

# THEODORE DAVIE—A STUDY

By D. W. Higgins, Author of "The Mystic Spring," "The Passing of a Race," etc.

A heart to resolve, a head to contrive, and a hand to execute.—Gibson.



CANNOT recall when I first met the subject of this short sketch, but I remember that one morning in 1865, having some legal business with Mr. Robert Bishop, an English solicitor of note and ability, who occupied Chambers in Bastion street, in a small story-and-a-half brick building which was later demolished to make room for the Bank of Montreal's imposing structure, I was received by a youth of about seventeen. He said he was Mr. Bishop's clerk, and that his employer might be in about the noon hour. Would I call again? The young fellow was below the medium height, bright, of dark complexion and hair, and a pair of expressive brown eyes. But what struck me most forcibly was the air of assurance and the easy manner with which I was greeted by him.

In the absence of Mr. Bishop would I state the nature of my business? Perhaps he could help me.

"Are you a lawyer?" I asked, cautiously. No, he was only an articulated clerk, but Mr. Bishop was often absent for days at a time, and he (the clerk) received and advised clients, prepared affidavits, and in very important cases the documents were submitted to Mr. Bishop for his opinion.

With this understanding I stated my business, and the young fellow advised me clearly and forcibly. His advice was so nearly in accordance with my own views that I adopted it and refrained from embarking in a lawsuit in which I would have been worsted.

When I was leaving I asked the young fellow his name, and he replied, "Davie—Theodore Davie."

"Are you a relative of Dr. J. C. Davie?" I asked.

"I am his son," he replied.

I was well acquainted with the then Dr. Davie. He was an English physician who came here in 1862, with his two young sons—the present Dr. J. C. Davie and Alex. E. B. Davie. The first named son, who was destined to become one of the most eminent surgeons on the Pacific Coast, is still with us. The second son became premier, and was attorney-general of the province at the time of his untimely death, which occurred on August 1st, 1889. Had he lived his abilities would have entitled him to the highest position on the Bench of the province.

After the interview with Theodore Davie we became warm personal friends. I saw in him a young man of great promise. He was quick, aggressive, and ever ready for an argument which he generally conducted in a masterly manner. When he was still but a youth he would rise in a public meeting to confront the best speakers of the day, and he appeared in court on many occasions as Mr. Bishop's representative.

One evening at Rowland's Burnside tavern, in the midst of a heated discussion between opposing politicians, young Davie rose to "pour oil on the troubled waters," as he expressed it, but so cleverly did he comport himself that he set the politicians by the ears and captured the meeting for the side that was the weakest before he spoke.

He was a most industrious student, never counting his hours, but far into the night, when other students were enjoying themselves by burning the candle at both ends, he would be found poring over the law books and studying a case that he was preparing for the court. Mr. Bishop often remarked that he never saw a young man with so prodigious an appetite for work, and as Mr. Bishop was anything but an industrious person himself he was but too glad to cast the burden of his practice on his young clerk's shoulders and betake himself to the pleasure of the convivial circle which he adored.

In due time Theodore Davie was admitted to the bar. His first cases were in the police court, where he distinguished himself either by getting his man off, or, if he were convicted, of having the conviction annulled on appeal to the Supreme Court. He passed one session at Cariboo and two in Cassiar, but the legal grass in those fields was very short, and he had no opportunity to distinguish himself there. His first important suit, and the one which brought him into prominence and distinction, was known as the "Thrasher" case. The Thrasher was a large, full-rigged ship. She loaded with coal at Nanaimo and while being towed to sea by a tug struck on a reef and became a total wreck. The owners alleged carelessness on the part of the towing company and began suit. Theodore Davie was employed by the owners of the vessel as leading counsel. The case was fought from court to court with varying success until it reached the Privy Council, on the threshold of which a compromise was effected on a basis satisfactory to both parties. Mr. Davie then threw himself boldly into the political arena, and by his ability as a debater and his energy, skill and subtlety as a politician quickly rose to the position of a leader. At the general election in 1886 for the local house he was chosen as one of the four members for the city.

