

### A FRONTIER JUDGE\*

The colony of British Columbia and her sister colony of Vancouver Island, before they were united, before they were linked by the Canadian Pacific with Canada and became a Province of the Dominion, were the most remote and the least accessible of British lands. In those days British Columbia was so far away it seemed as though it belonged to another planet. Travellers brought tales of its romantic natural beauty and its bounteous and manifold natural wealth, so that it seemed to be the ideal country for the pioneer and the frontiersman.

But too often the ideal country for the pioneer is not the country where law and order and the administration of justice are to be found in their finest flower. It is a commonplace of history that remote and isolated regions, usually go through a period of lawlessness, violence and almost anarchy.

Yet from the very first British Columbia, despite its geographical position and its physical features, its remoteness, its riches, its pioneer and shifting population, was singularly free from disorder and crime. If that happy state of affairs could be attributed to any one man, that man was the first Chief Justice of British Columbia, the bravest of the brave.

In the month of June, 1894, at Victoria, the capital of the Province, Sir Matthew Baillie Begbie, Chief Justice of British Columbia, was gathered to his fathers. There are many men, who have not yet learned to call themselves old, who can recall how deeply the city was moved, and what a concourse of all classes of people attended the public funeral. On the morning of that day Bench and Bar joined in a lament for the loss, and a tribute to the memory, of a just and upright judge.

He was seventy-five years of age when he died, and he had been a judge, first in the colony and later in the Province of British Columbia, for thirty-seven years. Those whose memories did not go back so far, who had known him only as chief of the Supreme Court Bench, remembered him as a distinguished citizen — a tall, erect, handsome man with a sweep of white beard, dignified, courteous, urbane; a man charming in personal

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intercourse, generous in his sympathies, unostentatiously good and silently charitable. In his profession, his brethren who sat beside him, and the barristers who pleaded before him, knew him as a sound lawyer and a just judge.

He had taken his share in the life of the beautiful city which had been his home so long and which was dear to him; that city has been called a little bit of England — and the Chief Justice had lived the first half of his life in England. In Victoria, the placid, the tranquil, Sir Matthew was known for his devotion to literature and the arts, especially the art of music. In cassock and surplice he sang Sunday by Sunday in the choir of Christ Church Cathedral, and on occasion read the lessons, "the portions of Scripture appointed for the day," in his fine sonorous voice. For many years he was President of the Victoria Philharmonic Society. It was thus he employed the leisure won from the sometimes tedious and always exacting duties of his high office.

But to those mourners whose memories went far enough back, Sir Matthew Begbie was not merely a handsome old gentleman, well versed in the law. They remembered the days when he was first a Judge in a land where never Judge had been before; when by the sheer force of his personality, his strong will and stout heart, he had imposed British law and British justice upon a vast territory, overrun by a mob of reckless adventurers, hostile to the law and maddened by the lust for gold; when the very name of Begbie struck terror to the heart of the evil-doer; when he punished the malefactor and hanged the murderer, if need be with his own hands; when he rode circuit — his Bench his saddle — inexorable, implacable, just, until he made the law supreme throughout his turbulent jurisdiction.

When, in 1858, the new colony of British Columbia was set up by Act of the Imperial Parliament, and Mr. Begbie was sent out to be sworn in as its Chief Justice, there had already been in existence for some years another colony, that of Vancouver Island. Both on the Mainland and on the Island the great Hudson's Bay Company had been granted the exclusive privilege of trade with the Indian tribes, but had not the wide rights they possessed in the country east of the Rockies. In the year 1826 it had established, in all, thirteen forts or trading posts on the western side of the mountains. Seven of these were in what afterwards became the Mainland Colony, or British Columbia; the remaining six were in that part of the

Oregon territory which was afterwards by treaty awarded to the United States. None of the forts were on the coast.

Strangely enough, absurdly enough, the mainland country, also known as New Caledonia, had been placed by an Act of the Imperial Parliament under the jurisdiction of the Courts of Upper Canada. The law, from first to last, was a dead letter. In the first place, there were no settlers, or even inhabitants to speak of, with the exception of the Indians. In the second place, the writs of the Courts of Upper Canada could by no means be made to run so far afield.

