaret was always lots of fun. So we looked at him a bit askance. Once we introduced her to Walter, it became a love affair, and they got married.

AKM: Well, despite what you had told your husband – no more murder cases – pretty soon, in 1946, Evelyn Dick hit the papers and your husband became involved in that case.

CHM: He was only indirectly involved. Walter did mostly criminal law and that was his side of the partnership. When this came along, it was a great big thing. Walter first represented all of them, Mrs. MacLean (the mother of Evelyn Dick) and Evelyn, and Donald MacLean, so there was a conflict of interest. Eventually, Walter decided to represent Donald MacLean and not Evelyn.

AKM: So what did your husband do, particularly?

CHM: Well, he helped Walter. He knew how to gather evidence and gave other assistance. Actually, Evelyn Dick kind of took a shine to him, and Mrs. MacLean liked him too and he kind of felt sorry for Mrs. MacLean.

AKM: Mrs. MacLean was Evelyn's mother?

CHM: Yes.

AKM: Tell me. I interrupted you.

CHM: You never knew what was going to happen in this case. They found John Dick's head one place and the rest of his body the next place. Then I remember the day that the police had gone into her home and they found the dead baby in cement. It was a very crazy kind of time. There always seemed to be something turning up.

AKM: There must have been a lot of publicity.

CHM: Oh, there was. Even now, often, my husband's name gets mentioned, but he was not very involved. He really was Walter's assistant in helping to gather evidence. You will be amused to know that I have two things of Evelyn Dick's. Mrs. MacLean wasn't charged with anything. So after both Evelyn and Don got sent down, she had to

dispose of their belongings. My husband felt kind of sorry for her. So one thing he bought was a barometer. Then, everyone had a sterling silver dresser set, but I didn't have a sterling silver jewel box. Evelyn did, so he bought that. So I have that. Since my husband did not represent Evelyn or Mrs. McLean, it was O.K. to help Mrs. McLean by these purchases.

AKM: And that's your jewellery box today?

CHM: Well, it's too small. It mostly has rings in it.

AKM: What did your husband think of Evelyn Dick and the case and so forth?

CHM: Well, I don't know. Of course, Evelyn was very badly defended the first time she was tried. After Walter dropped her – I won't say "dropped her" but he decided there was a conflict of interest – she was defended by a young lawyer named John Sullivan. John Sullivan was a young lawyer who didn't have very much business, and I don't think he had any experience at all – but he was very handsome. I don't know how she met up with him, but anyway, he defended her. His defence was terrible. However, the appeal was handled by John Robinette.

AKM: I remember you called him your "beloved."

CHM: [laughs] Yes, I loved John Robinette. I don't mean personally; I just liked everything about him – his brains, his personality, and his all-around ability.

AKM: Did you see him when he conducted the appeal?

CHM: No, I had nothing to do with that case. I knew the wife of the lawyer that had been our best friend, who was a very curious sort of person. She used to come and stand in these great lines to get into the court house. I never went near the place. I just

listened to what was going on. Of course, John Robinette got the case reduced to manslaughter instead of murder, and she was sent down for a few years.

AKM: For the manslaughter of her baby.

CHM: Yes, they never did get anybody for Dick's murder. She still wrote letters for some reason. Every once in a while my husband would hear from her. After the trial, her comment was, "Oh, that was a nice win for John." So you know how flaky she was!

AKM: Did you know any of the accused before this happened?

CHM: Oh, heavens, no. But I'll tell you, my son Don did. Early on before her marriage, Evelyn moved into that big house on the corner of St. James Place and James Street South. That was an apartment then. (It is a condominium now). Those small houses on the other side of the street weren't built, so all the kids on the street used to play on the vacant property. There were the Arthurs kids next door and Marvin Goldblatt's kids, they all played there. Evelyn had a daughter, who joined the group. I guess my son must have met Evelyn. Of course, because his name was Donald McLean, everybody at school was asking if he was a relative. He came home and he said he had trouble convincing them he wasn't related to Evelyn Dick! But we'd never heard of them before. The Dicks lived down on the one of the streets in the east end of Hamilton.

AKM: So your son had to convince everyone he was not a Maclean related to Evelyn. I guess you had not been interviewed by George Finlayson who wrote a book on John Robinette.

CHM: No.

AKM: Have you read that biography?

CHM: Well, I read a couple afterwards, I don't know. I remember they showed a movie on the case at the Tivoli at one point. I remember my husband was mentioned in that. But I don't think I even went to see it because I found the whole thing so terrible.

AKM: Now that was your husband's indirect involvement with a second murder. Was there any more criminal work or criminal cases after that?

CHM: There was for Walter.

AKM: But your husband stayed on the civil side.

CHM: My husband didn't get involved at all. This was such an exceptional thing with all these people being charged and Walter being the only lawyer there, and so my husband did have to get involved as an assistant in the Dick case.

AKM: According to all the scholars, the Evelyn Dick case was very important for confirming suspects' rights and the rights of the accused in a case. Do you remember discussion about that at the time?

CHM: I don't remember anything about that at the time. I guess that came along afterwards, after they started to review it.

AKM: I guess that's right. How long did your husband stay as a partner with Walter Tuchtie?

CHM: He stayed until Walter went on the bench...

AKM: What was the name of the firm then?

CHM: It was Tuchtie and McLean.

AKM: Your husband was doing more corporate and then bankruptcy work?

CHM: He used to go to bankruptcy court every week. The main trustee in bankruptcy in Hamilton admired my husband very much; he once told me, "Bankruptcy has never been the same in Hamilton since your husband died!"

AKM: What did he like about that work?

CHM: Heaven alone knows. I don't know. I thought bankruptcy was the dullest stuff, but he seemed to like it, and he did well at it, actually. He had a chance to become the trustee in bankruptcy. Someone in charge down there asked him, if they proposed him, would he take it. He said, "would I have to move out of Hamilton" and they said "yes" and he said, "No, thanks." [laughs] I'm glad he didn't, I'm glad we didn't move to Toronto, it's such a big place now.

AKM: You've been in this house then for sixty years?

CHM: We moved in here in '31.

AKM: And you lived here with your husband since '45?

CHM: Yes.

AKM: We had your son Jim born, and one more child after that?

CHM: Two more. Both boys.

AKM: When were they born?

CHM: Robert, the fourth one, was born in January of 1948. And Ian is almost three years younger, because he was born in October of 50. Actually, my son Jim was born on Armistice Day, November 11.

AKM: Some of your children have become lawyers.

CHM: One. Don, the oldest.

AKM: Can you tell me what paths the other children followed?

CHM: Well, Don went first to McMaster and then he graduated from University of Toronto law school. After he finished at university law school, he joined the Jesuit order: that's the brainy order of the Catholic Church. He was in the Jesuit order for five years. Then all these changes in the Church came, and it seemed to upset him, because I think he was pretty traditional. So they suggested that he go home for a year and think things over. In that year, he met a girl -- I call her the nicest girl in the world. Later on they got married, so he didn't go back, but he's still attached to the Jesuits. He is one of their lawyers. A couple of years ago, he took a case to the Supreme Court of Canada for them. All the churches, mostly Anglicans and Catholics, have these Indian school cases -- he did all the work for the Jesuits on that. Now he's on the point of retiring. He's still a Jesuit at heart.

Jim was not really academic -- well, he could have been, but he was so interested in sports at Hillfield. He was the colonel of cadet corps, he was the goalie of the hockey team. I always remember the great joy when they went into one of the schools -- theirs was a young school - I don't know if it was Ridley, they beat the bejeebers out of them, and that school wasn't very happy! So he was into absolutely everything, and I thought he'd never get through high school, but he did, eventually. He met a young lady at Strathallan. He liked the outdoors, and we registered him at the forestry school up around Dorset, and that was all right with him, but Stefanie absolutely put her foot down against it. Eventually, he got a job at Hillfield and he started going as a mature student to

night classes at the University of Guelph. He was doing OK, but then, Stefanie decided that it was time to get married, so quite a bit of pressure was put on him, so eventually they got married. However, in the summer, he had worked for an optician, and he liked that work. So he got his optician's certificate. That's what he does now. He runs Westdale Optical and he has one outlet in Burlington. In his early days, he worked for places like Sears and the Bay, and coordinated a lot of their places. I shouldn't boast, but I understand that there is quite a difference in opticians. Some of these big firms turn out their products like sausages, but he has taken all kinds of graduate courses. And actually, twice, he was involved with world-famous people – he calls himself an optician for the stars. Elton John came to Hamilton once, and I think he broke his glasses, so the Sheraton hotel where he was staying phoned my son on the weekend and he went down to fix them. The next one was Celine Dion. She lost her contacts, so he got called in again. He has letters of thanks from both these people in his office. I've been told by several doctors, and one of them was my own, that they never were able to see properly until they went to him. Now he only deals in high-grade frames and lenses. Now his son, my grandson, has an optician's place in Jackson Square. Jim owned that first, and then he turned it over to his son, but he still does some of the work.

AKM: What about MB, your daughter?

