

## Item 7.3

Mr. Chairman, Ladies and Gentlemen:

Our family own and occupy the 4 homes, encompassing the entire west side of Macleod Estate Court, immediately south of the Macleod Estate. Each of us fully supports the plans of the Town and TRCA to extend the existing walkway which runs from Silver Maple Drive to the Macleod Estate boundary. The proposed extension is to run along the eastern side of Phillips Lake, to join up with the existing Moraine Trail System.

By way of background, our family acquired the Macleod Estate about 50 years ago. The property included the original home of the very famous Macleod family.

Colonel James Farquharson Macleod emigrated from Scotland in 1845 when his father acquired Drynoch Farm and built the existing manor house. He later became the second Commissioner of the Royal Canadian Mounted Police and then a Justice of the Supreme Court of the North-west Territories. He negotiated the most important Indian treaties including with Sitting Bull, Crowfoot and others. Fort Macleod (now Calgary) was named after him.

In short, he was one of Canada's most famous early settlers and the Macleod Estate is one of Canada's most important historical sites.

During our 40 years' ownership of the manor house, we completely renovated and restored it under the architectural guidance of Napier Simpson, a resident of Richmond Hill and the most important name in the restoration of early Canadian homes.

Phillips Lake is adjacent to the Macleod Estate and has been protected by us since we acquired the property, around 1970.

In 2004, the Ontario Government acquired the estate and lake. As part of that arrangement we required that the lake be fenced in and totally protected. We formed a partnership with the Government, with a

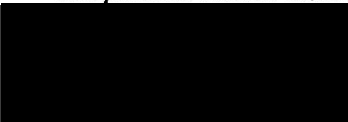
committee of three of our family members now working with the TRCA (representing the Government) to protect Phillips Lake.

In order to preserve the manor house, we leased it back until recently, when the Government put it up for sale. We reacquired it and later sold it to Mr. Tiz Fantin on the understanding that he would restore it, as zero capital maintenance had been carried out during the previous 13 years.

Mr. Fantin, fortunately for our community and at very considerable cost, has done just that. Although the proposed trail extension will run through his property, Mr. Fantin is strongly supporting it and has agreed to ensure that those using the trail will have an excellent view of the famous Macleod manor house, now fully restored, with restoration of the grounds just commencing.

It has been troubling that we have an entire community of over 2,500 residents to the south and east of the Macleod estate, who have no reasonable access to the Moraine trails, the only neighbouring community to be so deprived. At present, to get to the trails, these residents have to walk a kilometer or so, up the shoulder of Yonge Street (there is no sidewalk), an adventurous and quite dangerous undertaking. Nor do any Richmond Hill residents, except a very few, have any way to see one of Canada's most important heritage sites, the Macleod manor house, which will be possible from the new trail.

All of the foregoing are the reasons for our Family's support of the trail extension. And we are backing that support with a \$100,000 commitment towards the cost of this highly important project.

  
Gordon Gray

  
Patricia Gray

July 17<sup>th</sup>, 2018.

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COUTLÉE, THÉRÈSE-GENEVIÈVE -

Volume VI (1821-1835)

d. there 17 July 1821 at the Hôpital Général

Confederation

Responsible  
Government

Sir John A. Macdonald

From the Red River  
Settlement to  
Manitoba (1812-70)Source: [Link](#)

**MACLEOD, JAMES FARQUHARSON** (his first names may have been James Alexander Farquharson), militia officer, lawyer, NWMP officer, magistrate, judge, and politician; b. probably 25 Sept. 1836 in Drynoch, Isle of Skye, Scotland, son of Martin Donald Macleod and Jane Fry; m. 28 July 1876 Mary Isabella Drever, and they had four daughters and one son; d. 5 Sept. 1894 in Calgary.

James Farquharson Macleod emigrated from Scotland with his family in the summer of 1845. His father purchased a farm at Richmond Hill, north of Toronto, near the lands of John Beverley [Robinson](#)\*

and the late William Warren [Baldwin](#)\*, and in 1845 he enrolled James, who had been educated at home to this point, at Upper Canada College. Financial difficulties forced his withdrawal in 1848, but he returned three years later to pass with honours his final examinations and the entrance examination for Queen's College, Kingston. During these years life on the farm influenced Macleod at least as powerfully as his schooling. Hunting trips with his father and brothers left him with an abiding love of the outdoor life, and the Macleods' friendship with a family of local Ojibwa Indians imparted to James a lifelong respect and admiration for the native people of Canada.