Death had been busy in the ranks of the executive. Mr. Smith, the premier, died in 1887, and was succeeded by Mr. A. E. B. Davie, who had been the attorney-general in the Smith cabinet. When death claimed Mr. Davie, Hon. John Robson, admittedly the most eloquent man in the legislature, succeeded him, and called upon Theodore Davie to enter his cabinet as attorney-general.

About this time the public became much interested in a proposition of an extraordinary character. At a previous session the local legislature had passed a resolution asking the Dominion government to take steps for handing over to the Canadian Pacific Railway company the northern territory which was indefinitely described in the resolution as the Peace River lands, in exchange for lands that the company still owned in the 20-mile belt on either side of their line of railway, otherwise referred to as "the cullings of the railway belt." How it ever escaped the lynx-eyed scrutiny of the Opposition I never could understand; or how I, who then sat for Esquimalt, allowed it to pass without remonstrating, is equally inexplicable. I was either absent from the house or, if present, did not grasp the full meaning of the most momentous proposition that was ever laid before the legislature at that or any other time. The last day of the next session I brought the matter to the attention of the House, but it was too late to discuss the matter then.

I then resorted to the press. The Colonist, with characteristic generosity and fairness, inserted several condemnatory letters from my pen. I pointed out that if the exchange was made the C.P.R. would practically own the whole country and would become the greatest landowners in the world, that a second railway line (such, for instance, as the G. T. Pacific road now in course of construction—but then in the air) would be impossible, and that the province as a field for settlement and mineral and timber exploitation would be consigned to the grasp of a gigantic monopoly. In these views I was ably supported by the then Mayor, James Fell, and Mr. Wm. Wilson, of W. & J. Wilson. The Colonist, as the chief government organ, took strong ground in favor of the exchange, and declared it to be the ministerial policy.

It became necessary for Mr. Theodore Davie, on assuming office, to seek re-election in Victoria City. He found the community dead-set against the proposed change. The air was filled with rumors of disaffection among the government supporters in the city, who openly proclaimed their hostility to the give-away policy. It was recognized that the defeat of Mr. Davie meant the defeat of the Robson ministry; and a strong party was organized to oppose the election of the new attorney-general. In the midst of the agitation Mr. Davie's election address appeared in the papers. It contained a sentence that the candidate was not in favor of giving away the lands of the northern empire to the C.P.R.

and announced that he would vote against the proposal. Dr. Milne, the opposing candidate, in his address, had taken a strong position against the exchange, so the two sailed into the contest on even keels so far as that matter went. In the result Mr. Davie was returned by a majority of 113, the government being saved by his election, although by a greatly reduced vote. True to his pledge the proposition was never received. I shall always believe that to Mr. Davie's overpowering influence in the ministry, the popular agitation, and the liberality of The Colonist in printing my letters, the defeat of this most pernicious and mischievous proposition, which, had it been confirmed, would have consigned the northern country to the C. P. R., was due.

The following summer Premier Robson went to England to arrange a scheme for settling a colony of Scotch crofters on the public lands, concessions having been granted for the purpose. He had been but a week in London when a strange and lamentable event brought his life to a sudden close. He entered a hansom cab to be driven to his hotel, and the driver, in closing the door, caught the premier's thumb between the door and the casing. The injury, though slight, was not considered dangerous, and was dressed by a surgeon; but blood poisoning set in and in a few days the gifted orator and astute politician who had always taken a wide interest in the development and progress of the country, and whose last moments of consciousness were filled with schemes for its advancement, died. His body was brought to Victoria and interred at Ross Bay by a sorrowing multitude.

Hon. Hugh Nelson was then Lieutenant-Governor, and he called on Mr. Theodore Davie to form a government, which was speedily done. Among the most noteworthy acts of the new government was one to codify the laws of the province, which were in a sad muddle. In the absence of codification some amusing events, and some that were not amusing, occurred.

I remember on one occasion that a minister of the crown gave notice of a bill to repeal a certain act. Upon the motion to read the bill a second time, Hon. Mr. Beaven, who led the opposition, drew attention to the fact that the Act had been repealed three sessions before. Later on in the same session the same minister introduced a bill to enact a certain law. Again, when the bill was about to be read a second time, Mr. Beaven rose and showed that the bill was unnecessary because an Act covering the ground was already in force!

During Mr. Davie's administration two large loans were negotiated in England by

Hon. Mr. Turner, Minister of Finance, and many important measures were passed.

