Mr. Justice McCreight, November 13, 1894.

Provincial Archives, Victoria, B. C.
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JOHN FOSTER McCREIGHT

First Premier
of
British Columbia

By
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An essay submitted in partial fulfilment of the requirements for the degree of Master of Arts in the Department of History.

The University of British Columbia.
April, 1947.
John Foster M'Creegert is not well known in the story of British Columbia, yet he held two of the highest offices — that of Premier and Judge of the Supreme Court. The reason for his obscurity lie partly in the lack of personal records, and partly in the character of the man. He was of a retiring disposition, more concerned with the formation of statutes and correct legal interpretation than with more popular matters. He was not a man of his times because he stood for learning and principle in a period when action and expediency were more evident. His memory is overshadowed by that of Aaron Be Cosmos and Judge Begbie, both of whom were more vivid personalities.

M'Creegert was born in northern Ireland in 1827, the son
of a clergyman, and related to John Foster, the last speaker of the Irish House of Commons, through his brother. He was educated at Trinity College, Dublin, and called to the Irish Bar in 1853. In 1853 he went to Australia, and practised law in Melbourne where two of his cousins, Sir William Foster Howel and Vesey Fitzgerald Foster, held prominent positions. From Australia he came to Vancouver Island in 1860, and practised law in Victoria. He lived in that city until 1880, when he spent nearly two years at Richfield in the Cariboo. In 1883 he moved to New Westminster where he lived until his retirement in 1897. He left Canada, proceeding first to Rome, then to Hastings, England, where he died in 1913.
3. In Creight's first interest in politics was shown in 1868 when he joined the Confederation League. It is believed that he was not actively interested in the struggle for responsible government in British Columbia, but that he was anxious to see a firm foundation of government laid when the new province entered Confederation. In 1871, Joseph Truitt, the lieutenant-governor, chose Mr. Creight as Premier, with a Cabinet consisting of Alexander Roeke Robertson, George Anthony Walkem, and Henry Holbrook. Thus Mr. Creight became the first Premier of the province, and was responsible for passing a number of fundamental laws. Owing to his lack of interest in the idea of responsible government, he was defeated in the legislature in 1872 and resigned as Premier. He remained a private member until 1875, but
He did not seek re-election.

From 1875 to 1880 he devoted himself to an increasingly important law practice, and was appointed Queen's Counsel. Some of his earlier law cases are of great general interest, notably that of "The Theatre Rumpus" in 1861, and Rawford versus Wright in 1862. The latter case brought him into conflict with Judge Regbie over the conduct of legal affairs.

In 1880, he Creight was made to supreme judge, and directed to Richfield. He found few cases to try there, and joined in the agitation against judges of the Supreme Court having to reside in their districts. From 1883 to 1890 he was resident judge at New Westminster, trying a great variety of cases, and proving himself to be the most learned of all judges in the province.

He Creight was originally a strong adherent of the Anglican Church.
s. and a member of the congregation of Christ Church Cathedral, Victoria. He played a large part in the dispute between Jean B Ide and Bishop Hills and strongly supported the authority of the Bishop. The incident seems to have affected him greatly, and in 1883 he joined the Roman Catholic Church. He became strongly attached to this faith, and spent his last years near a Catholic Hostel in England. To the Hostel and other Catholic charities he bequeathed most of his money.

From 1866 to 1880 he was connected with the Freemasons, and rose to the position of Deputy Grand Master of the Grand Lodge of British Columbia. He is important not only for the positions which he held and for the work which he did, but for his great legal knowledge. He was a man of high principle whose name should be better known in the history of British Columbia.
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Abstract

of

Thesis for the Degree of Master of Arts in the Department of History of the University of British Columbia, April, 1921.

John Foster McClellan

Patricia M. Johnson, B.A.
JOHN FOSTER McCREIGHT

Premier and Judge
of the
Province of British Columbia.

Chapter I. **Introduction to the Study of JOHN FOSTER McCREIGHT.**

(1) Fifty years ago, John Foster McCreight retired from the Supreme Court Bench, ending a long career of public service in the province of British Columbia. Since that time his memory has slipped into obscurity, and his actions have found little recognition. Even his name is unfamiliar to many students of British Columbia history.

Yet this man held two of the most important positions in the province, that of premier, and Supreme Court judge. He came to Vancouver Island and practised as one of the first lawyers. He left thirty-seven years later when the legal systems were well-established, and members of the bar were numerous.

(1) 1897.
He acted as Premier during the doubtful days following the entry of British Columbia into Confederation. He finished his work in the province when responsible government had been firmly established, and already ten ministries had headed the government since his time. His work in British Columbia covered a period of great importance, the formative, growing years, when the province was emerging from the status of two disunited colonies to that of a well-established unit linked to Canada by law and by rail.

Not only did McCreight work in British Columbia during an important era, but he also associated himself with a great many different aspects of the life of the time. His political career, as Attorney-General, as Premier, and as a private member of the Legislative Assembly meant that for a time he had great influence in the government. His legal activities, as a barrister-at-law, and later Queen's Counsel, brought him into touch with many incidents and personalities in the life of the growing province. His judicial tasks performed in County and Supreme Courts gave him an authoritative position in the affairs of men. His church connections, first with the Anglican and then with the Roman Catholic faith brought him into touch with yet another group of people. His Masonic affiliations took him far afield in that particular sphere of activity. Above all his learning, his legal erudition, his supreme regard for the law and its interpretation, gave him an unchallenged position.

as an exponent of jurisprudence and an acknowledged master of its practice and procedures.

During this his thirty-seven years in Western Canada, McCreight was not only a part of many different activities, but also an inhabitant of a variety of places. He came first to the little city of Victoria, the English outpost of the "Honorable Company", designed to be the capital of the new, somewhat turbulent province. He probably fitted fairly well into its activities, and from his residence at James Bay could view with interest and approval the attempts to create an ordered society, based on law, the English church, and the observance of tradition. Yet as times changed, and even Victoria began to take on a veneer of Canadianism, McCreight moved to the Cariboo. Here amid the remains of the gold rush, in the little town of Richfield, he must have felt the strong sense of adventure, of recklessness, and of individual struggle which had brought people to that area. He was close to a different life from that of Victoria. He was more truly near to the heart of his adopted country, no longer in an English colony, but absorbed into the real life of the West. From the Cariboo to New Westminster came the next move. Here again was a different situation. A city more truly Canadian had grown up. It boasted the name of "Royal City" from its British associations, but it was first and foremost "the mainland", then an integral part of Canada. People of the Fraser Valley quickly evolved a way of life of their own, and

(4) Listed in First Victoria Directory, 1868, Victoria, V.I., E. Mallandaine, 1868.
New Westminster with its eyes on the sea, and its finger on the pulse of the "upper country", provided yet another phase of British Columbia's life. Of this again, McCreight must have been a part, and his influence must have been felt in the city which in turn claimed him. The Court House at New Westminster, housing his library, his picture, and a hundred associations of him, is still a monument and a reminder of Judge McCreight.

Thus, John Foster McCreight associated himself with many phases of public life, in varied parts of the province during a critical period of British Columbia's development. Yet his name is not well remembered, except by those closely associated with him in the law. An obvious explanation is the scarcity of records. Beyond official speeches and papers, there is little to be found relating to his life and character. The Archives contain his Case Books concerning his judicial affairs, but they are strictly legal. There is the official correspondence as Attorney-General, but the letters give no glimpse of the writer's personality. There are the annotations in the law books of his former Law library, but again these bear mainly on the legal principles involved. As

(5) Case Books of Judge McCreight, Archives of British Columbia.
(6) In the Archives of British Columbia. Contrast the letters of his successor, G.A. Walkem whose letters have a warm personal style.
(7) In the Court House Library, New Westminster.
far as can be ascertained, there is no "McCreight correspondence" in the sense that there is a "Trutch correspondence" or "Douglas letters". He had cut himself off from his family, and then from his friends, in such a way that it is doubtful whether any extensive correspondence with them could be maintained. Some day it may be found that a few of his personal letters have been preserved, but again there is the possibility that his reserved nature would prevent him from putting many of his thoughts on paper.

This reserve of McCreight's nature is, possibly, the clue to his unfamiliarity. Even his contemporaries seem to have felt that they never really got to know him. Some regarded him as almost unfriendly, secluded and unapproachable. Others recognizing his great absorption in his legal studies, and his preoccupation with such things, spoke of his "quiet but cheerful manner among friends". It seems evident that he was possessed of a retiring disposition and that this could develop into and be interpreted as an austere aloofness. Such a nature does not endear a man to his fellows. He is respected, but not loved. McCreight lacked popular appeal in an age of out-standing personalities. Neither his nature nor his actions had anything of the attractive splendour of an Amor De Cosmos or a Matthew Baillie Begbie. As a law-maker he was far steadier and much more learned than the turbulent De Cosmos. But he lacked the other's push and initiative. He was too reticent to forge ahead, and so was over-shadowed

(8) Crease, A.D., K.C., Victoria, B.C., September 1946, in a letter to me.
by the memory of the man who succeeded him as premier. As a judge, he gained little of the prominence of Begbie. He had not that superb actor's scope nor his tremendous driving power, nor had he the capacity for adapting himself to the situations of the time and the place as Begbie had. McCreight might be far more "learned in the law" than Begbie, but that is not a way of winning public acclaim or lasting praise. Only on one occasion did McCreight become something of a public hero, and that was on the one occasion that he was involved in somewhat extreme and dramatic action. This was in the famous case of Cranford vs Wright, when the solicitors for the plaintiff, D. Babbington Ring and John Foster McCreight protested against Judge Begbie's summary dismissal of the jury. By way of protest they had their names removed from the roll of lawyers practising on the mainland, and the famous words "Dash your pen across my name", became a sort of symbol of resistance to the arbitrary methods of Begbie. The complimentary address tended to the lawyers by the citizens of New Westminster is a most heart-warming document. But this was not the usual behaviour of McCreight, His protest had been made on legal grounds. He felt that Begbie was tampering with the law. To him the law was something more important than his own popularity. It was predictable, it was reliable, it was, in

(9) For details see Chapter 4.  
(10) Quoted in The British Columbian, Volume 2, Number 78, Dec. 20, 1862.  
(11) Loc. cit.
spite of its flexibilities and adaptions, rational and absolute. A man of this temperament could not hope to be a popular figure. He stood for learning in a place and an age where action was more important. He stood for integrity in a place and an age where success was more important. He stood for discipline in an era of self-expression, and for principle rather than personality. He could never be a "man of his times" as other well-known leaders were. Yet his times needed him most desperately. His own age may not have understood him, the succeeding years may have forgotten him, but he had a very great gift to contribute. His legal knowledge was needed, his sense of values was necessary. Above all, his great integrity and his overwhelming exactness was something which must come to balance the easy expediency of the newly formed province. McCreight himself must have felt that he had a place in the society of the time. Though not a vain man, he knew his own worth. He laboured to bring a full knowledge and appreciation of the principles of government, of the law and of justice to the province in which he had made his home. He was not a "great man" in the accepted sense of the word, but he was undoubtedly a "necessary man". The statute books and the law courts testify to that. The tribute of other lawyers and judges bears it out. British Columbia cannot afford to forget John Foster McCreight. Part of her structure depends upon the foundation which he laid.

One cannot leave McCreight as a public figure only, even as a man who did a great work for his province. Behind
the curtain of misunderstanding, of obscure record, and of apparent contradiction, one finds a man of most interesting character and undoubted charm. The record of his life is an absorbing one from the personal point of view. In some respects his character is a difficult one to analyze. There are some unexplained gaps in his life, some motivations which can only be guessed at. There are the frequent breaks with the past; the physical breaks occurring when he left Ireland to go to Australia, when he left Australia to go to Vancouver Island, when he left British Columbia to retire in England. There are the spiritual breaks best typified by his secession from the Anglican Church and his strong adherence to the Roman Catholic faith. There are many contradictions, shown in his apparent lack of appeal to the people of his time, and yet the rapid growth of a series of "legends" associated with his name. There is his impatience with the ignorance of some of his legal associates, and yet his painstaking, friendly help for those who really sought the truth. He was marked as a sober, unemotional man, yet he must have had a certain spirit of recklessness to make him leave his home in Ireland to journey first to the goldfields of Australia in turbulent times, then to the little-known colony of Vancouver Island in 1860.

(12) See Chapter 8.
(13) See Chapter 8.
(14) First mentioned in The British Colonist, Volume 4, Number 31, August 10, 1860.
Underlying all his actions is something almost undefinable but strangely fascinating. Was it loneliness, was it conviction, was it some deep inner philosophy that dictated his actions? Something must have moved him deeply to make him follow the course of action that he did. It has been suggested that McCreight was a man who had broken with his past, his past in Ireland, his past in Australia, and that something from that past stirred and haunted him. There is no real evidence for this. In a way it is not even a necessary clue to his character. It seems nearer to the truth to suggest that McCreight was a man seeking for the absolute in truth, in religion, in life itself. He came as close to finding it as he could in his legal studies and in his religious convictions. As one follows the life of McCreight, that motive seems to stand out clearly. It is the key to a fascinating personality, to a remarkable set of standards, to a man who made a real contribution to his times.
Chapter II. McCreight and his life.

John Foster McCreight was born in Caledon, County Tyrone in 1827, and was baptized in Caledon Church. His father, Reverend James McCreight was curate of the church from 1825 to 1835, and a monument to him is to be found there. His mother, Elizabeth Foster was the daughter of the Reverend William Foster, at one time Bishop of Clogher. Reverend William Foster's brother was John Foster, famous as the last speaker of the Irish House of Commons, (which makes John Foster McCreight his grand-nephew).

McCreight's father, the Reverend James McCreight, came from County Armagh and was educated at Trinity College, Dublin, receiving his Bachelor of Arts degree in 1813, and his Master of Arts degree much later, in 1832. He spent most of his short life as a curate, at Seapatrick in County Down, at Killeavy in County Armagh, then at Caledon in County Tyrone where he passed ten years and was apparently much loved and respected. In 1835 he became rector and vicar at Keady in County Armagh, only to die in the same year at the

(15) Information on McCreight's family and early life was obtained by Crossle, P., Librarian, Grand Lodge of A.F. and A. Masons of Ireland, Dublin, and sent to Dr. Reid in April 1941.

(16) Ibid.

(17) Ibid.

(18) Probably automatically on payment of the fee.
age of forty-three. Of his relatives, little is known. Any influential connections for McCreight came from his mother's side.

Elizabeth Foster McCreight was one of a family of seven. Her grandfather, Anthony Foster, was Lord Chief Baron of the Exchequer in Ireland from 1766 to 1777, and was a member of Parliament for County Louth. Her uncle distinguished himself in Parliament as the Speaker of the Irish House of Commons, while her father became a prominent churchman. Even here the parliamentary connection was not broken, as for some time Reverend William Foster served as chaplain to the Irish House of Commons. He was consecrated a Bishop in 1789, serving as Bishop of Cork and Ross for a year, Bishop of Kilmore for six years, and finally as Bishop of Clogher, in which position he died in 1797.

Elizabeth Foster's brothers and sisters all seemed to marry well, and they and their children occupied important positions. Her oldest brother, the Right Honorable John Leslie Foster carried on the parliamentary tradition of the family as member of Parliament for County Louth and Baron of the Exchequer in Ireland. Her second brother, Right Reverend William Henry Foster, entered the church and was subsequently consecrated bishop. Her four sisters, Catherine, Anna, Henrietta and Letitia each married. Henrietta became the Countess de Salis and was famous in Court circles in England. Letitia became the wife of John North, noted as being member
of Parliament for Trinity College, Dublin.

It is important to note that John Foster McCreight had these connections with the Foster family, they set his background and his tradition. It is more important to find that four of his cousins emigrated to Australia, and achieved most of their fame there.

John Foster McCreight's own family has been the subject of some investigation. He was the oldest of the children, born eight years before his father died. He had a sister Letitia who married an Edward Jeffreys, and who survived him, as she was a beneficiary to the extent of fifty pounds under his Will. There was a younger brother, William, born in 1832, recorded as having matriculated in 1851 at the age of nineteen in Trinity College, Dublin. No previous record mentioned another sister whose name appears in McCreight's Will. She was Anna Dorothea McCreight "who at present resides at Nice, France" (1909), and she was left fifty pounds also. In addition to this, probably because she was unmarried, she was left an annuity of seventy-two pounds a year. However, Anna Dorothea McCreight did not receive these benefits. She pre-deceased her brother, and her legacies were removed from the Will by a codicil dated May 2, 1912.

(19) For family tree see Appendix A.
(20) Last Will and Testament of John Foster McCreight; August 20, 1909.
(21) Ibid.
(22) Ibid, Codicil, May 2, 1912.
Little is known of McCreight's early years. His father died when he was eight years old, leaving a widow with four small children to bring up. There is every possibility that she would receive some help from her wealthier relations and that they assisted in the up-bringing of the children. The only factual knowledge of the period comes from correspondence with J.D. McCreight, a resident of Metchosin, Vancouver Island. Writing in 1940 and 1941, he explained that John Foster McCreight was his grandfather's cousin, and that the former mentioned staying, in his boyhood with this cousin in County Down. J.D. McCreight visited him in Victoria in 1896, and adds that he made no allusions to Australia "though my mother says he was there as a young man".

There has been great difficulty in finding where McCreight got his education and legal training. It was taken for granted that he was a graduate of Trinity College, Dublin, and had been called to the Irish Bar. However, Trinity College, Dublin, had no record of him as a student, and the Honorable Society of King's Inns had no evidence of his call to the Bar. Here the matter seemed to end in apparent contradiction, especially as the records of the Roll of Barristers of the Supreme Court of the Colony of Victoria, Australia stated, "Date of Call, King's Inns, Dublin, Nov. 9, 1852".

(23) McCreight, J.D., Metchosin, July 5, 1940, February 8, 1941, to Dr. R.L. Reid.
(24) Ibid.
(25) See letters in Appendix B.
(26) Loc. cit.
(27) Quoted by Mander Jones, P., Acting Mitchell Librarian, Sydney, Sept. 3, 1946 in a letter to me.
Then there was McCreight's own application for admission to the Bar of Vancouver Island which read,

"I, John Foster McCreight, do solemnly and sincerely declare that I am a Barrister at Law duly authorized to practice in the Superior Courts of Ireland, and that I was called to the Bar by the Honourable Society of King's Inns in Michaelmas Term in the Year of our Lord one thousand, eight hundred and fifty two 1852 and that I am the person named in the certificate now produced". (28)

With this evidence, further inquiries were made in Ireland. The following letter seems to substantiate the original idea regarding training and legal standing,

The Honorable Society of King's Inns,
Dublin.
15/10/46.

