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## "His whole life was one of continual warfare": John Thomas Bulmer, Lawyer, Librarian and Social Reformer

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Philip Girard\*

"His whole life was one  
of continual warfare":  
John Thomas Bulmer, Lawyer,  
Librarian and Social Reformer<sup>1</sup>

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On a clear cold day in January, 1899 a ship entered Halifax harbour with a rather unusual cargo. Some 5,000 Doukhobours fleeing persecution in Czarist Russia made a brief stop in the port before proceeding to their ultimate destination in the Canadian West. In spite of the brevity of their stay, a number of Haligonians boarded the vessel to express their good wishes. A lawyer deputed by a workmen's association to address the throng spoke through an interpreter, but his speech did not contain the clichés usually retailed on such occasions.

You bring to Canada something more needed in this country than new immigrants — men who will stand by their principles no matter how much suffering it costs them. Your noble stand in refusing to bear arms, and becoming exiles from your native land will strengthen every good cause in Canada . . . [You] enter the new world through a port of which every point of prominence contains a frowning fort or bastion. Nevertheless peace will have her victories, and the same gentle force which caused you to throw down your guns in Europe will dismantle even the forts of Halifax.<sup>2</sup>

The notion that the primary contribution of immigrants to the nation might lie in the realm of political behaviour rather than economic development was not a common one in the closing years of the nineteenth century. Even less common was the idea that immigrants might contribute to the cause of peace in Canada. Ironically, exactly one year later Halifax would be enthusiastically celebrating the send-off of the second Canadian Contingent, Artillery and Mounted Rifles to the South African veldt.<sup>3</sup> But our speaker was used to articulating ideas and championing causes which lay far outside mainstream opinion of the day. The speaker was John Thomas Bulmer, who had been the first librarian at the Dalhousie Law School after its foundation in 1883.

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1. Special thanks to Innis Christie, Chris English, and Dianne Pothier for encouraging me to publish this research. The quote is from Bulmer's obituary notice in the *Amherst Daily News*, 11 February 1901.

2. *Morning Chronicle* (Halifax), 21 January 1899, p. 1.

3. See the programme for the "Reception tendered by the citizens of Halifax to members of the Second Canadian Contingent Artillery and Mounted Rifles prior to their departure for South Africa", 19 January 1900, Public Archives of Nova Scotia (PANS), V/F, v. 143, no. 10.

If Bulmer's only claim to fame were his occupation of this post, his life would not warrant investigation. After all, he held the post for only two years, the first officially and salaried; the second informally and unsalaried. Those two years, however, were a mere way-station in a busy, varied, and, above all, engaged life. The above incident illustrates some of the important themes in Bulmer's life, and conveys some idea of his character. The gesture reveals a visionary, a man obsessed with creating a better future. As we shall see, for him that future would be founded on a societal conversion to the principles of temperance, pacifism, socialism, feminism, and racial tolerance. Bulmer's words also reveal a man in conflict with the establishment — a man who could not remain content with denouncing Czarist persecution, but had to use the occasion to question the militarism of his own society. Finally, the incident illustrates Bulmer's own commitment to principle, and his unwillingness to compromise in order to gain fortune or advancement.

John Thomas Bulmer had three passions: books, social reform, and the law, probably in that order. An examination of his career gives us insights into the emergent profession of librarianship, the nature of the legal profession in Nova Scotia in the last quarter of the nineteenth century, and the ideology of social reform during the period. Unfortunately there is no collection of Bulmer's papers to facilitate our task, but a variety of sources contain useful material: the papers of three Prime Ministers, Sir John A. Macdonald, Sir John Thompson, and Sir Charles Tupper; the annual reports Bulmer authored when Provincial Librarian; a variety of documents connected with the opening of the Dalhousie Law School; and, in addition to the usual smattering of newspaper references, a near complete run of the *Canadian Voice*, a temperance newspaper which he edited from 1888 to 1892.

There is a small secondary literature on Bulmer. D.C. Harvey provides an authoritative account of his career as Provincial Librarian, while Bulmer's friend Benjamin Russell concentrates on his legal career in a biographical tribute published three decades after his death.<sup>4</sup> Aside from passing references to his devotion to the cause of prohibition, however, no one has investigated Bulmer's career as a social reformer. An over-emphasis on Bulmer's admittedly extraordinary personality has prevented a full appreciation of the complexity of this multi-faceted individual; and this gap in turn has tended to obscure an important

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4. D.C. Harvey, "The Contribution of the Nova Scotia Historical Society to the Legislative Library" (1944), 26 *Nova Scotia Historical Society Collections* 115, 124-130. Benjamin Russell, "John Thomas Bulmer", IX *Dalhousie Review* (1929-30) 68.

chapter in Nova Scotian social history. This account of John Thomas Bulmer is thus offered not just to revive the memory of one associated with the creation of Dalhousie Law School, but because it enables us to explore a strand of social radicalism associated with the response to Nova Scotia's industrial revolution.

## I

The ancestors of John Thomas Bulmer were Yorkshire Methodists who had emigrated to the New World in the eighteenth century, settling around Sackville, in what later became New Brunswick, and Amherst, Nova Scotia. John Thomas was born in 1845 or early 1846<sup>5</sup> at Nappan, a village near Amherst, the eldest of some ten children. His family lived in very modest circumstances; his father was a farmer and carpenter, and of his mother we know nothing. Even though he spent nearly all his adult life in Halifax, Bulmer retained strong ties to Cumberland County; he would run for Parliament there in 1887, and at his death was acknowledged as the pre-eminent expert in local history.

After graduating from Amherst Academy, Bulmer's formal education ceased and we hear no more of him until his arrival in Halifax in 1871, aged 26, a gap of about ten years.<sup>6</sup> Undoubtedly he worked to save up enough money to launch himself on a career of some kind. Many aspirants to the bar taught school for a few years to build up a modest capital, or possibly Bulmer assisted his father in the carpentry business. But a love of books is usually inculcated early in life, and Bulmer probably knew from a young age that he would have to leave home to pursue his inclinations.

He had the good fortune to arrive in Halifax just as a new ferment became evident in the legal profession. Young men began to question the

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5. The exact date of Bulmer's birth is uncertain. H.J. Morgan, *Canadian Men and Women of The Time*, (Toronto 1898) give 1847 as his date of birth, and other secondary sources given 1856 but three contemporary sources suggest 1845 or early 1846. The obituaries in the *Halifax Herald* and the *Morning Chronicle*, both 11 February 1901, describe him as a man of fifty-five at his death. In the 1881 census, taken in April, Bulmer gives his age as 35. An unpublished Bulmer genealogy prepared by Marjorie Bulmer of Truro, N.S., gives 1846 as his birthdate without indicating the source. She notes that his parents, Thomas Bulmer and Mary Jane Ripley Lowther, were married on 16 January 1845, making late 1845 or early 1846 his likely birthdate. I am grateful to Ms. Bulmer for allowing me to consult her manuscript.

6. Bulmer studied Arts for a year (1873-74) and Law for a year (1884-85) at Dalhousie, but never graduated with a degree: Dalhousie University, Halifax, Nova Scotia, *Directory of Graduates and Former Students of the University corrected to September 1937* (Halifax 1937), p. 20. He appears for the first time in *McAlpine's Halifax City Directory* in the 1871-72 volume.

traditional system of apprenticeship and examination, arguing that both were inadequate tools of professional education.<sup>7</sup> The higher standards which this generation set for itself were a product of a number of factors, not the least of which was Confederation. While the creation of a new state apparatus in Ottawa opened up unprecedented career opportunities for lawyers in general, there was an acute awareness in Nova Scotia that the price of this new development would be keen interprovincial competition.<sup>8</sup> With this awareness came the nagging feeling that professional standards in Nova Scotia might not measure up to those observed elsewhere. Hence the post-Confederation generation of lawyers embarked on a crash course in self-improvement, and proved unusually receptive to experimenting with new methods of professional education. In part this reflected their own educational background: more than one in five of the 141 men called to the bar in Nova Scotia between 1868 and 1879 held at least one university degree; some held two, and at least 11 held LL.B. degrees, presumably from New England universities.<sup>9</sup>

Although Bulmer never achieved a university degree, he was very widely read and easily held his own in the circle of intelligent and ambitious young lawyers that began to coalesce in Halifax in the early 1870s. By 1874 a group called the Halifax Law Society had formed, to provide a forum where young lawyers and articling students could discuss "legal, literary and political subjects, professional improvement and the cultivation of a greater *esprit de corps* among its members".<sup>10</sup> No doubt they felt they could learn more from each other than from their principals, for whom cheap labour rather than professional altruism was often alleged to be more important.<sup>11</sup> Those participating in this society included Bulmer; Benjamin Russell, holder of an MA from Mount Allison; Hugh Henry, holder of an LL.B. from Harvard; and Robert

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7. P.B. Waite, *The Man From Halifax: Sir John Thompson, Prime Minister* (Toronto 1985), pp. 121-23.

8. Thus it is not surprising that the two earliest known attempts to form a Canadian Bar Association originated in Nova Scotia. Alexander James, later a judge of the Supreme Court of Nova Scotia, made the first attempt in 1876: H.J. Morgan, *The Canadian Legal Directory* (Toronto 1878), p. 227. For the second, see *infra*, text accompanying notes 74-77.

