

LAST JUDGE OF THE OLD FAR WEST.

THE NEW WEST.

His Honour Judge Eli Harrison, a dynamic figure among pioneer Jurists and builders of the British Columbia of pre-motor days, and last of the old time Judges of Canada's Pacific Coast Province, recently passed away at Victoria, the Capital City.

Before recalling Judge Harrison's interesting and colourful career, one should take a glance at the New West of to-day.

In the last few years the communities along the Pacific Coast have grown so marvelously that the advertising experts have sought for newer and stronger adjectives.

There is Los Angeles, for instance, which visited once, must convince even the most dour sceptic that the growth in buildings, houses, apartments and commerce, all on a strip of unpromising desert, is little short of magical, and the million and a quarter people claimed in the new census, are probably there, though many of them may not be the same ones next month.

Once an inland city, it has now a real harbour; a recent survey describes it as "The Greatest Seaport of the West" and goes on to give the number of ships entering the harbour in a year. Now Vancouver, Canada's West coast metropolis, which for all its remarkable growth cannot claim more than 400,000 population, is described in a late issue of the *Financial Post* as having the greatest port on the Pacific. The comparative figures show that Vancouver had several thousand more ships do business there in the year, than had Los Angeles, both in the coastal trade and in deep sea shipping.

I mention the growth of these two new cities of the far West to remind Eastern readers of the great change and business expansion which has taken place along the Pacific Coast.

THE WORK OF PIONEER JURISTS.

To one who studies the history of the colonization of this area, including British Columbia, which physically is greater than the United Kingdom, France, Holland, and Denmark combined, the number of lawyers and Judges who played the most important rôles, is truly incredible. Of late years, business achievements cause one to overlook the legal basis and forces on which success depends,

and it may be that lawyers do not now feature in the news to the same extent, though their influence must be as great. Certainly in the old days Judges and Barristers also had the publicity.

The foundations of the great civilization of ancient Egypt cannot be traced to primitive people in that region, and historians look back to the early builders as veiled in a baffling mystery,

Yet right before our eyes, on new lands, greater civilizations are being built.

The pioneers of the Pacific Coast have left the imprint of high and forceful character, tenacity of purpose, hard effort, and even romance, which have hardly been excelled in the known history of other regions, and this can be but partially appreciated unless one goes to the trouble of looking below the surface of present events and searches the records.

The Judges, Courts, Barristers and Attorneys of the early days of British Columbia furnish an inspiring and interesting chapter in the great story of the world-wide spreading of the Common Law of England, a law which encircles the world, not only in most parts of the British Commonwealth of Nations but in every state of the American Union except Louisiana. The Political Code of California, for instance, providing that the Common Law of England shall be the rule of decision in all the Courts of the State, except where it conflicts with the Constitution and Codes.

A DYNAMIC LEGAL PERSONALITY.

Walking through the fine galleries of the Duke of Connaught's Library in Victoria, one pauses before the portrait of a powerful looking black-gowned figure. Thick strong fingers in a capable hand; heavily bearded face, commanding eyes, and an intellectual forehead surmounted by the Judge's wig of the old days.

It is easy to see that here is a leading figure in the pioneer judiciary. It is in fact His Honour Judge Eli Harrison, who died in the spring of this year, fifty-six years after he had been called to the Bar of British Columbia.

Victoria, which with its environs now has some 80,000 people, but public buildings and public works and a culture not possessed by some middle western cities of half-a-million, has the oldest daily on the Pacific Coast, *The Daily Colonist*, now in its 72nd year. Editorially it truly said:

The late Judge Eli Harrison had a full life of active interest in the affairs of this Province of which he had richly earned the title of pioneer. His experience in the law extended over many years and many offices. He won

his way upwards to the Bench by sterling merit, by consistent application and because of an experience wider perhaps than any of his contemporaries. As a Judge he further enhanced his legal reputation and many of his opinions are likely to be quoted for long years to come. He was the type of citizen of whom any community might well be proud; of sterling characteristics and upright in all his dealings and in every relationship of life. The death of such men severs links of proud memory with the past. Judge Harrison has left behind him a reputation of high worth both in the law and in the social life of the community. . . .

WITH THE COVERED WAGONS.