Dear Madam,

On receipt this morning of yours of Oct. 10, I have looked up our minutes, and find that on Nov. 9, 1852, John Foster McCreight was called to the Irish Bar.

He entered King's Inns as a student in Michaelmas Term, 1848, being at that time a student of Trinity College, Dublin.

There is no doubt that his claim to be a member of the Irish Bar was entirely justified.

Yours faithfully,
'Theodore C. Tobias',
Under-Treasurer.

Miss Patricia Johnson.

(28) Copied from records in the Court House, Victoria, and quoted by Ireland, W.E., Provincial Archivist, March 19, 1946 in a letter to me.
There is every reason to believe that McCreight never practised as a barrister in Ireland. After his call to the bar in November 1852, he must have left almost immediately for Australia, as he was admitted to the bar in Melbourne, Victoria, on September 29, 1853. His office was located in (29) Temple Court, Melbourne.

It will be noticed that McCreight was twenty-six years of age when he completed his training, and set out to make a living. His choice of Australia was almost certainly determined by the fact that he had relations there connected with legal affairs. Both Vesey Fitzgerald Foster and William Stawell had been in Victoria since 1842, and both were becoming influential men there, while William John Foster was engaged in legal work in New South Wales, and yet another cousin, William Fane de Salis was a member of the Legislative Council of the same colony. A theory has been advanced that some matrimonial entanglement or scandal caused the journey to Australia, and this is hard to prove or refute. It seems quite obvious that McCreight had to make a living as a lawyer, that good opportunities awaited him in Australia and that his relatives would urge him to join them and promise him encouragement. The question of McCreight's marriage has never been solved, if a solution is necessary. No record of a legal

(29) Quoted by Mander Jones, P. Loc. cit.
(30) Cleary, P.S., Australia's Debt to Irish Nationbuilders, Sydney, Angus and Robertson, 1933, Passim.
(31) This was a "pet theory" of Dr. Reid.
marriage exists in Australia or in Ireland, and it seems satisfactory to leave the matter there.

In 1853 John Foster McCreight began the second stage of his life as a barrister in Australia. It seems obvious that he went there sure of a welcome, and sure too of finding a place for himself in the legal profession. Very soon after his arrival in Melbourne, he was admitted to the Bar of the Colony of Victoria. He practised as a barrister for six years, and at one time served as Crown Prosecutor in the General Sessions. This is evidence enough that he was not only an able lawyer, but was among friends. Otherwise no young lawyer, newly arrived in the colony, would have held an important official position of that type.

There are few details available of his personal dealings with his relatives in Australia. But as they obviously influenced his career there it is important to note something about them. The most colourful of the group was his cousin Vesey Fitzgerald Foster who arrived in Victoria in 1841. He was the son of Elizabeth Foster McCreight's oldest brother, and he is somewhat difficult to trace as he later changed his name to inherit his mother's property, and became known as Vesey Fitzgerald. He first engaged in farming in the Port Phillip region (as Melbourne was then known.) Then

(32) Checked by McCallum, C.A., Acting Chief Librarian, Public Library, Victoria, Australia, May 2, 1946, in a letter to me.
(33) See Appendix C.
(34) James, G.F., University of Melbourne, quoted by Sage, J., John Foster McCreight, Ottawa, Transactions of the Royal Society of Canada, Third series, Section II, Vol. xxxiv, 1940, p. 76 footnote.
when Victoria became a separate colony in 1851 he was appointed Colonial Secretary. He was apparently somewhat arbitrary in his political views, and ran counter to the prevailing sentiments of the colony. In 1854 the famous "Eureka" affair occurred. Large gold finds had been made at Golden Point near Melbourne and miners flocked to the scene. The governor of the colony, Hotham, described as a strict military figure, attempted to control the activities by putting in claims for the government and by charging a license fee. The miners resented this, and made protests. The governor reinforced his demands with troops, and violent outbreaks occurred. In the end order was restored, and the leading rebels were brought to trial. They were defended so ably by a liberal-minded lawyer, R.D. Ireland, that they were acquitted, and the whole episode turned the political field over to the "rebels". In fact their leader, Lalor, became the member of Parliament for Ballarat, a position which he held for forty years. Vesey Fitzgerald Foster resigned, taking the blame for the affair. He remained in Melbourne for six years but never achieved much prominence, and then returned to Ireland.

It was claimed that Vesey became the scape-goat also for his cousin, William Foster Stawell. This man was the son of Elizabeth Foster McCreight's sister, Anna, and although called to the Irish Bar, did not practice in Ireland. There seems to be a similarity here with McCreight's own career,
though this happened ten years earlier. Stawell arrived in Melbourne in 1842 at the age of twenty-seven, and soon built up a big legal practice, in addition to taking up farm land or "squatting" as the expression was. He acted as Attorney-General for a short time in the first Victorian ministry, and as such was partly responsible for the Eureka affair. In this regard, Cleary perhaps unfairly, states:

"(the governor's) chief advisers were two 'ascendancy' Irishmen, William Stawell and his cousin Vesey Fitzgerald Foster. Foster took the obloquy which Stawell earned". (35)

Whatever the truth, Stawell did not seem to suffer from the episode, as in 1857 he was appointed Chief Justice, and as a "masterful and sound lawyer, he drafted the Victoria Constitution Act and several Judicature Acts." (36)

Once again there is a similarity with McCreight and his work in British Columbia.

Stawell served as Chief Justice for twenty-nine years, at times acting as temporary governor and lieutenant-governor. After his resignation in 1886 he went abroad and died in Naples. The fact that he was the first Chancellor of Melbourne University is an interesting side-light on his character.

These two men were the ones with whom McCreight would associate in Melbourne. It is easy to see that their relationship might prove a difficulty as well as an advantage. Both had the reputation for autocracy in a free, independent society, both were regarded as somewhat prone to

(36) Ibid. p. 116.
use their influential connections to further their own ends. Stawell especially was anti-catholic, and Aspinall, one time premier of Victoria remarked, any one wishing a position in Victoria "while Mr. Stawell holds office should add Orange Theology to the indispensable brogue".

Under these circumstances it is quite possible that McCreight would feel a little uneasy. He was undoubtedly an able lawyer, but then there were many splendid Irish barristers practising in the Colony. He was at a disadvantage while pleading before the Chief Justice, his own cousin, whether their views coincided or not. There is a feeling that McCreight would not be entirely in sympathy with Stawell, though he had a somewhat automatic nature himself, and any hint of a "family compact" would be obnoxious to him. There had been enough of that in the Eureka dealings with Vesey Foster; an incident which McCreight had witnessed and in which he was almost certainly forced to side with his cousins — an unpopular position for a young lawyer.

It seems probable that with the slackening off of the gold fever and its subsequent litigation, McCreight felt that a change would be for the best. Emigrant Irishmen were too plentiful in Victoria, he would go further afield.

(37) Cleary, op. cit. p. 130.
(38) Cleary quotes an article in the Melbourne "Argus" for March 31, 1855, "We have an Irish Colonial Secretary, an Irish Attorney-General, an Irish Surveyor-General and Irish Chief Commissioner of Police, an Irish President of the Road Board, and an Irish Commissioner of Water Supply." Cleary, op. cit. p. 136.
His destination was obvious. Many of the people attracted to Victoria by the mines, were following this trail to the west coast of America. Here a small settlement existed, in need of lawyers, and possessing a solid British connection. Thus McCreight came probably by way of San Francisco to Vancouver Island. He arrived in Victoria in 1860, and started his law practice.

As most of McCreight's work was done in British Columbia, it is only necessary at this point to give the briefest details of his life there. From 1860 to 1880, he lived in Victoria, residing on Michigan Street, and having his law offices on Government Street. He acted as junior for a well-known barrister, D. Babbington Ring, later Member for Nanaimo, but did not seem to be in partnership, as Ring's office is listed first at Fort and Douglas Streets, and then Langley Street. An 1862 subscription list to the Royal Hospital, Victoria includes "Mr. McCreight -- $5.00".

From 1871 until 1875 he was connected with political affairs, then returned to his extensive law practice. In 1880 he was made a judge, and after that time did not reside in Victoria for more than brief periods of time. That he entered into the life of the city during these years is shown not only in his legal and political activities but in his work for Christ Church Cathedral and for the Masonic Lodge, both of

(39) First Victoria-Directory, 1868.
(40) Ibid.
(41) Daily British Colonist, January 18, 1862.
which will be dealt with in full later on.

From 1880 to 1883, McCreight's position as Supreme Court Judge took him to Cariboo. He resided at Richfield, near to the Court House, apparently able to enjoy even a small community. Mrs. Sillitoe, wife of the Anglican bishop, describes the place which she visited with her husband in August, 1881. 

After remarking that they reached the residence of Judge McCreight at Richfield, she goes on:

"We had just one week to stay in the Cariboo, and we began our visit very lazily, for our first evening was spent sitting over a fire and talking with our host. Although it was August, there were sharp frosts every night, and there seemed little prospect for the strawberry crop in the garden outside, for the plants were only just coming into blossom, while the first radishes of the season had that day been pulled for us." (42)

As to McCreight's other friends in the Cariboo the directory is the only guide. The district registrar for the Supreme Court was S.F. Wooton, the Sheriff, George Byrnes, the Government Agent and Gold Commissioner at nearby Barkerville was J. Bowron, and the Reverend Father J. McGuickan the Priest at St. Joseph's Mission, 150 Mile House. Richfield had only the Roman Catholic church. The Anglican (Reverend C. Blanchard) and Weslyan were at Barkerville.

In 1883, McCreight moved to New Westminster where he had been appointed resident judge. This fact is borne out

by a statement of the Grand Jury on November 24, 1883, which ends with:

"We trust that your residence among (44)
us will be pleasant to your Lordship".

Apart from his judicial activities, and his pre-occupation with his law books, much of McCreight's time was taken up with his beloved horse LALLY. For many years he rode every day, sometimes alone, sometimes in company with his friends. Among the latter was Mrs. Moresby, whose husband was connected with the New Westminster Court, and whose son was articled to a law firm in New Westminster at this time. Later, when the horse became somewhat decrepit, McCreight led it out each day for exercise. Some people claimed that he had no friend except the horse, and there is a well-known legend that he grazed it illegally on the Penitentiary grounds, and paid a man to keep him from turning it in.

Early in 1892: "Mr. Justice McCreight left for San Francisco this morning for his health".

His stay was fairly extensive, as there is no report of him until July 3 when he resumed his judicial duties. The next year he took another trip, this time further afield:

"Mr. Justice McCreight left today for Montreal en route to the Old Country. His Lordship carries with him the best wishes of a host of friends for a safe and pleasant journey". (47)

(44) Mainland Guardian, November 24, 1883.
(45) Moresby, W., K.C., Victoria, B.C., Oct. 22, 1946 in a letter to me.
(47) The Daily Columbian, Jan. 4, 1893.
His stay was apparently not prolonged, for on July 4, 1893 (48) he was again presiding over the Supreme Court.

In October of 1897 he is listed as "returning from Victoria today", and this is the last mention of him by name. A month later a writer to the paper was objecting to the "appointment of Mr. P.E. Irving of Victoria who has been selected to fill the boots vacated by Honorable Mr. Justice McCreight. What a tremendous amount of space there will be in those boots". (50)

It is known that McCreight was getting deaf before his retirement but he was apparently very active when he reached his seventieth year. Upon retirement he received a pension from the Federal Government, and this continued until his death.

Some confusion exists about his activities immediately after retirement. Gosnell announced that McCreight: "returned to Ireland whither his wife had already preceded him", but as there is no record of his wife, the other part of the statement needs authentication. It is known definitely that he visited Rome and spent some time there. By 1909 he was residing at Hastings in England, closely associated with the Society of Pious Missions, a hostel run by the Roman Catholic church, for elderly men, many of them priests. It is believed that McCreight was not

(48) Ibid, July 4, 1893.
(49) Ibid, Oct. 14, 1897.
(50) Ibid, Nov. 29, 1897.
in the hostel itself, but in the house of a Mrs. Mary Jane Fisher who lived nearby. That Mrs. Fisher and her daughters must have been very kind to an elderly man is evident from the bequests they received in McCreight's Will. Mrs. Fisher herself received fifty pounds, fifty pounds went to each of her daughters, Elizabeth "otherwise Lizzie", Harriett "otherwise Nattie", Ellen "otherwise Nellie Wilson", and Jane "otherwise Jannie". Elizabeth must have been the favourite, or possibly she looked after McCreight personally. She was appointed one of the executors of the Will, and later was left an additional fifty pounds, then a further two hundred and fifty pounds that would have gone to McCreight's sister Anna had she not died. Another record available of Elizabeth Fisher was in a communication received from the law firm that drew up the Will. The firm of Young, Coles and Langdon of Hastings stated:

"We confirm that we acted for the above named Deceased, and also for the Executors of his Will. One of the Executors has since died, and we have not heard of the other Executor for many years". (56)

A letter received from the present Rector of the Catholic Church at Hastings confirms that Miss Fisher is still alive.

McCreight had apparently become somewhat eccentric in his last days. His Will shows the mind of a man constantly

(52) Codicil, April 20, 1911.
(54) Codicil, June 19, 1911.
(55) Codicil, May 2, 1912.
(56) Young, Coles and Langdon, Hastings, Jan. 4, 1944, in a letter to me.
changing his ideas and desiring in his own small way to make his wishes felt. The terms are set out in great details, new names and revocations of former bequests constantly occur, and there are four codicils. It is reported that McCreight became well-known for extravagant gifts to the children of the neighbourhood, again considered a sign of eccentricity rather than good-heartedness. Mr. A. de B. McPhillips makes this point:

"From some information given to me by the Reverend Father O'Connor, P.S.M., who knew the late Judge well in Hastings, England, it would seem that in his later years he became something of a philanthropist, taking great interest in under-privileged children of the town and spending considerable sums of money on their behalf. Father O'Connor informed me that it was not at all out of the way for the Judge to round up a goodly number of children from poor houses and have them outfitted with clothing and shoes, the total cost of which often ran to a somewhat staggering amount". (58)

McCreight died on November 18, 1913 at the age of eighty six and was buried under the auspices of the Pious Society of Missions. His estate amounted to 3619 pounds.

(58) A. de B. McPhillips, Vancouver, Sept. 27, 1946 in a letter to me.
Chapter III. McCreight and the Government

John Foster McCreight was not a politician by nature, but he must have been interested in the evolution of government which was taking place in British Columbia. He had practised law on the mainland as well as Vancouver Island, and had seen the advantages of joining these colonies. The union of 1866 was important from a lawyer's point of view, quite aside from its political implications. The two separate colonies had each organized their own judicial systems, and at the time of the union, Needham was Chief Justice of Vancouver Island, and Begbie that of the mainland. By the Courts Declaratory Ordinance of 1868, the two separate judicatures were to be continued, while the Supreme Courts Ordinance of 1869, stated that two separate Chief Justices should remain, Needham on the Island, Begbie on the mainland. Each was to take precedence over the other in his own area, but in the event of a vacancy, provision was made for the merging of the courts. Thus it came about, that when Needham resigned in 1870 (to become Chief Justice of Trinidad), Begbie became Chief Justice of the united colony of British Columbia. The union also made possible the right of a lawyer to practise in both island and mainland courts if he were already practising in one -- a fact that had a direct bearing on
McCreight's own case. In general, it would seem that McCreight would be an advocate for union from the legal point of view, in spite of his personal disregard for Judge Begbie, who ultimately would be the Chief Justice under whom he had to act.

It is known that McCreight did not stop at the idea of union. In 1868 his name is found in the list of members of the Confederation League, although he did not take an active part in their activities. In favouring Confederation, it is possible, that he looked for some centralization of government and legal control. McCreight was emphatically not a political reformer, but he would, as a keen student of the law, work for any movement that favoured a strongly constitutional form of government. British Columbia, as a separate colony, would be too much a prey to separatist movements, annexationist ideas, or the domination of some local tyrant. The behaviour of Begbie in the period prior to 1868 was enough to make McCreight wish for a court of appeal nearer than the Privy Council in England. Confederation would provide this, and an organized governmental framework into which the colony could fit.

In 1871, following the completion of Confederation, the new Lieutenant-Governor arrived in the Province. Joseph William Trutch had definite ideas upon his position, and from the first showed that he thought the province incapable of responsible government. It is true that this had not been
possessed by the colonial governments, and that practice was needed to lay the way for full provincial status. On the other hand, there was evidence of an intense feeling that steps towards this must be taken rapidly. The reform group, Amor de Cosmos, John Robson and others were popular and vociferous.

Trutch proceeded to set up a provisional Executive Council, to act until an election could be held. The three members, Charles Good, Benjamin Pearse, and Edward Alston, had all held office under the colonial government. The latter was replaced by Trutch on August 24 with John Foster McCreight who was to act as Attorney-General.

Why Trutch chose McCreight is a debatable point. Obviously he needed a good lawyer, and regarded McCreight as "the leading barrister here", a selection based "on account of the profundity of his legal erudition". Then again he needed a respected local figure, but not a man with political propensities likely to be opposed to his own ideas of very cautious progress. That McCreight was held in high esteem by the people of Victoria is evident. An article in the Colonist of 1897, written at the time of his retirement makes this clear.

(59) Trutch to Macdonald, August 22, 1871, quoted by Sage, John Foster McCreight, Ottawa, Royal Society Transactions, Sec. II, Vol. xxxiv, 1940, p. 175.

(60) Daily British Colonist, Oct. 27, 1872.

(61) "So high was the public esteem and confidence in Mr. McCreight that the lieutenant-governor actually passed over the leading men of the time and called upon this lawyer ...", Victoria Daily Colonist, Nov. 13, 1897.
Then again it is possible that Trutch regarded McCreight as a somewhat conservative person, certainly not in favour of "reform" ideas. McCreight's whole background and family connections lead one to expect this attitude, though perhaps not quite in the extreme somewhat bitterly expressed by the reformer Robson when in October 1872 he wrote of McCreight as

"one whose history in this country had been chiefly remarkable for the uniformity of his shrinking from every public movement, and the morbid antipathy with which he regarded those liberal institutions he was thus so strangely called upon to work." (62)

Elections were held late in 1871, and McCreight accepted a "requisition", and was returned as a member of the First Legislature of the Province of British Columbia, representing Victoria. He was selected by Trutch to form a ministry, and so became the first Premier of the province.