9. These represent minimum figures based on preliminary research in the barristers' rolls housed at PANS, RG 39, ser. M. Those signing the roll usually added their degrees after their signatures, but not invariably.

10. *Morning Chronicle*, 23 January 1874; 29 January 1875. See also Russell, *supra*, n. 4, p. 73.

11. Robert Borden, who articulated with the firm of Weatherbe and Graham from 1874 to 1878, recalled "receiving a trifling remuneration for keeping the account books"; as for his education, "the members of the firm were far too busy with their professional duties to give any attention to [my] instruction": *Robert Laird Borden: His Memoirs Vol. I 1854-1915* (Carleton Library ed., 1969), p. 7.

Sedgewick, a Dalhousie graduate who had articulated in Cornwall, Ontario, with J.S. Macdonald, the first post-Confederation premier of the province. John Thompson and Wallace Graham may well have belonged, although there is no direct proof of it. Together they aimed at a total renovation of professional standards and education, and within a decade they had achieved their goals with the foundation of Dalhousie Law School.

Bulmer probably supported the first attempt to create a Halifax Law School in 1874, but he is not listed as one of the incorporators, no doubt because he had not yet been called to the bar.<sup>12</sup> He had begun his apprenticeship in 1871 with one Howard Maclean, an aging sole practitioner who retired and sold his practice to Robert Sedgewick at the close of Bulmer's articles in 1875.<sup>13</sup> Most of Bulmer's apprenticeship overlapped with that of John James Stewart, a fellow bibliophile and future editor of the *Halifax Herald*, whom Maclean had taken on in 1870. Their shared interest in literary matters must have enlivened the more tedious moments of the articling experience, and Stewart would have introduced Bulmer to the ways of life in the city.

When Bulmer was called to the bar in 1875, the modern law firm had yet to make its appearance in Halifax. The vast majority of lawyers practiced alone, assisted by one or two articling students; in 1870 there were exactly four two-man partnerships in Halifax and Dartmouth<sup>14</sup>, and the law firm with four, five or more partners did not make an appearance until the 1880s.<sup>15</sup> Bulmer conformed to the pattern and began to practice alone at 156 (later 197) Hollis Street; he conformed to the pattern of the young barrister of the 1870s in another way by taking on many criminal cases, especially before the stipendiary magistrate's court.<sup>16</sup>

The clash between the combative Bulmer and the irascible, septuagenarian stipendiary, Henry Pryor, must have inspired many moments of courtroom theatre. Benjamin Russell relates an incident involving Pryor's successor, Robert Motton, which saw Bulmer expelled from the court and confined to jail for contempt. In return, Bulmer allegedly sued for wrongful imprisonment and won \$700 in damages. The fact that the incident began with the inappropriate citation by Bulmer of a passage from the *Life and Letters of Lord Macaulay* confirms the episode as "Bulmeresque": an adjective which his friends coined to

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12. S.N.S. 1874, c. 90.

13. Bulmer was called to the bar 21 July 1875.

14. According to *McAlpine's Halifax City Directory*, 1870-71.

15. Robert Sedgewick's firm, Sedgewick, Ross and Sedgewick, had four lawyers by the mid-1880s.

16. Russell, *supra*, n. 4, 73-74.

describe any situation combining rhetorical extravagance and high drama, leavened with humour.<sup>17</sup>

Very few young lawyers setting up shop in Halifax in the 1870s had an easy time of it. The Sedgewick and Stewart partnership, for example, was virtually bankrupt by 1878, when Stewart deserted the law for the greener pastures of journalism and, eventually, finance.<sup>18</sup> Bulmer profitably employed the long gaps between his court dates to pursue another of his passions: books. Later in life he expressed his ambition to create “in the chief town of the Maritime Provinces, one really great library, containing the complete literature of the Maritime Provinces”.<sup>19</sup> In fact he had prepared himself from a young age to superintend such a library, by travelling far and wide in search of old Maritime newspapers and imprints. Bulmer was a familiar figure in antiquarian bookstores up and down the eastern seaboard, and did not hesitate to approach the greatest American librarians of the day — often as much to give as to seek advice.<sup>20</sup>

We should not be too surprised by Bulmer’s lack of formal training, as librarians in nineteenth century Canada were invariably self-taught.<sup>21</sup> More unusual was the depth of his commitment to the modern ideal of the library as a research centre, scientifically arranged and catalogued so as to provide the maximum opportunity for efficient use by patrons. “The librarian of the future”, he said, “must be a thorough and systematic worker, eager to avail himself of every new professional contrivance, and

17. *Ibid.* The *Acadian Recorder*, 6 June 1894, p. 3, confirms that Bulmer was charged with being disorderly in court, using abusive language and assaulting the police. He was put in the lock-up at the behest (so the police thought) of Motton, but Motton said he had made no such order and the charge was dismissed; *ibid.*, 8 June 1894, p. 3.

18. National Archives of Canada (NAC) Sir J.S.D. Thompson Papers, MG 26D, 3696, Robert Sedgewick to J.S.D. Thompson, 12 March 1886.

19. [Second Annual] Librarian’s Report, *Journals and Proceedings of the House of Assembly of the Province of Nova Scotia* 1882, Appendix 11, p. 11.

20. After his departure from the Legislative Library in 1882, Bulmer caused to be published a small book containing numerous testimonials from many eminent librarians: *Testimonials of John T. Bulmer* (Halifax 1882, “For private circulation only”). These included C.A. Cutter, Librarian of the Boston Athenaeum and developer of the Cutter Rules of Cataloguing, and John Langden Sibley, Librarian Emeritus of Harvard, author of *Sibley’s Harvard Graduates* and “the father of the library profession in America”. Also of interest is a letter of appreciation from Pierre-Amand Landry and other Acadian representatives, thanking Bulmer for his extensive acquisitions of French books and materials relating to the Acadian period and the expulsion. T.B. Akins, who usually shrank from any controversy, also supported Bulmer after his resignation.

21. Alpheus Todd, for example, Librarian of Parliament from 1856 to 1884, had even less formal education than Bulmer, though he became an internationally respected authority on the workings of parliamentary government: Bruce Hodgins, “Todd, Alpheus”, *Dictionary of Canadian Biography* XI.

... whose principal aim shall be that [users] may derive the utmost benefit from a collection it is his pride to keep in a state of utmost efficiency." Bulmer constantly railed against the aristocratic concept of the library as a mere repository of antiquities, an oasis of leisure presided over by gentlemanly dilettantes of delicate constitution. This view had been totally superceded in the United States, he argued, and should be dispensed with as soon as possible in Canada. To this end he attempted to form a Library Association of Canada in 1876, though on his own admission there were probably only two other librarians in the country qualified to join it. In an effort to disseminate his views more widely he addressed groups in Montreal and Toronto, urging them to create libraries modeled on the Boston Public Library.<sup>22</sup>

There were at least four different themes in Bulmer's love of books. In his insistence that libraries be systematically arranged and librarians professionally trained, Bulmer clearly participated in the later Victorian quest to arrange the world according to scientific principles, and in the process of professionalization which arose in part from this quest. The librarian was in a sense the most important professional of all, because he organized the bodies of knowledge upon which all other professions ultimately depended. In his efforts to collect all printed works from the Maritimes, Bulmer displayed a regionalist consciousness, though one adopting a co-operative rather than disputatious attitude towards the fact of Confederation. In spite of his scientific-professional side, Bulmer also loved the emotional and aesthetic appeal of books. If Bulmer's friend and quasi-mentor, T.B. Akins, suffered from "bibliolatriy", we may identify Bulmer as similarly afflicted.<sup>23</sup> Finally, books for Bulmer were the only real source of knowledge and thus power. He was fond of quoting Carlyle, "The true University is a collection of books." Custom, experience, even formal education were secondary and inferior sources of wisdom: "How shall the student of to-day become the scholar of tomorrow? It will depend little upon teachers and much upon books. He must learn to stand face to face with nature, with society, with books; and nature only consents to be interrogated by the man who has mastered the secrets of books."<sup>24</sup> Reality was not only textually mediated, but to a

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22. NAC, Sir John A. Macdonald Papers, MG 26 A, 37533, JTB to Sir Charles Tupper, 22 January 1884; 37540, JTB to Sir Hector Langevin, 30 January 1884. The quote is from *Testimonials*, *supra*, n. 20, p. 5.

23. The term is Brook Taylor's: "The Poetry and Prose of History: *Evangeline* and the Historians of Nova Scotia" (1988), 23 *J. of Canadian Studies* 46, at p. 52. Bulmer wrote an affectionate obituary tribute to Akins in the *Canadian Voice*, 9 May 1891.

24. *Dalhousie Gazette*, 7 December 1883, pp. 37-39. I am indebted to Professor P.B. Waite for bringing this reference to my attention.



large degree textually constituted. Thus, for Bulmer, the importance of the free public library as an indispensable crucible of democracy.

