

# LEGAL ANECDOTES AND MISCELLANEA



By Ludmila B. Herbst, K.C.\*

## THE COMING OF THE TRAIN AND KAMLOOPS' EDWARDIAN COURTHOUSE<sup>1</sup>

The area of Kamloops (on Tkemlúps te Secwépemc territory) has a long First Nations history. This piece relates only to a relatively recent slice of time within the period of European settlement, which began in around 1811.

By 1909, the city was a booming hub for transportation as well as other economic sectors including agriculture and mining. The area's population increased after the Canadian Pacific Railway ("CPR") line was built through the community in the 1880s and after the city itself was incorporated in 1893. As of 1909, the CPR line ran down the middle of what was then Main Street (now Victoria Street West), which remains the home of various bustling restaurants, shops and hotels. In that year, Kamloops' third courthouse—a grand building that still presides over the corner of First Avenue and Seymour Street West, just south of Victoria Street West—was opened. Kamloops businesses sold souvenir china plates and postcards to mark the occasion.

### First Courthouse

Although Judge Matthew Baillie Begbie had paused in Kamloops to rest in September 1859, he did not hear any cases during that time. Evidently order had long been maintained through a combination of First Nations control and Hudson's Bay Company ("HBC") discipline over HBC employees, although on occasion, in serious cases, an accused was sent to face trial on the coast. However, during the 1860s, "independent settlers were starting to farm in the district, and there was a great annual influx of miners en route

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View of Kamloops, B.C., circa 1911, City of Vancouver Archives AM54-S4-: Mil P136.12

to Tranquille, the Cariboo, and Big Bend. In general it was a very peaceable population, but there was occasional violence or robbery, and the need for local law-enforcement gradually became apparent.”<sup>2</sup>

The first Assizes were not held in Kamloops until 1873. At that time there was no purpose-built courthouse in the area. Instead, visiting judges and any jury likely heard cases at the HBC post or at a store operated by John Mara (later a member of parliament) and William Wilson (the “Mara & Wilson store”). Notably absent as well was a jail: remarkably, those in custody were held temporarily in Yale, transported to Kamloops for trial, and sent back to Yale to serve their sentences if found guilty.

After jury complaints about the lack of courthouse facilities, a contract to build a courthouse in Kamloops was put to tender later in 1873. The contract was awarded to James McIntosh, who was variously involved in mining, building (of sternwheelers, roads and buildings), a flour- and sawmill, and real estate—more on that below. A courthouse was built in time for the second Assizes in 1874.

That first courthouse was a one-storey, whitewashed log cabin-like structure near the HBC post, then on the far west side of Kamloops at the end of what was then Main Street. The newly built structure hosted the circuit court judges who visited Kamloops to hear cases. It also served other purposes: as a government agent’s office, a lock-up and a meeting hall.

Although replaced as a courthouse in 1885 or so, the building that McIntosh had built continued to be used until 1902, for meetings as well as a location for the Kamloops Band to practise. In 1902, the building burned down

in a fire that also destroyed the Cosmopolitan Hotel and the Mara & Wilson store, which by that time had long been deserted.

## Second Courthouse

By the 1880s, the first Kamloops courthouse had itself become inadequate for courthouse purposes. By the mid-1880s, surveying for and construction of the CPR line were well underway. And remember the builder of the first courthouse, James McIntosh? It was on the 100 acres he had acquired in about 1871, to the south of the Thompson River and just east of the HBC post, that “[t]he community of Kamloops would grow up”.<sup>3</sup> While McIntosh was not entirely pleased by the CPR right of way that came to run through his land, he also benefited commercially from opportunities that the railway brought and became Kamloops’ first police magistrate when the city was incorporated.

Perhaps coupled with Kamloops’ coming importance as a transportation hub, it also came to be designated as the judicial seat of the County of Yale under the provincial *County Courts Act, 1883*.<sup>4</sup>

The courthouse that replaced the McIntosh-built structure was a two-storey wood frame building that was completed in 1885, at the southwest corner of First Avenue and Victoria Street West. That second courthouse was described as looking somewhat like a house, although in the course of renovations and additions in 1896 or so, its grandeur was beefed up by a portico that was installed at the front door.