Eli Harrison, Senior, J.P., the Judge's father, was of the English landed gentry (the family motto being: Remember and Persist), and at an early age Mr. Harrison, Senior, travelled over many parts of the world, finally coming to America in search of his father who had been killed by the Indians when on a visit to this continent.

In 1850 Judge Harrison's father accompanied by his wife, had reached Missouri, and in about 1851, Eli the Junior was born to them in St. Louis.

As soon as the child Eli, the future Judge, was old enough to travel, his father purchased a caravan and determined to join the covered wagons then slowly winding their way across the continent to the Pacific shores.

Judge Harrison retained quite a vivid recollection of his journey as a child in the covered wagons on the long historic trek over rivers, valleys, mountains, and finally to California.

He used to tell of many interesting experiences; of the storming of Fort Bridges; of dangerous encounters with sects of religious fanatics, of the hazards of swollen rivers, and the difficulties of getting over the mountains.

At one time the arrival of his father's wagons coincided with the death of the Chief of an Indian tribe, and the fair-haired Eli Junior so appealed to their fancy that every effort was made to get him from his parents to be raised as their future chief.

At last Eli Harrison, Sr., his wife, their little boy Eli Jr., the future Judge, and some others, who composed the members of their caravan, arrived at old San Francisco, and found themselves in the midst of the Vigilante troubles, and his father, mother, and their friends fought on the side of law and order.

THE MOVE TO CANADA.

In 1858 the small family moved from San Francisco to British Columbia, where the father, Eli Harrison, Sr., J.P., pursued the

study of free masonry with a great enthusiasm, and took an active part in the formation of the Grand Lodge of British Columbia. Eli Harrison the Elder became Grand Master for several years, during which he laid the foundation stone and dedicated the Masonic Temple of Victoria, of which he was also Chairman of the Board of Trustees.

The future Judge, Eli Harrison Junior, was sent to the historical old private academy at Victoria. The Collegiate School, conducted under the auspices of the Church of England. And there he acquired his academic education, along with others who became leading figures in the life of the Colony.

THE STUDY OF LAW.

School days over, the young Eli entered upon the study of law, for which he soon showed a natural aptitude. Many famous lawyers were practising at the San Francisco Bar, and attracted by the opportunities there to study, the future Judge returned to San Francisco to complete his legal education. One of his mentors was George Pearkes, a Canadian Barrister from Ontario who had moved to San Francisco; he was a great friend of Chief Justice Hastings of the California Supreme Court who founded the systematised study of law in that State and after whom the leading law school was named.

Eli Harrison, Jr., learned much from this friendship and was present when Judge Hastings acted as Mr. Pearkes' second in a duel, which were not uncommon in those days. Years later when Judge Harrison was travelling over his circuit he again met Chief Justice Hastings and they renewed memories of early days.

CALLED TO THE BAR AND TO VICTORIA.

Law studies completed in California, the young lawyer Harrison returned to Victoria which was experiencing a period of much business activity. There were but few English members of the Bar at Victoria and American lawyers were also permitted to practise in the Courts without examination. This reciprocity among American and English lawyers is favourably mentioned in one of the early decisions in British Columbia by Sir Mathew Baille Begbie.

Mr. Pearkes also came up from San Francisco to Victoria on the invitation of Governor Sir James Douglas, to draft a Land Registry Act for registering the title to real estate, and such an Act, almost identical with the one Mr. Pearkes had drafted, ultimately

became law on Vancouver Island. On the mainland of British Columbia (then separate from the Crown Colony of Vancouver Island) the system of recording the title deeds by copying, prevailed.

A friend in the government learning of the young lawyer Harrison's training under Pearkes, offered him his first government post, that of Acting Registrar of Titles. This he at once accepted, in 1875; in the next year he acted as Law Clerk in the Legislative Assembly. He also had the opportunity to develop a very successful criminal law practice.

So successfully did young Harrison handle whatever he took up, that he was offered an opening in the Attorney-General's office, and became departmental Solicitor (attorney-at-law).

Meanwhile the Law Society had been formed and was incorporated in 1884, and the future Judge was made one of its first Benchers.

ELEVATED TO THE BENCH.

