

## THE MAN FOR A NEW COUNTRY

By David R. Williams  
Sidney, B.C.: Gray's Publishing, 1977.  
333 pp. \$15.95

CAMERON HARVEY\*

Often the largesse distributed by the Canada Council is criticized. The Council assisted in the publication of this book and for this expenditure it must be praised. The book is a biography of Matthew Baillie Begbie, the first judge and ultimately first Chief Justice of British Columbia. I first obtained a copy of the book when a colleague loaned me his copy and advised me to read it. Through the interest which I have in legal history I knew something of Begbie. I looked through the book very briefly and then put it aside thinking, "Oh God, that looks awfully heavy and do I really want to know *that* much about Begbie?" That was over a year ago. Recently my conscience twinged me. "I should have another look at that book and return it." I gamely started to read it and was so captivated that I could hardly put it down. I am neither a fast reader, nor a person who reads for very long at a given sitting. I finished this book in record time.

The first three chapters deal chronologically with Begbie's life, up to his arrival in British Columbia to take up his judicial duties. In the remaining chapters, the author switches from a chronological structure to dealing chapter by chapter with the various facets of Begbie's judicial career. Thus, there are chapters covering his attitude towards and dealing with the Indians and the Chinese, his tribulations with the Press, his role as a legislative draftsman, his imposition of law and order in the Fraser River and Cariboo gold rushes, his substance as a jurist, etc. The book contains half a dozen pages of photographs and at the beginning of each chapter is a sketch, taken from sketches which Begbie drew in his Bench Books. At the end of the book are fairly extensive footnotes, a couple of chronologies, an apparently exhaustive bibliography,<sup>1</sup> and a ten-page index. The front end paper is a painting depicting Begbie reading the proclamation of James Douglas as Governor of the Colony of British Columbia in 1858, and the back end paper is a map of part of British Columbia prepared in 1861, by the Royal Geographical Society to illustrate reports of Begbie and others about the geography and settlement of British Columbia.

The title for the book, which is the perfect description of Begbie, was drawn from the diary of a Charles Wilson.<sup>2</sup> Begbie, the typical well-educated, self-confident, Victorian gentleman, a talented amateur

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1. I can add one other piece on Begbie: Roy St. George Stubbs, "Sir Matthew Baillie Begbie" in *Historical and Scientific Society of Manitoba Transactions* (1968-69) Ser. 3, No. 25.
2. D. Williams, *The Man for a New Country* (1977) 96.

in many fields,<sup>3</sup> was not surprisingly “a major public figure during all the thirty-six years he spent in British Columbia”.<sup>4</sup> He became a legend in his own time, about whom there are many anecdotes and myths. The author sets the record straight on Begbie’s achievements as a practising barrister in England. He did not accept the judicial appointment to escape from an unsuccessful career at the Chancery Bar. As for his knowledge of the law and performance on the Bench, Williams writes:

Other judges in their purely judicial function reached heights which Begbie could not scale but<sup>5</sup>. . . an analysis of his judgments enables us to see Begbie clearly, a great but neglected figure, an adornment of the Bench in the finest sense of that phrase. Possessing a splendid intellect, well informed by a diversity of interests and talents, equipped with a mastery of the English language, he gives lucid utterance to legal doctrine. He has the ability—occasionally found in English but seldom among Canadian judges—to combine wit with common sense; to display learning but not pedantry; and to expound legal principles with literary style.<sup>6</sup>

As well, the book deals with Begbie’s reputation as a “hanging judge.” My only disappointment with the book is that in showing that Begbie does not deserve the appellation, the author continues the myth of Judge Jeffreys as *the* “hanging judge.”<sup>7</sup> It seems incongruous, to nurture the same wrong done to another judge in the course of endeavouring to correct that wrong done to Begbie. One would naturally expect more awareness of efforts such as that by Montgomery Hyde<sup>8</sup> to correct the common misconception of Jeffreys, and sensitiveness to the reputations of others.

I do not want to complete this review on a downbeat, for overall I enjoyed the book immensely. I hope that Mr. Williams, a lawyer in Duncan, British Columbia has another judicial biography in the works. He obviously has a talent for this kind of research and writing, of which there is a dearth in Canada.<sup>9</sup>

Justice Begbie certainly was the man for his new country in many ways. The one which stimulated my imagination the most was that he took his courtroom to the people by going on circuits throughout his wilderness jurisdiction. In this day, when walking a few yards, let alone a mile or more, is an activity which most people avoid if at all possible, it thrills and inspires me to think about Begbie walking (and occasionally riding horseback or canoeing) hundreds and hundreds of miles throughout the rugged, roadless territory of the Fraser River and its tributaries.

3. He spoke several languages, including Indian dialects, and he was a mathematician, meteorologist, cartographer, classical scholar, avid reader of literature and history, artist, musician, horticulturalist, and outdoorsman.

4. *Supra* n. 2, at 202.

5. *Id.*, at 275.

6. *Id.*, 234.

7. *Id.*, 131-32.

8. H.M. Hyde, *Judge Jeffreys* (1948), especially Chap. VII.

9. Indeed this is the first full-scale biography of a Canadian judge. Prior to William’s book on Begbie, numerous articles on Canadian judges had been published; as well, there were books by David B. Read, *Lives of the Judges of Upper Canada and Ontario* (1888), Roy St. George Stubbs, *Four Recordors of Rupertsland* (1967), and Jack Sissons, *Judge of the Far North* (1968).