Bulmer's love of history, especially Maritime history, and his love of books propelled him to organize historical associations in each of the Maritime provinces between 1878 and 1881. He envisaged the primary task of these societies as collecting documents to assist future historians. "We only desire to be the rough workers — the herald outriders of the Macaulays and Greens that will come after us."<sup>25</sup> Bulmer was the editor of the first volume of the Nova Scotia Historical Society *Collections* (1882), which he saw as a vehicle for soliciting donations of books and documents. His goal was so far achieved that within a year of its foundation the Society found itself with an enormous collection of materials. Thanks to the prominent positions held by some of the patrons of the Society, and to Bulmer's zeal, there followed a "curious arrangement" whereby the library of the Society was added to that of the Legislative Library, the whole to come under joint management.<sup>26</sup> The librarian appointed to care for this new entity was — of course — John Thomas Bulmer.

Thomas Beamish Akins, the province's first Records Commissioner, had been appointed Provincial Librarian in 1857, but the title carried no remuneration and Akins' archival responsibilities were sufficient to occupy him completely. The library was under the nominal suzerainty of a legislative committee, but the janitor, a Mr. Venables, remained the person actually in charge of the books until Bulmer's appointment in 1879. Thus Bulmer was probably not exaggerating when he reported that at his accession the library "consisted of a broken down mass of books lying in neglect and filth."<sup>27</sup> During his three-year tenure he would quadruple the library's holdings, from 6,000 to some 25,000 items, all procured via donation or exchange.<sup>28</sup> An encyclopedic knowledge of his target collection, an extensive network of contacts throughout Canada and the United States, and great powers of persuasion enabled Bulmer to keep acquisitions flowing into the library at the rate of about 100 per week through these years. Not bad for a man working alone with a typewriter, in the age before telephones.<sup>29</sup> Nor did quantity prevail over

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25. JTB to Sir William Young, 6 November 1879, cited in Harvey, *supra*, n. 4, p. 124.

26. The phrase is Waite's, *supra*, n. 7, p. 123. For further details, see PANS, T.B. Akins Papers, MG1, vol. 1504, nos. 17, 29, 61, 62.

27. Quoted in Harvey, *supra*, n. 4, p. 125.

28. The figure is confirmed by Bulmer's successor (and bitter enemy) F. Blake Crofton, in his Report of the Custodian of the Legislative Library to the Library Commissioners, *Journals and Proceedings of the House of Assembly of the Province of Nova Scotia* 1883, Appendix 14.

29. By way of comparison, the rate of acquisitions at the Dalhousie University main library 1877-90 has been estimated at 115 volumes per year: J.P. Wilkinson, "A History of the

quality: Bulmer was especially solicitous to collect rare items, and he acquired a very large collection of locally-published newspapers and magazines. His efforts were responsible for a large block of the present holdings of the Public Archives of Nova Scotia.

In this case, success bred failure. The prodigious rate of acquisitions demanded a cataloguer, and Bulmer would of course tolerate only the best qualified of assistants. The traditional version of the story has it that Bulmer considered the library committee's patronage appointee incompetent, and resigned in protest.<sup>30</sup> This story raises a few unanswered questions. Bulmer's good friend John Thompson was Attorney General at the time, and presumably had the last say about appointments to the Legislative Library. Bulmer was a Conservative at this point and the Conservatives were still in power, though not for much longer. As Bulmer resigned from the Nova Scotia Historical Society at this time, it is most likely that some internal feud proved his undoing; the Society refused to support him and Thompson must have felt it impossible to intervene. Bulmer never tolerated fools gladly, and he could be extremely abrasive to those whom he did not respect; his talent for making friends was exceeded only by his capacity to acquire enemies.

Jobless as of April 1882, Bulmer was obliged to revive his law practice. Money matters were more important now as he had married Eleanor Jane McHeffey in 1877; a son was born in November 1880 and four more would follow, although two of them were lost to diphtheria in childhood. Such tragedy was not unusual in his circle: all of Robert Sedgewick's three children died in infancy, and J.S.D. Thompson lost three babies too.

New opportunities in librarianship opened up quickly however, as the generosity of philanthropist George Munro removed the last barrier to the creation of Dalhousie Law School. All of its founders were keenly aware of the importance of a well-equipped library, and it was no surprise that Bulmer was appointed librarian of the new institution in July 1883. He displayed the same flair for acquisitions that he had demonstrated at the Legislative Library, and by November 1884 the library contained some 5,000 volumes, 3,000 donated by members of the profession, the rest acquired by exchange or with monetary donations.<sup>31</sup>

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Dalhousie University Main Library, 1867-1931", Ph.D. thesis (University of Chicago: 1966), p. 53. Bulmer made the Legislative Library one of the largest libraries in the country by the time of his resignation. In 1900 it was still the fifth largest public library in the country (at 32,500 volumes), exclusive of university libraries: James Bain, Jr., "Canadian Libraries" 16 *Canadian Magazine* (1900-01), p. 28.

30. Harvey, *supra*, n. 4, p. 126.

31. *The Inaugural Address, . . . delivered at the Opening of the Law School in connection with Dalhousie University*. . . (Halifax: Nova Scotia Printing Co., 1884), p. 11.

While this number may sound pathetically small today, it was respectable by the standards of the day. Indeed, non-law students at Dalhousie were envious of both the size of the collection and the availability of the books. The law library was open from 9 a.m. until 9 p.m. and a competent instructor (not necessarily Bulmer) was always supposed to be present to assist the students. As late as 1891 Dalhousie's main library consisted of only 5,000 volumes, fewer than that of the upstart law school! These books were kept in locked presses and available for consultation one hour per week until 1885, when the hours were extended to 3-5 p.m. daily. The duties of "librarian" devolved upon a junior professor, while acquisitions remained solely within the power of Senate.<sup>32</sup> Had Bulmer been hired as university librarian, the entire history of Dalhousie might have been different.

Bulmer's formal tenure as librarian lasted exactly one year. As there was no money to hire professors other than Dean Weldon, the budget clearly could not afford Bulmer's salary as librarian on a long-term basis. Nonetheless, Bulmer enrolled as a "general student" (auditor) in law classes in 1884-85<sup>33</sup> and continued to act as a librarian on a gratuitous basis until late in 1885.<sup>34</sup> He participated fully in the life of the school, judging a moot in 1883 on the following question: "A places on his premises a steam boiler. Through no negligence on the part of A or his servants the boiler explodes and damages the adjacent property of B. Is A liable?" (Unsurprisingly, Bulmer gave judgment for the plaintiff.)<sup>35</sup> It was largely through Bulmer's efforts that David Dudley Field, the high priest of American law reform, was persuaded to address the first graduating class at the 1885 convocation.<sup>36</sup> After Bulmer left, the law school would not, with one exception in 1892-3, have a full-time paid librarian until the 1950s.<sup>37</sup>

Bulmer had one last fling at librarianship in 1884 before abandoning it forever as a remunerative profession. The death of the Librarian of Parliament, Alpheus Todd, created a vacancy in the most prestigious library post in Canada, and Bulmer lost no time in applying for it. On the very day of Todd's death, 22 January 1884, he fired off a letter to Sir Charles Tupper outlining his qualifications and his aspirations for the future of the library.<sup>38</sup> Bulmer wanted a library that would rank with the

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32. Wilkinson, *supra*, n. 29, pp. 55-59 and Appendix E.

33. *Supra*, n. 6.

34. The *Dalhousie Gazette* finally noted his departure in the issue of 14 November 1885.

35. *Ibid.*, 24 December 1883, p. 54.

36. *Ibid.*, 4 May 1885, p. 152.

37. John Willis, *A History of Dalhousie Law School* (Toronto 1979), p. 32.

38. *Supra*, n. 22.

British Museum, the Bibliothèque Nationale and the Library of Congress and observed that the library's current systems of classification and cataloguing were inferior to those of even third-rate New England libraries. In a subsequent letter to Sir John A. Macdonald he expressed the fervent hope that no dilettante would be named to the post, and decried the appointment of men such as Martin Griffin — a fellow Haligonian who in fact succeeded Todd — as “library suicide”.<sup>39</sup>

Bulmer's departure from Dalhousie Law School coincided with the more active and intensive pursuit of his third “career” — that of social reformer. He resumed his law practice, which prospered, and retained an interest in professional education, but his real passion in the 1880s and 1890s became social reform. It is unfortunate that sources do not exist to illuminate Bulmer's intellectual progress, for the path he travelled from a traditional rural Methodist<sup>40</sup> childhood to an exponent of socialism, pacifism, racial tolerance and women's rights by the 1890s was an unusual one in Victorian Nova Scotia.<sup>41</sup> His devotion to the temperance cause at first seems to provide a bridge from the farm boy of the 1850s to the urban reformer of the 1880s. Nova Scotia Methodists took an official pro-temperance stance at an 1858 convention, and by 1876 were advocating prohibition of the liquor traffic.<sup>42</sup> Yet Bulmer's efforts in the temperance campaign did not follow religious channels by the time he came to Halifax. He never appears on the executives of religiously-based temperance organizations, and he listed no religion in the census of 1881 (his wife declared herself a Presbyterian).

If Bulmer is one of Ramsay Cook's “undeservedly forgotten non-conformists”, he does not appear to conform to the usual pattern of a liberal Protestant who eventually discards theology for sociology, but for whom religion remains vitally important. Bulmer was happy to identify himself as a “regenerator”, but for him the word's religious associations

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39. NAC, Sir John A. Macdonald Papers, MG 26 A, 2059, JTB to Sir John A. Macdonald, 30 January 1884.