It is probable that Trutch had no intention of relinquishing his control, a fact which made him attend all meetings of McCreight's Executive Council. He regarded the executive in a somewhat possessive sense, writing to Macdonald that he had

"done all I could to place my ministry fairly before the House and before the country". (63)

It is probable, too, that McCreight did not really resent this control. His main interest was in legal matters, and his contribution was to be the setting up of a statutory framework for British Columbia. A new province, needing a

(62) Daily British Colonist.
(63) Trutch to Macdonald, quoted Sage, loc. cit. p.178.
set of new laws — surely this was a lawyer's dream. The fact that McCreight had such ability and erudition was indeed fortunate for British Columbia, and for Trutch. This interest in the constitutional side of government perhaps explains McCreight's decision to work with Trutch. It may also explain his refusal to fight the reform group when they out-voted him a year later. Once the statutes were made, and the government in working order, McCreight's real use to the legislature was over. He worked for no political cause, he really represented no political interests. His cause was the law, his interests those of legal tradition, correctness and solidity.

McCreight is regarded as a poor statesman, certainly as one that sank into insignificance compared with Trutch, Robson and de Cosmos. All that is true, and he would have been the first to admit it. As a lawyer, not as a premier, McCreight would be remembered. His main contribution during his period in the government was his enactment of fundamental statutes of the province.

The McCreight ministry reflects this attitude in that it contained three lawyers. John Foster McCreight was (64) Premier and Attorney-General, Alexander Rocke Robertson, (65) Provincial Secretary, George Anthony Walkem, Commissioner of (66) Lands and Works, and Henry Holbrook as "unofficial member".

(64) Appointed Puisne Judge in 1880 at the same time as McCreight.
(65) Called to the Bar in British Columbia in 1863, having not been previously accepted by Begbie as he was a "Colonial," i.e. Upper Canada, barrister.
(66) Commissioner of Lands and Works from Nov. 14, 1871 to Jan. 19, 1872 when Walkem was appointed.
The first session of the Legislature was from February 15 to April 11, 1872. The first words recorded by the Journals of the Legislative Assembly were those of John Foster McCreight, Attorney-General, reading a proclamation regarding the summoning and proroguing of the House, and calling for the election of a speaker. James Trimble, a member for Victoria, was elected. The Lieutenant-Governor made his opening speech on February 16, and immediately after it important legislation was introduced. On February 21 the Premier introduced the following acts:

1. Act for continuing the Legislative Assembly of British Columbia in case of demise of the Crown.
2. Legislative Assembly Privileges Bill.
3. Civil List Repeal Bill.
4. Oaths to Witness Bill.
5. Consolidated Revenue Fund Bill.
6. Notaries Appointment Bill. (68)

On the following day were introduced:

7. An Act to amend the Road Ordinance of 1869.
8. An Act to remove doubts as to the jurisdiction of the Supreme Court of British Columbia and the Judges thereof over the Persons and Estates of Idiots and Lunatics.
   (this bill was defeated)
9. An Act respecting securities to be given by officers of British Columbia.
10. Act to enable the Lieutenant-Governor to appoint Justices of the Peace and Coroners. (69)

Other equally basic laws necessary for the transaction of affairs in the province came in the following:

weeks. These included the Election Regulations Bill, the Legal Professions Bill and on February 26, that well-known statute the Public Schools Bill.

An attempt of Robson and Beaver to provide a bill excluding Chinese from employment on public works was defeated on February 27.

Private Bills occupied the first part of March, then on March 27 came proposals regarding the Qualifications of Voters, Election Regulations Amendments, County Courts, Regulation of Births, Deaths and Marriages. Several messages from the Lieutenant-Governor are recorded, usually suggesting some change in a bill on constitutional grounds, the only flaw in McCreeght's constitutional knowledge probably being a much greater familiarity with British procedure than with Canadian. For example:

"The Lieutenant-Governor returns to the Legislative Assembly a Bill intitled 'An Act to establish a Consolidated Revenue Fund for British Columbia with regard to which he calls the attention of the Assembly to the fact that Section 3 of the Bill is not in conformation with Section 54 of the British North America Act which by virtue of Section 90 of the Said Act extends and applies to the Legislature of this Province. He therefore suggests that the said third Section should either be struck out or so amended as to conform to the British North America Act in this respect." (70)

On the other hand was Trutch, showing a little personal favouritism when he suggested that the Public Schools Act should not contain a section providing that the

Superintendent must be

"an experienced and successful Teacher of at least five years' standing, and holding a first class certificate from some College, School or Board of Education in some other Province or Country where a Public Schools system has been in operation". (71)

Perhaps McCreight and his colleagues had aimed too high, and Trutch was merely being practical in a pioneer community.

At the close of the Session on April 11, Trutch gave his assent "in Her Majesty's name" to 30 bills, while 4 were reserved until they had been referred to the Federal Government. (72)

The session had been successful while fairly non-controversial. McCreight had shown himself to be a sound student of constitutional practice, and had drawn up and established a formidable list of necessary laws. (73)

The second session opened on December 17, 1872, but in a very different atmosphere from that prevailing in February. John Robson and Amor de Cosmos had combined forces, and regarding themselves as the "liberal" or "reform" group, were pressing for immediate action for responsible government. Their main opposition was to Trutch, who still acted somewhat like a colonial governor. Their dislike was naturally extended to McCreight, working with and for Trutch,

(71) Ibid, April 4, 1872.
(72) For list of Acts see Appendix D.
(73) The fact that McCreight would enjoy drawing up and wording a law is obvious.
and to those of McCreight's ministry;

"a body of men who had uniformly been opposed to the principles and practice of responsible government". (74)

They accused McCreight's government of failing "to initiate a single measure of sufficient public importance to merit the character of an act of sound statesmanship", an accusation obviously untrue. The measures introduced had been most necessary to the province, although perhaps they had done little to promote the attainment of responsible government as such.

The Lieutenant-Governor's speech was read when the session opened. Then two days later a resolution was drawn up in reply. Paragraph 4 became supremely important...

"That we receive with pleasure his excellency's congratulations on the fact that, far from the prognostications of the failure of Responsible Government in this Province, which were indulged in at the time of the Union, having been verified, the administration of public affairs has been in the main satisfactory to the people in general". (76)

This was too much for the "reform group" to swallow. On the motion of Humphreys and Bunster an amendment was proposed:

"While entertaining the fullest confidence in that form of administration known as Responsible Government, still we believe that the administration of affairs has not been satisfactory to the people in general". (77)

(75) Ibid.
(77) Ibid.
This was tantamount to a vote of want of confidence, and it is interesting to see how the members sided. There were 11 votes for the amendment — Robson, De Cosmos, Smith, Hughes, Anstey, Bunster, Booth, Ash, Smithe, Cogan, and Humphreys. Against it were 10, McCreight, Walkem, Robertson, Holbrook, Todd, Beaven, Hunter, Robinson, Duck, and Barnston. The fact that Mara and Semlin, both Government supporters, were not present brought about a defeat for McCreight. He realized that this was not just an unfortunate occurrence. It was a matter of basic policy. If he remained in office, he would have a political struggle upon his hands. He would have to fight every inch of the way against a group of popular, energetic "reformers". Whether McCreight realized that they more truly represented the political sentiment of the times than his group did cannot be proved. His alacrity in resigning indicates that fact. It indicates also his desire to be free of political turmoil now that his fundamental task of setting up laws was well on its way. The following day McCreight stated to the House that:

"in consequence of the adverse vote of yesterday, the Government had tendered their resignation to His Excellency the Lieutenant-Governor, that they only hold office until their successors were appointed, and that they did not propose to do any Government business in the Assembly". (78)

The House adjourned on December 23, and when it met again on January 6, 1873, Amor de Cosmos bore the title of "Honourable". McCreight was now a private member.

Just before McCreight's resignation, an interesting incident occurred in regard to his relations with Robson. As Robson was the man really responsible for the criticism, a question was asked McCreight by one of his own supporters (Beaven), as to whether Robson had ever been asked to join the government with a seat in the cabinet. McCreight's reply was a lengthy one, and has been dealt with by Dr. Sage in his account of McCreight's premiership. The fact that it illustrates McCreight's honesty of character and his cautious, correct style rather well justifies its reproduction here:

"I have my answer; and while on grounds of public policy or as a breach of personal confidence, an answer might be refused, yet I cannot have the slightest hesitation in giving an answer if the Honorable member does not object. In order to answer this question fully, it is necessary that I should inform the house that I had several conversations with the Honorable member for Nanaimo, on the general subject of his support of the Government.

One took place on the 24th November, 1871, when I offered the Honorable member for Nanaimo a seat as an unofficial member of the Executive Council. He declined to accept a seat without a portfolio. This I positively stated I could not give him. Another conversation took place on the 5th day of December, 1871 when the Honorable member agreed to give my Government his independent support in and out of the House in consideration that I would give him a political situation if I should think it afterwards advisable to create an additional portfolio, I was to give him an appointment which would be fair to him and to the Province.

On the 4th of January, 1872, I had another conversation with the Honorable member for Nanaimo when he requested my permission to let him state in a leading article in the Colonist newspaper that I had offered him a portfolio. This I informed him I could not consent to, as it was contrary to the fact." (80)

For the remainder of the Session, McCreight confined himself to work on parliamentary committees and to legislation for the city he represented, introducing on January 10 an "Act to Authorize the Corporation of the City of Victoria to construct Waterworks". Prorogation came on February 21, 1873.

The third Session of the Legislative Assembly began on December 18, 1873 and lasted until March 2, 1874. McCreight's name does not appear often in the proceedings, though on January 12 he asked leave to introduce a bill entitled "An Act to Amend the 'Legal Professions Act, 1863'". His next enquiry was of a legal nature when he asked for information on the refusal of the government to compensate Mr. A.C. Elliott, "late High Sheriff of British Columbia" for his loss of office. Apart from these, committee reports seemed to be his most important work.

His last appearance in the House was the fourth Session, from March 1 to April 22, 1875. Two items of interest appear here. One is the fact that McCreight introduced a bill "to render ineligible as members of the Provincial Assembly persons accepting or holding offices or employment under the Dominion Government". This act, ironically enough, was the one which debarred de Cosmos, his former opponent, from membership -- both the federal and provincial houses, and so removed him from the British Columbia legislature. The other record of McCreight shows his pre-occupation with legal aspects of the government in presenting reports of the committee on Standing Orders, and

(82) J.L.A. B.C., Vol. 4, March 12, 1875.
in recommending that the New Westminster Tax Sale Bill was a
matter for the Supreme Court so that evidence could be heard, (83)
and not a Bill for the House.

From then onwards there is no mention of McCreight
in the Legislature. His laws established, his parliamentary
term expired, he turned away from politics and concentrated
on his extensive law practice.

(83) J.L.A. B.C., Vol. 4, April 10, 1875.
John Foster McCreight was admitted to the Bar of Vancouver Island on June 26, 1860. Two years later, he was admitted to the Bar of British Columbia, on November 30, 1862. The next month, however, his name was removed, at his own request, from the roll of barristers admitted to practise on the mainland. But in 1867, after the union of the colonies an Ordinance was passed allowing all barristers who were practising in one colony the right to practise in both. Thus McCreight's work could again extend beyond Vancouver Island.

On April 2, 1873 McCreight was appointed a Queen's Counsel, and continued his extensive law practice until 1880, when he was elevated to the Bench.

As a lawyer, McCreight showed himself at his best. Not only had he the training for the profession, but he had the temperament also. The law and its intricacies appealed to his analytical mind, and stimulated all his powers. His knowledge of the subject was extensive, and frequent remarks showed that his legal skill was recognized and admired by his contemporaries. The cases in which he acted were many and varied, but all point to his ability, his erudition, and his profound interest in the technicalities of the subject. The cases are important too in that they show something of the life of the times and the problems that confronted the early
settlers on the west coast.

The first case in which McCreight gained any notice from the press was tried at the Court of Assizes in Victoria on August 9, 1860. This was Regina versus R. Lewis, charged with shooting a Hydah Indian named "Johnson". The Attorney-General, G.H. Cary, prosecuted, while the counsels for the defendant were D. Babbington Ring, and his junior, John Foster McCreight. Of the two, McCreight certainly made the better showing. By his handling of the testimony given by the Indian witnesses, he was able to show that the evidence was insufficient to convict Lewis, and the defendant was found "not guilty".

The next case reported took place in November before the Supreme Court. Here McCreight appeared on behalf of a prisoner, E. Hammond King on the return of a Writ of Habeas Corpus. The prisoner, he claimed, had been held without warrant from November 6 until November 12, supposedly on a case of contempt of court, arising from a charge of assault. In a long speech, McCreight supported his claim quoting "Burns Justices v.v. p.p.1202", "Drake's Quarter Sessions, p. 899", and "Bailey on Convictions p.p.81". Then

"The learned Counsel concluded by again citing his authorities, and said that in the whole of the law books his Lordship would not find a single instance to warrant the Court of Petty Sessions imprisonment for a contempt of Court; and believed his Lordship, if he remanded the prisoner to jail, would have to decide as no English judge had ever before decided". (86)

(84) British Colonist, August 10, 1860.  
(85) Ibid, November 13, 1860.  
(86) Loc. cit.
Such assured knowledge would have its effect, and the decision was reserved.

McCreight's cases in 1861 showed great variety, and a glance at their titles is interesting. A report of January 20, shows Ring and McCreight successfully defending William Millington tried for the murder of Robert Coombs, with Cary and Crease prosecuting. The next month found them appearing on behalf of Doctor Runsey, the medical attendant at the time of the death of a certain Edward Portman who died under suspicious circumstances "in an American Saloon". In the Supreme Court two weeks later, Ring and McCreight parted company. In the case of Cresson versus Little, for recovery of a sum of money, the plaintiff represented by Ring, won his case, while the defendant, represented by McCreight had to pay. This is one of the very few cases, and a trivial one at that, in which McCreight lost. In April, Ring and McCreight were colleagues once more, when they represented the plaintiff in the Supreme Court Case of Nicol versus Bell. Then the next month,"instructed by Mr. Dennes" they represented the plaintiff in a Church Reserve Suit brought by the Roman Catholic Church against the Church of England clergy. Four

(87) British Colonist, Jan. 20, 1861.
(89) Ibid, Feb. 21, 1861.
(90) Ibid, April 27, 1861.
(91) George Edgar Dennes, Solicitor of Victoria.
(92) Ibid, May 10, 1861.
days later, McCreight appeared in the Police Court on behalf of Loewenberg, charged with trespassing on a government reserve and "quoted authorities to show that the case could be settled in Police Court". In June, McCreight, once more with Ring, appeared in the Supreme Court, acting for the Hudson's Bay Company. A case in Equity in the Supreme Court brought in some well known local figures. In the suit of Wilcox versus J.D. and A.F. Pemberton, the plaintiff, represented by McCreight, charged that the Pembertons had hurt his business by keeping a bar across the Victoria Bridge. He asked for an injunction to restrain them from so-doing. The defendants, represented by H.P.P. Crease, and later Cary, declared that the bridge was old and unsafe, and urged that the authorities should destroy it. At first the case was reserved, but it was later reviewed, and a settlement effected. Two days later, McCreight was again in Court. In the case of Reinhart and Sutro versus Jones he "was heard in support of the application and quoted numerous authorities", and the decision was in the defendant's favour.

In October, occurred a Police Court case which attracted wide attention because of its bearing on the colour question in the colony. "The Theatre Rumpus", as it became known, was officially classed as "a conspiracy to create a riot in a theatre", and the Crown, represented by Ring and

(93) Ibid, May 14, 1861.
(94) Ibid, June 5, 1861.
(95) Ibid, Aug. 15, 1861.
(96) Ibid, Aug. 17, 1861.
(97) Ibid, Oct. 15, 1861.
Dennes, proposed to prosecute J.M. McCrea and Edward Boyce, represented by McCreight and Pearkes. Apparently, the affair started as a theatrical performance by two visiting singers, Madame Ballaguy, and Felix Ledeirer, the latter refusing to speak English but having an interpreter to translate his French. The audience at the theatre had been large, and included a number of negroes. It was claimed that the defendants tried to bribe the performers not to sing before negroes -- the first recorded attempt to create a colour distinction. When this failed, and the performance began, they allegedly disrupted matters by throwing onions at the artists, and had to be removed by force. McCreight sought to prove that the affair had been much exaggerated. He declared that in McCrea's case

"there is no proof of conspiracy, and I am sure he would be the last person to throw a missile at a lady". (98)

He sought to prove that McCrea had only hissed and told Felix not to sing, certainly not a matter of conspiracy or riot.

On account of certain complexities, the case was referred to a higher court, and on November 14, McCreight made application, for the first time in the colony's history, for a "jury de medietate linguae". The case was resumed at the Court of Assizes on November 20, with the Attorney-General (Cary) prosecuting, and McCreight defending. The plaintiff

(98) Loc. cit.
(99) As all concerned in the case were American citizens, a jury of 6 British and 6 Foreigners (Americans) was granted.
asked for a postponement, as a star witness, George Little, had been carried away by mistake on the mail steamer. It was suggested that McCrea had "fixed this", but no postponement was granted. Felix Ledeirer, when asked whether McCrea had offered him fifty dollars if he would not sing before negroes, replied, "Non". When asked by McCreight

"Did you intend to take the fifty dollars and not sing, but Madame Ballaguy pushed you up in a corner and told you she would box your ears if you did not go on the stage with her?" (100)

To which Felix again replied, "Non", amid the laughter of the Court. In this way McCreight reduced the whole affair to an absurdity, the jury agreed that there had not been a riot, the matter was ridiculous, and the defendants "not guilty".

An entirely different type of case attracted attention at the end of the year. On December 27, in the Police Court, McCreight acted as counsel for Captain George T. Gordon, late Treasurer of the Colony, charged with Treasury defalcation. Apparently the matter did not concern a large sum, and was recognized to have been a probable error on the Captain's part. After evidence had been heard McCreight remarked:

"In short, the amount of Captain Gordon's offence, so far as these two sums are concerned, is in entering them on the 14th of December, and in setting down a figure 1 instead of 4". (102)

(100) British Colonist, Nov. 21, 1861.
(101) Ibid, Dec. 27, 1861.
(102) Loc. cit.
He later suggested:

"I suppose any of the gentlemen at the head of departments here, not being conversant with business, make occasional errors in their accounts?" (103)

The case went on to the Assizes, and in January, the Captain was found guilty, but with a recommendation of mercy. As some evidence was conflicting, McCreight asked the judge (Chief Justice Cameron) for an arrest of judgment, and addressing the Court in support of the motion, claimed that according to law the indictment should have stated that the prisoner committed a larceny. He tried his best to gain a release on this legal technicality, and gained great applause for a "perspicuous and able argument". As a result of this plea, the prisoner was discharged, but was re-arrested on the street soon after leaving the court. The new trial, this time for embezzlement of public funds, came up in April. The jury, however, reached no conclusion, as they continued to argue the prisoner's motives, rather than the facts. That the money had not been taken with felonious intent, but by an error, was fully recognized. As no agreement was reached, Captain Gordon was kept in prison under the terms of the Bankruptcy Act, and it was some time before arrangements were made for his release.