CHM: When she was young she was a real glamour girl. She really was a beautiful, beautiful girl. The year she graduated, her picture was put on the very front of the Loretto yearbook. Although they graduated in grade twelve, they still went on to Grade 13. She was acting as usher, when she caught the eye of a young man. She must have ushered him to his seat. His sister was graduating in that class, and that's why he was there. His mother told him who she was, and he said to her, "Ask her to my sister's party afterwards." After that, he never let her alone. He was six years older and he had just graduated from the University of Toronto in engineering and he got a job right away in IBM, so he was able to get married. Usually, the pressure is from the girl, but he was the one who put the pressure on. They got married on the 10<sup>th</sup> of September of 1964 ,



and 11 months later, I think, Christopher was born. She was going to McMaster University. She tried to transfer to the University of Toronto but they just wouldn't take her at that stage, so she graduated from McMaster.

AKM: So her son, Christopher, is a lawyer.

CHM: Yes. Despite her education, she was a stay-at-home mom, and raised four wonderful children. Christopher is the eldest.

AKM: And you have a son who is a high school teacher, you said?

CHM: Well, you missed Robbie. Robbie was a bit like Jim. He was always involved in sports at school. But once he got to university he did two years in one. He really settled down. He graduated from what was then Waterloo Lutheran, in geography. He married the daughter of the chancellor of the university, nice kid, but sort of a spoiled little rich girl. They were one of the Greb families, manufacturers of skates and other sports equipment. The young couple had five children, before they decided it wasn't going to work out. The first child died, when he was about a year old, and I think that often causes friction.

Eventually, he married the nicest girl, though I liked his first wife too. The second wife was with Community Living in Oakville. She had a big job there. Eventually, he joined that organization. He always was my volunteer. When I managed the volunteers at St. Joseph's Hospital, I always had him working in the gift shop or someplace like that. He has become a social worker and is now in charge of maintenance for all the houses that Community Living Oakville provides for people who need housing. When there was a strike, one Christmas, all the people in charge moved out of the houses and the poor souls had nobody to look after them. Robbie and his wife moved into one of the houses and looked after them.

Ian, the next child, graduated with a double honours degree from University of Waterloo. He graduated in history and religion. He then went on to the University of

Toronto to obtain his teaching degree. In those days you took the full program, with one option. His choice was the grade school option. To get his high school certificate he had to teach for two years in the high school and then to get the option of his choice he had to teach for a year in the grade school. He loved teaching the grade school, so much so that he never went back to high school. He said, "In high school, you are reforming the students, and in grade school you are forming them." He has now retired with a teaching record of which I am very proud.

AKM: You have a very interesting and accomplished family. You were busy with all these children at home.

CHM: As I say, I had the last four in six years.

AKM: Amazing. So how were you able to get involved back in the practice at all?

CHM: Well, I'll tell you what happened. After the War, everybody was worried about the Russians and a lot of people were getting out of the country. My husband had some business connection in New Zealand, so he thought he'd go out to New Zealand and investigate that country. He took my son Robbie. Rob was nine years old. He took the school lessons that he had to be taught, and it worked out all right as far as Rob's education. Then, he sent me back to the practice [laughs]! So I really had to pull up my socks.

AKM: Was he gone for a while?

CHM: About two months. He lost interest because he found out that if he were to emigrate to New Zealand, he would have had to bring all his money, and he wouldn't be allowed to take it out again. In the second place, they wouldn't accept his law degree.

He'd have to start over, which he wasn't willing to do. Anyway, I was very glad to get him back and he got that out of his system.

AKM: You were not interested in moving to New Zealand?

CHM: Oh, heavens, no! My son Don was seventeen, and he said, "Dad, if you go, I won't go with you!" [laughs]

AKM: So you went back into the practice. That must have been very difficult.

CHM: It was indeed. We had a couple of friends that I used to phone. I remember we had, at that point, fairly big clients like Allan Candy – you remember Allan Candy, they made sweets for Halloween. For corporate clients like that, I really had to pull up my socks.

AKM: Did your husband have any associates at that point that helped you?

CHM: No, I guess not. I guess after Walter left, he was practicing alone. Yes, Except for me once and a while. He moved into the Professional Arts Building at Augusta and James, My sister's husband, a chartered accountant, had one end of the office for his accounting practice and Mont had the other end. Before that he was in the Sun Life Building, at the north-west corner of Main and James. After that, we were in the Medical Arts Building, until we moved in with my nephews.

AKM: What was your brother-in-law's name?

CHM: His name was Edward Patrick Nolan, but everybody called him Paddy (every Irishman in the RAF got called Paddy). There's a big book about him that his children put together after he died. He was awarded the Distinguished Flying Medal.

AKM: So you had to do corporate work and not just the work you liked best, which was estates?

CHM: Well, he left everything in pretty good shape so I just did the peripheral work I had to do. I had a couple of good friends that were lawyers and I would phone them and say, "what do I do here?" So I survived.

AKM: Your husband came back then, no longer interested in New Zealand, and you left the practice again, or did that start something?

CHM: Well, I think I got a little more involved then. However, I was still involved with the kids.

AKM: Definitely. Was going back interesting, or was it just necessity at that point? Did you go back because your husband wasn't there, having gone back to New Zealand? It wasn't particularly that you had an interest in getting back into the law.

CHM: No. I just was sort of a caretaker.

AKM: You mentioned before we did any taping that your husband had a legal secretary named Joan Winn. Was that during this period?

CHM: No, I don't think so. It was later on. She worked for my husband for quite a long time. He had her when they moved in to the Professional Arts building with my brother-in-law. But he always had Minnie Montgomery. She was the bookkeeper. My father had her, my husband had her, and I had her, after I took over the practice. She was so loyal to us. She was really wonderful.

AKM: What would her job be?

CHM: Well, she kept all the books, and she sort of protected my husband against Joan Winn, I think [laughs]. Joan Winn had her eye on him and so Mrs. Montgomery used to say, “the boss is a one- man woman!” [laughs]. When I first moved into the office, Joan Winn refused to introduce me to clients. She didn’t like having me in the office, so she gave my husband an ultimatum: “Either Mrs. McLean goes or I go.” So she went!

AKM: So Mrs. Montgomery would be quite an elderly woman at the time she retired.

CHM: Oh, yes, Minnie was in her eighties. I used to go and see her all the time after that. She had a little cottage on Bold Street, right by Queen.

AKM: Would she be the one who did the docketing or the billing as well?

CHM: Yes.

AKM: How did you determine how much to charge?

CHM: Oh, goodness, I don’t know. I had nothing to do with charging until I opened up on my own. At Nolan, Nolan and McLean, we had a high-paid legal accountant after Minnie Montgomery retired.

AKM: All right. We’ll leave that for now. Your father had been very involved with the Hamilton Law Association. Was your husband involved with legal associations?

CHM: My husband wasn’t much of an association man, no. Oh, he probably went the odd time.

AKM: What about you?

CHM: I wasn't involved with it then, and when I started working on my own, I kept my involvement very low key. I used to worry that they'd probably think that my nephews were crazy having such an old lady working because I was already about sixty-five (that seemed old then!) When I was with Nolan and McLean, we had students, including high school kids who were interested in law, so I never had to go to the registry office, I just would send one of them to do the job. Nobody discovered me until I retired!

And then, one day, my son Don, who still had an office with Wally Zimmerman & Associates (he was an associate, because Wally was well-trained in insurance law and a lot of Jesuit work in those cases was insurance law). Wally Zimmerman had a big 40<sup>th</sup> anniversary call to the bar, about three or four years ago, maybe five, so my son introduced me to all these people that never even knew I existed.

So the next thing I know, the Hamilton Law Association were on my tail, and a couple of girls wanted to come and interview. So I said, OK; one of them was the lawyer wife of one of the judges and the other one practiced law, so they were interested in the history of women and the law. They are still writing the book! [laughs].

As a result of that, I think, I got an honorary life membership from Hamilton Law. Then when my son had a case in the Supreme Court, I went to Ottawa.

To be granted a hearing by the Supreme Court it is necessary to have a specially trained lawyer approved by the Supreme Court acting on your behalf. In our case, this was Eugene Meehan, QC. In addition, Don had to write a brief on the reason for the appeal, which Mr. Meehan presented. The request for the hearing was granted. Since I had never attended a Supreme Court hearing, I went to Ottawa, as did all of Don's siblings.

Somehow it came to the attention of the Chief Justice that this ancient retired woman lawyer, who was still involved with legal pursuits, was in Ottawa. The result was that I was invited to a meeting in the Chambers of Chief Justice Beverley McLachlin [laughs].

AKM: Wow!

CHM: My son didn't go because he felt that was a conflict of interest, but my nephew, Dermot Nolan, and his son went with me, because his son was studying international law at the time. We had our pictures taken with her. After I wrote and thanked her, she sent me that big Supreme Court 125<sup>th</sup> anniversary commemorative book.

So suddenly I became out in the open and there was a big write-up about me in the Hamilton Law Association book.

AKM: Did you like being discovered?

CHM: Well, it was interesting, but my sister was always more outgoing than I was. I am one of those hard-to-get-to-know people, so it was a change in pace for me.

## FOURTH INTERVIEW – 12 June 2007

AKM: Today is June 12, 2007. Mrs. McLean, in our ongoing conversations, one of our topics is about the differences for women in law, from the time that you graduated and through your career until today. Do you have any thoughts about that?