40. Bulmer's religious affiliation, if any, is a matter of some doubt. H.J. Morgan, *Canadian Men and Women of the Time*, (Toronto: 1898) lists him as a Methodist. Clearly his paternal grandparents were Methodists but his parents identify themselves variously as Baptists and Presbyterians in the censuses of 1871 and 1891.

41. For the general context of this evolution, see Ramsay Cook, *The Regenerators: Social Criticism in Late Victorian English Canada* (Toronto: 1985). “Regeneration” was the term used to describe a Christian humanist philosophy which emphasized social salvation rather than individual salvation, thus legitimating Christian involvement in all manner of secular reform activities. Cook's work contains virtually no reference to the Maritimes; if better sources existed for the formative period of Bulmer's life, he would have made an excellent candidate for inclusion in Cook's study.

42. Margaret J. (Campbell) Strole, “Prohibition and Movements of Social Reform in Nova Scotia, 1894-1920” MA thesis (Dalhousie University 1975), pp. 36-37.

were secondary. In his opinion, one best served one's fellow man by serving the state, and Sir John Thompson bade fair to eclipse the Messiah. In a letter to Thompson in 1890 he urged the Minister of Justice to deal with all "the newer problems of social regeneration", and argued for a "sense of social duty to the state [as] paramount to the old spirit of loyalty to party."<sup>43</sup> The state, through its control over the legal system, had a vital role to play in creating the new man.

It was only Bulmer's lack of ties to organized religion, not his utopianism, which was unusual in late nineteenth century Canada. As Ernest Forbes argued twenty years ago, at the outset of the rethinking of the history of the temperance movement:

[T]he popular image of the prohibitionists as frustrated puritanical zealots bent on destroying the pleasures of others rapidly breaks down . . . . .  
[T]hey were motivated primarily by a desire to eliminate the roots of human unhappiness [,and] wanted to create a new society in which crime, disease and social injustice would be virtually eliminated.<sup>44</sup>

It was his belief that prohibition would remedy a whole variety of social ills that caused Bulmer to pursue it so vigorously. Although he retained close ties to the Conservative party for much of his life, he helped found the Prohibitionist Party of the Maritimes in the later 1880s, eventually becoming its president. Its motto, "Better a weak party right than a strong party wrong", might well have been Bulmer's own. He ran on this ticket in the 1887 federal election, challenging Sir Charles Tupper and W.T. Pipes, and in a by-election the subsequent year. In 1890 he asked Thompson to appoint him to the Royal Commission on the Liquor Traffic (Thompson declined)<sup>45</sup> and gave extensive testimony before the Commission when it visited Halifax in 1892.<sup>46</sup> In spite of the fact that a sizeable and vocal minority of Canadians supported Prohibition, federal and provincial politicians were reluctant to embrace the issue. Only in 1910, after Bulmer's death, did Nova Scotia adopt Prohibition, which was in turn repealed in 1929.<sup>47</sup>

This is not to say that Bulmer's efforts were in vain. He drafted the 1886 Liquor License Act of Nova Scotia,<sup>48</sup> which imposed very stringent regulations on the sale of alcohol in those counties which had not voted themselves dry under the local provisions of the Canada Temperance Act

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43. NAC, Thompson Papers, MG 26 D, 16319, JTB to Thompson, 31 July 1890.

44. "Prohibition and the Social Gospel in Nova Scotia" 1 *Acadiensis* (1971), 11.

45. *Supra*, n. 43.

46. Canada, Sessional Papers, 21 (1894) vol XXVI, no. 12, Royal Commission on the Liquor Traffic — Minutes of Evidence Vol. I (Maritimes), pp. 151-60.

47. Forbes, *supra*, n. 44.

48. S.N.S. 1886, c. 3.

of 1878 (the Scott Act).<sup>49</sup> He was also alert to problems of enforcement of the Scott Act, and corresponded with Thompson about ways to remedy the situation.<sup>50</sup> In a recent book, Judith Fingard claims that the 1886 Act accomplished the destruction of the principal centre of lower and working class culture in Victorian Halifax — the tavern.<sup>51</sup> Bulmer evidently did not see any contradiction between his commitment to the cause of labour and his role in the demise of an important institution in working class life. Nor, seemingly, did working people, who continued to seek him out as an advocate and representative. The commitment of important sections of the working classes to the notion of respectability by the 1880s meant that the disappearance of the tavern was not universally regretted.<sup>52</sup> The key role played by Bulmer in this important shift in working class life makes it difficult to sustain a social control analysis which sees such changes as foisted upon the lower orders by an unsympathetic elite.

Although temperance activities constituted the core of Bulmer's social reform agenda, he could also be found supporting a variety of other causes. His passion for books, education, and equality led him to support the admission of black children to public schools in Halifax when the doors were closed to them in 1876. The legislation creating the province's free public schools had authorized, although not mandated, the erection of separate schools for the different races and sexes.<sup>53</sup> In much of the province the public schools were apparently racially integrated,<sup>54</sup> but the Halifax Board of School Commissioners chose to proceed with separate facilities in May 1876. The greatest consequence of this action was to deny black children any secondary education, as separate black schools existed only at the primary level. One Henry Russell complained in 1883

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49. S.C. 1878, c. 16. The City of Halifax had never opted for the Scott Act, and thus came under the provincial legislation of 1886.

50. NAC, Thompson Papers, MG 26 D, 3393, JTB To Thompson, 8 March 1886.

51. *The Dark Side of Life in Victorian Halifax* (Porters Lake, N.S. 1989) pp. 26-7.

52. On the importance of respectability in the labour movement, see Margaret McCallum, "The Mines Arbitration Act, 1888: Compulsory Arbitration in Context", in P. Girard and J. Phillips, eds., *Essays in the History of Canadian Law: Vol. III, Nova Scotia* (Toronto: Osgoode Society 1990).

53. See "Of Public Instruction", R.S.N.S. 1864, c. 58; "An Act for the Better Encouragement of Education", S.N.S. 1865, c. 29, s. 6 (11).

54. In a speech to the Halifax Board of School Commissioners Bulmer reported that "Shelburne, Truro, Pictou and Amherst all ignore color lines": unidentified Halifax newspaper clipping [5 October 1883?] pasted in the Minutes of the Halifax Board of School Commissioners; Vol. 7, p. 125 (4 October 1883), PANS Micro: Places: Halifax (hereafter "Minutes"). See Appendix I for the full text of his argument. Bulmer would have known of at least the Amherst situation through personal experience. I am grateful to Judith Fingard for this and several succeeding references in this section.

that he had had to send his daughter Blanche to a mixed public school in Cambridge, Massachusetts once she had completed her studies at the Lockman Street elementary school for black girls.<sup>55</sup>

When a number of black parents eventually sought to have their children admitted to the white schools, Bulmer presented their case vigorously to the board. His argument stands out as a surprisingly eloquent denunciation of racial prejudice in a society where "Negrophobia" (Bulmer's term) was deeply ingrained. Bulmer's argument was also exceedingly astute: he tried to shame the largely Protestant commissioners by pointing out that Roman Catholic schools in the city accepted black children, and asked how the city could justify taxing blacks equally with whites for the support of the school system while denying them equal benefits. Legally speaking, he broke new ground by attempting to argue that distinctions based on race were "exclusive and absolutely special" and "demand[ed] special justification by reasons of a most obviously convincing and demonstrative character". In other words, he was advocating something approaching the strict scrutiny test which would evolve much later in American jurisprudence. For Bulmer, racial equality was a basic principle of the Canadian constitution: "We are Canadians and proud to be citizens of a Dominion knowing neither black nor white; neither Saxon nor Indian; but holding an equal sceptre over all."<sup>56</sup>

Bulmer's efforts, together with years of petitioning and protests by the black community, led to debates in both houses of the legislature on the topic in 1884.<sup>57</sup> The resolution of the issue led not to a fully integrated school system but to a compromise whereby black children could not be excluded from instruction in the public school in the section or ward where they resided.<sup>58</sup> This amendment did not put an end to other problems faced by blacks in the education system, and Bulmer continued to act for black parents on a variety of issues.<sup>59</sup> It is probable that Bulmer

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55. Minutes, Vol. 7, p. 111 (30 August 1883). The school for black boys was on Maynard Street. Although these schools were close to the major centres of the city's black population, black children living anywhere in the city had to walk to them, as they were forbidden from attending any other school. The Maynard St. and Lockman St. schools amalgamated into a single co-educational school for black children at the Maynard St. location in 1883-84.

56. *Supra*, n. 54.

57. *Debates and Proceedings of the House of Assembly of the Province of Nova Scotia* 1884, pp. 140-42, 225-6; *Official Report of the Debates and Proceedings of the Legislative Council ... of the Province of Nova Scotia* 1884, pp. 41-53. See generally Robin W. Winks, "Negro School Segregation in Ontario and Nova Scotia", *Canadian Historical Review*, Vol. L (1969), 164-91.

58. "Of Public Instruction", R.S.N.S. 1884, c. 29, 2.3(10).

