

= Henry Pering Pellew Crease =

Sir Henry Pering Pellew Crease (20 August 1823 ? 27 November 1905) was a British lawyer , judge , and politician , influential in the colonies of Vancouver Island and British Columbia . He was the first Attorney General of the united Colony of British Columbia , and sat on the Supreme Court of that province for 26 years .

= = Early life = =

Crease was born at Ince Castle , in Cornwall , the son of a Royal Navy captain . He earned his BA from Clare College , Cambridge and then studied law at the Middle Temple . Though called to the bar in June 1849 , he did not immediately pursue his career in law . Instead he joined his parents in an unsuccessful canal building endeavour in Upper Canada . After only a short turn as a barrister on his return to England , he took a job in Cornwall managing a tin mine owned by Great Wheal Vor United Mines , which ended with his employer suing him .

By the time Crease left again for Canada in April 1858 , he had married Sarah Lindley and had three young daughters , Susan , Mary , and Barbara . Sarah was the daughter of the famous botanist , John Lindley . She was also a talented amateur artist , and would go on to create many drawings and watercolours of early BC . Unable to find work in Toronto , Henry decided to try his luck in Victoria , and arrived there in December .

= = Lawyer and politician = =

Upon his arrival in Victoria , Crease was admitted as a barrister to the courts of Vancouver Island and British Columbia , becoming the first lawyer qualified to practice in both jurisdictions . Crease opened a practice in Victoria , sent for his family , and soon found himself travelling with Supreme Court Judge Matthew Baillie Begbie on his first circuit , dealing out justice on the frontier as a Crown prosecutor in the midst of the Gold Rush .

Politically , Crease presented himself as a foe of the Hudson 's Bay Company 's hegemony over the colony , and in 1860 was elected to the Vancouver Island House of Assembly as an independent member representing Victoria . However , he was soon criticised by the British Colonist (a paper run by opposition leader Amor de Cosmos) for being too cozy with the HBC @-@ backed government . The following year , as if to prove de Cosmos right , governor Sir James Douglas appointed Crease Attorney @-@ General of British Columbia , and Crease resigned his seat in the Assembly . He was a key member of the government , responsible for pushing literally hundreds of laws through the legislature , in between his continuing circuit tours , most of which was concerned with regulating the resource @-@ based economic activity of the colony , including land settlement and gold mining . His legislation cemented his reputation as an advocate of free trade .

Even as a colonial pioneer , Crease clung to the aristocratic traditions of Britain . The Crease family 's home in New Westminster was Ince Cottage , on Sapperton Road , named for the castle that belonged to Henry 's mother 's family in England . He sent his sons to Haileybury College in England for their schooling , and was dismayed to note that , " While you and I talk of the Old Country as ' Home , ' all our children call Canada ' home . ' "

When the colonies were joined in 1866 Crease became the first Attorney General of the united British Columbia . In 1868 the colonial capital was moved to Victoria , and the Creases moved with it . There they built a new home , Pentrelew , on Fort Street .

In Victoria , as in New Westminster , Crease was active in many community organisations : the Church of England , Royal Colonial Institute , and the Law Society of British Columbia , which he was key in founding . He sat on the board of the Colonial Securities Company , and was a lieutenant in the Seymour Artillery Company .

At a time when British policy called for North American colonies to extinguish native title by means of treaties , the British Columbia government , including Crease , made no effort to negotiate treaties . Indeed , when the issue was raised in the legislature in 1870 , Attorney General Crease objected to

the mere discussion of the issue as potentially damaging , " for Indians do get word of what 's going on . " In response to the criticism that the government had no Indian policy , Crease stated simply that " our policy has been , let the Indians alone . "

= = BC Supreme Court judge = =

In 1870 he was appointed a judge of the Supreme Court of British Columbia and retired from his government post . Crease was suspicious of both Confederation and responsible government , largely because they threatened greater government control over judges and central Canadian domination of patronage . Like many British Columbians , he was disappointed that London seemed to have given up on BC as an independent colony , abandoning either it to annexation to the United States or confederation with Canada . " I believe that England is sick of her Colonies , " he wrote , " and to be a Colonist , whatever your POSITION & CHARACTER when at Home ? is to lose Caste the moment you become a bona fide settler . " Regardless of his opposition to Confederation , Crease was chosen to prepare for it as the chair of the Royal Commission for the Revision of Laws of BC .

After BC became a Canadian province in 1871 , Crease devoted the next few years to fighting for judicial independence ? specifically the right of judges to live outside their districts . In 1881 the BC Supreme Court , including Crease , ruled in the Thrasher case that the province 's attempts to regulate judges were unconstitutional . This decision was overturned two years later by the Supreme Court of Canada .

In 1882 , Crease presided over the trial of John Hall , who owned most of the land on Burrard Inlet that now makes up the community of Belcarra , British Columbia , and who was accused of murdering his mother in law . Hall and Crease had known each other for years , and Crease had once employed him as his agent in a dispute with trespassers who illegally logged on land he and his friend Robert Burnaby owned near Hall 's ranch . Hall was found guilty of manslaughter , and his land signed over to his attorney to pay for his defence .

In 1884 , Crease overturned the Chinese Population Regulation Bill , which imposed an annual tax of ten dollars on each Chinese over the age of ten . He ruled that the provincial government had acted beyond its constitutional authority in passing the act , which fell within federal powers of taxation . The next year , as a member of the Royal Commission on Chinese Immigration , Crease wrote that " The real fact is , and the more completely it is recognized the better , that we cannot do without a certain number of Chinese for manual labour and for domestic servants , " but went on to warn that Chinese immigrants " will never assimilate with the Anglo @-@ Saxon race , nor is it desirable that they should ? They do not regard British Columbia as their home and when they die send their bones home to be buried in China . "

Sitting on several Royal commissions , the Exchequer Court of Canada , and the BC Supreme Court , Crease remained an influential figure long after his defeat in the Thrasher case . However , federal Justice Minister Sir Charles Hibbert Tupper was not impressed with Crease 's judgment toward the end of his career and pushed for Crease 's retirement in a letter to BC Supreme Court Chief Justice Theodore Davie . Crease retired soon afterward in January 1896 . On 23 January 1896 Crease was knighted . He died in 1905 and was buried at Ross Bay Cemetery in Victoria .