CHM: Yes, I feel that we need to delve into that a little further. Now, I understand that 52 or 53% of today's law students are women, which of course is different from my day. So that means that there is an awful lot of competition. In the second place, when I look at the role that women are pursuing in the law profession today, I'm wondering if she is not giving her complete dedication to law and that the families of these young women may be suffering. I know they won't be latchkey kids but they maybe have au pairs, which is not the same as having your mother. Now I've always been proud to be a life member of the Law Society and considered it a wonderful achievement, but it was only a secondary purpose for me, because I feel that my greatest achievement was my family. Now that doesn't mean that you have to devote your whole life to your family and do nothing else useful. I was able to devote my life to my family, in addition to the work that I did with my husband, because I was always close to where I was volunteering. For instance, I think I told you that I started a volunteer service which was the first volunteer service in any hospital in the Niagara Peninsula, in 1954.

I started at St. Joseph's Hospital in Hamilton. Then, after much resistance by the hospital superintendents, unions, and so on, we finally managed to worm our way in. The idea began to take hold in St. Joe's in Hamilton, so they appointed me a volunteer director, and I had a little office over there.

AKM: In the hospital?



CHM: Yes. But I didn't spend all day in there. I always interviewed all the volunteers to make sure that they were suitable etc. but there were many things – placements, cancellations, etc. – that I could do and be home. So although it was a big part of what I did at that time in my life, I was able to do it and the family didn't suffer. I was assisted, I might add, by a very good committee.

AKM: This is St. Joseph's Hospital, just across the street from your home, and this home is where you raised all your children?

CHM: Right here. And then later on, when I decided that they needed a paid volunteer, I resigned and they got a paid volunteer. I wasn't out of it, I don't think, two days, when they were setting up a new Birthright and I said, no, no, no. Finally, they convinced me that I was the one person who could organize it.

AKM: What was the full name of that?

CHM: Birthright Pregnancy Service. It was a service for unmarried pregnant girls. It was a non-denominational service but really it was the Catholic Bishop of Hamilton that decided we should have one here. Our volunteers were "pro-life" people who, regardless of religion, were good volunteers. Eventually, we managed to get an office right down at the corner of Charlton Avenue there and James.

AKM: Not very far away.

CHM: No, I was right there.

AKM: When was this, Mrs. McLean? Do you have some dates on that? When did you work with the volunteer associations?

CHM: Well, I was fourteen years with Birthright, as a director, but we only had meetings at night. But I retired when I had to go back to law because of my husband's health. That was...

AKM: Was that 1975?

CHM: Yes, 1975. I was 65.

AKM: And you were retiring from Birthright then, were you?

CHM: I retired from Birthright.

AKM: So you started Birthright about 1960.

CHM: Yes. It was the second Birthright anywhere. Mrs. Louise Summerville started the first one in Toronto in 1960.

AKM: You went back into practice in 1975?

CHM: Yes, I was 65. I worked until I was 85. But anyway, I am only telling you this to tell you that you can do things without causing any problems to your family. Of course, this is just an aside but I always think that one of the times I really felt I had made the right decisions was when they were having a Mother's Day event – I told you my boys went to Hillfield School – and the teachers asked the children, "What do you like best about your mother?" One of them said, she's good cook, and another said, "She smells nice," but my little fellow -- he was about six – said, "The thing I like best about my mother is that she's always there when I need her." The teacher was so impressed that he phoned me, so that's how I knew about it.

That's what concerns me about the young lawyers of today is that they can't be there for the children. No matter how much outside help is available for the children, it

cannot take the place of a mother's presence. How can a judge be there if there's a big case coming up? How can a crown attorney be there? How can a litigation lawyer or a criminal lawyer, that has to be there for a set date? Even in the evening, legal parents have cases to prepare and sometimes witnesses to interview. And so many of them seem to be doing so well and going so far in their field, that I'm wondering if some of them don't have their values straight, do you know what I mean? I'm not trying to be a moralizer or a psychiatrist or anything like that. Because I don't know -- maybe the young people of today have a lot more energy. Maybe they have a lot more help. I know there are all kinds of nursery schools and other assistance now.

But that is one of my concerns. Do they have their sights focused on what is the most important thing? Maybe some of them are not too family-oriented, who knows? I don't know. For instance, I know it's hard. In my family, my grandson Christopher is married to a lady lawyer. There is also my granddaughter in London, who, at the time she was married, was in charge of all the fundraising at the university. She married a lawyer from London. Both girls finally realized that they couldn't keep it up, and they both gave up their jobs. Christopher's wife did go back to practice so that she could keep up her certificate – you know that after five years of non-practice you have to write an exam, to be reinstated.

AKM: Yes.

CHM: She got a job in Barrie, and she lived in North York, so it didn't seem so bad at first. Well the poor girl was in about three accidents, not because of her own fault, but because of the slippery roads. Eventually, she gave it up. It's five years and the time to write the exam is coming back again, and I don't know, I don't think she'll do it. So those are just the concerns I have.

AKM: Have you shared those concerns with the two women we are speaking about, Christopher's wife and your granddaughter?

CHM: Well, I suppose..no I don't think I did. Because they just announced it to me and I said, "well, I think that's a good decision." [laughs]

AKM: Have you discussed it with other lawyers too?

CHM: No, not really.

AKM: It is your observation.

CHM: Yes. But I do know that I remember that when the women started getting so active, and this was about ...oh I was still practicing law..some of the lawyers felt that the women were simply emasculating them, because the men had always been top dogs in the profession. But I think they've gotten over that now, since they've become used to competing with the women.

AKM: Was this the 1970s you are talking about, or earlier?

CHM: I'm not quite sure, because as I say, I didn't go back full-time until 1975, so it was later than that.

AKM: Do you think they were emasculating them?

CHM: I don't think so because I don't think they were active enough then, but they were coming along, you see. The male of the species really didn't care for it particularly. My husband didn't care about it [laughs], because he had me. Anyways, it is just a thought.

AKM: It's an important thought. I know that what you are saying is that it takes energy

and time to have children, and it takes energy and time to have a law career, and there is only so much..

CHM: Yes, I know. Because children have to be driven here and driven there. I always had time to drive mine because I could come out of the office. But now the things they do with children! It seems to me that my daughters-in-law are on the road all the time, driving somebody someplace.

AKM: But did you ever feel it was a sacrifice you were making, though, for your children?

CHM: Never.

AKM: No?

CHM: No. I made up my mind, I think years ago. My mother died when my sister was seventeen and I was just into my twenties. My mother only had two brothers and they were younger and they were very much involved with their own families. We were always close, but we never spent the same time together as my sister and I wanted, because they didn't have time and their children were much younger. And at that time I made up my mind. I didn't want my children to ever be lonely like that. So I decided at that time I was going to have six children.

AKM: Even before you found the husband?

CHM: Even before I found the husband. Yes, because I always felt that my father, my sister and I were really quite lonely. My mother's brothers were wonderful but they just didn't have the time for the same sort of family relationships that I later on had with my sister.

AKM: Yes. You were very very close.

CHM: Yes. I don't want to sound as if I am trying to rule the lady law profession!

AKM: Given how important family was to you, what was it in you that made you want to do so well at law school, and be a lawyer?

CHM: At the time, I had no intention of getting married. I mean, I hoped eventually I would. I was very young when I went to law school, and so I never thought about it then, but once I got married and had a family, I knew that's what I wanted.

AKM: And you did not have conflict about it inside after that?

CHM: Oh no. Absolutely not. Everyone of my kids was wanted.

AKM: What about women who choose not to have children and go into law?

CHM: Well, I feel very sorry for them. Because no matter how successful you are, there comes a time in your life when family is very very important. Now, you don't have children for that reason, but when you get to my stage you realize this. For instance, I couldn't live in this big house without my kids. There's one of them in and out almost every day and they do things for me. They all have their jobs. A beautiful garden planted by one. Any time I need any little mechanical things done, there's another one. And Don, my lawyer son, he does all my income tax. [laughs] So they all have their functions. Without them, I'd be in an old lady's home and I'd be very miserable and horrible probably! [laughs]

AKM: So, long after the clients are gone, family's still here?