A case which occurred in April, 1862, threw a light on one great activity of the colony. McCreight appeared for

(103) Loc. cit.
(104) British Colonist, Jan. 25, 1862.
(105) Loc. cit.
(106) British Colonist, April 11, 1862.
Wells, Fargo and Company, the famous Cariboo packers, in which the plaintiff asked for a warrant to search the premises of Marchand, a former assayer, for gold bars claimed by the Company. The warrant was granted, and Marchand was found guilty of theft a week later.

The most spectacular trial in which McCreight participated took place at the end of 1862. This was the famous case of Cranford and Wright at the Assizes in New Westminster. The case created widespread interest as it dealt with the transporting of supplies from the coast to the Cariboo, and affected men of all sorts from Victoria to Williams Creek. The case brings out clearly another phase of McCreight as a lawyer. On Vancouver Island, he had been practising before the Honorable David Cameron, the Chief Justice, who had never been a barrister, and who would easily realize that McCreight knew a great deal more about the law than he did. Now that he had come to a case on the mainland, McCreight found himself before Judge Matthew Baillie Begbie, who not only had (supposedly) a competent legal education, but an over-ruling will and dictatorial manner. Sidney Pettit, in his excellent study of Begbie, mentions the fact that the

(107) Ibid, April 18, 1862.
(108) Since 1856 had been granted that title.
(109) "Where the Hon. Mr. Cameron found his great difficulty was in rulings during the course of a trial -- rulings which must be made quickly and which require legal education and experience. It is said that these were oftentimes contradictory and were revised and reversed as the trial progressed." Howay and Scholefield, op. cit. p. 661.
latter received his legal training in London, but "had little experience in England, and had never come to know the law very well". He mentions again "Begbie's ignorance of law and his bullying methods". This was almost certain to lead to difficulties. McCreight knew the law, Begbie was a law unto himself, and neither would be willing to compromise — McCreight on principle, Begbie on the grounds of authority and vanity.

The clash came in December, 1862, and throughout the lengthy trial Begbie and McCreight were much in the lime-light. The fact that the fullest reports available appeared in The British Columbian, a paper whose editor, John Robson, had his own private grudge against Begbie, probably exaggerates the proceedings. But if this bias can be taken into consideration, the happenings do well illustrate Begbie's summary methods, and McCreight's insistence on legal correctness and his stress on the dignity of the bar and all that pertained to it.

The case opened at the Assizes on December 6, with Ring and McCreight for the plaintiff, Cranford, and Cary and Walker for the defendant, Wright. The newspaper had prophesied "a brilliant display of legal talent on both sides". The details of the case have been fully dealt with in Mr. Pettit's study of Judge Begbie, and it is only necessary to

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(111) Ibid, p. 53.
(112) And who was in jail for an offence against Begbie during most of the trial.
(113) British Columbian, Nov. 26, 1862.
(114) Pettit, op. cit., pp. 119.
give the briefest of backgrounds for the trial. Robert C. Cranford had arrived in Victoria from San Francisco in April, 1862, with a consignment of goods which he hoped to sell in the gold-mining centre of Williams Creek. His brother John P. Cranford followed him, but claimed that he was not associated with him as a partner. Robert Cranford then negotiated with G. B. (Gus) Wright, a well known packer, to transport his goods from Victoria to Lilloet, from whence another company (W. Haskell Company) would take them on to Williams Creek. A satisfactory agreement as to rates of transport and terms of credit seemed to have been reached. Robert Cranford then proceeded to Lilloet to await the goods. However they did not arrive on time, and after waiting two weeks, the Haskell Company took another load and left. When the goods finally did arrive, they were incomplete, besides being too late to get to Williams Creek in time for that season. On this account Cranford refused to pay the charges, claiming that Wright had been sending his own goods through in plenty of time, while delaying Cranford's. He had argued that his bill for damaged and delayed goods would more than cover costs of freight.

In September Wright had pressed for payment, then proceeded to ask the Magistrate at Lilloet (A. C. Elliott) if he could proceed against the Cranford brothers for debt. This request was granted, and Wright then asked for the arrest of the Cranfords on the grounds that they owed him £1719,15s,3d, for goods sold and delivered to them. Robert Cranford was
arrested at Lilloet and John Cranford at Williams Lake, and the two were tried in the Supreme Court at Lilloet before Begbie in October. Wright pressed for payment of the debt (this trial was Wright versus Cranford Brothers), while the Cranfords based their defence on the plea that John Cranford was not a partner, so not liable for his brother's debt, and that the memorandum of the contract had been altered by Wright. They also claimed that they now owed nothing to Wright, rather he owed them $4000.00. The trial ended with a verdict for Wright, and the Cranford brothers were imprisoned, with a debt of $9500.00 to Wright.

Many technicalities arose in connection with this trial, but Begbie over-rode them all. Finally the Cranfords began proceedings against Wright for breach of contract, and this was the case that came to the New Westminster Assizes. McCreight opened the case by claiming that Wright was guilty of a breach of contract, and grave mis-conduct in the whole affair. Begbie interrupted to tell McCreight that it was disgraceful for him to cast imputations on the defendant. McCreight, unused to such a tone, declared that he was not afraid of any disgrace attaching to him, and "that he did not require to be taught his duty". McCreight then repeated that it was not a charge of larceny, but imputed considerable and grave mis-conduct to Wright. Here Begbie again interrupted, and asked that Ring withdraw the case from McCreight -- an action which Ring declined to take.

"Mr. McCreight then proceeded by stating to the jury that whatever the opinion of the learned judge might be, he felt it his duty to state the facts, and to draw the attention of the jury to the inferences which he considered any reasonable man to deduce from these facts".

The case proceeded for eleven days, during which time Begbie frequently lost his temper and showed himself impatient of the constant quoting of authorities by the plaintiffs' counsels. At the end of the plaintiffs' case, he indicated that he would give a decision of non-suit (meaning that the case was really awarded to Wright), but this was hotly contested by Ring and McCreight, who declared that there was a case. Begbie declared to Ring:

"I do not know how to stop you, unless I order you to be removed out of Court". (117)

Later he began an apology to Ring, who would not accept it unless it were tendered to McCreight also. Whereupon McCreight arose, and seemingly with all the tradition of law and order behind him declared:

"that he had been most grossly insulted, that it was inexpressibly irksome to have anything to do in his (Honor's) Court, and that His Honor would not dare to use the language outside the Court room that he had used in it." (118)

The case was resumed, and all the evidence heard, but when time came for charging the jury, Begbie refused to read over his notes on the case, and gave only a brief charge, instead of a detailed summing up.

(116) Loc. cit.
(117) British Columbian, Jan. 21, 1863.
(118) Loc. cit.
The jury was out for thirty hours, unable to reach a unanimous decision. On their return, McCreight suggested that a majority verdict could be adopted, quoting the precedent of Linaker versus Ballou in the event of the jury failing to agree. To this Begbie refused to agree. Ring suggested that with further assistance and advice from the judge on any necessary point of law a decision might be effected, but Begbie, agitated and angry proceeded to discharge the jury. Then came the famous dramatic scene. Ring addressing the Registrar of the Court said:

"Mr. Matthew have you the book in Court which contains the name of the Barristers who practise in this Court?"

To which Mr. Matthew replied in the affirmative.

"Then dash your pen across my name."

McCreight made a similar request, and together the two counsels left the Court room.

The Cranfords were sent back to prison, and prepared yet another suit, this time before the Supreme Court of Vancouver Island, apparently hoping for better treatment from Judge Cameron. The matter never reached the Court, as an announcement on April 15, 1863 stated that "the dispute had been amicably settled to the satisfaction of friends of both parties".

McCreight and Ring, in the meantime, were regarded as public heroes, and on the evening of their withdrawal from Court, were waited upon by a deputation requesting them to

(119) British Columbian, Dec. 20, 1862.
(120) Daily British Colonist, April 15, 1863.
attend a public meeting in their honour in the Colonial Theatre in New Westminster. Here, with Mr. Ferris in the chair, a "Complimentary Address" was delivered to them "in view of the firm and manly ability with which they repelled the insults heaped upon them by the Court during the Cranford Suit and in order to mark public disapproval of the extraordinary course of Judge Begbie".

The address was as follows:

"Gentlemen, the Citizens of New Westminster having called a public meeting for the purpose of discussing recent events vitally affecting the administration of justice in this Colony, beg leave to offer their sincere expression of regret at the course which you have felt yourselves bound in honour to adopt upon the discharge of the jury in Cranford versus Wright.

They would further state that though they felt deeply pained by your withdrawal from the Bar, and consequent loss of your professional services, yet they cannot but express their gratitude for the bold and courageous, yet under the circumstances, respectful demeanour which throughout you have observed to the Bench.

They further sincerely trust that they may at no distant day be honoured by your presence, when a recurrence of such extraordinary scenes as were lately witnessed will be impossible."

New Westminster, December 18, 1862".

The whole affair did mark a stage in Judge Begbie's regime, and he must have realized that he had gone too far. As time passed he became much less autocratic in court, and paid more careful attention to the technicalities of the law. The occasion brought out very clearly certain of McCreight's characteristics. He also was autocratic by nature, and this

(121) British Columbian, Dec. 20, 1862.
(122) Loc. cit.
was shown not on personal grounds, but on behalf of his position. He was a barrister, a learned counsel; he represented the law. To him such a representative was almost sacred, certainly deserving of respect, and immune from rough language, and unconventional treatment. Order and dignity, tradition and precedent were part of his world. Personal animosity, undignified behaviour, departure from legality of proceedings must not find their way into the court. He opposed Begbie not because of his personal behaviour, but because he departed from correct court procedure, and because he tried to manipulate the law. It has been said that Begbie was a law unto himself, and this, in McCreight's eyes was sacrilege. The law was the law, and as such it must remain. McCreight would resist with all the forces at his disposal any attempt to dis-enthrone it. He would use his own autocratic bearing, his command of withering language, his knowledge of legal precedent, and finally his great personal integrity in his battle to preserve the law. When McCreight showed anger it was "righteous anger", directed less against Begbie as an individual, as against a person who dared to tamper with age-old law and custom. There is a feeling that McCreight despised Begbie, despised him for his ignorance of the law and its methods. He despised too a judge who would permit so many irregularities. The Cranfords had pleaded that their earlier arrest and trial in Lilloet had been most unconventional. Robert Cranford was lodged in a jail that would not lock, and was himself forced to pay for a constable
to guard him. The sheriff looking for him had lost his horse, Cranford had to pay for one to replace it. Such incidents swept aside by the judge as commonplace in a pioneer region, must have irked McCreight with their unfairness, and their lack of legal authority. Legal technicality meant so much to McCreight, to Begbie it was a waste of time. Perhaps McCreight was unadaptable, but with him these things were a matter of principle. Law to him was a search for absolute truth, and in all dignity and sincerity its ritual must be maintained.

After the union of the colonies in 1866, McCreight resumed the right to practise on the mainland, but his cases there were not numerous. New Westminster was losing its position in favour of Victoria, and even the newspaper moved for a time to that city. Judge Cameron had been replaced on Vancouver Island by Chief Justice Needham, while Begbie continued on the mainland.

A case which occurred in Victoria in 1869 before Judge Needham, showed the type of work in which McCreight delighted. The matter of legal technicalities was his great interest, and the case of Regina versus Anderson gave full scope for this. The Attorney-General (Crease) prosecuted,

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(123) British Columbian, Jan. 7, 1863.
(124) March 16, 1869.
(125) 1865 to 1870.
(126) H.P.P. Crease was Attorney-General on the mainland from 1861, and continued as Attorney-General for the united colony until 1871 when McCreight succeeded him.
while McCreight defended the prisoner who was charged with inciting seamen to desert. McCreight's case rested upon a legal point. The offence, if it had been committed, was punishable not by indictment in the Assize Court, but by summary proceedings before a magistrate. The matter was not a common law offence, but one created by statute, which defined the penalty as a 10 fine before a magistrate. To support the argument — "a great many authorities were quoted pro and con by the learned Counsels on both sides", and the prisoner was discharged. In Crease, it was felt that McCreight had a worthy opponent, as of all the other barristers in the colony, he was probably second only to McCreight in ability and legal knowledge.

Crease became a judge in 1870, being the first Puisne Judge appointed in the colony. In 1880 he presided at another famous trial with which McCreight was associated, that of McLean and Hare. By this time McCreight having served as Attorney-General, then Premier, was the top-ranking lawyer of the province, and Queen's Counsel, conducting the prosecution. The trial was held at the New Westminster Assizes, and McLean and Hare, two half-breeds (and notorious horse-thieves) were indicted for the murder of John Ussher of Kamloops. McCreight whose speeches were often subject to praise apparently surpassed himself on this occasion, and the prisoners were found guilty. Their appeal came up eight months later again in New Westminster. This was the same

(127) Daily British Colonist, May 29, 1869.
court in which McCreight eighteen years earlier had been so roundly insulted by Begbie. Even now Begbie and McCreight had a sharp interchange of words. Then McCreight was a junior counsel, but had made a striking plea on behalf of his clients. Now he was the Crown's counsel, assisted by his own junior, E. Harrison. But he was still the McCreight who knew the law, who loved precedent, and who:

"quoted from Russell on Crimes p. 666",
"from Grimsby on Confessions". (131)

The prisoners were still guilty, and were sentenced to hang. The proceedings were conventional and dignified. The law with Crease and McCreight to aid it, had come into its own in New Westminster Court House.

And to New Westminster Court House within three years' time McCreight was to return as Resident Judge. He was appointed Puisne Judge on November 26, 1880 -- the law was his to administer.

(129) Colonist, June 9, 1880.
(130) Eli Harrison, called to the Bar in 1873.
(131) Colonist, Nov. 13, 1880.
Chapter V.  McCreight and the Bench

In 1878 legislation was passed providing that the Supreme Court of British Columbia should consist of a Chief Justice and five Puisne Judges. The stipulation was also made that two judges should reside in Victoria, one in New Westminster, one in the Cariboo, and one in Kamloops. At the time of this act, there were only three judges in the province, the Chief Justice, Matthew Baillie Begbie, and two puisne judges, Henry Pering Pellew Crease, and John Hamilton Gray. Accordingly, on November 26, 1880 two new puisne judges were appointed, Alexander Rocke Robertson and John Foster McCreight. It was decided that Begbie and Crease would reside in Victoria, Gray at New Westminster, Robertson at Clinton, and McCreight at Richfield.

It is important to note that the judges of the Supreme Court, although referred to as Puisne Judges, all possessed full powers. The term is simply a survival of an English statutory term meaning "newly created". In the Supreme Court there were (and are) no grades of judges. The Chief Justice had precedence and the direction as to which

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(132) Which he refused to do, so there was no resident judge until McCreight went there in 1883.
(133) Rather than Kamloops -- although he spent some months in each before his early death in 1881.
(134) For this sketch of the duties of judges I am indebted to C.G. White, District Registrar, Supreme Court of B.C., Victoria.
judge should preside at a certain place at a certain time, but he had no superiority. When the Supreme Court sat in "Full Court" all the Supreme Court Judges were usually present. As the province was divided up into judicial districts, County Courts were set up. But at the same time, no County Court Judges were created. This meant that the Supreme Court Judges had to sit in the County Courts, and usually they travelled from one court to another on circuit when the Assizes were held. The policy of having a resident judge in each of the four districts, did lead to some confusion. McCreight protested bitterly about being expected to reside in the Cariboo, while as Supreme Court judge he was to visit Victoria for Full Court occasions, so naturally kept his chambers there. As time went on, more judges were appointed, and County Court Judges were added to those already attached to the Supreme Court. In this way, the two groups could be kept separate, and Supreme Court Judges could give most of their time to Supreme Court cases.

The first mention of McCreight's elevation to the Bench came on November 30, 1880, when the Colonist reported:

"We understand that Mr. McCreight and Mr. A.R. Robertson, Queen's Counsels, have been appointed Supreme Court Judges in this province, the headquarters of one to be at Clinton, the other at Kamloops. (136) It is further stated that both the positions have been accepted. The salaries are $4000.00 each". (137)

On December 17, McCreight resigned from the position of Treasurer of the Law Society. The Law Society in turn gave

(135) McCreight to Crease, Dec. 2, 1881, from Richfield.
(136) Should have been Clinton and Richfield.
(137) Daily British Colonist, Nov. 30, 1880.
a dinner in honour of the new judges at the Driard House, (139)
where an evening of "song and sentiment" was enjoyed.

On January 4, 1881, the two new judges were sworn in, and received the congratulations of the Law Society. Each wrote a letter of thanks to the Society, and these letters were published in the newspaper. They are an interesting contrast. That of Robertson is an elaborate document, flowery in phrasing, and cordial in tone. That of McCreight is a simple, reserved expression, probably very sincere, but certainly not expansive. Robertson wrote:

"I had the pleasure last week of receiving your letter conveying to me the congratulations of the Law Society of British Columbia on my recent appointment to the Supreme Court of British Columbia.

I beg to express through you to the members of the Society my grateful appreciation of their kindness and the compliments conveyed by your letter.

It is a source of great satisfaction to me to feel that my relations with the members of our profession have always been so cordial, and that I feel assured that the same good feeling will always exist.

If I should be so happy as to succeed in discharging my duties efficiently, I feel assured my success will be largely due to the assistance I shall receive from the Bar.

With renewed expression of thanks, I am, dear sir, yours sincerely,

(140) Alexander Rocke Robertson."

With this contrast McCreight's letter:

"I have had sincere pleasure in receiving the very kind communication of the Law Society of British Columbia.

My anxious wish is that relations with its members may continue to be of the same pleasant character as heretofore, and that I may have their cordial assistance in the

(140) Ibid, Feb. 17, 1881.
On February 23, 1881, McCreight appeared at a Supreme Court sitting for the first time. This was the occasion of a Full Court, with Begbie, Crease, and Robertson also present. In May, he was still in Victoria at the Assizes. By June 1881, he had moved to the Cariboo, and although his cases were not numerous, they were varied, and reflected the life of the region. A case of August 12, 1881 dealt with the estate of Peter Brown who died intestate. A naturalization case followed. Then the case of Houseman v. Peebles regarding a contract for supplies, followed by R. v. Moses, for sale of liquor to an Indian. A further case concerned a horse "working for its keep", then a contract for mules owned by a Chinaman who required an interpreter. In October, McCreight presided over the County Court at Kamloops (Robertson was ill at the time in Victoria), at Soda Creek, and at Quesnel, then returned to Richfield for the winter.
No more are recorded until the following May.