The young lawyer Harrison had done so well in his large private practice and in the various official positions that he had held, and had also become quite a political influence in the eyes of the Government, that he was appointed Stipendiary Magistrate for the whole Province, in 1884, and in the same year was elevated to the Bench as a County Court Judge for life.

Judge Harrison's first County was Cariboo and Lillooet, on the mainland. His County Court judgeships should not be confused with those of similar name in England and in Eastern Canada, for his jurisdiction was far greater in every way, with an appeal directly to the Supreme Court of Canada, and his territory covered thousands of square miles.

Hundreds of miles of the counties and in reaching them, had to be traversed, often over the steepest mountain grades. Judge Harrison had placed at his disposal private six-horse stage coaches, with relays of horses; to negotiate the more difficult mountain roads, trees had to be cut down to serve as additional brakes.

Shortly before Judge Harrison's judicial appointment he had married Eunice Mary Louisa Seabrook, daughter of Roads Seabrook, Vice-President of one of the largest shipping interests on the Coast, and a direct descendant of Admiral Holloway who was in the English service at the battle of Trafalgar. Mrs. Harrison, in all these years of constant travelling through the roughest wild country and often in the worst of weather, frequently accompanied the Judge. They covered many hundreds of miles a trip, parts of

the journey by slow horse drawn private coaches, side wheel steamers, and Indian canoes the rest of the way.

A LINK WITH QUEEN VICTORIA.

The Judge's marriage had started off with a romantic link with the great Queen Victoria.

One day her late Majesty was talking with a well-known lady philanthropist, Mrs. Harrison's great grandmother, and the Queen remarked:

What is the fancy bag you are making? It is for my great granddaughter in the far away Colony of Vancouver's Island. How would she like it made of some of my silk?

The Queen smilingly questioned. To that there was but one reply.

Next day the young Princess Beatrice (after whom one of the C.P.R. coastal vessels was named) was sent with a piece of the Queen's own household silk, embroidered with the Royal Crest. From it the bag was made, and reached Vancouver Island as a wedding present for the Judge's wife. The bag is still in a fine state of preservation and contains the original lace handkerchief.

In spite of the roughness of the country, Judge Harrison, true to the best legal tradition, held court with the full customary formalities as if, indeed, they were in metropolitan centres.

On this an interesting incident is told of the captain of a coastal steamer putting back his ship to get the Judge's judicial wig which had been unwittingly left ashore, for no particular of the court dress was dispensed with.

A NEW COUNTY AND INCESSANT TRAVELLING.

Five years later Judge Harrison was appointed to the more populous centres on Vancouver Island and took up his duties centering at Nanaimo where a very fine stone court house was built to his design; in the same year, 1889, he was appointed a Local Judge of the Supreme Court with full powers, the last County Court Judge to hold such authority.

Judge Harrison, as a young man, had acquired a large acreage in the City of Victoria; this was later subdivided, the street being named after him, and he retained an acre of old oaks as grounds for the house. In order to reach his county he travelled each week by train a distance of 150 miles a trip, and sometimes 250 miles, including return, to spend the week-ends at his home in Victoria. This incessant travelling he did for upwards of twenty years; not

counting the five previous years of constant rough journeying through the interior of the Province.

During Judge Harrison's circuiting on the Island, he met and knew many of the famous persons who visited the beautiful Island of Vancouver, and was well acquainted personally with most of the leading figures in the public life of the Province, the papers left after his death containing numerous letters from notable men.

Interesting souvenirs of 1898 show that Judge Harrison was an honored guest at the opening of the fine Parliament Buildings, one of the outstanding features of Victoria for which the city is justly famed, and the Judge, a little later, especially met the Duke and Duchess of Cornwall (now His Majesty King George V. and Queen Mary) when they visited Victoria in the early days.

ADAPTING OLD LAWS TO NEW LANDS.

Judge Harrison's aid in drafting statutes for the Province or for re-drawing and adapting English statutes suitable for application to the different conditions of a new country, was often sought by the Government. The following is a typical letter of appreciation for Judge Harrison's efforts in this regard:

Attorney-General's Office, Jan. 25, 1896.