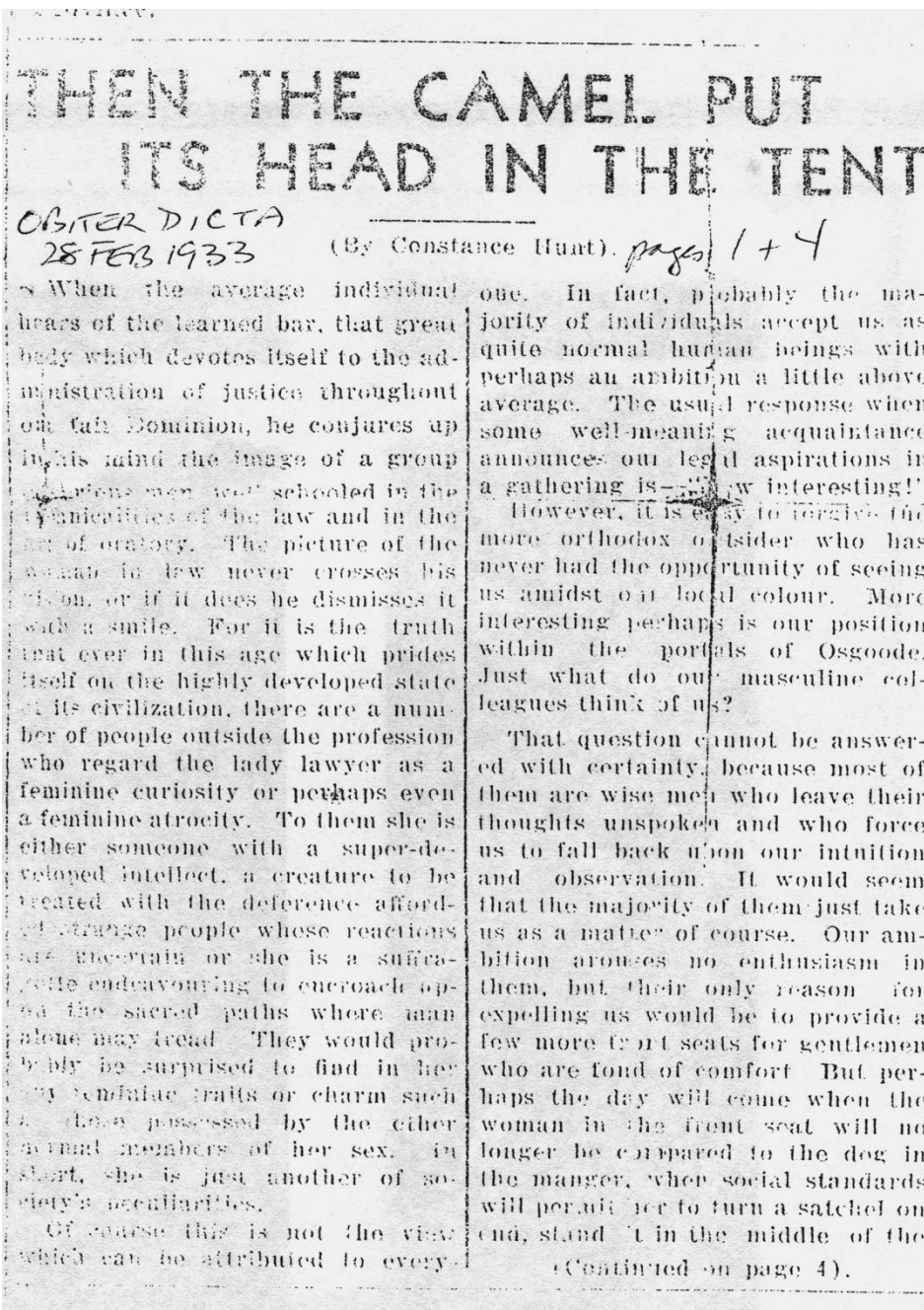


Figure 7 Constance Hunt, "Then the Camel Put its Head in the Tent," *Obiter Dicta*, 28 February 1934, pp 1, 4, and 6 (continued on following page). Courtesy of Constance McLean.

## The Camel's Head

(Continued from page 1).

floor and put her feet on it in approved masculine style.

But why should they worry about us? We aren't much trouble. We never take up their time arguing with the lecturer. We never insist on going through the doors first. Perhaps we are a little too fond of closed windows, but then we always vacate the classrooms between lectures. Even Mr. Jones has no cause to reprimand us.

In brief, we are nice girls. We do add colour to the surroundings, and if the Benchers were to decide to eliminate the feminine element we hope that we could find at least some support from amongst our learned friends of the opposite sex.

Intuition and observation, however, are of no avail in our endeavours to read the thoughts of our learned professors, through their smiling countenances. In class, we offer no assistance in the interpretation of the intricate judgments, but then, neither do we contribute our efforts, to the occasional show of dissatisfaction marked by the stamping of feet. It is true that twice a year the lecturers give a

public expression of opinion, but even then if perchance we have cause to be elated we tremble, because we know that to-day professors are entitled to share in that mental privilege once extended only to woman.

Well knowing that thoughts left unspoken are thoughts, which do no damage, we make no comment on the situation, and leave the interpretation of our opinions to the more discerning of our masculine colleagues.



CHM: Family is really what counts.

AKM: But you know, the other day you left me a copy of the Osgoode student newspaper, *Obiter Dicta*, from law school, and on the front page is an article by Constance Hunt. Do you remember that?

CHM: No, I don't remember that. I remember I gave you an article...

AKM: I'm going to tell it to you: it is very well written, and witty. This is 1933. It is called, "Then the Camel Put Its Head in the Tent." And it's about exactly what we are talking about, and I'm going to read you part of it and see what you think. You start off this way:

"When the average individual hears of the Learned Bar, that great body which devotes itself to the administration of justice throughout the fair Dominion, he conjures up in his mind the image of a group of serious men, well-schooled in the principles of the law and in the art of oratory. The picture of the woman in law never crosses his vision. Or if it does, he dismisses it with a smile."

And you go on and talk about the position of women in law school, and you ask the question: "Just what do our masculine colleagues think of us?"

CHM: Yes.

AKM: Do you remember writing this article?

CHM: [laughs]. I don't remember. I remember I was on the committee that year. I was the only girl on the committee. And I gave you the *Obiter Dicta* page. I don't think I even read it, I just handed it to you.

AKM: I know. You never mentioned it to me.

CHM: Yes. Now what else did I say?

AKM: You said, "that question cannot be answered with certainty, because most of them," (your male students and your teachers), "are wise men who leave their thoughts unspoken, and who force us to fall back on our intuition and observations. It would seem that the majority of them just take us as a matter of course....Our ambition arouses no enthusiasm in them, but their only reason for expelling us would be to provide a few more front seats for gentlemen who are fond of comfort." (I remember, your husband sat in the front seats.)

"But perhaps the day will come when the woman in the front seat will no longer be compared to the dog in the manger, when social standards will permit her to turn a satchel on end, stand it in the middle of the floor and put her feet on it, in approved masculine fashion."

CHM: [Laughs.]

AKM: Does that bring back a memory? Then you write:

"But why should they worry about us? We aren't much trouble. We never take up their time arguing with the lecturer. In class we offer no assistance in the interpretation of the intricate judgments, but then neither do we contribute our efforts to the occasional show of dissatisfaction marked by the stamping of feet." Do you remember the male students stamping their feet if they didn't like what the lecturer was saying?

CHM: I suppose so, I don't know. Is that the end of it?

AKM: No, I am going to keep reading. "It is true that twice a year the lecturers give a public expression of opinion." I think you are talking about the test marks here.

CHM: Yes.

AKM: [Continuing to read] "But even then, if perchance we have cause to be elated, we tremble, because we know that today professors are entitled to share in that mental privilege once extended only to women. Well knowing that thoughts left unspoken are thoughts which do no damage, we, the women students, make no comment on the situation, and leave the interpretation of our opinions to the more discerning of our masculine colleagues."

CHM: [Laughs.]

AKM: What do you think of that?

CHM: Well, that's pretty true. For instance, there was one named Jeffries whose father was head of a big law firm in London.

AKM: This was a fellow student?

CHM: Yes. He always seemed to ignore the women, brush them off, but he was the exception. I remember there were a number of the male students inviting me out. One, I don't even remember what his name was. In those days, were all such good girls! We wouldn't have thought of giving anybody a kiss. And I remember he said, "Oh, you women are only good because you're scared to be bad." I never went out with him again, I can tell you. That was another example of how they sort of downgraded you. But for the most part I found that the rest of them were always very nice.

AKM: I still think of you, though, this little Constance who had her set of Dickens, who loved to have her head in a book, and did so well at school. You are praised in your family, your mother loved how well you did in school, your father too, and you did well at McGill – wonderfully. And you go to law school and now the lecturers aren't paying you hardly any attention!

CHM: Because we were so unusual. There were only five of us in my year, probably five or six in each of the other two years. There we were, five little persons. There were, I think, a hundred when we started (they didn't take them in droves the way they do now). I don't know what qualifications I had to get in there, I don't remember, but I sent them my McGill records and that was fine. A lot of the men were graduates of the undergraduate course at the University of Toronto. I don't think any of the girls took that course, I'm sure they didn't. So we girls came in, and really we were starting out as know-nothings. I found first year at law very, very difficult.

AKM: But in your second year, you were beating almost all the men in your class.

CHM: [laughs]. Yes, many of them, but the third year was when I did the best.

AKM: What kind of reaction did you get at that point?

CHM: Well, I went out with a very nice young man named Wilf McDonnell. We went out for quite a while, and I became friendly with all of his friends that were in our year. Then, of course, once I started with my husband, there were some wonderful men too, really the best students in the class. For instance, there was Don Carrick. He was Canadian golf champion at one point, and he'd already been to Harvard, and passed law at Harvard, came back and decided to take it here in Ontario. Maybe there wasn't reciprocity. He was a wonderful young man. And then there was Gordon Ford who

became quite a litigator. He was best man at our wedding. So, I really met a lot of the nice young men and as I said, a lot of them at the Newman Club, when I was going with Wilf. Some of them became judges. So, I was lucky but I don't know about what the other girls did.

AKM: So you don't feel that these young men were dismissive of you.

CHM: No. No, no. I think the ones that had someone they loved that was feminine, probably were a little kinder to us. Gordon had sisters though Don Carrick didn't. But Don Carrick was very close to his mother. But none of them were really unkind, because very seldom did I have to carry my briefcase. They were gentlemen in those days. Because I'd be walking up St. George Street and somebody would come and take it out of my hand. I think I was a little hard on the boys in that article.

AKM: But in your article you also say that women students didn't go ahead into the room before the men. Do you remember that?

CHM: [laughs]. Yes. Oh no, everybody just rushed in at once. Yes.

AKM: So it was not about ladies and gentlemen at that point.

CHM: No, no it wasn't.

AKM: You also say that women like the windows closed in the rooms. I wonder if you remember what that was about...

CHM: No...

