

JOHN THOMAS BULMER*

THE HON. B. RUSSELL

I CAN confidently accept the assurance of Mr. Sydenham Howe, one of the charter members of this Society, who—along with later arrivals like myself and most of my associates—is still actively interested in its work, that its originator and “first inventor” was the late Mr. John T. Bulmer, of whom I am to speak to you this evening. As such originator, the late Mr. Bulmer would deserve commemoration in such a company as the present, even if the merits he showed as a citizen, the charm of his companionship, the originality of his ideas and his all too strenuous activities in the life of the community did not entitle him to a worthy place in any adequate account of the days in which he flourished. The task has been committed to my hands, and I have been gently admonished that the portrait is to be such as Cromwell is said to have insisted upon in the demand that the artist must paint every wart. So many of Bulmer’s contemporaries have followed him in his too early, and, to our imperfect human vision, premature departure to another department

In the sounding labour-house vast
Of being

and left the scene the poorer for their surviving contemporaries,—not, of course, for their lusty and active successors in the present generation,—that I am constrained to confess to a slight, half-conscious touch of the feeling of Tom Moore, when memory brought the light of other days around him; the tendency to

Feel like one
Who treads alone
Some banquet hall deserted,
Whose lights are fled,
Whose garlands dead
And all but he departed.

But this feeling, tuned in the minor key, cannot be allowed to have anything to do with the radiant and virile spirit that we are to recall and endeavour to interpret this evening.

Bulmer’s boyhood and youth were spent in Cumberland County. He came to Halifax, whether as a law-student or candidate for examination I am not able to say, but the certificate, of which Mr. Reginald V. Harris, K. C., Prothonotary of the Supreme Court,

*A paper read before the N. S. Historical Society.

has kindly given me a copy from the records under his control, is signed by W.A. Henry and Alexander James, both Queen's Counsel, who, under the system in those days before the establishment of the Law School, examined candidates for the Bar. I assume that a committee of senior barristers still examine candidates who have not been able to enjoy the advantages of the Law School and acquire a Bachelor's degree. The certificate of the examiners in the case of Bulmer was approved by Mr. Justice Smith of the Supreme Court, and on these credentials he was admitted to the Bar in the July term, 1875. He was one of a group of talented young aspirants for professional and political honours, among whom might fairly be included the late Mr. Justice Sedgewick of the Supreme Court of Canada, and the late John J. Stewart who became a director of the People's Bank, and virtual, if not actual, manager of the *Morning Herald*.

It was about this time, or only a few years later, that the late Dr. Weldon came from Sackville, New Brunswick, to organize the Faculty of Law in connection with Dalhousie University. In fact, the persons I have just named were largely instrumental in securing his services for this great undertaking. The first class was organized in 1883. Sir John Thompson, who became a Justice of the Supreme Court of Nova Scotia soon after the fall of the Holmes-Thompson Government in 1882, took a deep interest in the Law School and its work in the promotion of legal education, to which he contributed by lecturing on the law of Evidence for several years. I refer to these events and circumstances because the late Mr. Bulmer became himself so intimately concerned in the affairs of the Law School and so familiarly acquainted with its promoters, especially with Sir John Thompson, that his career can hardly be appreciated without reference to these events and persons. Mr. Bulmer became, very soon after Dr. Weldon's arrival, one of his most intimate friends, as I am glad to be able to say he had already become one of my own. While he could not for a moment suppose that a man with the profound legal knowledge that Thompson had acquired would look upon him as a professional equal, these two also became close friends and daily companions. It was more or less a case of the attraction of opposites. Thompson was modest, quiet, retiring, a man of few words. He keenly enjoyed the sprightly company of Bulmer, and found in his racy conversation and entertaining sallies just the most desirable relaxation possible for the recreation of a spirit immersed from morning till midnight in the arduous work of a laborious profession. Thompson, not in those days decorated with the high distinctions

and honours which in his meteoric career he succeeded in acquiring and achieving, used to say of Bulmer that he knew more about the outside of books than anyone with whom he had ever been acquainted. But this description did not do full justice to the subject. There were a few books, and those of the highest order, of which Bulmer knew more than any but the best-read scholars in the community. He had the reputation of never going to bed without Emerson's *Essays* under his pillow, and he had a selective fancy for striking phrases and witty sayings that a tenacious memory accumulated and a ready wit enabled him to apply to the various emergencies in which from time to time he found them useful.

When the Historical Society was organized, and the arrangement was adopted by which it became in part responsible for the management of the Legislative Library, it was only an act of simple justice to install him as Librarian. In this capacity he became a most industrious and successful collector of material bearing upon the history of the city and province. He served well the interests of the Society and the Library. Unfortunately, he did not long continue in office. His position was required for other uses by one or another member of the combination by whom the patronage was controlled. The appointment was given to Mr. Blake Crofton, a gentleman from the Old Country, with considerable literary talent and ambition. It is not necessary in the interest of Bulmer's memory that we should depreciate the merits of his successor. Mr. Crofton took a genuine interest in the literary history of the province; he became, if he had not already been, a student of the books of Haliburton, and was an ardent supporter of the Haliburton Club, in connection with King's College. He also took a very great interest in the movement for Imperial Federation, and wielded a vigorous and critical pen in the advocacy of that cause, which had to go through its destined course until its definite abandonment in favour of a diametrically opposite plan of Empire constitution which is yet in its experimental stages.