The first step in the process by which the Hudson's Bay Company got a firmer grip on the Island was the gradual acquisition of the coastal trade, which had previously been in the hands of American adventurers, known by the generic nickname of the Boston Pedlars. The Company stole a march by bringing out a steamboat and putting it into commission, thereby dumbfounding and terrifying the Indians. "I understand," said one of their chiefs, quite in the modern manner, "that it is the iron machinery which makes her go; what I do not understand is what makes the machinery go."

The dispute as to the Oregon boundary between the United States and Great Britain, which had been going on for some years, had recently become more acute, and was the main issue in a Presidential election. One of the Company's factories, Fort Vancouver, was in territory which they rightly feared might be awarded to the United States when a settlement was reached. The Company therefore instructed one of its officers, James Douglas (afterwards Sir James Douglas) to select a desirable site for a new Fort which would be within British territory. Mr. Douglas showed himself equal to the task and fit for greater ones. He chose one of the most beautiful sites for a city to be found in the world.

On the harbour of Camosun, at the southern tip of Vancouver Island, was erected Fort Victoria. It comprised, originally, an enclosure one hundred yards square, surrounded by the usual stockade with bastions at the angles, mounted with cannon. Within were five storehouses, officers' and men's quarters, dining hall, carpenter shop, and other buildings. Farms were at once established near the new headquarters, and horses and cattle brought to stock them.

The Indians, who had never seen or heard of domestic animals, deemed this a heaven-sent opportunity for good hunting and filling the larder with trifling effort, and there was

considerable trouble with the Hudson's Bay Factor, and in fact almost an Indian war in miniature, before the tribesmen could be brought to understand the legal doctrine of proprietary rights in animals.

Another and more important result followed the boundary dispute. Great Britain thought that her position would be strengthened if she had a colony established at this point, at the south of the Island. The question was raised in Parliament, and after prolonged negotiation the Hudson's Bay Company was granted the land of the Island upon certain terms. They agreed to settle thereon a colony of British subjects, and to expend upon improvements such as roads and bridges the moneys received from the sale of lands to the colonists. If at the end of five years there was no colony in existence, the land should revert to the Crown.

The new colony of Vancouver Island was to be self-governing, with a governor, a nominated council of seven members, and a Legislative Assembly, these together constituting the law-making authority. Students of the British or Canadian institution of representative government have, in the establishment of the new colony, an excellent opportunity of studying that institution in embryo.

The Imperial Government rejected the rather naïve suggestion that James Douglas, Chief Factor of the Company, should be appointed to represent the Crown as Governor, and appointed instead a lawyer named Richard Blanchard, who, fortunately for himself, happened to be rich.

No salary was provided for him, and no Government House, or indeed residence of any kind, though later on a small cottage was built for him. But to offset these disadvantages he had no duties to perform. The land and all the natural resources were owned by a private company, and all the inhabitants were servants of that company. It was a colony without colonists, thousands of miles distant, not only from the mother country, but from every other British possession. There were no public affairs to administer, no legislature, no judiciary, nobody. And the sad truth was that the Company was just as well pleased; they did not want a colony at all.

Somehow or other a real bona fide settler did happen to turn up. He found all the land at Victoria reserved by the Company, and was forced to settle at Sooke, twenty miles away. In one of the Governor's reports, made not long after-

wards, we find the melancholy item: "There are at present no independent settlers on the Island at all. Mr. Grant left Sooke for the Sandwich Islands some days ago."

After nine months, spent chiefly in sailing somewhat aimlessly up and down the coast, Governor Blanchard decided that he had had enough of it. He tendered his resignation, and nine months later received an acceptance and was free to leave his illusory duties and relinquish his empty honours.

Douglas was appointed Governor, though still retaining his connection with the Hudson's Bay Company. He called into being the Executive Council required by the constitution, but it was the merest farce, as all its members were officers of the Company.

Coal had been discovered at Nanaimo, and the Company had brought out some miners. A few settlers had straggled in, and in 1853 it was estimated that there were over four hundred people on the Island, practically all of them, with the exception of the miners at Nanaimo, living at Victoria.

In 1856 Governor Douglas received imperative instructions from the Colonial Office to summon the long-deferred Legislative Assembly. "A representative assembly, where there is no population to be represented, is most absurd," remarked a member of the Executive Council, who perhaps thought that one absurdity was enough.