Macleod's father, who had lost seven brothers to tropical diseases while they were serving in the British and Indian armies and who had himself fallen seriously ill while on military service in Demerara (Guyana), had left Scotland to avoid a similar fate for his sons. In his master plan for the family, Martin Donald Macleod saw a career in law for his son James and thus in 1851 sent him to Queen's to obtain his BA. After a year the young Macleod announced his intention to become a civil engineer instead. Only an impassioned plea from his father caused him to remain in the arts, which he found boring, and in 1854 he managed to graduate with an honours degree in classics and philosophy. His lack of enthusiasm for the legal profession was evidenced by the fact that he twice failed the entrance examination for law studies at Osgoode Hall in 1854 before passing in November 1856. He then joined the Kingston law office of Alexander [CAMPBELL](#) to article, but by this time he had found an activity that interested him much more than the law. In the summer of 1856 he had joined the Volunteer Militia Field Battery of Kingston as a lieutenant and his enthusiasm was such that his brother-in-law William Augustus Baldwin (a son of William Warren) persuaded Governor General Sir Edmund Walker [Head](#)\* to offer James a commission in the British army. His father was naturally horrified and insisted that the offer be refused.

In 1860 James passed his bar examinations at Osgoode Hall. For the next decade he practised law at Bowmanville and retained a strong interest in the militia. Transferred in 1862 to the Bowmanville Volunteer Militia Rifle Company (which became part of the 45th (West Durham) Battalion of Infantry four years later), he was promoted captain in 1863 and major in 1866. Active service during



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Sir George-Étienne  
Cartier

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The Fenians

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Quebec Conferences of  
1864

Introductory Essays of  
the DCB/DBC

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the *Trent* affair in 1861 [see Sir Charles Hastings [Doyle\\*](#)] and the Fenian raids of 1866 [see Alfred [Booker\\*](#)] confirmed his taste for the military. In 1870, through the political influence of his former employer Alexander Campbell, now a cabinet minister in the dominion government, and of Prime Minister Sir John A. [Macdonald](#), Macleod obtained a commission as brigade major with the expedition under Colonel Garnet Joseph [Wolseley\\*](#) sent to quell the uprising in the Red River settlement (Man.) [see Louis [Riel\\*](#)]. The arduous journey westward through the wilderness was made to order for Macleod's talents; his leadership during the expedition earned him praise from his commanding officer as well as a CMG. He remained with the Canadian militia force at Lower Fort Garry until the spring of 1871 and while there he met Mary Isabella Drever, the daughter of a local trader. Their marriage plans were disrupted when Macleod failed to obtain appointment as commanding officer of the garrison and returned to Ontario.

Macleod was promoted lieutenant-colonel in the 45th Battalion of Infantry in December 1871, but his law practice and part-time soldiering no longer held much attraction for him. In late 1872 he left for England and Scotland with the idea of remaining if he could find suitable employment. In the spring of 1873 Prime Minister Macdonald offered him a commission as superintendent and inspector in the newly established North-West Mounted Police [see Patrick [Robertson-Ross\\*](#)]. Macleod accepted and returned quickly to Canada. In October he left from Collingwood, Ont., for Upper Fort Garry (Winnipeg) with several other officers and 150 men.

During the winter of 1873–74 Macleod and the other officers began the training and organization of the NWMP at the Stone Fort, Lower Fort Garry, under the command of Commissioner George Arthur [French\\*](#). In December Macleod commanded the first patrol, to investigate a complaint that lumbermen on Lake Winnipeg were trading liquor to the Indians, and on 1 June 1874 he was appointed the force's first assistant commissioner.

In the spring of 1874 the NWMP were ordered farther west to deal with American whisky traders operating near the fork of the Bow and Belly (South Saskatchewan) rivers, in what is now Alberta. Under French, Macleod set out from Dufferin, Man., on 8 July with 318 men. The trip turned out to be much longer and more difficult than expected. At the end of July part of the force had to be detached and sent to Fort Edmonton (Edmonton) with the weaker horses. The remainder struggled on, finally reaching their destination, ragged and starving, on 11 September. Macleod, with half the force left under his command, was ordered to establish a post near the border to control the whisky trade, and French returned to Manitoba. By the end of October Fort Macleod (Alta) had been established, at a site chosen by mixed-blood scout Jerry [Potts](#) on the Oldman River, and Macleod was engaged in the work of suppressing the whisky trade and establishing relations with the different tribes of Blackfoot Indians in the region. On 1 December Macleod held the first of a series of meetings with native leaders. Blackfoot head chief Crowfoot [[Isapo-muxika\\*](#)] and Blood head chief Red Crow [[Mékaisto](#)] liked and trusted Macleod from the start and agreed to cooperate in ending the whisky trade. Macleod did much to set the tone of patience, reason, and diplomacy for NWMP dealings with the native population which was to survive until the 1890s.