59. For the conflict between black parents and the white teacher at the Lockman Street School see Judith Fingard, "Bruce, Jane" in *Dictionary of Canadian Biography* XIII (forthcoming).

was the only lawyer in Halifax to represent blacks in non-criminal contexts, and doubtful whether the aspirant black middle class could have achieved as much as it did during this period without his committed and forceful articulation of its demands. His anti-racist credentials are not perfect: he welcomed the Doukhobours, for example, as belonging "to the races which we want in this country — the great northern races of Europe."<sup>60</sup> Yet, given his historical context, his efforts to provoke Halifax into re-examining its racist practices command respect.

On labour and women's issues, the best source of evidence on Bulmer's views is the *Canadian Voice*, the weekly temperance newspaper which he founded in 1888 and edited until 1892, when it moved to Amherst.<sup>61</sup> The 8-page journal was published by a joint stock company specially created for the purpose, called the Canadian Voice Company. It possessed a start-up capital of \$10,000 subscribed by a wide variety of supporters across the Maritimes who had contributed between \$5 and \$100 each.<sup>62</sup>

Bulmer had come to believe that the two established parties would never see the light on the question of Prohibition, a position which led him to support the creation of a third party, the Prohibition Party of the Maritimes. Direct political action was necessary to fight the highly organized liquor industry, which had become "a vast machine in the hands of the unscrupulous for bribing, deceiving, and confusing public opinion, and thereby corrupting our politics, legislation, and the administration of law."<sup>63</sup> Bulmer's election defeats in 1887 and 1888 suggested that more public education needed to be done; he decided that a new and more radical organ was needed to supplant the existing temperance newspapers, which he regarded as too deferential and compromising. There was "absolutely no paper in Canada making the country ring with the denunciations of the Liquor power."<sup>64</sup>

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My thanks to Professor Fingard for allowing me to peruse this entry in manuscript form. It should also be noted that Bulmer encouraged James Robinson Johnston, Nova Scotia's first black lawyer, who graduated from the Dalhousie Law School in 1898 and was called to the bar in 1900. Johnston seems to have taken over Bulmer's practice after his death.

60. *Supra*, n. 2. It is interesting to note that Bulmer's great-grandfather, William Bulmer, may have owned a slave. A William Bulmer of Cumberland County is reputed to have owned a slave whom he liberated by will in 1792: T.W. Smith, "The Slave in Canada" *Nova Scotia Historical Society Collections* (1896-98) 1, p. 18.

61. The publication history is reviewed in G.E.N. Tratt, *A Survey of Nova Scotia Newspapers 1752-1957* (Halifax 1979), pp. 28-9, 47. PANS holds microfilm copies of scattered issues of the *Canadian Voice* for 1891, but Dalhousie University holds a near-complete run from the first issue in December 1888 to June 1891, in the original.

62. *Canadian Voice*, 29 December 1888, p. 8.

63. Circular bound with Vol. 1 of the *Canadian Voice*, Dalhousie University (Killam Library, Special Collections).

64. *Supra*, n. 62.



The liquor interest was not the only one to find itself denounced in the *Voice*, which was to be “a condensation of the world’s best thought on all reform questions.”<sup>65</sup> From the plight of garment workers to the question of dress reform, from co-operative housing to female enfranchisement, the *Voice* did indeed address the full gamut of social reform issues. This editorial policy reflected not only Bulmer’s idiosyncrasies but the eclectic nature of the regeneration movement itself, in which the *Voice* was an enthusiastic participant.

It was not surprising that Bulmer supported female suffrage; many prohibitionists did, in the Maritimes and elsewhere, as a means to an end. More striking was his analysis of the situation of women employed in the needle trades in Halifax. He observed that men doing the most menial work received higher wages than these women, and wondered how this could possibly be justified, making him an early exponent of pay equity.<sup>66</sup> While the feminism of the *Canadian Voice* was generally of the maternal variety, regular features on and by women always related to issues of public importance; household hints were noticeably absent. Prominent women in the American temperance movement, such as Frances Willard, were frequent contributors; closer to home, author Elizabeth Frame contributed articles on Nova Scotia history, written in a bold and vigorous style.

On the labour question, the *Canadian Voice* consistently supported large-scale public investment in, and regulation of, industry. The basis of its philosophy was simple: “We recognize it to be the duty of the State to protect, by law, the health and morals of the people.”<sup>67</sup> Given this duty, it was incumbent upon the state to intervene in a wide variety of situations where workers could not, on their own, safeguard their interests. In the wake of the horrific coal mine explosion at Springhill, which killed 125 men and boys in February 1891, the *Voice* observed that there were only two options available. Either coal mining had to be abolished if it “cannot be carried on without the yearly sacrifice of hecatombs of victims”; or the Dominion should take over the mines and work them on a profit-sharing arrangement with the miners, ensuring that the most advanced safety procedures were followed.<sup>68</sup>

Monopolies were another favorite target. Bulmer seems to have embraced the Progressive American position that “natural” monopolies such as water, gas and local transport should be publicly owned and operated, while other areas of commerce could involve private capital

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65. *Canadian Voice*, 28 February 1891, p. 1.

66. *Ibid.*, 9 May 1891.

67. *Ibid.*, 15 December 1888, p. 1.

68. *Ibid.*, 14 March 1891.

but subject only to anti-trust regulation.<sup>69</sup> To the problem of excessive working-class mortgage debt Bulmer had a more novel solution: the Dominion should borrow money at three per cent, use it to pay off all existing mortgages in the country, and grant new ones at cost plus a small handling fee. The resulting surplus disposable income in the hands of working-class families would enable them to upgrade their standard of living and in turn stimulate the economy.<sup>70</sup>

Bulmer was a passionate rather than a deep thinker on questions relating to labour and the economy. His theoretical position was based on a combination of Lassallean socialism and the ideas of the American prophet Henry George, shorn of the latter's demand for nationalization of land.<sup>71</sup> His basic goal was a fairer distribution of wealth, to be engineered by something like a modern welfare state rather than achieved at the cost of violent revolution. Contemporaries found him radical but at times his demands could sound all too modest: "We do not ask that the Laborer shall cease to roll puncheons, only that they shall not roll over him, nor that he shall cease to use the hammer, but that society shall not hammer him into one of the miserable ones for whom the universe has nothing but beer and grog."<sup>72</sup>

Bulmer was no armchair enthusiast on the labour question. Like many others, he was concerned at the rapid industrialization of Canada in the 1880s — with cause, as the report of the Royal Commission on the Relations between Labor and Capital (1889) eventually revealed. Bulmer became involved with the labour movement as a lobbyist for the Provincial Workmen's Association, the most important union in the Maritimes during the thirty years following its establishment in 1879.<sup>73</sup>

69. *Ibid.*, 19 January 1889, p. 1; 13 December 1890; 28 February 1891, p. 1; 9 May 1891, p. 8.

70. *Ibid.*, 14 March 1891, p. 1.

71. Ferdinand Lassalle 1825-64, a disciple of Karl Marx, broke with him in the 1860s. Lassalle believed that the revolutionary era had come to an end, and supported a legal, evolutionary process for the attainment of socialist goals. He believed in a monarchical welfare state and at times supported Bismark's efforts in this regard. See David Footman, *Ferdinand Lassalle, Romantic Revolutionary* (New Haven: Yale University Press, 1947 [repr. 1969]). Lassalle's ideas were explicitly referred to in the *Canadian Voice*, see, e.g., 22 February 1890, p. 2.

On Henry George, author of the influential reform text *Progress and Poverty*, see Cook, *supra*, n. 40. George's newspaper *The Standard* was advertised in the *Canadian Voice*.

72. *Canadian Voice*, 1 March 1890, p. 3.

73. This is the assessment of Ian McKay, "The Provincial Workmen's Association: A Brief Survey of Several Problems of Interpretation", in W.J.C. Cherwinski and G.S. Kealey, eds., *Lectures in Canadian Labour and Working-Class History* (St. John's: 1985), p. 127. See also his "By Wisdom, Wile or War: The Provincial Workmen's Association and the Struggle for Working-Class Independence in Nova Scotia, 1879-97" (1986), 18 *Labour/Le Travail* 13, where he refers at p. 60 to the PWA as "the critical force of dissent in the Maritimes".

Although its heart lay in the coalfields, the PWA eventually organized other industries as well. The PWA's first president, Robert Drummond, was a native Scot with strong views on alcohol, who "helped make the [union] one of the strongest forces for temperance in Nova Scotia".<sup>74</sup> Drummond's strategy of legislative reform and his temperance views meant that Bulmer would sooner or later be involved with the PWA. Presumably the beliefs which the two men shared helped overcome their partisan differences. Bulmer was a Conservative-Independent, while Drummond was closely aligned to the Liberals, eventually receiving an appointment to the Legislative Council by the Fielding government.