The Governor fixed the property qualification for voters at so high a figure that their number was limited to forty all told. The colony was divided into four districts which were to elect seven members. The election, which resolved itself into a series of nominations, was held; the Assembly was elected, met, elected a speaker, and listened to a very optimistic speech from the throne made by Governor Douglas. The next order of business was passing supply, which totalled £130. The items are interesting; £50 for copying documents; £55 for the remuneration of the officers of the Assembly; £20 for heating and lighting the place of meeting, and £5 for stationery. Simply that and nothing more. Nothing for administration, for schools, for public buildings, for courts of justice.

To cap the climax, a vacancy in the Legislature of seven occurred, and the constituency of Nanaimo was required to elect a member. It contained but one qualified voter, who performed his public duty and elected a citizen of Victoria, and when this less public-spirited person refused to take his seat in the House, promptly elected another.

During all this time the Mainland was unorganized territory; it was in fact in a state of nature save for the trading posts of the Hudson's Bay Company, a few trails, and some farms established by the Company around Fort Langley. Governor Douglas, representing both Crown and Company in the Colony of Vancouver Island, virtually ruled the Mainland as well, the Company having exclusive trading rights with the Indian tribes. But a crisis was at hand in the affairs of the Mainland and of Governor Douglas.

In 1856, in his speech to the Legislature of Vancouver Island, the Governor had spoken of the "slow but hardy growth" of the colony, and had placed the blame for the slowness, not upon his own Company, where it rightfully rested, but upon the gold fever in California, which was attracting men of all degrees.

This was one of history's little ironies. Who could tell that two years later gold would be found on the Mainland of British Columbia—gold in great quantities and in many places? Who could tell that Victoria would become a city in a single summer? Could Governor Douglas dream that 1858 would see a horde of forty-niners, prospectors, miners, gamblers, rum-sellers, desperadoes, sworn enemies of law and order, swarm into the peaceful preserves of the Hudson's Bay Company and range the country far and wide, eagerly, restlessly, hungrily?

1858 was the year of the gold rush—the birth year of British Columbia. The adventurers came first by boat to Victoria, and there were some queer craft in her harbour. Roderick Finlayson, Factor of the Company there, and quite satisfied with affairs as they were, found himself, to his infinite disgust, acting mayor of a city of tents a mile square, with buildings going up everywhere, and land selling at \$1,000 a foot frontage, so stupendous was the boom.

Gold was heard of first on the Fraser, and as the restless and adventurous pressed on, it continued to be found as they went forward. Lillooet, the Stikene Country, Chilcotin, Quesnel, Williams Creek, the Cariboo, Barkerville—all had their reports of rich finds, and ever the prospectors pressed onwards.

The first of them came from the Puget Sound district, where men dropped their work, whatever it was; ships were deserted, soldiers left their posts; business, industry, agriculture were at a standstill. All were bound for fortune via Victoria and the rich finds on the Fraser river. After these came the

California old-timers, and every species of camp-follower, gambler and swindler, accustomed to take rich toll from the happy-go-lucky miners whenever they struck pay-dirt.

The Imperial Government acted with promptitude. An Act constituting the new Colony of British Columbia was passed in August, 1858, the Governor being given sole authority for the time being, with provision for the formation of a Legislature at a subsequent date.

On November 19, 1858—the natal day of British Columbia—the Act was proclaimed at Fort Langley, and the new colony was formally ushered into existence. The Governor handed to Mr. Begbie, just arrived from England, the Queen's commission as a Judge, and took the oaths of office and allegiance, and finally another Act was proclaimed declaring English law in force in the colony. Presumably it was to be the duty of the newly appointed Judge to make the proclamation good.

Matthew Baillie Begbie was born in Edinburgh in 1819, and was therefore close upon forty years of age when his appointment went into effect. Though an English lawyer, he was by birth a Scot, as were and are so many of his fellow pioneers of Empire—as indeed were most of the gentlemen adventurers of the Hudson's Bay Company, with whom the new Judge was bound to come into constant and close contact in the performance of his duties. He was the son of one of Wellington's officers, who had seen much service in the Napoleonic wars under the Iron Duke, and had bequeathed not a little of the soldier's fire and courage to his lawyer son. Young Begbie was sent to St. Peter's College, Cambridge, and when he had graduated was entered in Lincoln's Inn. Having eaten his dinners and passed his examinations, he was in due course called to the English Bar, and practised his profession in London for the following fourteen years, earning the reputation of being a rising man.