This second courthouse again served various purposes in addition to hosting court hearings. It was used for meetings, served as the ballroom of a social club, and was the site of Presbyterian and Methodist church services until 1888, when those denominations built their own churches. Further, after the city was incorporated in 1893, council met in the courthouse until city hall was constructed—in front of the second courthouse. City hall is still found on this property.

It was “standing room only” at the second courthouse in 1906 for the trial of Bill Miner (the “Grey Fox”, “Gentleman Robber” or “Gentleman Bandit”) and associates who were charged with “robbing the mails”. Miner was an American who had begun his career robbing stagecoaches before progressing to trains. He is said to have originated the phrase, “Hands Up!”<sup>5</sup> In 1904, he was the first person in Canada to rob CPR, with his gang holding up CPR’s Transcontinental Express No. 1 at Silverdale, west of Mission. Their second attempt to hold up a CPR train, at Monte Creek near Kamloops, was not as successful: they managed to steal only \$15 dollars and some liver pills, then were pursued in what was at that point the largest manhunt in B.C. history, involving provincial police, the Royal Northwest Mounted Police, cowboys

serving as special constables, Indigenous trackers, bloodhounds, American detectives and a CPR train which transported the searchers.<sup>6</sup> The fugitives were caught after several days and tried in Kamloops.

*The Globe* ran a wonderful report of events in the second courthouse during the trial. The reporter noted that “[t]he lawyers for the alleged train holdup men are putting up a brilliant defence, but the Crown has forged a strong chain of evidence inimical to the accused.”<sup>7</sup> Deputy Attorney General McLean, addressing the jury, “introduced a new term by speaking of the accused as land pirates.”<sup>8</sup> Further, Mr. Justice Irving, who was presiding, “caused some amusement when the dynamite found on the railway track near the scene of the robbery was brought in. His Lordship was extremely anxious that it be removed as quickly as possible.”<sup>9</sup>

Miner was convicted, sentenced to life in prison, and sent to the B.C. Penitentiary in New Westminster, from which he later escaped.

### Third Courthouse

Kamloops outgrew its second courthouse, with grand juries repeatedly criticizing the facilities as inadequate. Further, the *County Courts Act* of 1905<sup>10</sup> promised to make county seats such as Kamloops busier in terms of both activity and number of judges.



Third courthouse from Seymour Street West



Third courthouse from First Avenue with loggia to old land registry



Third courthouse looking from the southwest

In 1907, the provincial government decided to commission a third Kamloops courthouse. The site chosen was 7 Seymour Street West (the southwest corner of First Avenue and Seymour), which had also been the location of Kamloops' first school. When in 1892 or so the school moved (to where Stuart Wood School now stands), the provincial government took over the original school building, using it as a land registry. The land registry would remain on that site, ultimately connected to the third courthouse by a loggia.

The Vancouver firm of (John James) Honeyman and (George D.) Curtis designed the third courthouse. This duo is well known to those interested in historic B.C. courthouses given that one or both of those architects were involved in designing the magnificent courthouses in Rossland and Fernie as well.<sup>11</sup>

Although likely this is just a coincidence, both Curtis and Honeyman also had some connection to CPR. Curtis had been studying in King's Lynn, Norfolk (the birthplace of Captain Vancouver) before he came to British Columbia to check in on his brother, James. James had arrived in Port Moody in July 1886 on first transcontinental passenger train, necessarily travelling through Kamloops to do so. The Kamloops suburb of Barnhartvale is named after a conductor on that train; that conductor left CPR in the 1890s to operate a hotel in Kamloops and later to homestead and open a post office under his name.<sup>12</sup>

When he arrived in British Columbia, (George) Curtis took up surveying work and then opened an architectural practice in Nelson, at the end of a CPR branch line. He met Honeyman, an architect who had travelled across Canada on CPR's transcontinental service in 1889 and who, after some time on Vancouver Island, moved to Rossland in 1897. Honeyman and Curtis

established a partnership in Vancouver in 1902, including working on various projects for CPR. Curtis also became the supervisory architect for CPR's Empress Hotel in Victoria after Francis Rattenbury resigned in 1906.