Bulmer provides the key to the origins of a PWA-backed scheme of compulsory arbitration in the coal mines which has puzzled historians for some time.<sup>75</sup> In 1887 a quite radical compulsory arbitration bill, including provisions authorizing arbitration boards to set wage rates in the mines, was passed by the Nova Scotia House of Assembly, although vetoed in the Legislative Council. A less radical bill passed both houses in the next year. No known precedents for the bill exist in any common law jurisdiction. It now appears that Bulmer drafted the bill, presumably in consultation with the PWA. In May 1887 he sent a copy of the bill to the President of the American union, the Knights of Labor, inquiring whether there was "any country in the world with a compulsory arbitration bill to settle disputes as they accrue[?]"<sup>76</sup>

Although the compulsory arbitration bill proved largely ineffective in practice, other reforms which the PWA shepherded through the legislature were more far-reaching. Others have been more skeptical of the PWA's record in this regard,<sup>77</sup> but Ian McKay has suggested that it is "difficult to think of a nineteenth century union which won more concessions from a provincial government than did the PWA".<sup>78</sup> If this assessment is correct, then Bulmer deserves a fair degree of credit for articulating in legal form the demands of the union and lobbying to secure their adoption and implementation.

One reform which Bulmer and the PWA held particularly dear was the widening of the franchise, which stood at 15% of the male population

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74. McKay, "Brief Survey", *supra*, n. 73, p. 128.

75. Sharon M. Reilly, "The Provincial Workmen's Association of Nova Scotia, 1879-1898", MA Thesis (Dalhousie University, 1979), pp. 80-85. Margaret McCallum, *supra*, n. 52.

76. T.V. Powderly Papers, Catholic University, Washington, JTB to Powderly, 26 May 1887. I am grateful to Ian McKay and Greg Kealey for providing me with a copy of this reference. Research is proceeding to establish whether Bulmer's bill served as the model for W.L.M. King's Industrial Disputes Investigation Act 1907, to which it bears a strong resemblance: see McCallum, *supra*, n. 52.

77. Reilly, *supra*, n. 75, pp. 72-85.

78. McKay, "Brief Survey", *supra*, n. 73, p. 132.

in 1884. In 1876 Bulmer belonged to an Association for Extending the Franchise,<sup>79</sup> in which he advocated universal male suffrage, a position the PWA would adopt in 1881.<sup>80</sup> For once, Bulmer's was not the most radical position in the room: fellow lawyer S.A. Chesley advocated universal [i.e., male and female] suffrage. Bulmer eventually saw the light and agreed with Chesley by the 1880s. In 1889, due in part to the efforts of Bulmer and the PWA, the provincial franchise was extended to the vast majority of adult males: all those earning \$250 per year or living in a company house.<sup>81</sup>

Although Bulmer probably savoured the role which his organ, the *Canadian Voice*, might have played in such victories, by 1892 he had to face a sad fact. The *Voice* was in the red, and he was obliged to return to the law practice which he had more or less given up after his defeats at the polls. He retained his penchant for criminal law, and was said to have had the largest such practice in the city at one point.<sup>82</sup> It was common enough for lawyers of Bulmer's generation to begin their professional life at the defence bar; Bulmer's uniqueness lay in his decision to retain an underclass clientele as his professional mainstay throughout his career.

A sample of cases reported in the newspapers in February 1893 gives some idea of his practice. One day he represented two parties opposing the issuing of a liquor licence to a third party, before Inspector Mackasey. The next day he defended a man charged with burglary of a blacksmith's shop, and obtained an acquittal. A few days later he defended a servant girl from the Royal Hotel on a charge of concealment of birth, in a particularly grisly case of infanticide.<sup>83</sup> Contemporaries found his acquittal rate astounding, suggesting that he might "solve the problem of how the number of inmates of our jails . . . may be greatly decreased". The same observer noted that "something is expected to emerge when it is intimated that 'Bulmer's going to get him out'<sup>84</sup>." His prowess eventually gained him national renown; in 1896 he served as leading defence counsel in Winnipeg in a celebrated case involving the slaying of a young woman.<sup>85</sup>

The significance of Bulmer's criminal law practice goes far beyond illustrating his own commitment to the disadvantaged. For Bulmer did not just use the legal system, he participated in its transformation. As a

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79. *Morning Chronicle*, 1 February 1876.

80. Reilly, *supra*, n. 75, p. 74.

81. S.N.S. 1889, c. 1.

82. *Morning Chronicle*, 11 February 1901.

83. *Halifax Herald*, 13, 14 February 1893; *Acadian Recorder*, 17 February 1893.

84. *Acadian Recorder*, 25 March 1893, p. 2.

85. *Ibid.*, 24 September 1896, p. 3.

passionate believer in due process, he helped to popularize the notion and to extend it to the lower echelons of the court hierarchy. I have argued elsewhere that due process was not a major consideration in the meting out of criminal justice to the lower orders throughout most of the nineteenth century in Nova Scotia. It was only when a “defence bar” began to emerge and to demand the safeguards of due process that “ordinary” criminal cases began to take on the procedural contours which we take for granted today.<sup>86</sup> The most significant figure in the emergent Halifax defence bar was, arguably, John Thomas Bulmer — his omnipresence in the courts and the print media allowed him to educate the courts, his clients, and the public.<sup>87</sup>

The proof of Bulmer’s devotion to the cause of due process was his unwillingness to suspend it even where his deadliest enemies — the liquor dealers — were concerned. He refused to represent known liquor dealers, but he defended their right to a fair trial in characteristically eloquent and extravagant terms:

I have no sympathy with those who denounce lawyers for defending criminals, even the most atrocious, for they are entitled to a fair and dispassionate investigation of the facts of their case and a due application of the law. How are they to get those things without . . . counsel to defend them? Is the crown to have counsel, able and subtle, torturing and twisting every fact against the prisoner, and the prisoner to meekly look on at the preparations going on for his conviction. . . ? [Such people are] taking us backward . . . , to the times when prisoners were not permitted counsel, when the gallows reeked with blood of the innocent and the jails were full of men guilty of no crime. *I have been all my life trying to get liquor selling made a crime from one end of Canada to the other, but the proposition to condemn them in batches, without observing the constitutional provisions of a fair trial is calculated to do us great injury.*<sup>88</sup> [emphasis added]

The shift from a paternalistic model of adjudication to a due process model was well underway by the time of Bulmer’s death. While it probably did reduce the rate of wrongful convictions, the change made the lower criminal courts more alienating and less comprehensible to the client population than they previously had been. At one time judges and clients (at least, the recidivist clients) spoke the same language, in which morality was the dominant element. Increasingly, only judges and lawyers shared the same language, a technical-procedural one, while the

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86. “The Rise and Fall of Urban Justice in Halifax, 1815-1886” (1988), 2 *Nova Scotia Historical Review* 57.

87. Robert Motton, who succeeded Pryor as stipendiary magistrate for Halifax in 1886, is a possible competitor for this title. Certainly his appointment to the post marked a notable shift to a due process model of adjudication: *supra*, n. 86, p. 70.

88. *Acadian Recorder*, 2 October 1895, p. 2. I am grateful to Ian McKay for this reference.

client became mute and strangely irrelevant. It is only one of the many paradoxes of Bulmer's life that the social conscience of the late Victorian bar in Nova Scotia should also have been its most eloquent prophet of the technocratic justice of the late twentieth century.

Today, lawyers who represent society's outcasts often experience friction in their relations with the governing body of the profession; on occasion they feel more solidarity with their clients than their professional colleagues. Such was not the case in Bulmer's day — he remained on good terms with the leading lights of the profession throughout his life. For example, the Society reposed sufficient confidence in him to allow him to use their name when attempting to organize a Dominion Bar Association in 1896. Twenty years after Confederation the provincial bars still had not created a national organization, and it would be another twenty before they ultimately did so. Bulmer galvanized the local bar into making the attempt, and arranged for the inaugural meeting in Montreal in the fall of 1896.<sup>89</sup>

Unfortunately, some injudicious remarks by Bulmer nearly sabotaged the effort before it began. Numerous press reports attributed to him the observation that "[L]egal education . . . was in a most unsatisfactory condition, and in all the provinces below the standard in Nova Scotia. It was not much use trying to raise the standard in Nova Scotia with the low averages about us of New Brunswick, Prince Edward Island, Quebec and Ontario."<sup>90</sup> There followed some red faces among the Bluenoses, as the Barristers' Society tried to limit the damage by stating Bulmer had spoken only for himself, and without adequate reflection.<sup>91</sup> The statement was not denied, however, and the damage was done. Nova Scotia was well represented among the 100 lawyers at the Montreal meeting, "but the attendance from the other provinces and especially from Ontario, was noticeably weak".<sup>92</sup> Bulmer played no official role in the second annual meeting, even though it took place in Halifax, and after a third meeting the Canadian Bar Association sputtered to a halt. His vision had run aground on the rocks of interprovincial rivalry and Quebec's fears about the possible threat of juridical assimilation.

Bulmer was not one to be dispirited by such a turn of events. He continued his hectic round of activity, but his allotted years were rapidly

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89. *Report of the Proceedings of the Preliminary Conference and First Meeting of the Canadian Bar Association held at Montreal, September 15 and 16, 1896 [and of] the second and Third Annual Meetings Halifax 1897 and Ottawa 1898* (Toronto: 1896, 1898 [bound in 1 vol.]).

90. (1896), 19 *Legal News* 290-91; (1896), 32 *Canada Law Journal* 533.

91. (1896), 32 *Canada Law Journal* 551.