In 1858 the Secretary for the Colonies was Sir Edward Bulwer-Lytton, who had made himself famous as a novelist, and was desirous of winning even greater renown as a statesman. It was without doubt a statesmanlike act, whether accidental or not, to have selected a man of the calibre of Begbie for one of the most difficult posts surely any Secretary to the Colonies ever had to fill. His reason for the choice he made sounds rather quaint. "Her Majesty's Government considered it of the first importance to the general social welfare of the colony that gentlemen from England should be encouraged

to throw in their lot with it." The new appointee was without doubt a gentleman; but his gentility was not the most noticeable of his qualities on the Bench, at any rate during the first years of office.

In appearance, Begbie was of tall and athletic build. He was, in fact, for many years much interested in athletic sports. He was of a great natural dignity of bearing, and this dignity he was careful to maintain at all times, as one of Her Majesty's Judges. It has been remarked by more than one eye-witness that though Judge Begbie had sometimes to sit in strange circumstances, at unusual times and in incongruous surroundings (he frequently held Court in a log shack or in the open air, in a clearing in the forest, sitting in his saddle as upon a bench of justice), nevertheless the serene dignity and formal air of an English High Court of Justice seemed to pervade the whole proceedings.

It must be remembered that when Mr. Begbie from England was sworn in as a Judge on that eventful November day, he was the complete tenderfoot, if such a word was then current. He was a stranger in a land which must surely have seemed strange to him—stranger than any foreign country could be. Even as a Judge he was a tenderfoot; without having ever exercised the judicial function in familiar surroundings, he now found himself called upon to pronounce the sentence of the law in disputes which would have daunted a bench of Solons.

As a mere initial and minor difficulty, what were the territorial limits of his jurisdiction? Beyond the fact that they were probably considerably larger than the whole of Great Britain, no one could tell him, and it seemed that he would have to find out for himself. As a matter of fact he did, soon after his assumption of office, make a tour of inspection and exploration into the interior. Bancroft, the historian, in paying a striking tribute to the memory of the Chief Justice, makes an estimate of the extent of the country, which he says measured five hundred miles either way—and what a country to travel on circuit! It was called by a British Columbia statesman of a later day a sea of mountains. The rivers flowed, in mile after mile of foaming, roaring rapids, through the most profound canyons, and the precipitous trails were mere goat tracks, where a mis-step meant an instant and awful death. Begbie himself, who in the pursuance of his duty was obliged to travel and re-travel these perilous routes, described, in one of his reports



to Governor Douglas, the roads and trails as "impassable for any animal except a goat or a dog — or a man."

Even had the physical features of his territorial jurisdiction presented no difficulties, the new Judge might well have been dismayed by the character of its inhabitants, amongst whom it had become his duty to administer the Queen's justice. Apart from the native Indians, to whom the blessings of civilization had not yet been brought, the white population was made up, as has been said, almost entirely of miners, prospectors and camp-followers from the Western States—particularly from California, where a similar gold rush had taken place a decade previously and had by this time exhausted itself.

In the city of San Francisco, during at least a part of that time, the forces of law and order and the machinery of justice had completely and irrevocably broken down, and a condition of anarchy prevailed. Judges and magistrates were unable, and in many cases unwilling, even to attempt an enforcement of the law. In desperation, companies of vigilantes were organized by the citizens, who endeavoured to rid the camp of some of its more notorious criminals, and to establish some sort of administration of rough justice, even without due form of law.

The cause of this complete breakdown of the reign of law was no doubt weakness and instability—if nothing worse—on the part of judges, magistrates and other officers of justice. Some of them no doubt were in California for the same purpose as the majority of its inhabitants—to win riches for themselves. This would tend to warp their judgment and lead them into doubtful practices which would bring the law into contempt. Once this happened, all was lost, and an older and simpler law came into effect: "He shall take who has the power, and he shall keep who can."

What could Mr. Justice Begbie, the newcomer, the tender-foot, do among such people, many of them intrinsically lawless in their own characters, all of them accustomed to lawless conditions, reckless of the rights of property, careless of the sanctity of human life? The question may be answered in his own words, uttered from the Bench in open Court at one of the first assizes over which he presided. A "bad man" from across the border was brought before him for trial on a charge of stabbing. A large crowd of compatriots of the same kidney attended the Court, curious to see what manner of man was the new Judge, and perhaps with the purpose or hope of over-awing or intimidating him in case he showed any signs of interfering with local customs.