It was in this year that the smallpox broke out in this city. One day it was found that there were sixty-five cases under indifferent treatment. Many of these died, some of the victims being prominent citizens. The utmost consternation prevailed, because the civic authorities seemed unable or unwilling to grapple with the plague. In the emergency Mr. Davie's government came forward and took the matter out of the city's hands. They established a pest house in the large lot within the Jubilee hospital enclosure, and provided doctors, nurses and medicines for the sick. Isolated cases that were found in different parts of the city were removed to quarantine, and in the course of a few weeks the plague disappeared. Mr. Davie gained great and deserved kudos for his spirited action in that emergency. No one could have acted with greater energy and intelligence, and to his activity was due the speedy stamping out of the plague.

Soon after this incident, Sir Matthew Baillie Begbie, Chief Justice since 1859, died, and was succeeded by Mr. Davie, who was appointed by the Minister of Justice, Sir John Thompson, who a few months later was himself called away. Sir John died in Windsor Castle while attending a dinner at the command of Her Majesty Queen Victoria, expiring almost in her Majesty's august presence.

Mr. Davie's administration of the law was wise and just. There were some who, having in view his stormy career as a politician, predicted partisan judgments, but he held the scales evenly, giving every litigant his due and construing the laws intelligently and impartially. When he was attorney-general one of the most important criminal cases on the docket was that of Strobel, a young American, who was indicted for the murder of an old man on the British side of the boundary line. The case was tried at New Westminster, before Mr. Justice Walkem, Mr. Davie prosecuting and Mr. Aulay Morrison, M. P., defending. The jury failed to agree. A change of venue was had to Victoria, and here the man was convicted. In the hope to influence the prosecution, Strobel, between the first and second trials, professed Catholicism; but the prosecution was not to be influenced by so transparent a subterfuge and upon conviction Strobel, whose guilt was apparent, was hanged.

Several decisions on mining matters which Mr. Davie, when Chief Justice, rendered, are texts for the guidance of the judges of the present day. Perhaps his greatest work was the codification of the provincial laws, which was

done after he reached the bench, and which is always recognized as one of the most perfect pieces of legislative mechanism British North America has seen. Its utility has never been questioned, and its inestimable value to the legal profession and the public is indisputable.

It is impossible, in the space of an ordinary newspaper article, to more than briefly scan the public life of this remarkable man. There are many points in his career to which space will not permit me to allude; but I must be permitted to remind Victorians of this day that to Theodore Davie they are indebted for the retention of Victoria as the capital of the province. To the exertions of Hon. Dr. Helmcken, more than to any other man, living or dead, Victoria was made the seat of government in 1867, and twenty-two years later the choice was confirmed and the bargain sealed by the bravery and pluck of Theodore Davie, who faced the constituencies, many of them hostile, with a proposition to anchor the capital here by spending one million dollars on Government buildings to be erected at James Bay. It was a daring act, and I cannot recall another man then in public life who would have thrown down the gauntlet and invited defeat as Mr. Davie did. It was argued that the finances of the country did not warrant the expenditure, and that the buildings then in existence were sufficiently commodious and good enough to meet all requirements for fifty years to come. A majority of the electors approved of the expenditure. The Government was triumphantly returned, and the magnificent pile that now adorns the James Bay side rose as if by magic upon the site of its antiquated predecessors. I have always believed that this city owes Mr. Davie a monument; but perhaps they deem the buildings a sufficient memento of enterprise and political audacity. As the Londoner says of the great architect, Sir Christopher Wren, when pointing to the structures that he designed: "Do you seek his monument? Look about you!" It was said by the Emperor Hadrian that he found Rome a city of brick, and left it a city of marble. It may be said of Theodore Davie that he found the Government Buildings at Victoria an aggregation of lath and plaster and he left them a palace of stone.

It has been remarked that the subject of this altogether too brief sketch was a many-sided man. The same has been said of the clever men in all parts of the world. His manner at times was austere, and he could assume an air that repelled an applicant. But beneath this exterior he was one of the softest-hearted, kindest, sympathetic men I have ever met. Severe in his denunciation of a political opponent who had crossed his path, his was a most forgiving nature. "The soft answer that turneth away wrath" never failed to appeal to him. We had many quarrels on questions of policy, but long before he died all differences were healed and we were close friends when alas! the curtain was rung down upon his earthly career on the 7th of March, 1889. His career may be summed up in a few words. A brilliant lawyer at 25, a member of parliament, a member of the government, and premier before he was 40, and Chief Justice when he died at the early age of 46.