92. (1896), 19 *Legal News* 290.

drawing to a close. Just ten days after the burial of the old Queen — the Queen in whose presence his dear friend Sir John Thompson had died six years before — John Thomas Bulmer dropped dead shortly after waking, one Saturday morning in February 1901. He had complained of head pain earlier in the week, but was of “splendid physique, and in the prime of life” according to the *Halifax Herald*. He was fifty-five years old.<sup>93</sup>

## II

The life of John Thomas Bulmer resists any neat encapsulation. In spite of his profound convictions he remains a mass of contradictions. The most intractable one is to know how he reconciled his social critique and his continuing friendship with the nabobs of the political and legal world, including the Prime Minister of Canada. The causes he espoused must have led to strained relations with many of his friends. For example, Bulmer had high hopes that John Thompson would be an engine of social regeneration in Canada, even before the latter became Prime Minister. Certainly he would have applauded some of Thompson's initiatives, such as the passage of the Criminal Code of 1892; but it is hard to see that Thompson contributed to the cause of Prohibition, labour or economic reform in any significant way. The only one of the myriad recommendations made by the Royal Commission on the Relations of Labor and Capital (1889) ever to be implemented was Thompson's bill to make Labor Day a Canadian holiday.<sup>94</sup> Was Bulmer disappointed? We will never know, although his eloquent obituary tribute to Thompson gives no trace of it.<sup>95</sup>

Should we conclude that Bulmer possessed an unusual capacity to keep friendship and politics separate? Or rather that he was somewhat naive in failing to see how his friends might contribute directly to the maintenance of a status quo which he found unacceptable? A possible resolution of this problem might focus on Bulmer's concept of the state. He tended to view the state not as the servant of capital, but its master. If the state had not always fulfilled this role in the past, it was because of

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93. Bulmer died intestate and his estate was valued at a modest \$7500, \$5000 personalty and \$2500 realty: Halifax County Court of Probate, no. 5417. He owned a house in Artillery Place, and the rest of his estate was made up of his library, which was alleged to contain one of the finest collections of law books in the Dominion. He had no investments and apparently no insurance. His young family (his eldest son was not yet fifteen) had to endure another tragedy six years later. Eleanor Bulmer discovered she had tuberculosis in 1906 and returned to her family home in Shubenacadie, where she died 21 July 1907. Like her husband, she was fifty-five years old at her death.

94. G. Kealey, ed. *Canada Investigates Industrialism. The Royal Commission on the Relations between Labour and Capital, 1889 (Abridged)* (Toronto 1973), xx.

95. *Halifax Herald*, 4 January 1895, p. 1.

the corruption of individuals and of the party system, not because of any inherent tendency in the state itself to favour capital. Once honest men were in charge, and helped to supplant "the old spirit of loyalty to party" with the new "sense of social duty to the state"<sup>96</sup>, the state could fulfill its primary duty: "to protect, by law, the health morals of the people."<sup>97</sup>

If Bulmer's passion for librarianship can be reconciled with his passion for democracy (knowledge = power), his zeal for enhanced legal professionalism seems to a modern observer to run in the opposite direction; yet once again the role of the state is probably the key. Bulmer felt that better lawyers would be able to better serve the state and the public. Indeed, lawyers as neutral professionals could epitomize this new sense of social duty to the state which Bulmer sought to popularize. The law was, after all, the principal tool of the state, and the guardians of the law must axiomatically serve the state in the same way.

Here one must charge Bulmer with some degree of naiveté or wilful blindness. The legal profession in Halifax had been transformed in the quarter-century following Bulmer's call to the bar. It was more autonomous, more influential, more self-conscious, more highly trained, and more respected than at Confederation — a model of modern professional organization. The profession was also much wealthier, with that wealth channelled into an increasing number of modern multi-partner firms. Yet no observer could have failed to see that the increased status and wealth of an emergent professional elite was achieved primarily through its willingness to play handmaiden to corporate capital.<sup>98</sup> Robert Borden, for example, president of the Nova Scotia Barristers' Society in the year of Bulmer's ill-fated attempt to organize a Canadian Bar Association, was at the same time a director of Nova Scotia Telephone, the Eastern Trust Company, and the Bank of Nova Scotia. He and his peers succeeded in a relatively short time in promoting the figure of the corporate lawyer as the idol of the modern legal profession.

It is difficult to see how Bulmer could have believed that an enhanced legal professionalism would serve the interests of social regeneration, rather than simply oiling the wheels of a capitalism he believed to be running out of control. This difficulty arises because we perceive Bulmer as an embattled minority of one within his profession. Yet Bulmer clearly did not perceive himself this way, nor did the profession itself marginalise

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96. *Supra*, n. 43.

97. *Supra*, n. 67.

98. See generally Gregory Marchildon, "Corporate Lawyers and the Emergence of the Modern Industrial Enterprise in Canada: Charles Cahan and Robert E. Harris", in C. Wilton-Siegel, ed., *Lawyers and Business in Canada 1830-1940* (Toronto: Osgoode Society 1990).



him, at least overtly. One obituary observed that while “he did not always agree with [the city’s barristers] on important questions, they looked upon him as a manly foe and fair fighter”.<sup>99</sup> This professional *esprit de corps* permitted important ideological differences to be glossed over. No doubt Bulmer’s humour, evident talent and generosity of spirit also eased his acceptance by the Halifax bar. This very acceptance, which obviously meant much to Bulmer, ensured that he directed his social critique away from his professional peers.

Acceptance was one thing, approval another. If Bulmer remained on friendly terms with the leading lights of the profession, the profession itself never recognized him in any formal way. He never served on the Barristers’ Society, as mentioned, although he was a perennial committee man, serving on the executives of numerous voluntary organizations. (Admittedly, we do not know whether he ever sought such a position.) Nor was a Q.C. ever bestowed upon him, in spite of the fact that his friend Thompson was federal Minister of Justice for nearly a decade. The honour was as much a patronage plum in the 1890s as it is alleged to be a century later,<sup>100</sup> and Thompson was presumably personally willing to grant it; he can only have held back because he feared an adverse reaction in Halifax.

A more subtle form of marginalisation was practised posthumously upon Bulmer. The biographical account prepared by Benjamin Russell omits any reference to Bulmer’s social reform preoccupations, saving bare acknowledgement of his temperance activities.<sup>101</sup> Even those concerns, such as the question of black education, which directly involved Bulmer’s legal practice, are ignored. All Russell’s writing manifests the same tendency to minimize the controversial nature of what lawyers do. He tries to show that aside from forays into partisan politics, which are permissible, lawyers generally adopt a detached and bemused attitude toward the world, in keeping with their neutral and impartial role in society. An engaged advocate such as Bulmer did not play the role which Russell, consciously or unconsciously, felt he should play, with the result that his career had to be rewritten accordingly.<sup>102</sup>

John Thomas Bulmer was a man of action, not contemplation. But what did his action achieve? Were there not too many causes, spread too thin over too short a lifetime? I thought so when I began writing this article. I do not think so now. Bulmer’s legacies to us are public goods,

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99. *Morning Chronicle*, 11 February 1901.

100. See the comments in the *Legal News*, vol. 13 (1890) 25 and vol. 16 (1893) 149.

101. *Supra*, n. 4.

102. Bulmer is strangely absent from Russell’s *Autobiography* (Halifax 1932).

like that quintessential public good, the free public library, which he always championed. In Halifax, we all use books which he took the trouble to track down from some obscure resting-place. His other legacies are no less real: the admission of black children to Halifax schools; the securing of better working conditions for miners and enhanced legitimacy for union activities; the observance of higher standards of fairness in the judicial process and of higher ethical standards at the bar. Where he did not succeed — and his failures were many — he kept alive a flame of resistance and dissent, contributing his mite to a small but constant and widespread current of critical thought in the region.<sup>103</sup>

Ever his own unapologetic publicist while he lived, Bulmer found no one willing to fill the role when he died. Benjamin Russell recreates for us a provocative, even outrageous “character”, but shorn of any meaningful context Bulmer becomes a clown performing for a complicit audience. Russell wants to claim Bulmer as a “good lawyer”, but is careful to avoid any elaboration on the nature of his achievements. The accomplishments of which Bulmer would have been most proud, were apparently not of such a character as to merit recognition in the annals of the Canadian legal profession.

It is ironic that those aspects of Bulmer’s career with which the Victorian legal profession felt uncomfortable, are those which have a continuing relevance for us today. His concern with human rights issues has been brought directly into the mainstream of legal education and, to a lesser extent, into the world of legal practice. In his own mind, he seems to have resolved the question of how a legal profession which serves both the powerful and the powerless can be a meaningful instrument of social reform. For us the question still remains.

## APPENDIX I

The following is the text of J.T. Bulmer’s address to the Halifax Board of School Commissioners, requesting a change in its policies regarding the separate instruction of black and white children. Source: see note 54, *supra*.

Date: 4 October 1883

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103. See generally David Frank, “The Struggle for Development: Workers in Atlantic Canada in the Twentieth Century”, in Cherwinski and Kealey, eds., *Lectures, supra*, n. 73. The *Canadian Voice* seems to have had a circulation of some 4,000 to 5,000 at the height of its popularity, a respectable figure for a publication of its kind.