In this matter of lack of cases, McCreight wrote several letters to Crease during the winter months of 1881 and 1882. Five letters have been preserved in the Crease collection, and prove most revealing, both of McCreight's difficulties and of his character. He had apparently been anxious to go to Victoria, but could not do so without an assignment from the Chief Justice. He wrote:

"It would not be precedent for me to leave this place now. I know you feel at the same time the useless nature of my life is very disagreeable to me. However I read law all day and I never was in a better climate or as good for study and I can wait till the time comes if ever when the Assembly may think it proper that I should sometimes act as a Supreme Court Judge."

He goes on to suggest that the government was trying to cause his resignation:

"They may freeze him (a judge) out in more senses than one."

He felt, too, that the problem was not entirely personal. He was a Supreme Court Judge, yet he had to reside in his specified district — there was an anomaly here.

"I can't but think that law is in its infancy in Canada, "and he suggested that the Law Society should examine American Constitutional Law for parallel situations. He made the point that the three senior judges (Begbie, Crease and Gray) were doing too much County Court work, while judges like himself and Robertson, in isolated areas, had far too

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(145) Loc. cit.
(146) Loc. cit.
(147) Loc. cit. The whole matter of control of judges of the Supreme Court by the provincial or dominion government was being argued at this time. Howay claims that McCreight took no part in this, but these letters show that he provided Crease with many suggestions. The authority of the provincial government was confirmed in 1883.
little to occupy their time. Writing a few days later he said:

"Robertson and myself are of course materially interested. If you (Crease) are districted for Victoria, I become nearly an intruder when I go to my Chambers there, and if on the other hand it is held that a Supreme Court Judge of the Province is to discharge the duties that fall to the Supreme Court of the Province, our local residence I think, will come to an end". (148)

Robertson's death occurred at this point, and after expressing regret for his passing, McCreight went on to urge that the matter of "districting" a judge might be taken up at Ottawa.

The matter of too little work had apparently not been overlooked by the authorities. It was suggested that McCreight could issue mining licenses, and see to Revenue and debt collection. This he apparently refused to do, wondering whether:

"the Government could tax my salary, they might do it in view of my refractory disposition". (149)

Although McCreight blamed the Government, it is possible that he meant his old enemy, Begbie. This personal bitterness, a feeling that he had been slighted and pushed out of the way, continued. In referring to Robertson's death he wrote:

"I suppose they will be thinking of filling up poor A.R. R's place. It was offered to me and indeed accepted before by arrangement with me, he took it, and I this place. I knew and guessed they would send some person to this place who might be as well away". (150)

(149) McCreight to Crease, Dec. 10, 1881.
(150) McCreight to Crease, Dec. 23, 1881.
Then in the same letter:

"There is no debt collecting even to be done here now in the County Court. I shall have a pretty strong case in the shape of statistics for going down next winter -- after all I am a Judge of the Supreme Court of British Columbia, not a Supreme Court Judge for Cariboo District".

The same feeling is clear in the next letter:

"I should be glad to be somewhere where I can be of use. There has been no County Court here for 2 months and nobody seems to want one. One thing I don't think even a politician could suggest my staying here another winter. The other day an attempt was made to show there were less than 50 people here.

I somehow think they will be slow to fill up the vacant judgeship. They must see they are in a fix. Gray refuses to go to New Westminster, and they can't tell what I may do, nor can I". (151)

Apparently many other people realized McCreight's impatience. Crease must have encouraged his views, and a Colonist article of January 1882, seemed to think the time had come for a change. McCreight wrote:

(152)

"I see Higgins suggests that some people say I seemingly think of retiring from the Bench and returning to Politics. Well as Blanchard says the weather is frosty so the pumps won't draw here. I think I am pretty well retired from the Bench up here but still I never wish myself in politics." (153)

After the winter was over, things probably improved. In May and June, 1882, McCreight was on circuit again, visiting Quesnel on June 7. A murder trial involving a Chinaman on a gold claim occupied the late summer, and the Case Book records numerous remarks such as "Green -- going

(151) McCreight to Crease, Jan. 21, 1882.
(152) Editor of the Colonist.
(153) McCreight to Crease, Jan. 21, 1882.
at Chinaman or vice versa, and "a man going to fight wouldn't keep both pick and shovel on left shoulder!!" In September 1882, occurred a mining claim trial— the Cascade Mining Case, which along with the Dulton v. Ah Hing case at Kamloops, and the Aurora v. Gulch Company case at Cariboo from a series of famous mining cases. The Case Books contain detailed copies of these trials, apparently in the handwriting of P.AE. Irving (who succeeded McCreight as Puisne Judge). The fact that some small child has used the book to draw and scribble in, makes it all the more interesting.

In November, 1882, McCreight apparently got his wish, and went to Victoria. In the County Court there he presided at a naturalization case on November 2. Then he presided over the Supreme Court for a very lengthy session, at the Assizes for several days, then back to the Supreme Court again. If he was to be in Victoria, he would have to work hard there.

He apparently returned to the Cariboo for a short time during the winter, as a case concerning theft of a Chinaman from a hotel there is listed. By March 1883 he was back in Victoria again, for a case between the Hudson's Bay Company and the Enterprise Company. In April 1883 he was at Clinton, then back to Victoria by May, and again in August. His life was strenuous with its constant journeyings, and the route from Victoria to the Cariboo, by way of the Fraser River and Cariboo Highway long and tiring. But at least he could not feel that he was useless. By the next winter he

(154) Case Books of Judge McCreight, 1881-1882.
(155) Colonist, Nov. 3, 1882.
had been appointed Resident Judge in New Westminster, so there was no longer any fear of isolation or lack of work.

From a study of these cases it seems evident that McCreight only resided continuously in the Cariboo from June 1881 to October 1882, a matter of about 16 months. After that time his visits would be brief, interspersed with returns to his permanent home in Victoria. This may account for the fact that he is little remembered in the Cariboo. When he did live there, he resented the isolation, when he could get away, he did so as much as possible. In that way he was never really part of the place, and left no permanent mark upon it.

The people of New Westminster desired to have a resident judge, and in 1881 had petitioned for one. This request was not granted, and various judges continued to visit the city to hold court from time to time. However by November 1883, Judge McCreight received his appointment to New Westminster, and presided at the County Court there on November 7, hearing cases of F. Hendry v. Moodyville Sawmill, and those of J. Wintemute v. Wellington Packing Company, Ladner Packing Company, and Delta Canning Company. In the case of Knox v. Woodward, where a carter had been sued for payment due on a load of potatoes, "His Honor in rendering judgment said he looked upon the defendant as a common carrier simply, and that he could not be held responsible for the debts due to the plaintiff for goods carried and delivered by him." At the Assizes the following week, in

(156) Mainland Guardian, Jan. 15, 1881.
the case of Regina v. Robertson, a half-breed, charged with murder, "His Lordship in briefly charging the Grand Jury, said the cases, although involving serious charges, must be left in a great measure to the juries, who would be judges of the facts", a very different attitude from that of Begbie to his juries. At the close of the Assizes, the Grand Jury Presentment concluded with this statement:

"The Grand Jury cannot meet your Lordship for the first time as resident Judge for their Judicial District without expressing to your Lordship their gratification at the settlement of a long vexed question that has been a source of much trouble and loss to us; and our pleasure that a gentleman of your high standing and legal ability has been selected for the position of Supreme Court Judge in this District. We trust that your residence among us will be pleasant to your Lordship". (159)

Throughout the following winter, McCreight was busy in the New Westminster Court. There were County Court sittings in December, Supreme Court sessions in February, then County Court again in February and March. In May, the Judge paid a visit to San Francisco, and experienced a serious illness while away. Possibly this was the reason behind a curious news item which appeared in the Victoria paper during the summer:

"It is understood that Mr. Justice McCreight has been retired on a pension of $3000.00, and Mr. Justice Walkem (161), will be transferred to New Westminster, that two

(159) Mainland Guardian, Nov. 24, 1883.
(160) Colonist, May 8, 1884.
(161) Puisne Judge since 1882.
county court judges will be appointed, and that the fifth seat on the Supreme Court Bench will not be filled". (162)

The rumour apparently was unfounded, and on August 22, McCreight was back in the Supreme Court and Court of Appeal in Victoria. His residence in New Westminster continued, as he is reported arriving in Victoria from that city in September. During the winter, he was again active in the New Westminster Court, presiding at the Assizes for the murder trial of Rodgers. The case was controversial and "His Lordship read copious extracts from the law, to show why or why not an adjournment should be granted". In the end the case was removed to Victoria, as there was "too much local prejudice". The next month, McCreight held County Court trials at Chilliwack, then was back in New Westminster for the usual sessions in 1885.

The Case Books record a variety of trials for 1885 and 1886, some in New Westminster, some for the Supreme Court in Victoria. They note as a special event, the first County Court held in Vancouver on April 7, 1887. Vancouver was regarded as a part of the Westminster district until 1891 when a new judicial district was created. During this period,
there were no outstanding cases. The Case Books for the years 1887 to 1893 are missing, while the newspaper reports contain only routine matters at the Supreme Court, and the Assizes, County Court cases in New Westminster were now being handled by Judge Bole. McCreight maintained his ability to make clear speeches, and masterly summaries, while his exactness of expression is well illustrated in such remarks as those at the trial of a man accused of perjury:

"The jury have considered your case carefully and found a verdict of guilty. The offence of perjury is a very serious one and I think you must be sent to the penitentiary for 3 years, though I could have sent you for 14. There are some points, however, reserved in your case which may come up in a new trial". (170)

The use of the expression "I think" was apparently typical of McCreight's judgments and his extreme regard for the truth. Mr. Moresby mentioned that a favourite expression of the judge's, especially when presiding at criminal trials was "my conscience is troubling me", while Mr. Crease stressed the point that "on the Bench he displayed a certain amount of diffidence. It was characteristic of him and his reverence for the saying 'stare decisis' that he hesitated to express himself with any certainty until he had studied all legal decisions". Yet another example of this comes from Mr. Bowes, a former member of the British Columbia Bar:

"His desire to do justice was almost Excessive, but for the law of the Chief Justice (Sir M.B. Begbie), he had profound distrust, a distrust which led him to fear for the fate of the Chief in a future state. A wrong decision was

(170) Daily Columbian, Nov. 20, 1891.
(172) Crease, A.D., Victoria, B.C., Sept. 1946 in a letter.
an actual sin he told me.

His eccentricities increased with age, and at last he retired, leaving behind him the memory of a learned and kindly man, whose wish to be absolutely correct led sometimes to strange and irritating vacillations, but those were really due to his anxiety to do right.

The manager of the old Bank of British Columbia told me amusing stories of the doings of Judge McCreight before he went on the Bench, and was counsel for the Bank. The learned counsel would, after much consideration, give an opinion; then he would ring up the manager telling him not to act on it until he, as counsel, had considered it further. Then he would get another opinion more or less confirming the first — then further notice to delay action, and so on, until at last a final opinion in nearly all cases confirmed the first". (173)

The point is often made that McCreight had a remarkable memory for cases, and "could cite off-hand, with the report reference, any one or more of them applicable to the issues before the court". This aptitude for reference quotations, and exactness of opinion are well illustrated in a case that came up in New Westminster in 1892. A smallpox epidemic was raging in Victoria, and a certain George Bowack, held in quarantine by the Vancouver Health Authorities had applied for release on the grounds of a writ of habeas corpus. In refusing the writ McCreight wrote the following explanation:

"Maxwell on Statutes, 1st Edition, Page 187, a general late law, does not abridge an earlier special one. And 3 App. Ca. 952, 953, 966 and 969, containing the observations of the Law Lords. I was told that the decision of Crease, J. (Judge Crease) in Victoria covered the question as to the Provincial Regulations governing the present case. I am by no means sure that the case before him is the same as the present which

is Bowack's alone, and relating to his detention on land. No report of his decision was produced and I must repeat what the late Master of the Rolls said, that 'he could not act on a case unless a report of it was produced'. Crease, J. may have thought that, on the evidence, he could not dissolve the injunction he had granted and I may observe that in habeas corpus applications, each judge or court is free to act, subject, of course, to the decision of the Court of Appeal. As an illustration of this in the Court of Exchequer 4 Meeson Wills and Wilsby p. 32 in Q.B. 9, Add. and Ell. when the same case is reported as Leonard Watson's case. The writ is therefore refused." (175)

During 1893, McCreight was absent from his duties for seven months, with much of his work in New Westminster being taken by Judge Bole. On his return, it is interesting to find him engaged in cases involving neighbouring municipalities. The technicalities of such constitutional questions must have delighted him, and a case concerning tax collection and surcharge between the Municipality of Surrey and the Provincial Auditor gained prominence. A great deal of McCreight's work dealt with Chamber Cases, and there are mentions of those dealing with orders for costs, probate, and payments out of court. Liens, liquidations, and wills are also alluded to in the Case Books.

Toward the end of 1893 a famous murder trial was held at the New Westminster Assizes. A man named Stroebel was accused of murdering J. Marshall of Huntingdon in the

(175) Daily Columbian, July 23, 1892.
(176) Daily Columbian, July 4, 1893.
(177) Non-jury cases, where only a judge's decision is required, held in the judge's chambers, not in the court.
Fraser Valley, with the Attorney-General, T. Davie, prosecuting. Also concerned in the case was Lizzie Bartlett engaged to marry Stroebel, who turned out to be "a hostile and adverse witness". There was a great deal of conflicting evidence presented by various members of the families concerned, but:

"His Lordship laid it down that it was an old point in law that any statement made by the prisoner against himself was admissible as evidence, but any statement made by him or any relative in his favour could not be admitted". (179)

Some confusion existed as to the location of the crime, and

"His Lordship read the section of the act upon the point of juries going to view the locality. He remarked the spot would very likely be very wet at this time of the year". (180)

Arrangements were made for the jury to visit the scene of the crime the following day, travelling by train. When the prosecuting attorney asked if the Judge would accompany them he replied:

"I have no objection. I shall be as well there as here I suppose". (181)

The sheriff was then directed to provide the necessary accommodation for the party -- including gumboots for all.

At this point, McCreight's well-known propensity for fresh air asserted itself:

"The heat in the room during the afternoon was frequently very great, and His Lordship

(178) Daily Columbian, Nov. 16, 1893.
(179) Ibid, Nov. 17, 1893.
(180) Loc. cit.
(181) Loc. cit.
(182) According to Mr. Moresby "He always insisted on plenty of fresh air and in the winter months insisted upon the windows in the Court House being raised."
several times ordered the windows to be opened. This caused a current of cold air to descend on the jury who wrapped themselves up in their overcoats". (183)

The last mentioned garments were probably much in evidence the following day when the party assembled for the trip to Huntingdon. An amusing description is given of the procession to the station, with special mention of the gumboots:

"His Lordship and the Attorney-General wore these useful articles". (184)

The trial lasted for seven days, but the jury reached no agreement, so was discharged. The case went to Victoria, and after a twelve day trial, Stroebel was found guilty and sentenced by Judge Walkem to hang. It was most unusual for Judge McCreight to allow any lighter note to creep into the solemnity of his court, but on the discharge of the New Westminster jury, an amusing incident occurred. The foreman asked that the jury men be granted double time for the Sunday on which they had been sitting, and the following conversation ensued:

McCreight: I will do all I can. I am only a machine to carry out the law you know.
Foreman: Then we will have to depend on the liberality of the Attorney-General.
McCreight: I am afraid he also, is only a machine.
(Sheriff: Order in the Court.
Attorney-General: I have been looking into the matter and find the jury is not entitled to pay on Sunday, but I have arranged you will get one day's pay.
Foreman: If that is the case, the jury will be satisfied with the gumboots.
(Sheriff: Order in the Court.

(183) Daily Columbian, Nov. 17, 1893.
(184) Daily Columbian, Nov. 18, 1893.
McCreight (smiling): Well, you ought to get those.
Attorney-General: The Government has no use for gumboots, so you had better keep them. (185)

With that they had to be content.

1894 was a busy year for McCreight with two notable cases worth recording. The first of these took place in October in County Court, in the appeal of Kitchen v. Paisley. The defendant who was returning officer for Chilliwack Riding, was charged with inserting in the Voter's List the names of unqualified persons "willfully and wrongfully" -- the term "willfully" being taken by McCreight to signify "corruptly". The indiscretion could not be proved, but his Lordship commented upon the somewhat unorthodox behaviour of the Returning Officer:

"He could not understand Mr. Paisley committing so many irregularities such as letting his clerk sit for him at the Court of Revision as he (Mr. Justice McCreight) might as well ask Mr. Falding or Mr. Cambridge (clerks of the court) to sit on the bench and act as his substitute". (187)

The conviction was quashed, but Paisley had to pay costs because of the irregular factors mentioned.

The other case was of quite a different character, but interesting because of the light it throws upon the varied troubles of the times. At the Fall Assizes was the case of Regina vs. Johnny the Boss, Francis Fish, Big William, Mary, John, Johnson, Charlie Hyack, Abozsek Jack, Togche, Frank, Ten Quart Jim, Ten Quart Dak, Jack, Montie, Joseph, Polly and Susan -- all Indians charged with piracy.

(185) Daily Columbian, Nov. 18, 1893.
(187) Loc. cit.
They had apparently been hired as crew of a sealing ship bound for the Kodiak Islands, but when the trip had been somewhat prolonged, and the salmon began running on the Fraser, they had insisted upon returning home, and had "revolted and tried piratically to run away with the schooner". Throughout the case, McCreight strove to guarantee a fair trial to the Indians and to understand their mentality. He stated that technically a number of the Indians were passengers rather than crew, and as such could not be charged with piracy -- "remarking that Susan could certainly not be regarded as a seaman". He seemed to think that much of the blame lay with the drunken master of the schooner. Finally he remarked "witnesses may lie, circumstances cannot", and as a result of his summary, only six light sentences were given, and the rest of the group were declared not guilty.

The cases recorded for 1895, 1896 and 1897 followed the usual pattern. More and more of McCreight's work concerned Chamber Cases dealing with such problems as land titles, bank matters, and rent recoveries. Times were changing, Begbie was dead, (1894), and Crease had retired (1896). McCreight was the "grand old man" of the Bench, exact, eccentric, hard of hearing, and approaching his seventieth year. He still journeyed to Victoria for sittings of the Full Court, accompanied often by Mr. Justice McColl,

(188) Daily Columbian, Nov. 19, 1894.
(189) Loc. cit...
(190) Loc. cit.
(191) Daily Columbian, Feb. 1, 1897.
the new Supreme Court Judge. The last case that McCreight recorded in his Case Book was on November 17, 1897 when "Coram; Self, Drake and McColl" sat in Full Court in the case of the Canadian Pacific Railway v. Parker granting them leave to appeal.