When Mr. Davie donned the ermine he was only forty-four. When he died, two years later, he was forty-six. The sudden death of his wife, which occurred shortly after his appointment to the bench, is believed to have undermined his health. I have in my possession a letter, written to me some time subsequent to the demise of Mrs. Davie, in which he pays an eloquent tribute to her memory. His words show how deep the wound was and how keenly he mourned her departure. When he was first taken ill his trouble was not thought to be serious; but in a short while aneurism of the heart was developed and it was felt that his days were numbered. When the day arrived for opening his handiwork, the new Parliament buildings, with appropriate pomp and ceremonies and before a brilliant assemblage, Mr. Davie was unable to be present. He would have dearly loved to be there, but the state of his health prevented.

I have reason to remember the day of his death. It was on the morning of March 7, 1891. On the previous Thursday I had sat with him for a short time, and had arranged to again visit him on the following Monday. He was then in excellent spirits. On the day fixed I met his brother, Dr. Davie, on Douglas street. He told me that he had just left the Chief Justice at St. Joseph's Hospital, and that he was in pretty good shape. I told Dr. Davie that I had an appointment with his brother for that morning, but as I was busy at the House I would put off my visit till the afternoon.

We separated, and I continued my way towards Humboldt street. As I walked on a voice seemed to say, "Go to him now; he needs you. Go to him now!" Over and over again the command was repeated until, quite involuntarily, I turned in the direction of St. Joseph's hospital. I walked swiftly, for some mysterious force or agency impelled me, and actually I had no control over my movements. I reached the hospital, and hastening up the stairs, reached the room in which the patient lay. Two ladies were bending over a lounge. The one, a Sister of Charity, held a crucifix to the lips of the dying man, for he was then in extremis, and the other (a relative) was gazing at him with streaming eyes. In a few seconds he passed away, and all that was left of that astute politician and able jurist was his earthly tabernacle.

## The New Era In History of Turkey



SIR GERARD LOWTHER, the new British ambassador to Turkey, arrived in Constantinople amid demonstrations of enthusiastic welcome which are without precedent in Turkish history, although they recall in some respects the days of Lord Stratford de Redcliffe. He is to be congratulated upon his good fortune in entering upon his new position at a moment when the people of Turkey really seem to be emancipating themselves from a long period of gloomy oppression, corruption, and maladministration. The constitutional movement has surpassed all expectations alike by its remarkable success and by its pacific character. Its widespread ramifications were received in England, and on the continent, with some amount of reserve, was only natural. Sir Edward Grey rightly told the House of Commons on Monday that it was too soon "to pronounce a definite and considered opinion." That attitude must continue to prevail for some time to come; but it is permissible to say that every day's news strengthens the hope that Turkey is at last emerging upon the high road towards real regeneration. The important letter we print today from "A Twenty-Three Years Resident in Turkey," who has had the advantage of witnessing the actual incidents of the change in Constantinople, urges that Great Britain should look upon the new movement with sympathy, and tells us that "to the mass of the Turkish people England is still the one friend of the country from the old days." We venture to say that nowhere is the new movement already regarded with deeper sympathy or warmer approval than in England. If English public opinion has been slow to express itself, the reason is that the revolution of the Turkish system has been so swift, so overwhelming, and so unexpected, that its earlier symptoms were not fully realized, and were contemplated with some amount of incredulity. The completeness of the change and the cautious and commendable bearing of the Young Turks are steadily removing all doubts. The one desire of Great Britain remains, as it has ever been, to see a peaceful, a reformed, and a progressive Turkey. British policy towards Turkey continues to be unselfish and disinterested; and the leaders of the new movement, if they succeed in their high endeavors, will be able to count on the firm and unwavering support of this country. The Turkish people have not forgotten the sacrifices Great Britain has made in their behalf in the past, and the records of history are the best proof of the sincerity of our good wishes today. Any interruption of cordial relations, any suspension of good will,

has been solely between Great Britain and the Palace, for reasons too obvious and too manifold to need recapitulation. There has never been any weakening of British friendship towards the diverse races which make up the Turkish people.