Macleod's most serious problems during the winter of 1874–75 were the result of isolation and boredom. Lack of horses prevented much activity, the men had not been paid since leaving Manitoba, and their uniforms were in rags. There were rumblings of mutiny and 18 men deserted. In March Macleod and a small party rode through a late winter blizzard to Helena (Mont.) to pick up the men's pay and receive the first instructions from Ottawa since the departure of French. While there Macleod began proceedings for the extradition of several Americans

accused of the 1873 massacre of a band of Assiniboin Indians in the Cypress Hills near Battle Creek (Sask.) [see [Hunkajuka\\*](#)].

In May 1875 Macleod sent a troop under the command of Inspector James Morrow [Walsh\\*](#) to establish a post, Fort Walsh (Sask.), in the Cypress Hills. That summer Inspector Éphrem-A. [Brisebois\\*](#) travelled to the Bow River to build a second major outpost, Fort Brisebois, subsequently renamed Fort Calgary (Calgary) by Macleod after one of his favourite places on the Isle of Mull, Scotland. Most of his attention that summer was absorbed by the Cypress Hills massacre extradition case. Macleod and Inspector Acheson Gosford Irvine travelled to Fort Benton (Mont.) in June and arranged for the arrest of seven men thought to have been involved in the killings. NWMP efforts to bring these men to justice aroused intense public hostility and the result of the extradition hearing, held at Helena in July, was probably a foregone conclusion. The prisoners were set free at the end of the month and Macleod was even jailed for a few days on a charge of false arrest.

Although Macleod had initially got along well with Commissioner French, by the end of 1875 relations between the two men were deteriorating. French had been stuck at the Swan River Barracks (Livingstone, Sask.), the NWMP headquarters, hundreds of miles from the scene of most operations, while Macleod, in *de facto* control of the majority of the force for more than a year, communicated directly with Ottawa on all matters of importance. French became increasingly critical of his assistant commissioner, and under the circumstances Macleod welcomed an appointment as stipendiary magistrate for the North-West Territories on 1 Jan. 1876 and left the force. Apart from professional considerations, this appointment allowed him to return to Winnipeg to carry out his long delayed plans to marry Mary Drever.

Macleod's separation from the NWMP, however, was short-lived. French, at odds with the Liberal government of Alexander [MACKENZIE](#) over NWMP policy, resigned in June 1876. The post was offered to Macleod and he accepted without hesitation, taking over as commissioner on 22 July 1876. In an age of untrammelled patronage, it was remarkable for someone of Macleod's well-known Conservative connections to be appointed by a Liberal administration.

The new commissioner plunged immediately into an exhausting round of activity. After his wedding in Winnipeg on 28 July, he rode to Fort Carlton (Sask.) for the signing of Treaty No.6 with the Plains Cree [see [Pitikwahanapiwiyin\\*](#)]. He then left for Swan River to oversee the moving of NWMP headquarters to Fort Macleod. Both forts Macleod and Walsh were reinforced in anticipation of trouble from south of the border. On 25 June the United States army had suffered a disastrous defeat at the hands of the Sioux leader Sitting Bull [Ta-tanka [I-yotank\\*](#)]. Macleod was well aware that the Americans would pursue Sitting Bull relentlessly and that the Indians were likely to seek refuge in Canada. In December they began to arrive in the Cypress Hills area.

Macleod had retained his appointment as stipendiary magistrate and under the terms of the North-West Territories Act of 1875 he, along with the two other territorial magistrates, Hugh [Richardson\\*](#) and Matthew Ryan, was a member of the Council of the North-West Territories. Early in 1877 he attended his first council meeting, at Swan River, and then travelled on to Ottawa for consultations on the problem of the Sioux, before returning to Fort Macleod.

In September 1877 some 5,000 Blackfeet, Bloods, Peigans, Sarcees, and Stoneys assembled at Blackfoot Crossing (Alta) to sign Treaty No.7. Crowfoot, Red Crow, and several other chiefs made it clear that Macleod and the NWMP were the principal reasons their people were willing to sign the treaty. The commissioner next rode on to Fort Walsh for talks between American authorities



and Sitting Bull aimed at inducing the Sioux to return to the United States. Macleod persuaded Sitting Bull to participate but the negotiations accomplished nothing. Macleod then interviewed Sitting Bull and set out the Canadian government's position: the Sioux could remain in Canadian territory as long as they obeyed the law, but there would be no treaties, no reserves, and no government rations for them.