The accused was convicted upon the clearest evidence, and his Lordship addressed him in language no less clear :

"I am glad to find that your case has drawn so many of your compatriots into the Court. I am given to understand that the mining class of the Western States think that they have liberty to defy the law of the land and govern it to suit themselves by the bowie knife and the Colt's pistol. You, prisoner, are a good representative of that class, and I am told that there are a good many of your type within the sound of my voice. Now, I have been appointed a Judge to interpret and administer the law in this country. We have a law which prohibits the carrying and use of offensive weapons, and under the British flag there is no necessity for them amongst citizens. Let me tell those who are in Court as well as those outside that any who carry such weapons will be dealt with to the full limit of the law. Prisoner, you have been guilty of a cowardly attack, and are sentenced to three years' imprisonment."

One can well imagine the effect of such a deliverance. "Sensation in Court" would be a mild way of putting it. The bad men, the gamblers and swindlers, the thieves and claim-jumpers, the shooters and stabbers must have found it difficult to recognize the fact that they were faced with something new and dangerous, something entirely foreign to all previous experience—British justice.

It may easily be believed that "old Begbie," "that man Begbie," was not exactly the most popular man in the country. As it became increasingly apparent that he meant to go on as he had begun, and neither flattery, bribery, nor threats would turn him for an instant from his purpose of administering justice in accordance with his oath, he went daily in danger of his life. He had many enemies who were accustomed to stick at nothing, but his very fearlessness served him as a protection and over-awed those who would have harmed him had they dared. It soon came to be known that the way of the transgressor had been made hard, and that it was difficult, if not impossible, for the guilty to escape. Once the turbulent crew of gold-seekers were convinced of these facts, they accepted them with surprising docility and the day was won. The new Judge was in a position to carry out the beneficent purposes for which he had been appointed.

The Californians and their allies were dumbfounded by the strange order of things which they found in the new gold fields. In the dignified figure of the Judge, in his stern

countenance and sterner words, in the fairness of his trials and the severity of his punishments, they began to perceive in some dim way that here was the very personification and embodiment of justice. But they did not understand it fully, and they did not like it at all. Here was an Englishman, new to a new mining country, ignorant of the traditional customs and habits of the miners, and with the strangest ideas in his head. If in a quarrel one man were to kill another—an accident which might happen to anyone—that man was, according to the ideas of Old Begbie, a murderer whom he would surely hang. There was no escape.

Worse still. Old Begbie had the absurd idea that Indians were entitled to the protection of their property; that they were actually human beings, and that their lives were as sacred as those of white men. Why, they had been accustomed to shooting Indians as they might shoot deer or ducks, for the fun of the thing. After all, they were sportsmen. Things had come to a pretty pass when white men could be and actually were being hanged for so innocent and pleasant a pastime. And here was Old Begbie hanging them as sure as they were caught—and they were always caught—and nothing could be done about it unless one wanted to be hanged oneself.

There was a notorious character named McGowan who without doubt had many a crime upon his conscience though he had as yet been brought to book for none of them. He decided to attend Court as a spectator, and size up for himself this formidable intruder.

"I don't like the look of that man Begbie," he said on his return, "and I think I'll get me out of here. It ain't healthy." And get out he did, returning to the more genial climate, and the more congenial surroundings, of San Francisco.

For some time Judge Begbie had more or less trouble with juries, who were sometimes inclined to shield their friends, or disinclined to bring in a white man guilty of murder when all he had done was to kill an Indian. They knew that there would be sentence of death, and that the sentence would inevitably be carried out. On one occasion, in the face of the clearest evidence, they found that the accused was entirely blameless, and that the deceased tribesman had been worried to death by a dog. The Judge refused to receive the verdict of not guilty and the jury retired, only to bring in a second finding that the dead Indian had fallen over a cliff, and that the accused still remained innocent.

Nevertheless, Judge Begbie had a way with juries who were in his opinion derelict in their duty. He had a scarifying, blistering tongue, and he castigated the jury unmercifully for betraying their oaths, to do justice as between the accused and the Queen's Majesty. It was not long before juries began to fight very shy of bringing in verdicts contrary to the evidence.