His retirement came into effect that day and he was succeeded by Paulus AE-Milius Irving as Puisne Judge residing at New Westminster. A letter to the editor of the local paper half humourously commented on the change:

"I see that Mr. P. AE-Irving of Victoria has been selected to fill the boots vacated by the Honorable Mr. Justice McCreight. What a tremendous amount of space there will be in those boots". (194)
Chapter VI. McCreight and the Church

Ulster Protestantism formed the religious background of John Foster McCreight, with both his father and his grand-father ordained as clergymen in the Anglican Episcopal church in Ireland. He was himself baptized into the same faith, and later became a steady supporter of the Anglican church. Of his religious affiliations in Ireland and Australia there is no record, but on Vancouver Island he became a member of the congregation of Christ Church Cathedral.

This Anglican church originated in Victoria in 1853, when its building was begun by the Hudson’s Bay Company. In 1855 the Reverend Edward Cridge arrived from England to become the third Hudson’s Bay Company Chaplain, and first rector of the Colonial church. In 1856 the new church was dedicated, and in 1859 on the arrival from England of Bishop George Hills, it was named Christ Church Cathedral.

The diocese over which the new bishop was to preside included both Vancouver Island and the mainland of British Columbia, and was to be known as the "Bishoprick of British Columbia", with the bishop taking the title of "Lord Bishop of British Columbia". The usual powers were granted

(195) Preceded by - 1836 Reverend Hubert Beaver -- Chaplain to Hudson's Bay Company at Fort Vancouver.
- 1849 Reverend R.J. Staines -- Chaplain to Hudson's Bay Company at Fort Victoria.
to the bishop, with an oath of obedience to be made to the Archbishop of Canterbury. Under the new bishop, Reverend Edward Cridge was appointed Dean and Rector.

In 1869, Christ Church Cathedral was destroyed by fire, but was re-built almost at once, and the new building was consecrated in 1872.

As soon as Bishop Hills arrived, and the diocese was organized, a Church Committee was formed for Christ Church Cathedral. McCreight was one of the original members, then became People's Warden from 1869 to 1873, and again in 1875 and 1876. When a Synod was organized for the diocese McCreight was a lay delegate, representing his church there from 1874 to 1883. At first the diocese represented the whole province, but in 1879 a division was made. Vancouver Island and adjacent island became the diocese of Columbia, the lower mainland the diocese of New Westminster, and the Northern mainland, the diocese of Caledonia.

This brief sketch shows that McCreight was an active participant in church work. Even when he must have been most occupied, holding the position of Premier of the Province, he still maintained the appointment as a Church Warden. It is known, too, that he was a great personal friend of Bishop Hills, and fully concurred in his somewhat "high church" views.

In 1874 occurred a most significant event. Dean Cridge, the rector of the church, felt that he could neither serve under Bishop Hills, nor agree with his doctrines. The
causes of his disaffection were many. Fundamentally it seems to have been the diverging trends of a "low church" man from a "high church" man. Cridge objected to the ritualistic practices and doctrine of the Bishop, and to the organization of a Synod for the diocese. To him, ritual was wicked "Popery", a Synod was an authoritarian substitute for the local self-government of each congregation. In June 1874, at a meeting of the Church Committee, Cridge listed his reasons for dissent as:

(1) An attempt to introduce disputable doctrines and practices into the congregation.

(2) An endeavour to force the Christ Church congregation into a Synod without their consent and contrary to their wishes.

Bound up with these objections, was the feeling that Cridge had certain rights in connection with the church, its administration, and its property. At the height of the controversy, he sent a request to the Governor-General and to the Archbishop of Canterbury regarding the Deeds of Trust of the Cathedral. This document is a significant one. Drawn up in 1864 as an indenture between the Governor and Company of the Hudson's Bay, Governor Kennedy of Vancouver Island on the one hand, and the Archbishop of Canterbury and Bishop Hills

(197) Cridge stated in a letter to the Bishop on January 10, 1874, "I believe that every congregation, with its accepted pastor, is a complete church (the word and sacraments being duly administered therein); that a diocese is no necessary part of a church". Christ Church Cathedral Minute Book (hereafter C.C.C.M.B.), Victoria, January 10, 1874, p. 104.

(198) C.C.C.M.B., June 17, 1874. p. 141, initialed "E.C."
on the other, it bears the signatures of:

"G. Columbia
A.E. Kennedy, Governor
C.T. Cantuar
Thomas Fraser for Governor and
Company of Adventurers of England
trading into Hudson's Bay". (199)

It granted to the bishop and his successors the land on which the church was built (and which had been the property of the Hudson's Bay Company), also the site and buildings of the parsonage, and the bishop's residence. It stipulated that part of the rents should go to pay the £600 stipend of the Reverend Edward Cridge "provided that the said Edward Cridge and each of his successors of the said incumbency shall be deemed for the purpose of this deed to continue incumbent thereof until he shall die or resign or be removed from the said Rectory and incumbency. Provided also that no such removal shall take place except for failure to conform to the Doctrine, Worship, Discipline, and Government of the said United Church of England and Ireland, and that every such removal shall be subject to such appeal and review as are provided." The document was possibly the ordinary one for such cases, but the mention of Reverend Edward Cridge by name, the special provisions for him, and the right of appeal, do point to the fact that he was a Hudson's Bay Chaplain before

(199) Trust Deeds relating to Christ Church Cathedral, Victoria, from a copy by Slater, G.H.
(200) Or could be increased to £800.
(201) Trust Deeds relating to Christ Church Cathedral.
he was a church rector. He had "the Company" solidly behind him, if he left the church. Many of the old stalwarts would leave with him. This is an interesting side-light on the "family -- company -- compact" influence in Victoria. Even in 1874 the Company's influence was still felt. Cridge belonged to them, they would take care of him. Hills had no association with the Company; they regarded him as an outsider.

It was easy to see where McCreight's sympathies would lie. He apparently admired the ritualistic doctrines of the bishop, a not uncommon thing among students of religion of his day. The Oxford Movement had a great appeal for scholarly minds, and McCreight, once he had formed a belief, would adhere to it unwaveringly. Then again, McCreight had no connections with the church before Hills' time, and certainly no claim to belong to that select group of "Company men" -- the Douglas-Helmcken aristocracy. Finally McCreight had a strong regard for law and authority. The bishop was the representative of the authority of the church, so he was to be obeyed. It would be partly a matter of personal loyalty, certainly a matter of personal conviction, McCreight would take the bishop's part, and would condemn Cridge for his "revolt" -- meanwhile deploiring its very necessity.

McCreight's part in the controversy is, as Mr. Slater expressed it that "of the power behind the throne". He was never vociferous, never unfair. He tried to be conciliatory, and to keep the dignity of things at a time

when tempers were hot, and men expressed themselves bitterly. The first mention of the affair came in January 16, 1874, when a meeting of the Church Committee passed a resolution

"that the Committee of Christ Church Cathedral having read the letter from the Rev. Dean Cridge to the Right Rev. the Bishop of Columbia published on the 10th of January 1874 in the Standard and Colonist on Synod, do not acquiesce in such a letter and regret its publication". (203)

The members at the meeting were Trutch, Williams, Siffken, who voted against the resolution, and Jackson, Wooton, Crease, Pearse, Mackay, Ward and McCreight, who voted for it. As a consequence of this resolution, a letter was sent to Dean Cridge as follows:

"Government Street, 20 January, 1874.

Dear Sir,

In pursuance of my promise I send you a transcript of the Proceedings of the Church Committee meeting of the 16th Jany. instant, as I earnestly wish that the whole matter may now drop. I should have been glad if you had not asked me for them, and I trust they may not create any feeling between you and any of the members of the congregation. I should look upon this as one of the greatest misfortunes arising from this unhappy controversy.

With sincere regards and hope that what ever will be done, simply as a matter of conscience and duty may not offend,

Believe me, Yours faithfully, (208)

J.F. McCreight"

(203) C.C.C.M.B., Jan. 16, 1874, p. 104.
(204) A lawyer.
(205) H.P.P. Crease, a judge.
(206) A surveyor.
(207) A banker.
(208) C.C.C.M.B., p. 107.
In spite of McCreight's wish that the matter might be ended, there was only a temporary peace. In March, 1874, the Church Committee drew up a Voting List for a convention to be elected from members of the congregation -- this convention to appoint the Synod delegates. On April 4, a congregational meeting passed the following resolution with Cridge protesting:

"That in the opinion of this meeting it is expedient that delegates from the congregation of Christ Church should be elected for the proper convention for a Synod". (209)

At the next Church Committee meeting a letter from Dean Cridge was read, in which he stated his reasons for opposing the Synod, and hinted that much of the congregation was not in favour of it. However the Synod elections went on as planned and the Lieutenant-Governor (Trutch), R. C. Jackson, B. W. Pearce, C. T. Dupont, W. C. Ward, and J. F. McCreight were elected. But the Dean had rallied his forces. The Church Committee might oppose him, but a large part of the congregation did not. Here lay his strength, in his group of personal friends, ex-company officials, and those who favoured his doctrine. At the Annual Vestry meeting of the church, W. C. Ward who had served as Rector's Warden received no nomination, and his position was taken over by A. F. Pemberton, a supporter of the Dean. McCreight who had served as People's Warden was opposed by Williams who defeated him 41 to 32. At the next meeting, McCreight resigned from the Church Committee, and was followed by

(209) C.C.C.M.B., April 4, 1874, p. 117.
(210) Daily Colonist, April 14, 1874.
(211) C.C.C.M.B., April 15, 1874, p. 128.
Pearse and Crease. The friends of the Dean were now in control and announced:

"We beg to say that taking all circumstances into consideration, we do not wish that the congregation of Christ Church should in any way be connected with the Synod as proposed to be constituted, or be represented therein." (212)

Apparently to justify his position, Bishop Hills wrote an article for the paper explaining his stand on the whole matter. The Committee objected to this, and wrote to the bishop stating their displeasure. From the bishop's residence came the reply:

"I am not aware that it falls within the province of the Church Wardens to interrogate the Bishop of the Diocese as to the authority of addresses which he may issue." (213)

This did nothing to help. The matter was getting beyond the point where conciliation could be effected. The Committee ranged itself solidly behind the Dean, and proceeded to defy the Bishop. It "declared itself as altogether Protestant and opposed to Ritualism", and criticized a sermon on ritualism preached by a visiting Archdeacon. It went a step further in open defiance of the bishop, when it refused to receive his Annual Visitation until replies had come to the protest sent to Ottawa and Canterbury. In fact the next stage was open rebellion when, on July 2, the Rector's Warden stated that the Bishop, by his behaviour, appeared to have seceded from the Church of England, and ceased to be the Bishop of Christ Church -- an open insult, and contradiction of the legal

(212) C.C.C.M.B., April 29, 1874, p. 137.
(213) C.C.C.M.B., p. 138
(214) C.C.C.M.B., p. 139.
(215) C.C.C.M.B., July 2, 1874, p. 143.
facts of the case. A statement made by the Warden, A. F. Pemberton, well illustrates the attitude of the "Company group" toward the Bishop:

"I had been Church Warden of Christ Church several years before your arrival in Vancouver Island and after nearly ten years service in that capacity (1856-1866) resigned my office ..." (216)

then goes on to mention many of the reasons -- Hills' ritualism, land disputes and so forth -- but the "several years before your arrival" was the main point.

Faced with this uncompromising attitude, the bishop was forced to take decisive action. In July the following letter was sent to Cridge:

"Bishop's Close
July 14, 1874.

My dear sir,

Ten days having elapsed without any intimation of regret or apology for your conduct in reference to and on the occasion of my visitation at the Cathedral in the 3rd. inst. I am forced to the painful necessity of instituting proceedings for your defiance of the Episcopal authority and of the laws of the church, contrary to your ordination vow and your oath of Canonical obedience. Deeply pained to be compelled to take this course, I now offer you, before formal steps are begun the opportunity of acknowledging your fault, expressing your regret and submitting yourself in future to lawful authority.

I am, etc.

G. Columbia." (217)

The Bishop then proceeded to revoke Cridge's licence to preach, and announced that he would take the services himself in the Cathedral. To this, the Wardens replied with cold politeness that they had already arranged

(216) C.C.C.M.B., p. 143.
(217) C.C.C.M.B., p. 146.
for Cridge to take the services. Cridge himself remained at his post, writing to the bishop that

"Suspension or deprivation is a matter of coercive legal jurisdiction, and not a mere spiritual authority". (218)

The Bishop took the matter up at once, declared that the lawful authority was the Supreme Court, and instituted proceedings against Cridge to remove him from his position. In this McCreight was of great assistance, as he could conduct the legal proceedings of the matter. The Church Committee, sure of their position, began to raise funds for the Dean's legal expenses.

The case came up before Judge Begbie. It was charged that Cridge had violated the doctrines and discipline of the church on eighteen separate charges, all but two of which were proved. The fact that he had defied the authority of the Bishop was stressed, and an injunction was granted forbidding him to preach as a minister of the Church of England. In consequence, Cridge,

"not being able conscientiously to refrain from ministering, contemplated attaching himself to the Reformed Episcopal Church lately organized in Canada and the U.S.A." (220)

Then the:

"Minister, and Church Wardens, the whole of the Church Committee, the greater part of the congregation, and of the Sunday School, with the Superintendent and most of the Teachers, nearly all the Choir, with the Organist, and the Sexton left Christ Church in consequence of the proceedings against their minister and worshipped in Pandora Street Church". (221)

(218) C.C.C.M.B., p. 147.
(219) C.C.C.M.B., Sept. 18, 1874, p. 151.
The memorandum does not add that Cridge remained in the Christ Church Rectory, claiming his right to that property under the Trust deeds. This caused a second Court Case, tried before (222) Judge Gray, after which Cridge was evicted, and the property restored.

By November 1874, the storm was over. A sadly depleted little congregation met at Christ Church to elect a new committee and wardens. Ward was again chosen Rector's Warden, and Dupont People's Warden. McCreight once again became a member of the Church Committee. Apparently funds had suffered as a result of the break, for Trutch, Crease and McCreight are each on record as contributing $50.00 to (223) expenses. The following year, McCreight returned to his old position of People's Warden, and during 1879 "contributed (224) $25.00 towards the deficiency". The Synod had continued its work, and at the Vestry Meeting of April 19, 1883, McCreight, now a Judge, was present and was again elected lay representative to the Synod.

The last mention of McCreight came a year later. At the Annual Vestry Meeting, April 17, 1884, it was moved by Jackson, seconded by Ward "that Mr. Justice Crease be appointed as Lay Delegate to the Synod from the Cathedral in the place of Mr. Justice McCreight who has seceded from the (225) church".

This last statement fixes the date of McCreight's withdrawal from the Anglican Church as somewhere between April 1883 and April 1884. It coincides with his removal from the

(222) Honourable J.H. Gray, Puisne Judge, appointed 1872.
(223) C.C.C.M.B., Nov. 4, 1874, p. 157.
(225) C.C.C.M.B., April 17, 1884.
Cariboo to New Westminster as he was living in the latter place by November, 1883.

The Cridge episode, and his part in it, were an important phase in McCreight's spiritual life. It has been mentioned that McCreight favoured ritualism and so-called "high church practices" -- perhaps not a very far step from the Roman Catholic Church. Again it can be seen that McCreight stood for authority, for discipline, for absolutism in belief. The Cridge revolt would seriously challenge the authority of the Anglican church, it could certainly make a man doubt whether that authority could be maintained. The Roman Catholic Church would permit of no such defection. In its confines, authority would be absolute, faith unwavering. To a man of McCreight's temperament, the answer seems obvious. Shaken in his respect for the authority of his church, leaning towards practices not popular with it -- and above all, driven by a clear lucid mind, and a relentless conscience, he could not fail to doubt, then to question. The doubts and questions must have tormented him exceedingly, but he could not put them by. Slowly, strongly, uncompromisingly, he would work out a formula, he would take a definite stand. He was a man who must choose one way or the other -- a doubtful position was of no use to him. Finally he decided to leave a church which could no longer satisfy him -- it would have been strange had he not done so.

Great stress has been put on the personal factors that encouraged him to enter the Roman Catholic Church. This (226) Mainland Guardian, Nov. 24, 1883.
takes the story of McCreight to the Cariboo Country where he lived between 1880 and 1883. In the little town of Richfield there was only a Roman Catholic Church, administered by the Fathers of St. Joseph's Mission at 150 Mile House. Of these priests, the most outstanding was the Reverend Father J. McGuickan O.M.I. He had been sent to establish a mission near Williams Lake in 1869, and had been most successful in his work among the Indians. During the period that McCreight was in the Cariboo, Father McGuickan was actively at work in the vicinity. There is every reason to believe that he became a great personal influence in McCreight's life. He was, apparently, a scholarly man, but with great energy and executive ability. It is known that he later became president of Ottawa College — so he must have been a man of learning and character. It is probable that McCreight felt lonely during his stay in the Cariboo. In a letter to Judge Crease written in November 1881, he deplores "the useless nature of my life". However, at the same time he goes on to say:

"Meanwhile I can be of use in getting a clergyman for the people", (228)

and in January 1882 mentions Blanchard, the Anglican clergyman from Barkerville.

Apparently his interest in Roman Catholicism came after that date. There is every reason for believing that the isolated life, and McGuickan's personality would be factors in

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(228) McCreight to Crease, Nov. 26, 1881 from Richfield. Letter in the Crease collection, Archives of British Columbia.
leading McCreight to study the new faith, and finally to adopt it. The fact that Father McGuickan's home church was St. Peter's in New Westminster is perhaps significant. The contacts would be maintained when McCreight came to live in New Westminster in November, 1883. The St. Peter's Church of that day was located in New Westminster at the corner of Columbia and Blackwood Streets. The building was later burnt down, and the present church is of more recent construction. The only other mention of Father McGuickan comes in 1897 just a month after McCreight's retirement. A writer in the Daily Columbian regrets that Father McGuickan, "for many years a resident of this city and president of Ottawa College", is broken down in health and reported to be dying.

The point is often made that McCreight was a very ardent Roman Catholic, almost to the point of bigotry. This is natural, considering his type of mind. Once he had made a change, once he had accepted the new faith, he would cleave to it with all the strength of a concentrated personality. McCreight did nothing by halves, he desired to be exactly right. It is claimed that his conscience troubled him owing to his strong religious convictions, a fact which is certainly in keeping with his character.

In spite of his religious views, he continued to be extremely impartial in his work. There never was an occasion where it could be suspected that his judgment was swayed by his religious views. Dr. Reid quotes one case to which the Roman Catholic Convent at New Westminster was a party, and

(229) Daily Columbian, Dec. 11, 1897.
McCreight's decision, as judge, was against the Convent.