By 1878 Macleod was becoming seriously worried about the rapidly decreasing numbers of buffalo on the plains. The presence of the Sioux intensified competition for an increasingly scarce food supply and threatened to lead to warfare among the plains tribes. At the 1878 meeting of the NWT council, Macleod introduced legislation that attempted to regulate the buffalo hunt in an effort to slow down the slaughter. Although well meant, the regulations had little effect, and by the end of the year the buffalo were alarmingly scarce. Because of his worries about the effect of food shortages on the Canadian Indians and pressures from Ottawa to resolve the problem, Macleod became dissatisfied with the seemingly dilatory efforts of Inspector Walsh to persuade the Sioux to leave the NWT.

The crisis Macleod had feared arrived early in 1879 when all the plains tribes faced starvation. In the spring Macleod made a lengthy visit to Ottawa to discuss the situation with the recently re-elected Macdonald government. He returned to the west in July, bringing 80 new recruits as well as food supplies for distribution to the Indians. Edgar Dewdney\*, the newly appointed Indian commissioner, travelled west with the NWMP. He and Macleod spent much of the last half of 1879 visiting the Indian agencies throughout the NWT.

In the spring of 1880 the NWMP came under attack in parliament for financial carelessness. There was some foundation for the charge: Macleod hated bookkeeping and had no talent for the management of money. But it is doubtful that anyone, however skilled, could have done much better under the circumstances. Apart from his trip to Ottawa, Macleod, whose health was beginning to deteriorate under the strain, travelled more than 2,300 miles by horse in 1879 to conduct his police work and to fulfil his judicial responsibilities. There was also a widening gap between Macleod's understanding of the government's obligations towards the native peoples under the treaties and that of the Macdonald administration. In letters to his wife, Macleod expressed dissatisfaction with the government's efforts to furnish foodstuffs for the destitute Indians. He commented, "They appear still to think that the poor creatures can gain their livelihood by hunting as if everyone didn't know that there is nothing for them to hunt." A break appeared almost inevitable.

At the end of September 1880 Macleod resigned as commissioner of the NWMP and began to devote all his time to his judicial duties. The family moved to a small ranch at Pincher Creek (Alta) where they attempted, without much success, to raise horses for sale to the NWMP. As one of the three, later four, magistrates in the NWT, Macleod was primarily responsible for the Bow River Judicial District. The holding of court in the larger towns twice yearly meant a constant round of travel for the magistrates.

Macleod's career as a jurist was not marked by any outstanding trials. Not a brilliant lawyer, he appears none the less to have fulfilled his responsibilities both competently and conscientiously. His decisions were not overturned on appeal more than those of his fellow magistrates, and he did not get into the kind of trouble, stemming from irregularities in conduct and abuse of authority, that led to the dismissal of his contemporaries Matthew Ryan in 1881 and Jeremiah Travis\* in 1886. In September 1885 Macleod was sent to British Columbia to resolve a dispute over jurisdiction between federal and provincial authorities.

both of whom claimed the right to police the construction camps of the Canadian Pacific Railway. Through the exercise of his considerable diplomatic skills, Macleod was able to persuade federal and provincial magistrates to cooperate in enforcing the law.

On 18 Feb. 1887 Macleod was appointed to the first Supreme Court of the North-West Territories as puisne judge for the Judicial District of Southern Alberta. He continued as a member of the NWT council until the Legislative Assembly was created to replace it in 1888. He was then appointed one of the three legal advisers who sat as non-voting members of the new assembly. In the 1890s the citizens of the growing city of Calgary agitated for the removal of Macleod's judicial seat from Fort Macleod to Calgary. In May 1894 he was appointed judge for both the northern and southern judicial districts with his residence in Calgary and he moved there with his family. Already seriously ill with Bright's disease, he took up his duties for only a short time before his health deteriorated rapidly and he died on 5 September.

James Farquharson Macleod exercised a decisive influence on the early development of western Canada. More than any other single individual, he was responsible for establishing the policies followed by the NWMP in their dealings with the Indians and for setting the tone of Canadian Indian policy in the NWT. His vision of the region was of a place where newcomers and the native population might live together in peace and where disputes could be settled by reason.

#### R. C. MACLEOD

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