AKM: I've left you a copy of the article to read again. But I am just saying, the Constance who wrote the article was irritated, was she not?

CHM: Ah, I don't ever remember being irritated, so I imagine it was written with my tongue in my cheek a bit.

AKM: OK.

CHM: But maybe some of the other girls...For instance, I told you about Florence Forrest and how when she came in her riding outfit they'd all make a clip-clop horsey noise, and finally Caesar Wright told her, "Don't come in in your riding habit. We don't want you to wear it here." Well, that was a put-down, sort of, to a woman, you know.

AKM: Yes.

CHM: And then I think when that one girl left to join the Oxford Movement, some of the boys thought it was a bit of a joke. And then there was a little Jewish girl, Betty Adelman I think her name was. I don't think I ever said five words to her, so I don't know what she thought.

AKM: So after you graduated, you helped your father and your husband in the practice at the beginning, and then you were mostly concerned with your family, of course, all the children.

CHM: Well, we graduated in 1934. I worked with my husband for a couple of years. Then my father needed help so we joined up with him. Then the war came and Mont was away until 1945, in Jamaica and later in Ottawa. My Dad died in 1945 and Mont took over the practice. At that point, I had three children.

AKM: Yes.

CHM: I did help my husband every time he needed me. After Dad died, I used to go on all the audits with him. But that was something that was easy to do as the children grew up because they all stayed for lunch at school.

AKM: What did going on audit involve?

CHM: Well, for instance, if you're an executor of an estate, or something like that, you are really supposed to present the books to the court every five years. We don't always do it now because there are not enough judges or anything. So my husband would take the audit as executor and I'd go as the lawyer representing the estate. I was able to do things like that because it took no time from the children.

AKM: So your husband did a fair amount of estate and corporate work as well as the bankruptcy?

CHM: I had nothing to do with the bankruptcy. I hated bankruptcy. (Laughs.)

AKM: Why?

CHM: Well, I don't know. I never liked numbers much. Mont used to go to bankruptcy court every week in Toronto and I didn't do that. Real estate was another area I helped him with, because still, when we first started off, the banks and the trust companies were not as involved in the mortgage business. It was accomplished mostly through lawyers, and I always managed to go with him to value houses.

AKM: I'd like to ask you a sensitive question about money on this but you know, feel free not to answer. Would he have billed your time out separately with clients and did you receive a separate amount of money from the firm?

CHM: No. Everything all went in together. Once my father died of course, I had my own money.

AKM: That was a good thing?

CHM: Yes. [laughs] Well, it didn't really matter. We just arranged it so that the house is mine so I paid everything for the house. My husband paid for the expense of education for the kids and he bought all the groceries and everything. I could do what I wanted with the rest of my money.

AKM: What did you do with the rest of it?

CHM: Well, I've never been very extravagant. I bought what I wanted but nothing extravagant. I'm still not extravagant. I'm still wearing old nightgowns that I've had for twenty-five years. And I always tell the kids, "Now that's why I have enough money to stay in this house, even though my husband's dead!" But my husband and I never had any problems about money. Never.

AKM: I remember you telling me that your parents sometimes would bicker.

CHM: Well, mother was so anxious to have everything just right in this house, and my father having made his own way was a bit more frugal. I think I told you the episode of the library desk.

AKM: No.

CHM: She found a beautiful desk down at Simpson's in Toronto. She ordered it just one day before the bills were going to come out, so it wouldn't be charged until the next month's bill. My father never even noticed that it was there! He always used to look at the charge accounts. I can remember the day he said, "How is there a desk on



this?” And she said, “It’s in the library, it’s been there for ages.” He was a little mad but he was kind of amused at this point.

AKM: Sounds it, yes. To return to you in the practice. Did you enjoy the audit work and the other work that you did, the real estate work when you worked with your husband?

CHM: Oh, yes, I did.

AKM: Did he have any interesting cases and clients that he would talk over with you, or maybe challenges that the practice was facing?

CHM: Sometimes – I can’t remember anything specific of course. But Evelyn Dick, she wasn’t really his client. She was the talk of the town.

AKM: Did he talk that over with you?

CHM: Oh, yes, all the time. I’d know before anybody else in town knew developments, such as when they discovered the [the remains of Evelyn Dick’s] baby in the cement. Bankruptcy, of course, was not a very interesting subject, so I don’t remember much about that. Oh, from time to time, but a lot of it, of course, I’ve forgotten, it was a long time ago.

AKM: What about your social life together? Did you socialize with many other lawyers? Who did you socialize with as a couple?

CHM: Before the War, we had quite a few lawyer friends. My best friend married Walter Tuchtie. We had the Tuchties and a number of other young lawyers around. Then after the War, my husband was second in command of the Argylls, so we had all kinds of Argyll parties and functions we had to go to. And when I was alone

when he was away during the War in Jamaica, I used to associate with a lot of the grass widows, as they called them, and I sort of reorganized the Women's Auxiliary to the Argyll and Sutherland Highlanders (Princess Louise's) [laughs]. That is another volunteer topic I don't want to go into. I think I was born to organize. I wasn't born to get down on my knees.

AKM: Tell me more about the volunteer aspect of your life. What attracted you to setting up this volunteer agency or bureau? What was it that you began here in Hamilton?

CHM: There was no volunteer agency. There were no volunteers in the hospital system. I think the only thing at St. Joe's Hospital was that maybe once a week or once a month, people donated library books and somebody would go along to the wards with those. But there were no volunteers on the floors, there were no volunteers in emergency or in any of the other departments. Having volunteers in the hospital was a new concept that I realized I was building up. At the time, I was on the committee of St. Joe's Hospital. They had a committee of women that did things like afternoon teas and they had bazaars and that type of volunteer work. I realized that there was more to helping a hospital than that because of what I'd heard. The one place I'd heard that there was a very active volunteer association was Montreal Jewish General Hospital. So I got permission of the committee to go (I paid my own way though) to the Jewish General Hospital and see what they were doing. Well, I came back with all these ideas, you know, volunteers on the floor, volunteers on emergency, and also teenage volunteers.

Well, some of our committee resigned because they thought these ideas were terrible. That wasn't what they wanted to be involved with. Sister Mary Grace was the head of the hospital at that time, and I think she approved our plans. But then, a lot of the nursing supervisors said, "No, no, no." I think the sister in Emergency was the one who let us in first. We did that emergency job. Then, we did directions: we sat at the front desk because the hospital had wings here and there and, showed people how to get around. And then we had trouble with the unions. They wouldn't let us operate the

elevators, for instance. So it was a very much an uphill battle for a long time. But eventually we made it! [laughs]

AKM: That's wonderful.

CHM: And then, we expanded. At first our volunteer program was not Hamilton General Hospital, nor in Joseph Brant Hospital in Burlington or anyplace else, it was only in St. Joe's Hospital in Hamilton. Eventually, a lady named Mollie Alderson from the Hamilton General came to me and said, "Well, we're thinking of following your lead up here." So I gave her instructions and assistance. Then they started calling me from down the Niagara Peninsula and I went to St. Catharines. So the idea grew. Eventually, after five years, we were in virtually every hospital. That's when I decided that we needed a paid full-time volunteer.

AKM: That was a huge contribution that you made to your community.

CHM: Well, I still have a special phone that I got in just for my volunteer work. But the night I decided that maybe I'd done enough was when Don, my son who is now the lawyer, was studying for grade thirteen, and of course the darned telephone would ring and he knew it was St. Joe's. My husband always used to answer, "St. Joseph's Hospital Annex." (Everybody thought it was!) So this night Donald answered and said I was out. The caller said, "When will she be back?" I guess he was so annoyed at being interrupted that he said, "I don't know. She's gone to Timbaktu!" And he put the phone down. So after that, I thought, well, it's interfering with my family, so that was when I retired.

AKM: Where did you find the other women to build a volunteer base from?

CHM: Well, we got them from the auxiliary, because there was quite an active auxiliary at that time.

AKM: The auxiliary was doing the teas once a month and that sort of thing.

CHM: Yes, they were doing that. But in the auxiliary there was a group of about twenty-five that managed things and set policies, for the general public to vote on, and it was while I was on that committee that I got this idea. Because I couldn't stand just fixing up afternoon teas! [laughs]

AKM: Were there other lawyers' wives involved in this with you?

CHM: Mostly doctors' wives. I remember one lawyer's wife that we had with us. We started doing things like having garden parties to raise money for the hospital. Once we had the whole wing of the hospital all fixed up like a mall and we had different things for sale in it. We had vintage clothing and we collected a lot of the doctor's overcoats and other items and sold them and the public came. This lady was one that helped us and she held a big garden party at her home. Her husband eventually became a judge, I've forgotten their names, maybe O'Leary. So we had the odd one but most of them were doctors' wives. Not all of them. A lot of them were just ordinary citizens, but any of the professional sorts were doctors' wives.

AKM: So, as you and your husband were going into middle age, he was very busy with the practice and you were very busy with volunteer work and the children.

CHM: Yes.

AKM: Then your husband became ill. That must have been an extremely painful period in your life.

CHM: Yes. Well, I only went back into the practice to close up the office, but by gumbo, when I got down there, I think in about the first week I got five big estates! Well,

I thought, “I’ve got to clear this up.” But I hadn’t given anybody notice that I was quitting. It just went on from there. I ended up doing executorships, and most of the estates, actually all of them, for the Nolans (my nephews).