The best augury for the continued progress of the movement is found in the dignified demeanor of the Young Turkish leaders, of their associates in the army, and even of the crowd in the streets of Istanbul. The Turks have not forgotten their good manners. There is no country in the world where so drastic an upheaval of existing conditions would have been accomplished with such calmness, and such an absence of clamant exuberance. We trust that these characteristics will continue to predominate, though some recent telegrams suggest that success is not without its attendant dangers. The Young Turks may be counselled to remember that the amnesty they claimed and have obtained for political offenders should not be unilateral in its operations. A policy of vindictive persecution towards fallen Palace favorites, however great may be the measure of their misdeeds, will go far to undo the good impression now created in foreign countries. If the hatchet is to be buried, and Turkey is to enjoy internal peace at last, both sides must exercise forbearance. We understand that the policy of the leaders of the movement is singularly conciliatory in its intentions, but they must take care that their desires are carried into effect by those on the spot. We believe they are anxious that there should be no further demonstrations, and as all crowds are liable to get into mischief during periods of revolution, the decision is a wise one. It is further understood to be their wish to respect the Capitulations, to adhere to all existing engagements, and to fulfil all obligations concerning concessions. As to Macedonia, it is reassuring to learn, not only that the leaders of the new movement wish to retain the financial advisers and the foreign military officers who are seeking to restore order in that distressed province, but that they even hope to obtain further foreign help in their complicated task of reorganization. The Young Turks, in short, while eager to restore the Turkish empire to a position of greater stability, are not unmindful that they are very much dependent upon the good will of the powers. The measure in which that good will is accorded must, ultimately, depend in a very great degree upon themselves. They have still to produce leaders who will command the confidence of Europe, and they must not complain if a final verdict is postponed until they are able to show solid achievements. They will find it

has been easier to destroy a system than to build up a new one. We await, however, the outcome of their efforts with hopeful patience, recognizing, as we do, that there must, meanwhile, be many failures and many shortcomings. In no respect have they shown greater wisdom than in their modified and respectful attitude towards the Sultan. They have been shrewd enough to perceive that the Sultan is still a power, and that any further movement against him, after he has so fully acquiesced in their aspirations, might prejudice them in the eyes of the masses. The best solution of the Turkish problem probably still lies in the cordial co-operation of the Sultan and the constitutional leaders, if it can be maintained. Abdul Hamid is a ruler of extraordinary intelligence and great experience, and, given time, he certainly has the ability to adapt himself to the changed conditions. Despite the past, if he can be persuaded to abstain from reactionary intrigues, he will serve Turkey and the Young Turks far better as Sultan than some new nominee without any knowledge of public affairs. Considerations of peace and of expediency alike impel the Turkish people to give Abdul Hamid their discriminating support. We are not surprised that the outlook in Turkey is still regarded with some misgivings in Vienna and other continental capitals. Misgivings will be inevitable, and the situation will continue to be to some extent critical, until long after the new machinery of administration is created and set to work. The duty of the powers and of Turkey's immediate neighbors is to take care that no undue obstacles are placed in the path of the reformers. The suggestion is made, though we hope it is unfounded, that there are signs of restiveness and disapproval in Bulgaria. Any attempt on the part of any of the Balkan States to intensify the difficulties through which Turkey must undoubtedly pass would deserve, and would receive, the severest reprobation. Turkey must have her chance, even if some fond hopes are thereby placed in danger of extinction. She has entered somewhat precipitately upon constitutional reforms, but she is entitled to ask for a clear field for her experiment. It is too early yet to estimate the full consequences of her momentous enterprise, but we recognize that the influence of the step she has taken will extend far beyond her own borders. It will have a deep effect upon the whole world of Islam, and if it succeeds, its stimulating example may be felt to the furthest confines of Asia. There are signs already that Egypt, and possibly India also, have been quick to appreciate the dramatic significance of the Young Turkish movement.—London Times.

us, without so strange, but in most instances, there were be pleaded: I sure on our part the result of it passed the pre experience had grapple. We