The contract physically to build the third Kamloops courthouse was put to tender in 1907 and awarded to the firm of Broley and Martin in 1908. On an unhappy note, s. 25 of the contract, between that firm and the province's Chief Commissioner of Lands and Works, required that the contractor "not, directly or indirectly, employ Chinese, Japanese or any other Asiatics upon, about, or in connection with the works; and in the event of his so doing, the Government will not be responsible for payment of his Contract."

The actual building project stirred much excitement in Kamloops. In 1907, an article in the *Inland Sentinel* said: "In due course, if all goes well, Kamloops will rejoice in the possession of probably the finest building in the interior", which "promises to be both massive and beautiful". The reporter noted that the courthouse "will serve a double and exceedingly useful purpose by adding to the general attractiveness of the city and by serving to stimulate the citizens to greater activity on similar lines."

The courthouse was completed in 1909, at a cost of \$73,403. It was much celebrated on completion,<sup>13</sup> including with the souvenir plates and post-cards referenced earlier in this piece. It was used for its first Assize hearings in October 1909.

Unlike some of its B.C. contemporaries (which fall squarely into neo-classical or Richardson Romanesque styles<sup>14</sup>), the architectural style of the third Kamloops courthouse is difficult to pin down. Perhaps this is not surprising as "[f]rom 1880 until past the turn of the century [a period of "picturesque" design], there were several competing Canadian styles whose designs relied on a profusion of details placed on an asymmetrical building form...This melting pot of styles often makes it difficult to know which style a building is in."<sup>15</sup> Although sometimes the courthouse is described as "Edwardian Baroque", a kindly professor of architectural history confirmed that—as also seems evident from comparing the courthouse to other examples of the style—it is not actually that.

At the time of its construction, the *Inland Sentinel* described the third courthouse as in "general outline" "maintain[ing] the traditions of a good provincial type of architecture in England, very distinctly picturesque in general effect and pleasing in detail." The newspaper characterized its style as "a freely treated version of the late English domestic gothic, with details which run quite characteristically into the early Renaissance." The kindly professor noted above suggested the style might also be described as Queen Anne. Another source notes that Honeyman and Curtis were "employing an

architectural form popularized in the United States, particularly for educational buildings, from the mid-1890s onwards. Borrowing heavily on Picturesque/Gothic traditions, it saw a brief flourish of popularity as an alternative to Classicism as a suitable form of public architecture”, reflecting numerous features associated with that style such as substantial stone trim (including quoins), a rolled copper ridge on the roof (which is of black slate from Pennsylvania), a corner tower (in this case, square, with a copper cupola), an oriel window projecting above the main entrance, and various arched entrances.<sup>16</sup> Elsewhere it has been noted that the courthouse’s “total effect” is as “a post-Victorian creation that resembles a medieval castle or church”.<sup>17</sup>

The building is clad in local red brick, with limestone trim. Coarse rubble granite or “freestone” was used for the basement walls. The central exterior staircase, leading up to the front door from Seymour Street West, is of granite.

Internally in the third courthouse, as was then the practice, the courtroom was placed on the second floor, above the administrative offices. The



View from the third courthouse, looking northeast

courtroom is a substantial 52 ft x 34 ft. Its ceiling projects into the roof line, with beams. The woodwork in the courtroom (beams, panelling and joinery) are of B.C. fir. The woodwork includes the jury box and, at one end of the courtroom, the judge’s dais, with canopy. At the other end of the courtroom is a stained glass window with the B.C. coat of arms, from the studio



Courtroom from the judge's dais to the stained glass windows



Judge's dais and jury box

of Charles Bloomfield; that studio also designed the stained glass windows for the Parliament Buildings in Victoria.

The third courthouse faces due north and, even with taller buildings now in the way, the views from it are excellent.

A new Kamloops courthouse opened to the southeast, on Columbia Avenue, in 1984. Consideration was given to various uses for the third courthouse, including as the new home for city hall or city hall functions, or as an Italian restaurant. Ultimately B.C. Buildings Corporation sold the building in 1991 to the Canadian Hostel Association ("CHA"). Although there were on average around 7,500 stays at the hostel annually, it ran at a loss, and CHA vacated the building in 2005. The city bought the building in 2007 and it currently houses various organizations including a lovely art gallery on the first floor.