AKM: Did you enjoy that period?

CHM: Yes, I did. I always enjoyed estates. I enjoyed – loved – drawing wills.

CHM: Tell me more about that. Why did you enjoy that so much?

AKM: It was personal. I met people. I heard a lot, I saw a lot of sorrow, people such as widows who just lost their husbands, people concerned for their children, people who would be guardians. Every once in a while I’d see some guy that wanted to cut one of his children out of his will, and I’d work very hard telling him that was a mistake, as hard as I could without seeming to be too intrusive. So it was a kind of personal practice.

AKM: Counselling was a big part of that work.

CHM: It was in a way, yes. I practiced with my nephews about twenty years. I enjoyed it, but I decided that by my eighty-fifth birthday, I would quit. I did not want to be buying any new computers and other things that you needed. I was able to take advantage of the computers and so on that the law office had but I really needed more equipment for myself and I thought, “It is too expensive to invest in them at my age.” That’s why I left.

AKM: And then what did you do?

CHM: Well, I never got quite out of it. I still had several estates as executrix and I still have one hanging on. I was always busy. Of course I began getting great-grandchildren so there was always some new interest. Once I retired, I could go away to

my cottage without worrying about whether the phone was going to ring and cause me some problems [laughs].

AKM: You mentioned your cottage and I know you sold the place on Hamilton Beach, you and your sister. Where is your cottage?

CHM: My cottage is off old 17, Highway 117, and it's right across from Bigwin Inn on Lake of Bays. I don't know if you ever heard of the Bigwin. It used to be a big hotel and my family and I used to go there when I was a kid, years ago. So that's how I got interested in that lake. Then, later on, when my children went to Ahmek and Wapomeo Camps up in Algonquin Park, my husband and I used to go to Bigwin for our holidays. Once each summer, we would bring them over to Bigwin for a couple of nights. So they all remember Bigwin from when they were little guys, because a couple of them went to camp when they were five. We always loved that lake. Then, one time we were at Bigwin, some neighbours invited us and they said, "There is a cottage for sale on our shore. You've got all those kids at Ahmek and Wapomeo and why don't you buy a cottage?" They took us over to a big old wreck. I was kind of insulted, and it was about the hottest summer that I can remember. I went back and looked at it a couple of times and I thought I could do something with this place. So we put an option to purchase in and we had to decide by the end of September whether we were going to do it. We went home, and it was still hot, and hot, and hot. My husband thought it was crazy so I decided to buy it by myself. I bought it. It has had thousands and thousands of dollars put into it, so it's pretty much a first class place now. But it was great, it was the greatest thing that ever happened for my family. It has kept the family together for four generations, because they all consider it their cottage, you know. I never would have had a chance to get to know the next generation as well. The great-grandchildren, the older ones, call it their cottage too, and they're all just bursting to get back. It's certainly helped create a great family unity, and even for my nephews and nieces.

We have one little room. We call it the compartment. It has an upper and lower berth with a window, and the kids used to sleep in there. It was all panelled with wood and some of them started writing their names on it. The whole wall is full of names of these kids that came as visitors. I've never let anybody touch it. One day, my granddaughter and Christopher's wife were going into town. I said, "What are you going into town for?" and they said, "We're going to get some paint to paint that compartment. It's a disgrace." I never was terribly strict, but I said, "No you don't!" [laughs] So the names are still there and there are still kids writing their names on it. It has been a great thing for family unity.

AKM: Did you acquire that in the sixties, maybe?

CHM: No, I was only forty.

AKM: So, 1950.

CHM: Yes. So we've been there now fifty-six years, I guess.

AKM: I was reading an article about estate work that said that one of the most difficult problems for lawyers and families now is the disposal of the family cottage. You probably remember this coming up as an issue over your career.

CHM: Yes, I realized that this was going to be a problem, even with my family. So about twenty years ago, I sold it to my youngest son, Ian, who's a school teacher and who never married. I paid the capital gains tax and sold it to him keeping a life interest, so he can't sell it until I die or decide that I don't want it. It's worked out very very well, because we've never had any problems about money. Money's gone into it – we've both put money into it. He pays all the taxes, water rates and all major improvements, like a new roof. I pay all the utilities like hydro. For the longest time the hydro was as expensive as the taxes. The taxes have gone up a bit now. Then, if I wanted anything

especially, that was an improvement, and if my son wasn't too enthusiastic about it, I would pay for that. I put electric heat in, and all sorts of things like that. My youngest son is the most generous, easygoing, even-tempered child I've got. The whole family comes and he goes along with it. Occasionally, like this August weekend, he's having some friends up there, so I leave for a while. But we really do get along very well and the family all have great respect for him. And it's caused no problems.

But I know other cottagers have not had that experience. A neighbouring cottage was owned by two sisters. One had children, the other was unmarried. They transferred the cottage to the children of the married sister. I don't think they realized what I realized, that you must make some provisions. What happened was that the daughter, the only girl, got married. She was a lovely girl, but she had some sort of a disease and died. She made a will and left everything to her husband so he got her interest in the cottage. The family expected him to turn that interest back in to them, but he'd been married to the girl for ten years. If it had been ten months, you could understand it. A lot of people make that type of mistake. I can think of other ones. So you have to be very very careful before you do something like that.

AKM: That's right. In your work in estates, what have you found the most challenging issues to deal with your clients?

CHM: Oh, I don't know.

AKM: What changed over the years?

CHM: Well, I don't think too much has changed because human nature's the same in every generation. I think one of the things that used to upset me the most, and I'm sure it's still going on, is that a family would be split apart after a death. I remember one family with six children – the mother had died and I had drawn the will. The family happened to be Italian and they were very emotional. Well, about six months later they were all fighting because of the way mother had left the will. Things like that used to



bother me, that people would be fighting over money. I think the only person that wasn't fighting was one of the daughters, a St. Joseph's nun, and she just turned her portion back into the estate and let the rest of them fight it out. I'm sure that's still going on.

Wills have to be very very carefully drawn, and I think in this day and age, even more carefully than when I was doing it, for the simple reason that there are more laws. Early on, we had lots of laws, but we depended a great deal on the old British common law. But now there are acts for this and acts for that and so you have to be very careful. When I drew my will the last time, my son Don said to me, "Good heavens! You're planning for things that never can happen." So I said, "I know I am." But I know those things can happen. So those type of things were my main concerns.

AKM: Have you ever seen those will kits?

CHM: Oh, they're terrible! They are absolutely dreadful. For some reason or other, I got an estate of a priest of the big cathedral up here. I don't know how I got it because I didn't even know him. Anyway, he had drawn up a will on one of these will kits and somehow or other, he had named two residual legatees! One was the Church and the other was all his nieces and nephews. Well, the estate was only about \$25000, maybe about \$100,000 in today's money. By the time I finished with that estate, I could have charged the whole amount. Eventually we settled it with the public trustee. I've forgotten the outcome. I think what happened was half of it went to the Church and the other half went to his family.

Well, I tell you, he had family all over hell's half acre, away down in the States, in Italy, and I had to find them and send all these releases and other papers to all of them. So I say, don't ever use one of those will kits! Because no matter how smart you think you are, you can get into some of the darndest predicaments.

AKM: And with the family law and the rise of divorce..

CHM: Yes, well, I didn't have much to do with family law. I had to know a certain amount about it to draw a will, but we had a very good family law lawyer in our office that I could always consult. But family law bothers me; I never did divorce work because I don't like breakups, and children being left alone. Having a bit of income of my own, I was pretty well able to pick and choose what I wanted to do, which was very, very fortunate for me.

AKM: And you had also your nephews and other people in the firm that you could direct business to.

CHM: Yes, I did a fair amount of estate work, and of real estate which I hated, and some of it I didn't know very much about, but I always had somebody I could consult.

AKM: Why did you hate real estate work?

CHM: Oh, it was boring. Searching titles is boring, and you never really saw the people. I only took sales, I never took purchases, because you have to guarantee a title with purchase, and I didn't want to do that. You only saw the person that sold it, you never saw the person that bought it. Anyway, it helped pay the bills. [laughs]

AKM: Your nephews joined the firm when your husband was still in practice. How did the timing work?