Thus, when in a clearly proved case of murder a verdict of manslaughter was brought in, his Lordship said, in sentencing the prisoner: "It is not a pleasant duty to me to sentence you to imprisonment for life. Your crime was unmitigated murder. You deserve to be hanged. Had the jury done their duty, I might now have the painful satisfaction of condemning you to death." To the jury he said: "Gentlemen: Permit me to say that it would be a great pleasure to see you hanged, each and every one of you, for bringing in a murderer guilty of manslaughter only."

Judge Begbie had a mordant vein of humour which he occasionally exercised, and which is illustrated by a well-known anecdote still commonly current in British Columbia. The Judge, seated in his saddle, having found the accused guilty of some infraction of the law, began: "Prisoner, you are sentenced to pay a fine of fifty dollars——"

"That's easy, Judge," interrupted the accused, "I've got the money here in my pants pocket."

"——And three months in prison. Have you got *that* in your pants pocket?"

On another occasion, when holding Court in Barkerville, he detected the all too familiar signs of sympathy with the prisoner on the part of the jury. As the evidence was given, it was clear beyond a doubt that the accused was guilty, and the Judge cast about in his mind for some way to prevent the miscarriage of justice which an acquittal would mean. Presently he saw his way. He recognized in the foreman of the jury the proprietor of the hotel at which he had stayed during the previous Barkerville Assizes, some months before. On that occasion, when the time came to pay his bill, he asked the clerk the amount, and overheard the proprietor whisper: "Sock it to him." No doubt a Judge was fair game; at any rate he paid the bill without complaint or comment, but he did not forget that he had had it socked to him.

And now here was the over-charging boniface before him, foreman of the jury, and anxious to assist his friend the guilty prisoner.

He charged dead against the accused, and in so many words directed the jury to bring in a verdict of guilty. Then he paused, and, fixing the hotel-keeper with his terrible eye, concluded with the words: "Sock it to him."

The poor wretch, horrified to know that the Judge had overheard and remembered the instructions he had given to his clerk so many months ago, and in mortal fear of what the vindictive Begbie might do to him, or in what way he might sock it to him, abandoned all idea of succour for his friend in the dock, and persuaded his colleagues to bring in the just and proper verdict directed by his Lordship.

The fame of Mr. Justice Begbie and British justice as administered north of the boundary line spread far abroad. It was recounted in an American paper, apparently in all seriousness, that when that fearsome Judge arrived in a district to hold Court, it was his custom to walk about in the neighbourhood and select suitable trees from which his victims might conveniently be hanged. There was a sort of double-barrelled joke about this report. Apart from its extreme absurdity, it would in fact be very difficult to find a tree suitable for such a purpose—a tree with low, horizontal branches—in a British Columbia forest, with its towering pines and Douglas firs.

It is reported that on one occasion he actually hanged a man with his own hands. The doomed creature had been found guilty of murder on the clearest evidence, and had been sentenced to death, but the sheriff was absent, and no one could be found to perform the disagreeable duty. Nothing daunted, the Judge caused it to be known that on a certain day the culprit would pay the penalty of death. When the time arrived, at ten in the morning, Judge Begbie entered the cell, pinioned the prisoner, and led him to the gallows, where the deed was done, no man lifting a hand to prevent it.

It might be thought, from a perusal of such incidents, that Judge Begbie was another Judge Jeffries, cruel and vindictive, holding a bloody assize wherever he went. But this was very far indeed from being the case. It is true that immediately upon his arrival to take up his new duties he quickly grasped the situation, and realized that unless he acted resolutely and obtained control his position would be difficult, if not impossible. It was for this reason he took the most efficacious measures to impress upon the community the fact that the law was paramount and must be obeyed on pain of certain punishment. He followed a system that is now universally accepted. If punish-

ment is certain, or virtually certain, to follow crime, crime will subside. It is when the offender has, through weakness of the administration of the law at some point, a fair and reasonable chance of escaping the consequences of his deed, that crime increases and flourishes.

Judge Begbie was pre-eminently a just Judge. It is scarcely conceivable that an innocent person ever suffered at his hands. In those early days an accused was very often undefended, and in such cases the Judge was always scrupulous to see that he got a fair trial and that all points in his favour were brought out clearly. Indeed, his Lordship virtually took the defence into his own hands and shrewdly cross-examined the witnesses for the prosecution.