. . . You will observe reference to your name in the report itself as having contributed valuable assistance in drafting several acts. You will perceive your work in its entirety in the Interpretation Act, Affidavits, Agents, Agriculture, Alien, Apprentices, Arbitration, Creditors' Trust Deeds and the Acts relating to Associations; these are printed just as you drafted them. The remaining statutes drawn by you were the Bill of Sale, Bail, Bond, Cattle Farming, Cattle Ranges, and Sheriff's Acts.

To Hon. Judge Harrison.

The late Jurist's ability to quickly grasp intricate problems and reduce them and the solution to clear language, was frequently recognized by his brother Judges. Even as a young Judge, when he had held office but two years, we find the Chief Justice writing him from Victoria under date of August 1, 1836:

My dear Harrison—

I send the Report of the celebrated judgment in California . . . Thornton, one of the Judges who concurred in the conclusions, told me himself that he considered it as sound as if it came from Westminster Hall. At any rate I am sure it contains all the old law on the subject and will prove to us a most valuable Compendium. Should any future case arise in this Province I fancy the only difference between our own conclusions in the Martell Case and that judgment will be found in the application of our local statutes . . . Now, as I wish it for all the Judges, not for myself alone, I think if you have time it would be a great advantage to cut it up in contiguous pages in

an ordinary portable size copy or form book, leaving a wide margin to note upon—a good margin. And I wish you would put your own observations indicating the differences resulting from the application of our local statutes, so that the Judge could take it with him when he learns that a case on the same subject is likely to arise on his Circuit. It may give a little trouble but I think you have a most happy faculty in book arrangement as well as a logical power of analysis; you will be doing us all a public good if you will take hold; write me when you have time how you like it.

Another letter, on Supreme Court stationery, some years later, dated October 22, 1902, from a well known Judge referring to another problem, is in similar strain:

To His Honour Judge Harrison.

Will you draft it and send it to me and I will send a copy to the other Judges; I will sign it and get the others to. The reason I ask is that I think you are better qualified to do it than any of us. . . .

THE MASONIC CODE.

Judge Harrison used this ability for codification and annotation, when, after retirement from the Bench, he compiled and personally annotated the first and still used Masonic Code of British Columbia, described by the Lodge as "the standard authoritative charter of Masonic Jurisprudence in British Columbia."

For, like his father, Judge Harrison was also a Mason and at the time of his death this year, was still Representative of the Grand Lodge of England, which office he had held for forty-four years continuously, as shown by the parchment authority signed in 1886 by the Prince of Wales, later King Edward VII.

Many old faded letters in the clear legal hand of the day, show that the Chief Justice frequently requested Judge Harrison to hold court in Victoria, both County and Supreme Court. He was also named a Judge of Assizes on several occasions.

In addition to his strictly judicial duties, the late Jurist acted on a number of Royal Commissions, such as the one to enquire into the grievances and rights of the squatters on the railway belt; to enquire into the great fire that destroyed New Westminster. His printed reports are also a model of clear and judicial thinking expressed in concise English. At another time he went as Judicial Representative for the Government on "H.M.S. Satellite," which was absent a month, to enquire into the insurrection and discontent of Indians in the far Northwest.

Among the variety of interesting experiences which so filled Judge Harrison's life, was sometimes being the guest of honour on

Russian warships which in those days, put in at the bays up Vancouver Island.

Although the late Jurist was so broad in his religious ideas as to be almost of Emerson's school of the Over-Soul, the Universal teachings of the Eastern transcendentalists, at one time of his life he took quite an interest in the Church of England and was appointed from the Bishop's Court, Winnipeg, September 1901, and attended as special lay delegate the General Synod meeting at San Francisco.

When Judge Harrison died this Spring, he had been on the official retired list for some years. His eldest daughter married Mr. John Colborn Coote, of London and Toronto, now residing in Shaughnessy Heights, Vancouver; the second daughter married Lieut.-Col. C. A. Forsythe; and his four sons are all members of the Bar: P. Phillipps, having recently represented the Independent Liberals of his district in the B.C. House; Victor B. lately Conservative candidate and Mayor of Nanaimo; Claude L. of the Uplands, Victoria, B.C., for the last twenty years City Prosecutor of Victoria; and H. R. a member of the State Bar of California.

LIONEL WESTOVER.

Victoria, B.C.