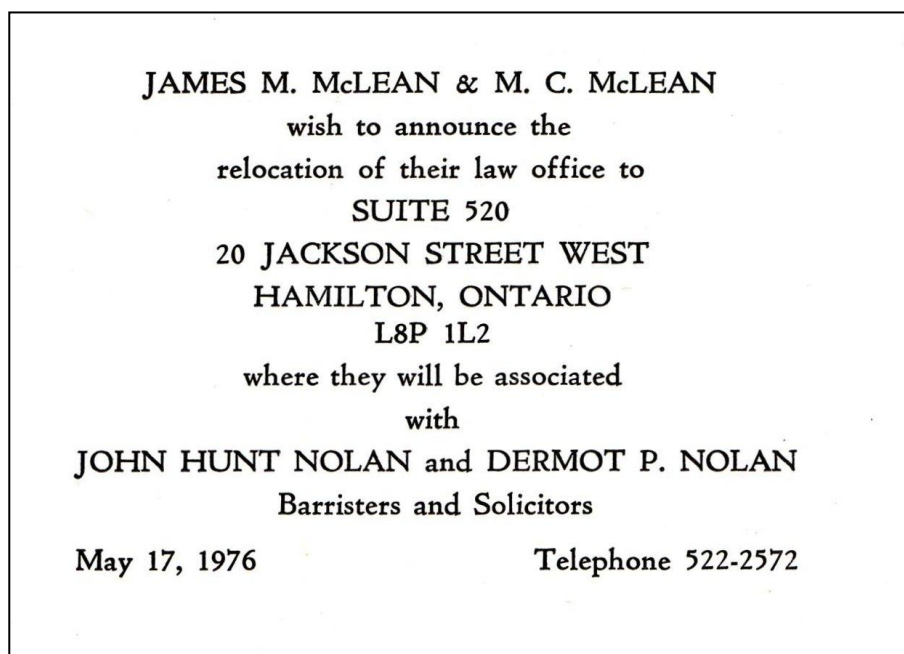
CHM: By the time that we joined them, they both were graduated and they were both down at 20 Jackson West in Hamilton. (Later in the 80s, they moved to the CIBC building downtown). John Nolan was called to the bar first, in the early 70s, and then two years later, his younger brother Dermott was called. So my husband and I moved down then, in 1975, because of my husband's failing health. The firm was called Nolan, Nolan, and McLean Associates. My husband never completely lost his faculties. He

knew his limitations because one of his cousins, who was still alive, but who would have a very big estate when he died, asked my husband to draw his will for him. But my husband wouldn't draw it for him. He said no, and he referred it to one of the other firms. So he knew he wasn't doing very well. So that's when we moved offices. He was quite happy to move in with the boys.

AKM: And he gradually faded.

CHM: Yes. Though he was ill for fourteen years before he died in 1989.

AKM: And you gradually came in to close up, and then you stayed.



**Figure 8** Announcement Card for Nolan, Nolan, McLean Associates, 1976. Property of Constance Hunt McLean.

CHM: Yes.

AKM: That was a very brave thing to do.

CHM: Yes [laughs]. Anyway, I used to go to all sorts of courses at the Law Society. I went down to Toronto every time they had a refresher on estates. I even went to one on real estate, and I used to go to every one of them that interested me.

AKM: I was going to ask you about that. They were helpful?

CHM: Oh yes.

AKM: What about the other aspects of the Law Society – the fees, and regulation, and changes in advertising over the years?

CHM: We never did any advertising [laughs]. Some of them have the back of the telephone book now. But my nephews are the same. They don't do any advertising....

AKM: Working with your nephews in practice, did they introduce you to other kinds of law? From the sixties and seventies, there was landlord and tenant law, and poverty law...

CHM: No, they pretty well left me alone.

AKM: Did you find out more about things like that, or you stuck to your field?

CHM: I stuck to what I was doing. I remember going to a thing on family law in Toronto. They had a great big refresher when the Family Law Act came in. I knew

enough about what I needed to know when the new act came in. But I never had anything to do with landlord and tenant.

AKM: What about legal aid and the changes? Did that affect you at all or affect the practice?

CHM: No. I had my name on legal aid but I never got any calls. Mostly, the legal aid was for people who were getting a divorce and couldn't afford anything. But if anybody had called, I certainly would have helped them. But I only put myself down for wills and estates.

AKM: Did your husband used to do any pro bono work at all?

CHM: Well, he did it, but he always did it in a very quiet way. He'd never give money to anything where he got a receipt. For instance, the Argylls, after the war, were fairly social. One night they hired a bus and they went down to a big night club by St. Joseph's Health Care in Mississauga. There was quite a famous night club there, I've forgotten the name. Unfortunately, the bus driver was also an Argyll and on the way home, they got into a big accident, and a lot of the Argylls were killed. The Argylls were the pipe band that piped the Allies into Berlin and the pipe major who had come all through the war was killed in this bus accident.

Well, my husband did practically all the legal work, suing people, for nothing, because they were Argylls. And that's the type of work he did. He sent one boy to Hillfield for a year because his father had been killed in the war. His mother died, and he was being raised by his grandfather who was an older Argyll and his grandfather was having trouble. So my husband sent him to Hillfield. The boy didn't stay there long because he didn't like it but he was there for a year. So that was the kind of work that he did.

AKM: What do you think about publicly supported legal aid?

CHM: Well, I think there are an awful lot of people that need legal aid because law is very expensive now. I'm of the opinion that maybe it's too expensive. The hourly rate that some of these people from Toronto get is pretty high for the average person who can't afford that. In my day, we worked a great deal by tariff. But the tariff seems to have gone by the board. It seems to be now hourly rates, so I think there's quite a need for legal aid.

AKM: This is the tariff set by the Hamilton Law Association?

CHM: No, it was pretty well set by the courts.

AKM: By the courts, that's right.

CHM: Because when you went for an audit, the judge would try to decide how much the lawyers got, and he would usually go by tariff.

AKM: But what about when you were drawing up a will for a client?

CHM: Oh, there was usually a basic rate for that. Early on, it was fifty to a hundred dollars, but if you got a will of somebody that was very wealthy, (I did a couple of those), I charged a great deal more.

AKM: It would be a more complex will, too, I'm sure.

CHM: Oh, yes.

AKM: What about rising fees caused by compensation claims and the crises of lawyers and ethical practice in the 60s and 70s?

CHM: You mean what the Law Society charged?

AKM: Yes, what the Law Society charged. Do you remember feeling one way or another about it?

CHM: We did have a couple of lawyers who got into trouble that I remember did raise our fees. And I'm sure that there are a lot more now, but I don't know because I don't pay any fees because I am a life member. In the older days, for instance, when my father was a lawyer, if he made a deal, he'd usually do it by handshake. I remember somebody wanted my father to sign something and he was horrified. Of course you couldn't do that nowadays.

I was looking at the list of some of the members..

AKM: From your graduating class?

CHM: I just put down what happened to them. "Disbarred" – a Hamilton lawyer. He was sort of a friend of ours because he was a friend of Walter Tuchtie. He got disbarred. Then, there was a minister's son, a student. He took a shine to me and took me out a couple of times but I was bored to death with him. Early on I went out with anybody because I didn't know anybody. I remember on Valentine's Day he came with a big valentine and he said he was terribly sorry, he had to stop going out with me because I was a Catholic and his father was a minister. He didn't know that I said, "Hooray" but anyway, he got disbarred.

AKM: Were you surprised when you heard that he was disbarred?

CHM: I was a bit, yes. I've just written on the list of classmates, who was deceased and who became judges and so forth. How many other disbarred have we got there? I think only about half a dozen .

AKM: Half a dozen out of a hundred or so?

CHM: No, out of the sixty-odd that were called to the bar finally.

AKM: What do you think about the ethics of lawyers, then and now?

CHM: Well, I think that the ethics of lawyers in my day probably were a lot higher because nowadays a lot of people go into law because they think they'll make a lot of money.

AKM: You don't think they did that then?

CHM: Oh, yes, some of them did, but lawyers didn't make as much money then compared to what maybe they could have done in other types of careers. A lot of people go into school teaching simply because they know that if they can get in, it's a fast way of making a fairly good salary. So I think a lot of lawyers go in with that idea. I get all these publications still and I do read who gets disbarred and all the details. The Law Society is pretty good at giving them a second chance unless they've done something absolutely dreadful. They'll suspend them for a while.

AKM: Do you think that's a good idea? Do you agree with the basic policy of second chances?

CHM: Well, I'll tell you. I can remember one lawyer that got disbarred and it wasn't his fault at all. He was so busy and he depended entirely on his secretary and his secretary was the one that gummed things up for him. I think there are a lot of lawyers like that. I think there are a lot of lawyers, too, that are single practitioners and maybe have a low income, and they don't have enough money to employ somebody in their office to keep proper accounts. But those that actually take money from clients' trust funds, like Henry Katz here, they're the ones that they really axe.



AKM: You mention the problems of a sole practitioner. What do you see in the future for sole practitioners and small firms?

CHM: Well, I've always had a theory that there should be two parts to the Ontario bar. There should be one part for the sole practitioners and maybe the very small law firms, and another for those great big mammoth Toronto law firms, because these small law offices can't compete with those big fellows. The big firms have places out in Singapore, they have them all over the world. Christopher worked for Stikeman Elliott, and Stikeman Elliott have offices everywhere. I don't know why they want to expand like that. I once wrote a letter, I think, to the Law Society suggesting a change, but nothing ever came of it.

AKM: Do you think that the Law Society represented better the interests of the big Toronto law firms than it did the sole practitioners?

CHM: I think maybe it did for a while, but I think they are coming to realize that the sole practitioners are really needing help now. The Benchers are elected and of course I still get the ballots to elect the benchers. Half of them I don't know. But I get all kinds of mail [laughs] from the benchers at election time! Anyway, there is a bencher that I always watch named Gary Gottlieb and he's a sole practitioner. He was really a maverick among the Benchers and I always voted for Gary Gottlieb because I figured he was really the one that started the Benchers understanding the plight of the sole practitioners and the small firms.

AKM: When was Gary Gottlieb..

CHM: Oh, he's still on. I just voted for him.

AKM: What about Laura Legge? Do you remember Laura Legge?

CHM: Yes, I remember Laura Legge. She became the Treasurer of the Law Society.

AKM: Yes.

CHM: But I didn't really know her.

AKM: One of her goals at the time in the '70s was to deal with the issues and concerns of solicitors and small firms.

CHM: Yes, I know. It's big business now, the law. Because other businesses have expanded too.

AKM: Competition.

CHM: Yes, there is so much.

AKM: You mentioned the trust companies?