"He regretted the necessity, but as he told the Registrar of the Court, also a member of the same church, 'I know the Mother Superior will be very angry at me, but the law is the law and must be obeyed, no matter whose feelings are hurt". (231)

After McCreight retired in 1897 he spent some time in Rome. By 1909 he was established in Hastings, England, near the Pious Society of Missions Hostel for aged men — many of them elderly priests. That he was still closely associated with the Roman Catholic Church is shown by his Will, originally drawn up on August 20, 1909. The executors who were appointed included two priests, the Reverend Dominic Crescitelli, Rector of the Roman Catholic Church, High Street, Hastings, and the Reverend John Davis, High Street, Hastings (probably the address of the P.S.M. Hostel). The third executor was a solicitor, Frederick George Manley Wetherfield, Gresham Buildings, London. In a codicil of June 20, 1911, (232) the latter was replaced as executor by Miss Elizabeth Fisher, 85 High Street, Hastings — the address at which McCreight himself resided.

The bequests of the original Will apart from those to his two sisters, and to the four daughters of Mrs. Fisher, include $50 to the Reverend Dominic Crescitelli, and £50 to

(232) His legacy of £150 was cut to £50 by the same codicil.
the Reverend John Davis. Then there were bequests of £100 each to the Superior of the Convent of Notre Dame des Missions (The Hermitage, The Croft, Hastings), and to the Superior of the Convent of Marie Reparatrice (Hastings Lodge, Old London Road, Hastings), with a stipulation that the money "be applied in each instance as in the past". In memory of his religious connections in British Columbia, he left £100 to the Roman Catholic Bishop of New Westminster in British Columbia, "to be applied for the benefit of the Roman Catholic Church as the Bishop shall think fit". A codicil of June 19, 1911 willed £50 to the Reverend Father Bernard McCoul of the Roman Catholic Church, High Street.

All remaining property, "real and personal, estate and effects", was left to Father Crescitelli and Father Davis for the reduction of the debt existing on the Roman Catholic Church, High Street, Hastings, or otherwise exclusively for its benefit. McCreight's estate amounted to £3619, when the other legacies had been paid, so taking death duties into account, the church at Hastings probably received over £2000.

(232a) A letter from the present rector of the Roman Catholic Church at Hastings dated Feb. 20, 1947 states: "He paid for the heating of the church in winter. At the Convent of the Reparatrice Nuns, he converted part of it, which was formerly a Hydro Baths into a Club room for Catholic women's organizations. He was most generous to the poor".
Chapter VII.  

McCreight and the Freemasons

No study of John Foster McCreight would be complete without an account of his connection with the Freemasons. During the period of his residence in Victoria, between 1859 and 1880, he was actively associated with the work of the Order, and rose to great prominence in its ranks.

It is probable that he was familiar with Freemasonry in Ulster, where many of the Protestant gentry were affiliated with Masonic Lodges. Possibly members of his own family had been Freemasons. However that may be, in 1866 he was initiated as a member of Victoria Lodge, Number 783, was made Senior Warden of his Lodge in 1867, and Worshipful Master in the following year. The Victoria Directory for 1868 lists the officers of the Victoria Lodge as:


Although at first there was no Grand Lodge of British Columbia, there was a District Grand Lodge, consisting of the lodges in the province, under the Grand Lodge of England.

(233) Details supplied by Slater, G.H., Victoria, who now is active in compiling Masonic history in B.C.

(234) The mistake in the initials is understandable. McCreight's signature made the "J" look very like an "I".

(235) First Victoria Directory, Victoria, Mallandaine, 1868.
McCreight, having completed his term as Master of his own Lodge, became Senior Grand Warden for the District Lodge. It is at this time that an incident took place which well illustrates McCreight's sense of justice and his implacable obstinacy. Owing to his work in the law courts, he was a very busy man, and could not attend all meetings of the officers of the Grand Lodge. Under the existing rules, any officer failing to attend a meeting was liable to a fine, graduated in amount according to his rank, the fine for McCreight's absence would be five dollars. In consequence, when he failed to attend a certain meeting, the fine was imposed. McCreight refused to pay it. He considered it unfair, and remained adamant in his refusal. The Grand Master of the District Lodge referred the matter to McCreight's own Lodge. The members discussed it, and finally had to pay the fine out of their own funds.

McCreight continued to be held in high regard by the Masons of the province, and in 1871 when the Grand Lodge of British Columbia was formed, he was elected Deputy Grand Master, and Chairman of the Board of General Purposes. He refused re-election the following year, probably on account of his preoccupation with affairs of government, as this was his period as Premier of British Columbia. However he still attended meetings of the Grand Lodge, and in 1873, no longer head of the government, he was elected Deputy Grand Master once more. In this capacity he represented the Grand Master in 1873 at the laying of the corner stone for the new Masonic Hall at

(236) The details are given by Reid, op. cit., p. 175.
In 1874 a special honour came to McCreight. It was announced that "R.W. Bro. J.F. McCreight, D.G.M." had been appointed the representative of the Grand Lodge of England in British Columbia. The following year, at a meeting of the provincial Grand Lodge in Victoria, he presented his credentials as representative, was greeted with great honour, and occupied a seat on the dais. Up until 1879 he took part in regular Masonic activities, but his name appears on the list of members of the Victoria Lodge for the last time in that year. On April 7, 1881, he applied for his dimit by his Lodge, and this was granted. He gave all his jewels to his Lodge, and thereafter had no connection with Freemasonry.

His severance of the connection with the Craft was probably due to his change of religion. It is known that he left the Anglican Church sometime between 1883 and 1884, and it is obvious that such a step would not be a sudden one. The point is not quite clear because he left the Freemasons in April 1881, but did not go to the Cariboo, where his conversion to Roman Catholicism took place, until June of the same year. Nor did he formally leave the Anglican Church until after April 1883. It seems probable that he was wavering in his allegiance to the Anglican Church before he ever left Victoria.

It seems, too, that his departure from Victoria, now that he was a judge and could no longer reside there permanently, made a suitable occasion for a break which he knew would have to come at some time. There is a possibility that he felt some

(237) Reid, op. cit., p. 176.
sort of impatience with his Masonic associates. He was not a man who mixed easily with people of every type, and his autocratic reserve would prevent him from enjoying the fraternal activities to the full. Dr. Reid, in his excellent study of McCreight as a Freemason, stresses the religious change. That certainly had some influence on him, but the fact that he still represented the Anglican Church in the Synod in April, 1883, seems to indicate that this was not the entire reason. It is true that in severing his connections with Freemasonry, McCreight had a great deal to lose. He was respected by all members of the Craft, and would, without doubt, have become Provincial Grand Master if he had remained. But against this was McCreight's conscience -- an implacable foe to any compromise. If he were to turn his thoughts to a new faith, then he must break, irrevocably, the ties that bound him to the past. Yet it meant that McCreight, now a man of over fifty would deliberately lose touch with his friends and associates, and have to start afresh in finding companions and affiliations. No wonder he was regarded as "a lonely old man", interested only in law books. The strength of his convictions had forced him to turn his back on the associations of his earlier life, now he had only himself and his inner thoughts on which to depend. Freemasonry had provided him with a great interest, and had given him extensive opportunities. It must have remained as a somewhat sad memory to him -- albeit to some degree, a test of the strength of his will.

(238) Minute Book, Christ Church Cathedral, April 19, 1883.
(239) Ibid., p. 177.
Chapter VIII.  

**McCreight and his Personality**

In the New Westminster Court House hangs a picture of John Foster McCreight in his judicial robes. It shows a quiet-faced aristocratic man, shrewd, but never harsh, reserved but very kindly. The white wig of a judge cannot obscure the broad, scholarly forehead, and the white beard and moustache do not hide a firm, but calm mouth. Bushy white eyebrows only accentuate a pair of most discerning and honest eyes. The portrait is that of a man of great character, of a man with "a good face". Only the deeply etched lines round the mouth seem to indicate someone given to much thought, to painful mental struggles, and to stern inner resolution.

He was apparently a tall man, "fine looking, athletic and of a high determined character". Those who had known him recognized his outstanding qualities, and he was described as:

"a learned, bold, conscientious and successful lawyer, and a thoroughly honest man". (241)

His great learning has always been the subject of comment. He was the "acknowledged local authority on matters of law", and his phenomenal memory as well as his great industry placed him head and shoulders above the other lawyers of his day. Magistrate Edmonds of New Westminster remembered that McCreight could quote whole cases in Court,

(240) Colonist, Nov. 19, 1897.  
(241) Loc. cit.  
(242) Loc. cit.
as he had a remarkable photographic memory. Mr. Moresby who worked for the Judge between 1892 and 1897, stated:

"that there was no question that Mr. Justice McCreight had a profound knowledge of the law and was recognized as one of the ablest jurists that we had in Canada". (243)

His great industry is well illustrated by an anecdote contributed by Mr. Arthur Crease, son of the late Mr. Justice Crease who was associated with McCreight in the Supreme Court:

"As an illustration of his industry I may refer to an occasion of a trial before Sir Matthew Begbie I believe, when he was counsel for the defendant and George Hunter Carey, credited with some brilliance but less industry had to reply to an argument by McCreight fortified by every case available. Carey said, "my learned friend has adduced to your Lordship every known authority bearing on this case whether in favour of his case or mine, so I will now devote myself to the facts". (244)

His great industry was not confined to his own efforts, he believed that all those connected with the law must work for what they would get. Mr. Justice Murphy tells an interesting story of McCreight's rules for successful preparation of a brief, and it is given here in full:

"Judge McCreight once instructed a young lawyer (245) how preparation for a Chamber application should be made. I had the story from the victim himself, who at the time of his telling was probably the most widely known and most popular person in British Columbia. He had made an application in Probate to Judge McCreight. The matter was somewhat involved and my friend admitted he

(243) Moresby, W.C., Victoria, Oct. 22, 1946 in a letter
(244) Crease, A.D., Victoria, Sept. 1946 in a letter.
(245) No name is given, but Dr. Lamb suggested that it was possibly Richard McBride.
had floundered rather badly. The judge, an old-time friend of the applicant's family, finally adjourned the hearing, and requested him to come to his room after Chambers. On doing so, the learned judge addressed him thus: 'Tom" -- (I call him so because that was not his name) 'I have known you since you were a lad. You want to be a lawyer. Well here's how you do it. Take this book home with you this evening; and he handed him a copy of the then standard work on probate practice. The judge went on, 'About an hour after your dinner, ask your mother to make you a large pot of strong coffee and to leave it on the kitchen stove over a good fire. Then go to your room taking this book with you. Dampen a towel in cold water and wrap it around your head. Then sit down and read the book through carefully, starting at the opening page. To do this will take you most of the night. When you get sleepy go to the kitchen and drink one or more cups of coffee. Keep a good fire on so that the coffee will always be hot. If your head gets warm, remove the towel, dampen it again in cold water -- the colder the better -- and replace it around your head. Repeat these performances as often as necessary to keep you wide awake and your head perfectly cool. Then come back tomorrow morning and renew your application'". (246)

This passage reveals the kindliness of a great lawyer wanting another to succeed in the work that he loved so well. It shows too an exact clear brain in the detail of the instructions. Its tone is rather patronizing, but that was McCreight's nature. It gives an almost fussy, homely touch to a somewhat aloof figure -- the man who knew how to keep the coffee hot, and yet keep his head cool.

There is the feeling that McCreight himself had spent many nights in such study. But to him the study was a joy as well as a task. As he grew older, and withdrew more and more from his associates, he spent long hours poring over

(246) Murphy, op. cit, p. 86.
his law volumes. His collection of books was extensive, and they all showed marks of constant use. As Judge Murphy explained:

"Whoever now owns Judge McCreight's library has little need to resort to modern aids to research so far as cases decided up to the time of his retirement are concerned. The lucky owner will find noted in the judge's handwriting in the report of each case every comment or reference made to it subsequent to its decision". (248)

A study of these books is most illuminating. Each one contains the name "J.F. McCreight" and the date received on the first page. Every book contains numerous annotations, in ink or pencil, sometimes limited to a case reference, sometimes giving a brief comment, sometimes a lengthy comparison or explanation. A stressed paragraph is marked with a special sign "\( \times \)". Most of the books had obviously been sent out direct from their London publishers, while a few had belonged to D. Babbington Ring, and one is marked as "given by A.E.B. Davie to John Foster McCreight". Sometimes newspaper clippings, bearing on famous cases, are glued into the front of the books. The comments are not always easy to read. As Moresby said:

"His handwriting, however, was generally abbreviated, and it was difficult to decipher same. In fact at times he had difficulty in doing so himself". (249)

A few of the books are somewhat ink-stained, possibly mute witnesses of the incident related by Gosnell of a "peppery young lawyer from the East" who was intolerant of

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(247) For list of those preserved in New Westminster Court House Library see Appendix E.
(248) Murphy, op. cit, p. 86.
(249) Moresby, W.C. in a letter.
(250) Probably G.A. Walkem.
McCreight's great knowledge and somewhat impatient criticism, and in a fit of temper hurled an open ink-bottle in the direction of the judge, only to have it splash over the law books on the shelves behind.

That a man of such superb knowledge should at times become impatient with the ineptitude of his juniors is only natural. McCreight might appear to be cold and reserved, but he had a certain hotness of temper -- this was obvious in his clashes with Begbie. He did not suffer fools gladly, a point which the late Dr. Reid illustrated from his own early experience in the New Westminster Courts:

"It was difficult for us youngsters to practise law before him, he knew so much more than we did, and he had little patience with our ignorance. He would hardly give us time, in our fumbling way, to get our case properly before him. As soon as he saw a point to be decided, he would jump from his chair, reach for a volume of reports (English Law Reports), open it at a case, and slap it on the desk saying, 'you will find the law on that point in that case, Mr......' We found it embarrassing at times". (252)

From such incidents, the picture is made clearer that of a man who was deeply immersed in his chosen profession, and who considered it to be of paramount importance to the exclusion of other interests. His great love for his studies perhaps obscured the kindlier and more human qualities which he possessed. He is regarded as being aloof and unapproachable. "He was very austere: he would pass by on the street without a 'good day!'" reported Mrs. Haynes, a resident of

(252) Reid, op. cit, p. 173.
Victoria who came out as the wife of one of the Royal
(253) Engineers. While Magistrate Edmonds of New Westminster
explained that although he practised before McCreight,
McCreight never spoke to him, or anyone else on the street.
Mr. Justice Murphy took the view that McCreight was not so
(254) much austere as lonely, while Mr. Crease mentioned his "quiet
but cheerful manner among friends but in Court whether at the
Bar or on the Bench, he displayed a certain amount of
(255) diffidence". He also spoke of

"a friendly expression of face which his
close clipped grizzled beard and mustache
did not conceal".

It seems from this that McCreight was a very
reserved man. His outward attitude was that of calm
superiority and withdrawn dignity. Inwardly he was a
friendly, cheerful person, but far too absorbed in his own
thoughts to take much notice of other people. He was
possessed of a speculative type of mind, and the law gave it
much scope. In later years, the life of his mind was the most
true one to him, so he presented a somewhat detached
appearance, sometimes mistaken for snobbishness. Without a
doubt, he did feel more at home among people of his own type
-- those who were learned and slightly aristocratic. He was
not a democrat in the modern sense of the word, that was why
he did not fit into the life of his times. Authority was
worth more to him than personality, exactness more than
individual variation.

(253) Told to Slater, G.H., Victoria.
(254) In a letter dated Sept. 12, 1946.
(255) In a letter dated Sept. 1946.
It has been said that McCreight never forgave Begbie for the insults heaped upon him in the law courts during the Chief Justice's early hectic days. Mr. Pettit recounts an anecdote that does put this in a better light for both the men concerned:

"As old men McCreight and Begbie meet on Bird Cage Walk. One spoke to the other, so they stopped and made up a quarrel that had probably begun during the Cranford v. Wright case". (256)

He also made the point in his study of Begbie that:

"He (Begbie) had been fearless and honest, as his old enemy McCreight admitted. McCreight indeed held him to be impartial. This was more than 30 years after the Cranford Case, and the honest Irishman had come to realize that what he had once considered partiality was more a defect of judgment than of character". (257)

Mention of Bird Cage Walk, the site of the Legislative Buildings of early Victoria, brings to mind the home of John Foster McCreight. Although he lived for a short time in the Cariboo, and for many years in New Westminster, he occupied for over twenty years a house in Victoria on Michigan Street not far from Bird Cage Walk, but quite a long trip across the James Bay bridge to the Law Courts. The matter of his residence leads on to the natural one of his immediate family. Did McCreight ever marry? No marriage record has been found in Ireland, Australia or British Columbia. No one who knew McCreight remembers a wife or any reference to her. Yet a legend persists that he had a wife,

separated from him, and living in "the Old Country". Gosnell reporting on McCleight's retirement uses this phrase. The only other piece of evidence comes in an account of a ball given by Governor Seymour at New Westminster in 1864. Many guests were present from Victoria, as a special steamer had been chartered, and a board-walk laid from the dock to the governor's residence so that all might arrive dry shod. Among the list of guests appear the names "Mr. and Mrs. McCreight", but with no initials given. Furthermore, after descriptions of the dresses worn by the most important ladies, including the wife of the Governor of Vancouver Island:

"Mrs. Kennedy's dress was composed of rich maize silk, trimmed with black lace. Her head dress was formed of a wreath of pansies and black lace lappets, pearls and diamonds". (258)

appears this item:

"Mrs. McCreight wore an elegant dress of white, trimmed with black lace, and a head dress of white geraniums". (259)

Unless the newspaper was in error as to the name, or unless there was another "Mr. and Mrs. McCreight" -- it seems possible that McCreight did marry. It also seems likely that his wife left him soon afterwards. Her costume sounds like that of a young woman. No record of her death can be found. If she existed at all, she must have separated from her husband who possessed a difficult temperament and have gone her own way. No mention is ever made of her in the papers before or after that time.

(258) North Pacific Times, Nov. 12, 1864.
(259) Loc. cit.
One other incident in McCleight's life concerns the period just after his removal from the Cariboo. In 1884, he suffered a most unusual and serious illness. The first mention of this came in a despatch to the Colonist on May 7 from San Francisco:

"Judge McCleight of Victoria, B.C. was bitten to-day by some insect on the arm. The member swelled and became so painful that it was necessary to remove the unfortunate gentleman to St. Mary's Hospital, where he is lying to-night in a dangerous condition". (260)

Apparently this report was not entirely correct. A few days later Captain G.C. Walker of the ship "Queen of the Pacific" returned from San Francisco, and gave another story. He said he had seen Mr. Justice McCleight at Lick House, after his arrival there from Victoria. McCleight was suffering from a swelling in his hand which had to be opened by a surgeon. He then felt the wound to be better so left off the bandages. As a result, the wound got cold, and the swelling extended and "he was reduced to a pitiable state of bodily and mental suffering." (261)

It happened that Mr. Alex Dunsmuir was in San Francisco, and when he heard of McCleight's distress he called a doctor, and had the sufferer removed to hospital. Here:

"Mr. McCleight's statement made somewhat incoherently is to the effect that while examining a plant in the garden of Lady Douglas some weeks ago, he was stung on the hand by an insect, the virus from which entered his system and now threatens his life. Mr. McCleight's mental condition is also said to give his friends great anxiety and it is feared that he will hardly live to

(260) Colonist, May 8, 1884.
(261) Colonist, May 10, 1884.
Whether the gravity of the illness was exaggerated, or McCreight made a swift recovery is not known, but the report of the following day is almost an anti-climax:

"Judge McCreight of Victoria, B.C. is better and left for Victoria this morning on the Portland Steamer." (263)

Thus, he did live to return to Victoria, and it was not until twenty-nine years later, at the age of 86, that he died.