## “NO NEGRO NEED APPLY

### Black Children excluded from the Public Schools

#### J.T. Bulmer's Racy Speech

#### Equality in tax-paying ought to give equality in educational facilities

J.T. Bulmer addressed the school board yesterday in regard to the exclusion of colored children from the free public schools of the city. He had been retained by the insulted and injured parents to bring an action against the board. But as they had acted legally, there was not a peg on which to hang a suit. The present board were not responsible for the wrong. He therefore advised his clients to appeal to them for a simple act of justice. On the 29th of May 1876, the board

*Resolved*, That separate schools be provided for colored children; separate departments for boys and girls; and that as soon as accommodation shall be provided, no colored children shall be admitted into any other schools.

Shortly after the adoption of the foregoing resolution a department for colored boys was opened on Maynard Street and a department for colored girls on Lockman Street. Was this, he asked, a just act? If this is justice, the discussion is ended.

## GROUNDS OF EXPEDIENCY

and considerations of prejudice ought not to weigh against the claims of justice. The fundamental principle of the law is to make all property answerable to the demands of public education, and to have equal educational facilities within the reach of the entire population of every community. It follows in harmony with the general drift of the law that such exclusive and absolutely special legislation as that taken advantage of by the board demands special justification by reasons of a most obviously convincing and demonstrative character. Can such reasons be found? This legislation is directed against our colored fellow citizens on the simple ground of color and racial distinction.

## ONE DROP OF AFRICAN BLOOD

no matter how respectable and untarnished are the veins in which it flows, is sufficient in Halifax to deem the child of the honest taxpayer to what is in effect the ostracism and degradation of an inferior education. Now it must be borne in mind that our law clothes trustees and commissioners with ample authority to exclude from the schools all children whose presence is objectionable or dangerous by reason of disease, filth, or immorality. But mark, the existing legislation of which this board has taken advantage

## STRIKES AT THE COLORED PEOPLE ON THE GROUND OF THEIR COLOR

and nothing else. It boldly and explicitly bases the alleged necessity for separate schools for colored children and their exclusion from all other schools on the fact that they are colored. Is this good and sufficient reason? Can it be held to be such under the British crown and in an empire in

which it is boasted that no matter what color an African or an Indian sun may have burned upon him, the moment he reaches the sacred soil of Britain, the altar and the god sink together in the dust and he stands redeemed, regenerated and disenthralled by the irresistible genius of universal emancipation? No college in Nova Scotia dares put such a resolution on its records, for the reason that public opinion, so

### OVERWHELMINGLY IN OUR FAVOR

would level such an institution to its foundations. In Goreham college both races were taught side by side, and the same is true of Dalhousie. But how do you expect colleges and higher schools to be liberal when prejudice and exclusion are fostered in the public schools? How do you expect governors and teachers of colleges as well as high schools to give colored students fair treatment and a chance for their life, when they are branded in the public schools as degraded because of their color? Be sure that this teaching of the school is

### A RICH SOWING OF MISERY

that this and every other community which acts like it is sure to reap. But you tell me that unpleasant and inconvenient consequences follow the co-education of the races. I reply that unjust as consequences, nay frightful consequences, have followed the present system; and mere unpleasantness should not weigh against positive injury and frightful wrong. You tell me that the acute sensibilities of the Halifax aristocrat might be offended by mixed education. I tell you that the colored man in this city is doomed to fill the menial places in society as much as though his degradation came by an act of parliament. What matters it whether the colored man, as in other countries, is doomed to slavery, or as

### IN HALIFAX, DOOMED TO IGNORANCE?

The results are the same. Can you name a man who has been educated in this city of that race? Not one! Several have broken the links of their chains and got an education elsewhere, but not one ever obtained in this city anything but the most elementary training. Even under this resolution some of their candidates for the ministry have been excluded from the schools of the city. Shelburne, Truro, Pictou and Amherst all ignore color lines. In Truro in the model school I am told that last spring

### ONE OF THE CLEVEREST EXAMINATIONS

passed in Latin was that of a colored boy. But this can never happen, as no teacher at once can teach a primary school, a graded school and an academy. The children never get higher than the elementary stage; as a result Henry Russell has to send his little girl to Cambridge Mass., to be educated in a mixed public school under the shadow of Harvard college — in the most refined and cultured part of New England. Those of them who are not able to send their children abroad send them to private schools, paying taxes all the while for the public schools to which they are denied admission.

### TIMES CHANGE

and men change with them. Formerly it was the child of the forlorn race fleeing from the United States to the safe shelter of the British lion. Then all Canada was moved lest the man Burns should be carried back into captivity. Now it is the poor colored man sending his daughter to that same United States to be educated on an equality with the best blood of New England, and all the while paying to keep up at home the schools to which she is denied admission. Now there is freedom and equality from the Gulf of Mexico to the Great Lakes. But

### ARISTOCRATIC HALIFAX DECKS HERSELF IN THE CAST OFF RAGS

of the slave code. Mr. Bulmer then quoted a number of United States supreme court decisions bearing upon the denial of equal educational privileges to the African. [Quote omitted]

### NO GROUND OF EXCLUSION

is as absurd as that of color, because if you are going to exclude for that reason, why not exclude one-half of the so-called "whites"? Are you going to exclude every child from the public schools who has a drop of African blood in him? Then you will exclude some of the best families in Halifax. What right have you, according to your infamous code to exclude any child who has white blood in him from the schools? You may judge of the surprise with which, a few days ago, I heard for the first time the statement from leading colored citizens of this city, that their children had been offered admission to both St. Mary's and St. Patrick's; and that all the schools in the city taught by Roman Catholics, were open to every child of that faith, independent of color or race. From this it would appear that the only way for the colored people to secure equal educational privilege is to

### ABANDON THE CHURCH OF THEIR FATHERS AND TURN ROMAN CATHOLIC

in a body. I learned that in an instant the mitre would come off the head of an archbishop who would propose to exclude from the schools the children of the colored, the lowly or the humble. The Roman Catholic church takes to her bosom the children of the weak and lowly, and educates them in common with the stronger race; while

### THE CHURCHES OF THE REFORMATION TURN DOUGH-FACED

in the presence of the child of the black man and relegate him to the charity outfit and cast off appliances of the noble white man thus cheating the negro out of his taxes and his education. Since the adoption of the school act of 1864 a generation of colored boys and girls have stepped into the places of their fathers, and what, I ask, has the city of Halifax done to enable them to fight the battle of life? In one respect only has it treated colored people as equals — it has regularly shorn them of their taxes!

## OUR TAX-GATHERERS HAVE PROCLAIMED THE DOCTRINE OF HUMAN EQUALITY,

while the school commissioners, in expending the money, have scouted in the face of the colored man the idea that equality of taxation implies equality in the advantages arising from taxation. Who are the men who ask for separate schools? Why, the proud man who hates his brother, the idle man too lazy to think, and the loafer who seeks a living without working for it. These, joined to the Saxon contempt for a black, [inspire?] disgust with the question of the negro, hatred of the race, and contempt of the slave. Light up these hateful beings with the remembrance of the origin and history of the race and you have the elements which make up the negrophobia of this and all other cities, and which, by this resolution of exclusion, has well nigh denied the colored man all education — at least nothing but an education of the most simple kind. These people belong to the class mentioned by Mark Twain in the *Gilded Age*. Says Colonel Sellers: — “I’d elevate his soul, that’s just it; you cannot make his soul too immortal; but I would not touch him, himself. Yes, sir, make his soul immortal but don’t disturb the negro as he is.” Few people would believe that

## CHILDREN OF REV. JAMES THOMAS WERE DENIED ADMISSION

to one of the schools of this city, and in company with French’s children were actually driven from school. Neither of these ever sent a child to school afterwards. Thomas has gone to his honored grave, with some of his family. They died, as Whittier so well says:

‘Their brave hearts breaking slow,  
But self-forgetful to the last,  
In words of cheer and bugle glow  
Their breasts upon the darkness passed.’

Some of you may say that I am exaggerating the importance of this question out of all proportion to its merits, but I beg of you to remember that there is a sense in which the act of this board is the act of all Canada — at least

## THE OPPRESSION WHICH ATTACHES TO THE EXCLUSION

will fix itself on our common country. It was this feeling which led me to hope that the board might be induced to repeal the resolution without any public discussion of its merits for we had no desire to give Halifax an infamous celebracy among the sisterhood of cities. It is not a trifling question of the exclusion of a few colored people, for the reason that we are Canadians and proud to be citizens of a Dominion knowing neither black nor white; neither Saxon nor Indian; but holding an equal sceptre over all. If the colored man is to love Canada, it must be lovable. If he is to honor it, it must be worthy of his respect — because the home of every race, every creed, and every tongue. One such an act as this if persevered in by the board and acquiesced in by public sentiment forfeits the high honors won for us by the Saxon on the other side of the ocean; and

henceforth no more we can say that all are free and equal in Canada.  
Therefore I ask the board (1) to repeal

**THIS INSULTING RESOLUTION.**

- (2) To give the colored people a graded and properly equipped school.
- (3) To allow colored children to attend the nearest schools, and not compel the children at Richmond to walk to Poplar Grove, and those living in the extreme north-west to walk to Maynard Street.
- (4) To allow colored children to grade into the higher schools the moment they are qualified. These are not impossible requests; neither are they impracticable, they are just."