CHM: Yes, the trust companies and the stock brokers.

AKM: What do you see as the biggest change coming up for wills and estates, the thing you like the most?

CHM: To be perfectly honest with you, I wouldn't like to answer that question because I don't know. I still have one very big will I drew and the lady was changing it and she came back to me and wanted me to do it, and I said no. I said, "I'm not up to what's going on now." So she hired another lawyer. She was quite dissatisfied with him [laughs]. She said she wished she had made me stay on!

AKM: That must be satisfying!

CHM: Yes, but I wouldn't undertake that. I draw my own will now and I will draw a will for anybody in the family, but I wouldn't undertake to draw wills for other people because I know the situation of everybody in the family and what needs to be considered. A lot of people are not completely honest with you. You know, you don't like to say, "How much money have you got?" You just have to figure it out from where they live, their professions and their circumstances. A lot of them don't tell you the truth. Maybe you could have drawn a better will if you had known.

AKM: Which side do they shade on? Do they pretend to have more than they have or the other way around?

CHM: Well, I really can't answer that, I don't know. I can remember a couple of times when it was due to partnerships. I was never presented with an outline of the partnership and you had to put something in about what was going to happen when one partner died. So that sort of thing was difficult .

I got involved as an executor of an old man who owned quite a nice house over here on Hess Street. He had been coming to me for years and he came to my husband before me. He wanted me to be his executor. I said, "No. You're younger than I am! I won't be your executor." I said, "Put one of your relatives on." "Oh," he says, "I don't have any relatives." He was so pathetic that I took it on. When he died there were relatives coming out of the walls. I think they thought I was a real crook. As executor, I got left with his house. I couldn't sell this house until I got the estate settled. He said he had no relatives and he left all his money to the Presbyterian Church. Which was fine with me but then these relatives thought they should have had some money. Oh, it was just a pain in the neck .. So that's the type of thing you can run into.

AKM: I am just having a look at some other questions I wanted to ask you. I think we have covered some of your reflections and they are very interesting too.

What do you think you being a lawyer has meant to your family?

CHM: Well, they're so proud of it, they tell everybody my age. [laughs] Yes, they are all very proud. When the children were young, there was one drawback. My first two children were very good students. The next two were indifferent students – I told you they were more interested in sports – and the youngest one eventually proved to be just as good a student as the first two. But I often think that it made those middle ones think, “Oh well, we can never live up to Mum and Dad anyway.” And Mont was not the type – I can remember I spent one whole summer getting one of them through French, and Mont wasn't any good at that, you know? I think maybe they felt they couldn't live up to us. But I would say that was the only disadvantage. Once they got out on their own, it didn't bother them. As I say, they used to boast that both their parents were lawyers. There weren't many people that had two lawyers for parents, in the early days. My eldest son is sixty-six, you see.

AKM: Did you know any other husband and wife lawyers?

CHM: Not in our social group, no. There were others that I knew about in Toronto, but as I say, now I've got Christopher and his wife, and my granddaughter and her lawyer husband, but she wasn't a lawyer.

AKM: I have a list of some lawyers in Hamilton. I don't know if you might be interested if I give you a couple of names, if you have any particular memories, or descriptions of your professional relationships with any of them?

CHM: Yes.

AKM: I think you mentioned before that Keiler McKay..

CHM: Yes, Keiler became a judge.

AKM: Was he a friend of the family?

CHM: No, he was a friend of ours when we were at law school. Gordon Ford, as I told you, was our best man, and was a bosom pal of Keiler McKay so through Gordon we got to know Keiler. Then when Keiler got to be judge, he was on the circuit, and we had him here a couple of times.

AKM: What about Angelo Agro? Did you know him?

CHM: No, I know of Angelo Agro, but I didn't know him.

AKM: And of course, Lincoln Alexander. I just heard him speak today on the radio as I was driving to see you. Do you know him?

CHM: Oh well, I met Lincoln a number of times, but...

AKM: I think you mentioned to me Charlie Bell, earlier?

CHM: Charlie Bell was a great lawyer of our time, when I was young. Walter Tuchtie was a student of Charlie Bell. When Charlie Bell died, Walter Tuchtie got Charlie Bell's desk and somehow or other, when Walter Tuchtie went on the bench, he gave that desk to my nephew John Nolan. So Charlie Bell's desk is in John Nolan's office.

AKM: Charlie Bell died in 1938..

CHM: He was a very good lawyer, Hamilton's best at that time.

AKM: I have a note that he was a playwright and a politician, and Rocco Perri's lawyer.

CHM: Oh, well Rocco Perri, he probably was, because Walter did mostly criminal work, so I guess Charlie did mostly criminal work too.

I remember Helen Okuloski too. Helen Okuloski was a year behind me in law school, so I knew Helen quite well. She never married. I saw her occasionally. She was Polish. She started out with her brother and she put her brother through law school when she got through. Unfortunately the brother died and I don't think she got over that. She practiced here for quite a while. Once she invited me down to her house for lunch. She lived with her mother after that, a nice old Polish lady. I saw Helen from time to time.

AKM: I think it was the Okuloskis that Lincoln Alexander went into practice with?

CHM: Was it? Oh, I don't know.

AKM: ...John Sopinka.

CHM: Oh yes, of course.

AKM: Your nephew knew him? What about Mary Wong? Did you know her? She became...

CHM: I don't think Mary Wong's a lawyer.

AKM: She became the first Canadian of Chinese descent to be appointed a citizenship court judge. She must be a lay...

CHM: I've always had a bee against citizenship judges. I don't think they should be called judges, because it's so hard to get through law school. Then they have somebody just walk in and say they're judge so and so! That's always been one of my beefs!

AKM: I see your point, which reminds me, I'd like you to tell me the story of when you got your degree from law school after all those years (Osgoode gave everybody a law degree, finally). Remember you went back to a ceremony and got your degree, didn't you?

CHM: Oh, yes, we got our LLBs.

AKM: Yes, your LLBs from York University.

CHM: I was sitting in about the third row from the front, and I didn't see any other women. I sat right behind Paul Martin senior and his son, Paul Martin, the Prime Minister, and it was McMurtry that has just retired that was giving out the degrees. As many of my kids as I could get tickets for came. The rows were arranged according to year called to the bar, with the earliest called at the front. The first row went up. I know Robinette wasn't there. He should have been, but by that time he had Alzheimer's. Then Martin's row, which was the second row, went up. Then my row went up. And when I got on the stage there was the most tremendous amount of clapping! "My God, those crazy kids! How could they be making so much noise!" I thought. I suddenly looked down and I realized the whole auditorium that was under a tent was standing up and clapping, because I was the first woman that went up. After me, there was no other woman went up for a long time. You see, my son Don was called to the bar the year Christopher was born, and there had only been LL.B.s for two years at that point. I guess it was 1966 – 7.

AKM: 1967, I think.

CHM: So there may have been other women about the age of my son ..but by that time, I think it was so hot that day under the tent, and I think people began to move around as people were called. I met my old boyfriend too, and he never married.

AKM: Who was that?

CHM: His name was Wilf McDonnell.

AKM: Oh yes, you mentioned him. So this was part of your rediscovery, the discovery of Mary Constance Hunt McLean.

CHM: So that was quite a day.

AKM: I like that story. Now I think we've covered most of the topics that you and I had agreed upon. I could stay here all day!

CHM: [laughs]

AKM: Is there anything you'd like to add, Mrs. McLean?

CHM: No, I can't think of anything right now. If I do, I suppose I can always phone you [laughs].

AKM: Well, I'd like to thank you very much.

CHM: Well, you too...

---the end---



## **Appendix: Users' Guide to Transcripts and Recordings**

### ***I. Introduction***

The Sole and Small Practitioners' History Project is an initiative of the Heritage Committee of the Law Society of Upper Canada. At the direction of Sophia Spurdakos, Policy Secretariat, Allison Kirk-Montgomery conducted four recorded interviews with Mary Constance Hunt McLean of Hamilton, Ontario, in May and June of 2007.

### ***II. Contents of CD***

Researchers can read or browse the transcripts, and listen to any of the interviews. The transcripts are fully searchable by text. The CD contains the transcripts and audio files of four interviews (15 May, 17 May, 23 May and 23 June, 2007) by Allison Kirk-Montgomery with Constance McLean.

### ***III. Notes on Transcription and Editing***

The original recordings were done on minidisc and digital voice recorder.

The transcripts were prepared, edited and audited by Allison Kirk-Montgomery, and edited and revised by Constance McLean, between June and December 2007.

The editing principles used in preparation of the transcripts were as follows:

1. The speakers' words, sentence structure and speech patterns were generally retained. We removed false starts of sentences where clarity was adversely affected; we occasionally reordered sentences and paragraphs; we removed comments by interviewers such as "that's interesting" or "mmm." We removed the conjunction "And" or "Well," when the speaker used it habitually to start a sentence. We changed words that were obvious mistakes, e.g. incorrect name given by interviewee.

2. We placed inside square brackets expressions of emotion such as laughter, and notes of activity such as looking at photographs.
3. The editing of the audio files was limited to the following:
  - a. Removal of inadvertently captured “off the record” periods, such as interruptions that included telephone calls, asides, and periods where the interviewee requested that the recording stop temporarily.
  - b. Trimming to remove any recording of the session before the interview formally began and after it formally stopped.

The editing of the audio files was done by Allison Kirk-Montgomery in December 2007.