The city of Victoria, with its stately Parliament Buildings whose Archives house his picture, is a reminder of McCreight and his work in the government of the province. As a political figure, he was not a success. It is true that his position as the first premier under the domination of Trutch was a difficult one, and that his setting up of necessary legislation was done efficiently and with dignity. That he could not have continued to head the government was obvious. He cared little for the people he represented, he was no part of the movement for responsible government. He was an individualist doing a necessary piece of skilled work. He never could have been and never wished to be representative and leader of his people. In his connections with the church, the same trait was evident. He stood for a personal conviction of order and authority against a mass movement of the people. There is a feeling that the same thing may have been true in his masonic relations. He was a man of authority and position, he gave orders well. He was not a

(262) Loc. cit.
(263) Colonist, May 11, 1884.
member of a group on equal terms with others. His whole background was too autocratic for that.

On the Bench he found himself in a much desired position. He could instruct others, and this he proceeded to do, though with the dignity and perfect courtesy of the traditional aristocrat. When opposition became too great or too vocal, he reacted unfavourably towards it. A certain querulousness was evident, apparent at the beginning of his judicial career when he thought that he had been pushed into the background. 'He was a man striving for perfection, and sure that he could come closest to it by his own means. In one sense he was an egoist, concentrating upon himself and his own powers. But he was quite sincere in his belief that his ability and knowledge were a great asset to the development of the law. As a student of the law he was at his best. His store of legal knowledge was his greatest contribution to the life of his times. The city of New Westminster with its rambling Court House and sunny Law Library, containing his well-loved law books, is a monument to what he wished so much to be — a great jurist.

"So that, whenever the history of these times shall be written there will be no greater honour or inducement that can be presented for the training and encouragement of thorough lawyers in this province, of the best style and class, than the honored and exalted name of John Foster McCreight". (264)

Add to this the memory of a man of principle, with the courage of his own hard-won convictions, a man who sought

(264) Written at the time of his retirement --
Colonist, Nov. 19, 1897.
for perfection in an imperfect world, and who found the nearest approach to it in the absolutism of the law. This completed the picture of that little known but fascinating personality -- John Foster McCreight.
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5. Hills, Reverend Charles T., Clergyman, Vancouver, November 20, 1946. Letter to me regarding the late Bishop Hills from his grandson.

6. Ireland, Willard, Provincial Librarian and Archivist, Victoria, March 19, 1946, August 6, 1946, November 22, 1946. Letters to me quoting in full McCreight's application to the bar of British Columbia, and giving information obtained from records in the Archives, and suggesting further material.

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20. O'Brien, C.M., K.C., Vancouver, October 4, 1946. Letter to me regarding McCreight's career, accompanied by a memorandum containing a brief account of the chief events in his life.

21. Pettit, Sidney, Assistant Professor of History, Victoria College, Victoria, B.C., October 10, 1946. Letter to me containing information on McCreight obtained from his study of Begbie, Chief Justice of B.C. during McCreight's judgeship (Begbie died 1894, McCreight retired 1897.)


24. Slater, G. Hollis, 1024 Parington Street, Victoria, 1941. Several letters to Dr. R.L. Reid giving information on McCreight's Masonic connections and affiliations with Christ Church Cathedral, Victoria, the latter gained from a study of the church committee minute books. December 1, 1946, December 7, 1946. Letters to me containing extracts from the Christ Church committee minute books regarding Bishop Hills and Dean Cridge, together with a tabulated history of chief events and people connected with the Anglican Church in Victoria from 1836 to 1892. Mr. Slater is continuing the late Dr. Reid's work as Masonic historian.

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   (}
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2. British Columbian, New Westminster, B.C. Volumes 1 to 9, 1861 to 1869.

4. Inland Sentinel, Yale, B.C. Volumes 1 to 4, May 1880 to 1884.

5. Mainland Guardian, New Westminster, B.C. Volumes 22 to 32, 1880 to 1885.

6. Victoria Daily Colonist, November 19, 1897, appreciative article on McCreight.


8. Murphy, Honourable Denis, Judge of Ye Olden Times, The Advocate, Vancouver Bar Association, Vancouver, B.C. Volume 4, part 1, February, 1946; part 2, April, 1946; part 3, June, 1946. These contain the history of Begbie, Crease, and McCreight, and a most useful table of all judges of early times in B.C.

IV. Secondary Sources - Books - Pamphlets

1. Cleary, P.S., Australian Debt to Irish Nation-builders, Sydney, Angus and Robertson, 1933. Contains a good account of McCreight Australian relations, especially Sir William Stawell who became Chief Justice of Victoria, Australia.

2. Cockburn, G.H., Essay on Source Material of B.C.'s Church History, Vancouver, Anglican Theological College of the University of B.C., 1934. A source book which I used for material on Bishop Hills and Dean Cridge.


Volume 2, "Bench and Bar". This chapter deals with part of McCreight’s legal history.


8. Pettit, S.G., Mathew Baillie Begbie, Judge of British Columbia, 1858 to 1866. University of B.C., thesis submitted for the degree of Master of Arts, 1945. This excellent study of Begbie provided material on McCreight as a lawyer, and showed the strong contrast between Begbie's attitude to the law and that of McCreight.


10. Sage, Walter N., John Foster McCreight, Ottawa, Royal Society of Canada, Section II, Volume xxxiv, 1940. A study of the political career of McCreight, and the first study to throw any light on a little known figure.

11. Turner, H.G., History of the Colony of Victoria, Longmans Green, 1904. Reference to the legal and political activities of McCreight's cousins in Australia during the period in which McCreight himself resided in Australia.

V. Interviews


2. Edmonds, H.L., Magistrate, New Westminster. September 28, 1946. Magistrate Edmonds knew McCreight personally, and not only gave me many glimpses of him, but also showed me his books, picture and chambers in the New Westminster Court house.

4. Lamb, W. Kaye, Librarian, University of B.C., November, 1945. Dr. Lamb, through his association with New Westminster, and with Dr. Reid, was able to tell me many details of McCreight in his later years.

5. Menendez, L., District Registrar, New Westminster, September 21, 1946. Was well acquainted with McCreight's law library and discussed the annotations made by McCreight in the law books.

6. Moresby, William, K.C., Victoria, January 31, 1947. Mr. Moresby was born in New Westminster and articled to a law firm there; knew Judge McCreight. His family were personal friends of the Judge.

7. Stride, Charles, old-time resident and photographer of New Westminster, January 1, 1947. Discussed pictures of the Court House and the judges who had served at New Westminster.

8. Sullivan, Judge Harry, Court House, New Westminster, December 3, 1946. Judge Sullivan now holds the position that Judge McCreight had in New Westminster, and being of the same faith, was able to throw some light on McCreight's adherence to Roman Catholicism.
APPENDIX A - McCreight's Family

**McCreight's Father**

<table>
<thead>
<tr>
<th>James McCreight</th>
<th>Mary Chambers</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Walkinshaw Grove, County Armagh)</td>
<td>(Dublin)</td>
</tr>
<tr>
<td>Rev. James McCreight</td>
<td>Elizabeth Foster</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>John Foster McCreight</th>
<th>Letitia McCreight</th>
<th>William McCreight</th>
<th>Anna McCreight</th>
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<tr>
<td></td>
<td>McCreight</td>
<td>McCreight</td>
<td>McCreight</td>
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<td></td>
<td>M.E. Jeffreys</td>
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**McCreight's Mother**

<table>
<thead>
<tr>
<th>Anthony Foster</th>
<th>Elizabeth Burgh</th>
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<tr>
<td>(M.P. County Louth)</td>
<td>(Dublin)</td>
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<table>
<thead>
<tr>
<th>John Foster</th>
<th>William Foster</th>
<th>Margaret Foster</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Last speaker of Irish Parliament)</td>
<td>(Bishop of Clogher)</td>
<td>M. Henry Maxwell</td>
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<tr>
<td></td>
<td>M. Catherine Leslie</td>
<td>(Bishop of Meath)</td>
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</table>

<table>
<thead>
<tr>
<th>John Leslie</th>
<th>Rev. Wm. Catherine</th>
<th>Anna Henrietta</th>
<th>Elizabeth Letitia</th>
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<tr>
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<td>Foster</td>
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<th>John Leslie</th>
<th>Rev. Wm. Catherine</th>
<th>Anna Henrietta</th>
<th>Elizabeth Letitia</th>
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<td>Foster</td>
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<table>
<thead>
<tr>
<th>Vesey Fitzgerald</th>
<th>Hon. William Foster</th>
<th>Sir Wm. William</th>
<th>John Foster</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Vesey Fitzgerald</td>
<td>Judge of Supreme Court,</td>
<td>Chief Member of</td>
<td>McCreight</td>
</tr>
<tr>
<td>Colonial Secretary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Victoria, Australia</td>
<td></td>
<td>Victoria, Australia</td>
<td>Australia</td>
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</tbody>
</table>
APPENDIX B - Legal Training of McCreight.

(1) University of Dublin
Registrar's Office
Trinity College
Dublin
January 25, 1946.

Dear Madam,

I have made all the enquiries possible, and can find no evidence that John Foster McCreight was ever a student at Trinity College.

I passed on the inquiry to the King's Inns and enclose their reply.

Yours faithfully,

K.C. Bailey
Registrar.

Miss P. Johnson, B.A.

(2) The Honorable Society of King's Inns,
Dublin
24/1/46.

Dear Sir,

In reply to your letter of Jan. 17 I can find no trace in our Records of any John Foster McCreight, either as student or Member of the Bar.

Yours faithfully,

T.C. Tobias,
Under-Treasurer.

K.C. Bailey Esq., F.T.C.D.

(3) Letter of Nov. 15, 1946 contradicting these appears in the text.
APPENDIX C.

Mr. Justice Murphy in a letter which he did not wish to be quoted wrote:

"When a law student, I heard that the Judge was married, but was separated from his wife who was in the Old Country".

September 12, 1946.
The following were given assent in Her Majesty's name on April 11, 1872:

1. An Act to define the Privileges, Immunities and Powers of the Legislative Assembly.
3. An Act to further amend the 'Road Ordinance 1869'.
5. An Act to repeal 'Civil List Act 1871'.
6. An Act to enable the Lieutenant-Governor to appoint Notaries Public.
7. An Act to amend the manner of taking the Verdict of a Jury in Civil Cases.
8. An Act to provide for Inquiries concerning Public material.
9. An Act to enable the Lieutenant-Governor to appoint Justices of the Peace and Coroners.
10. An Act to amend the 'Gold Mining Ordinance 1867'.
11. An Act regarding the Chief Commissioner of Lands.
14. An Act respecting the security to be given by officials.
15. An Act to amend and explain the 'Marriage Ordinance 1867'.
16. An Act to amend the 'Election Regulations Act 1871'.
17. An Act to make provision for a better administration of Justice in British Columbia.
18. An Act to amend the 'Game Ordinance 1870'.
19. An Act to make provision for better administration of Justice in British Columbia.
20. An Act to remove doubts as to the jurisdiction of the Supreme Court of British Columbia.
22. An Act to amend the schedule of the Constitutional Act 1871.
23. An Act to alter and amend the course of descent of Real Estate.
25. An Act to alter and amend the Constitutional Act 1871.
26. An Act to amend the Land Ordinance 1870.
27. An Act to carry into effect the recommendations of the Commission on 'Tax Sale Repeal Ordinance (1867) Amendment Act', and to give relief in certain cases.
30. An Act to make Provision for the regulation in British Columbia of certain Foreign Companies.

The following were reserved until the pleasure of the Governor-General of Canada:–

1. An Act to amend 'Naval and Military Settlement Act 1863'.
2. An Act to impose a Wild Land Tax.
3. An Act to amend 'Qualifications and Registration of Voters Act 1871'.
4. An Act to render legitimate, children born out of lawful wedlock, whose parents now are or may hereafter, under certain restrictions, be married.
## APPENDIX E - List of Judge McCreight's Books in the Court House Library, New Westminster, B.C.

<table>
<thead>
<tr>
<th>Title</th>
<th>Volumes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adolphus &amp; Ellis - Reports of cases</td>
<td>30 vols.</td>
</tr>
<tr>
<td>(Jos. Needham, Temple, 1843 - above the name J.F. McCreight.)</td>
<td></td>
</tr>
<tr>
<td>Atkyns - Reports</td>
<td>3 vols.</td>
</tr>
<tr>
<td>Barnewall &amp; Adolphus - Reports</td>
<td>5 vols.</td>
</tr>
<tr>
<td>Barnewall &amp; Alderson - Reports</td>
<td>5 vols.</td>
</tr>
<tr>
<td>Barnewall &amp; Cresswell - Reports</td>
<td>10 vols.</td>
</tr>
<tr>
<td>B.C. Supreme Court Rules</td>
<td></td>
</tr>
<tr>
<td>Bingham - New Cases</td>
<td>6 vols.</td>
</tr>
<tr>
<td>Bingham - Reports</td>
<td>10 vols.</td>
</tr>
<tr>
<td>Burrow - Reports</td>
<td></td>
</tr>
<tr>
<td>Byles - Bills of Exchange</td>
<td></td>
</tr>
<tr>
<td>Campbell - Reports</td>
<td>4 vols.</td>
</tr>
<tr>
<td>Canada Supreme Court - Reports</td>
<td>25 vols.</td>
</tr>
<tr>
<td>Canadian Law Journals</td>
<td>20 vols.</td>
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<tr>
<td>Canadian Law Times</td>
<td>9 vols.</td>
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<tr>
<td>Carver - Carriage of Goods by Sea</td>
<td></td>
</tr>
<tr>
<td>Cases on the B.N.A. Act</td>
<td>2 vols.</td>
</tr>
<tr>
<td>Chitty - Law of Contracts</td>
<td></td>
</tr>
<tr>
<td>Chronological Table of Statutes</td>
<td>3 vols.</td>
</tr>
<tr>
<td>Clark - Colonial Law</td>
<td></td>
</tr>
<tr>
<td>(D. Babbington Ring, The Temple - above the name of J.F. McCreight)</td>
<td></td>
</tr>
<tr>
<td>(&quot;Our law of Torts has for its main purpose this precept, 'Thou shalt do no hurt to thy neighbour'&quot; - written on front page)</td>
<td></td>
</tr>
<tr>
<td>Coke - Reports</td>
<td></td>
</tr>
<tr>
<td>Collection of Statutes</td>
<td></td>
</tr>
<tr>
<td>Common Bench Reports</td>
<td>6 vols.</td>
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</tbody>
</table>
Consolidated General Orders
Crompton & Jervis - Reports 12 vols.
De 6ex, MacNaghten - Reports 8 vols.
De 6ex, Jones - Reports 12 vols.
Dowling - Reports 18 vols.
East - Reports 16 vols.
Equity - Leading Cases
Exchequer - Reports 14 vols.
Exchequer Court of Canada 3 vols.
Fisher - Common Law Digest 5 vols.
Forsythe - Constitutional Law
Gale - Law of Easements
Grant - Chancery Reports 29 vols.
Hare - Reports 17 vols.
Harrison - Digest od Cases
Hurlstone & Norman - Reports 7 vols.
Hurlstone & Coltman - Reports 3 vols.
Index of Cases
Jacob - Reports 3 vols.
Keen - Reports 2 vols.
Law Journals 94 vols.
Law Reports - in sets 265 vols.
Lushington - Admiralty Reports
Manning - Reports
MacNaghten - Reports
MacNaghten - Select Cases
Maule & Selwyn - Reports 6 vols.
Maxwell - Interpretation of Statutes
Meeson - Reports 16 vols.
Mylne & Craig - Reports 7 vols.
Mylne & Keen - Reports 3 vols.
New - Criminal Law
Ontario - Appeal Reports 9 vols.
Ontario - Reports 26 vols.
Practice Reports 16 vols.
Reports 16 vols.
Revised Reports 26 vols.
Robinson - Admiralty Reports 3 vols.
Russell - Crimes 5 vols.
Russell - Reports 2 vols.
Russell & Mylne - Reports 2 vols.
Ruling Cases 8 vols.
Saunders - Reports 3 vols.
(G. H. Cary above name of J.F. McCleight)
Scott - Common Law
Simon - Reports 2 vols.
Smith - Law of Landlord & Tenant
Smith - Manual of Equity
Statutes of B.C. 16 vols.
Statutes of Canada 35 vols.
<table>
<thead>
<tr>
<th>Title</th>
<th>Volumes</th>
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<tbody>
<tr>
<td>Story - Law of Agency</td>
<td></td>
</tr>
<tr>
<td>Strange - Reports</td>
<td>2 vols.</td>
</tr>
<tr>
<td>Swanston - Reports</td>
<td>3 vols.</td>
</tr>
<tr>
<td>Swabey - Admiralty Reports</td>
<td></td>
</tr>
<tr>
<td>Taunton - Reports</td>
<td>8 vols.</td>
</tr>
<tr>
<td>Taylor - Evidence</td>
<td>2 vols.</td>
</tr>
<tr>
<td>Taylor - Mediaeval Jurisprudence</td>
<td></td>
</tr>
<tr>
<td>Upper Canada - Appeal Reports</td>
<td>6 vols.</td>
</tr>
<tr>
<td>Upper Canada - Error &amp; Appeal</td>
<td>3 vols.</td>
</tr>
<tr>
<td>Upper Canada - Queen's Bench Reports</td>
<td>20 vols.</td>
</tr>
<tr>
<td>Vesey - Reports</td>
<td>22 vols.</td>
</tr>
<tr>
<td>Williams - Executors</td>
<td>2 vols.</td>
</tr>
<tr>
<td>Williams - Reports</td>
<td>3 vols.</td>
</tr>
<tr>
<td>Wills - Circumstantial Evidence</td>
<td></td>
</tr>
<tr>
<td>Wilson - Judicature Act</td>
<td></td>
</tr>
<tr>
<td>(given by A.E.B. Davie to J.F.M.)</td>
<td></td>
</tr>
<tr>
<td>Wotherspoon - Province of Quebec</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>50 vols.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1023 volumes.</td>
</tr>
</tbody>
</table>