The old courtroom remains accessible to the public and can be rented for events. It is well worth a look on your next visit to Kamloops.

#### ENDNOTES

1. Sources for this piece include "New Court House: Architect's Plans and Specifications Indicate a Handsome Structure", *Inland Sentinel* (22 November 1907); "The New Court House", *Inland Sentinel* (15 December 1908); Donald Luxton, *Building the West: The Early Architects of British Columbia* (Vancouver: Talonbooks, 2007); Edward Mills, *The Early Courthouses of British Columbia*, Manuscript Report No 288, Vol II (Parks Canada, 1977); "Old Kamloops Courthouse", Canada's Historic Places, online: <[www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=12791](http://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=12791)>; "The Kamloops Courthouse", online: <[Kamloops.ca/OldCourthouse](http://Kamloops.ca/OldCourthouse)>; "Former Provincial Courthouse Kamloops" (1986) 44 Advocate 777; John Stewart, "Courthouse history: City's justice came a long way", *The Kamloops News* (15 October 1982); Ken Favrholt, "Holding on to heritage: Old Courthouse one of 10 sites around city officially designated for heritage value", *Kamloops Daily News* (18 February 2006) B1 ["Holding on"]; Ken Favrholt, "Rich past, promising future; Old Courthouse has lots of life left. Indeed, it may have more life in it than ever before", *Kamloops Daily News* (24 July 2009) B5; Ken Favrholt, "McIntosh, James", *Dictionary of Canadian Biography*, vol 13 (Toronto: University of Toronto Press, 1994), online: <[www.biographi.ca/en/bio/mcintosh\\_james\\_13E.html](http://www.biographi.ca/en/bio/mcintosh_james_13E.html)> ["McIntosh"]; and various items from the Kamloops Museum and Archives including Leslie Mobbs, "Early Kamloops Buildings", John Stewart, "Kamloops Courthouses" (15 October 1982), and Mary Balf, "Courthouse and Jail in Early Kamloops" (N33) ["Balf"].
2. Balf, *supra* note 1.
3. McIntosh, *supra* note 1.
4. (1883) 46 Vict c 5.
5. Online: <[en.wikipedia.org/wiki/Bill\\_Miner](http://en.wikipedia.org/wiki/Bill_Miner)>.
6. Edward Butts, "Bill Miner", *Canadian Encyclopedia*, online: <[thecanadianencyclopedia.ca/en/article/william-miner](http://thecanadianencyclopedia.ca/en/article/william-miner)>.
7. "Train-Robbers' Horse's: Ownership of the Animals Traced to Prisoners", *The Globe* (30 May 1906).
8. *Ibid.*
9. *Ibid.*
10. 1905 SBC, c 14.
11. See Ludmila B Herbst, KC, "Fernie's Fabulous Courthouse" (2015) 73 Advocate 205; Ludmila B Herbst, KC, and Erica C Miller, "Legal Anecdotes – Tale of Two Richardsonian Romanesque Courthouses: Nanaimo and Rossland" (2017) 75 Advocate 773 ["Richardsonian Romanesque"].
12. David IJ Davies, "The Railway History of Kamloops B.C.", 436 Canadian Rail (September-October 1993) 151.
13. This remained the case in the following years. See, for example, "Kamloops The Wonder District of Central British Columbia", *The Vancouver Sunday Sun* (6 June 1920) 38, which noted under a photograph of the third courthouse: "Kamloops is a well-built city with fine residences, public buildings and stores. The court house is a good example of the type of buildings in the Inland Capital."
14. Ludmila B Herbst, KC, "Legal Anecdotes: Greco-Roman Temples of British Columbia" (2022) 80 Advocate 457; "Richardsonian Romanesque", *supra* note 11.
15. Don Mikel, *Canadian Architectural Styles: A Field Guide* (Toronto: James Lorimer & Company Ltd, 2025) at 104.
16. Mill, *supra* note 1 at 254.
17. "Holding on", *supra* note 1.