On one such occasion he gave the accused, at the opening of the trial, the best of advice—the advice no doubt that his counsel, if he had had one, would have given: “Keep your mouth shut and leave the matter to me.” It was a charge of burglary, and the witness in the box was a constable. True to his promise, the Judge subjected the constable to a rigorous examination, particularly as to times.

Suddenly the accused angrily interposed: “That’s a lie. I was out of the cabin and away an hour before that.” The Judge drily remarked that when he, as counsel, had advised the prisoner, the advice had not been taken, and he must now, as Judge, pronounce sentence.

This custom of Judge Begbie’s, the protection of an undefended prisoner, with the assurance of a fair trial, was sometimes abused. A man was charged with murder; being undefended, he appealed to the Judge, who, as usual, promised to see that there was a fair trial, and who took the utmost pains to examine, sift and weigh the evidence. It was proved beyond peradventure that the accused had been guilty of the particularly cowardly and treacherous murder, for money, of one who had befriended him. He was brought in guilty by the jury and the Judge in the usual way asked him if he had anything to say, why sentence should not be passed against him.

“Yes,” said the prisoner, “I did not have a fair trial; there was no one to defend me.”

“In that case,” said his Lordship, “I shall send up your case for a new trial—by your Maker.”

It should be understood that, in order to bring out the character and individuality of the illustrious Chief Justice, certain striking incidents which occurred during the stirring times which followed his appointment have been selected and recounted. The gold rush was soon over, and even before it was over there were many civil actions to be determined—disputed claims, disputed property rights, water rights, partnership agreements—the sort of case, in fact, which occupied by far the greater part of the Judge's time and attention during his long and distinguished judicial career.

When the settlement of the country advanced, and the fever of the search for gold abated, the necessity for guarding against lawless outbreaks became less frequent. Mr. Justice Begbie (who was appointed Chief Justice of British Columbia when the two colonies were united under that name in 1866) in the normal and orderly administration of justice manifested an ability which showed that his intellectual faculties were as keen and active as his character was stable and commanding. He was a man of scholarly attainments, and his versatility of talent evoked the admiration of all who came into contact with him. As a Judge the tendency of his thought was eminently logical, his judgment was prompt and decisive, and his integrity unquestioned.

It is true that Judge Begbie hanged a dozen or two ruthless murderers, and clapped into jail for long terms of imprisonment a few score miscreants, within a very short time after his appointment. But by doing so he no doubt saved the lives and property of hundreds of others. Without the certainty of justice which he vouchsafed, private vengeance would without doubt have been sought. The Indians would have returned to the war path periodically, and feuds and vendettas between individual miners, between entire mining camps, would have been pursued to their inevitable and fatal ends.

To quote Bancroft again: "The Province owes an obligation to the memory of the late Chief Justice Begbie for the unbroken record of peace and order from the time of his appointment onwards. More than any person I met in my historic pilgrimage to Alaska, he was the incarnation of Justice."

It would be of little interest to recount here the numerous recorded judgments of Sir Matthew in cases, civil or criminal, now long since forgotten. Their chief interest would be to lawyers, and the lawyers well know where to look for them in the Law Reports.

Six months after his swearing in, the Chief Justice made a detailed report to the Governor of the colony. One surprising sentence from that report may well serve as a fitting conclusion to this brief narrative.

After making a number of observations and recommendations for the development of the country and particularly for the improvement of transportation, his Lordship comments on a number of facts that have especially impressed him. "The great preponderance of the Californian element in the population." "*The ready submission of a foreign population to the declaration of the will of the executive, when expressed clearly and directly, however contrary to their wishes.*"

From the commencement, Judge Begbie had administered the Queen's judgment, in accordance with the terms of his oath, without fear, favour or affection. The obvious and easy result, he seems to say, was a ready though reluctant submission to the reign of law, and there was nothing very wonderful about it after all.

But had there been a weak and vacillating man appointed, instead of an extraordinarily strong and fearless one, there would have been a different story to tell. There would have been no tale of easy submission; without the stout heart and steady hand of the Honourable Sir Matthew Baillie Begbie, that early page of the history of our most westerly Province might not be of such unsullied whiteness.

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