It was natural that there should be no love lost between the first Librarian and his successor. On one occasion in the period of transition it happened that one of our prominent citizens was desirous of showing the really beautiful interior of our Legislative Council Chamber to a distinguished stranger from France. The door of the public entrance was locked, but the extempore cicerone knew that access could be secured through the door that led into the ante-room from the Legislative Library. Crossing the threshold, he happened to meet the new Librarian, whom he innocently greeted

as "Mr. Bulmer." Crofton was furious—"Please do not call me Bulmer. I do not mind being called by the name of any ordinary criminal, or even up to the rank of Judas Iscariot, but I cannot allow anyone to call me Bulmer." This incident helps to indicate the relations that existed between the incoming and the outgoing official. The hostile feelings entertained by Crofton for the man that had been displaced were cordially reciprocated by the loser, who at a later date, finding some of his valuable newspaper collections used for wrapping up sausages in a pork shop, naturally threw the blame on Crofton, and made the atmosphere lurid with his eloquent denunciations of the incompetence and indifference of his unwelcomed successor.

Bulmer was not one of the kind to be disheartened by a single failure. The case of so accomplished a rhetorician may excuse the application to him of the lines of Milton, the use of which, in respect to any other departed worthy, would, in the days I am speaking of, be characterized as "Bulmeresque":

So sinks the daystar in the ocean bed,
And yet anon repairs his drooping head,
And tricks his beams, and with new-spangled ore
Flames in the forehead of the morning sky.

So flamed again the Bulmer star in the firmament of those bygone days.

A Law School cannot live without a Library, and a new career at once opened its avenues to Bulmer in the prospect of establishing such a Library, partly through the importation of volumes from abroad, partly by the contribution from friends of the College at home, and last but by no means least from the "collections" to be secured. He was *persona grata* at most of the law offices in the city. His bright and breezy conversation made him very interesting company anywhere and everywhere. He was a very frequent visitor at the office I rented, in company with my old friend, Judge Chesley, who is still happily active in the land of the living, and my departed friend of whom it is difficult, for me at least, to think otherwise than as Johnnie Geldert. We, as a firm of "Russell, Chesley & Geldert", awaited the arrival of clients who displayed no startling alacrity in the search for our professional services, and in the meantime supplied the needs of our growing families by reporting the debates of a bi-cameral legislature and editing the tri-weekly *Citizen* after the decease of its founders, McDonald and Garvie. We had not many books, but among them there was a fine edition of *Coke upon Littleton*, about the size of a family Bible. One afternoon Bulmer, after entertaining us all for an

hour or more with his most agreeable conversation, invited me out for a walk. He used to wear in those early autumn days a garment called an ulster, a long surtout with ample folds and reaching well down to the ankles. A few paces from the front door he opened the folds of his ulster and displayed his treasure, my *Coke upon Littleton*, calling upon me to admire the skill with which he had abstracted it from its shelf and concealed it in the folds of his ulster, presenting the achievement as a measure of the value he could confer on the Law School as its Librarian. I fancy I shall not be asked to confess that the demonstration had anything to do with the appointment. But if there is any logical connection between *post hoc* and *propter hoc*, or any presumptive probability arising therefrom, I cannot reasonably object to whatever inferences may be drawn from the circumstances I have recounted, coupled with the fact that Bulmer, soon after this incident, became the Librarian of the Law School. He continued to hold this office until it became clear that we could not afford the luxury of a paid professional Librarian, and must depend upon the services of one or more of our senior students, rewarded by a remission of the fees otherwise payable for tuition.

It was during Bulmer's term that the classes were held in the County Academy building, a spare room being assigned to us for the home of the Library. Here, then, for the time being was the principal scene of his activities, when he was not on his rounds as a "collector". There were readers, and there were books. The collection began to grow, and even in those early days there were more books than any but the most industrious student could thoroughly master in a single season. My friend, Mr. Justice Mellish, in those days a student in the Law School, reports that on one occasion, during the absence of the Librarian, a difficulty arose between two of the readers, who began to chase each other around the large table that occupied the centre of the room. As the assailant and the defender could not get into contact in this way, they resorted to a war of projectiles which they found at hand in the books that had been assembled by Mr. Bulmer's successes as a "collector". The learned Justice is probably correct in his conjecture that the missiles suffered greater deterioration than the combatants. After the storm had quieted down, and peace had been restored, the Librarian arrived on the scene. Noticing, as it would have been impossible not to do, the broken-backed and badly abused volumes on the floor and table, the cost of which he professed to be able to give in pounds, shillings and pence in London, he eloquently bewailed the loss of such great values, but

expressed himself as still more deeply grieved at the conduct of the students with whom, as he expressed it, he had become "soured". He wound up his eloquent fulmination with the assurance that if ever he should discover the guilty party, there would be no formal investigation by Senate or disciplinary committee—he would himself at once put 170 pounds of meat in the culprit's eye!

I find among my few remaining books and papers that have escaped the various removals and occasional fires through which my possessions have gone in the years that are past, a diary for 1875 in which is contained an entry in print clipped from the newspaper, recording the second annual meeting of the Halifax Law Society. This was a voluntary society of young lawyers, who met every week during the winter season for the real and serious discussion of legal questions. Among its officers I find the name of the late Mr. Justice H. McD. Henry as Vice-President, the retired Stipendiary Magistrate Fielding, Secretary, and an Executive Committee consisting of John T. Bulmer, Charles R. Smith and J. J. Stewart. The entry is dated Thursday, 28th of January, 1875. This Society was a reality, as I have already said, and engaged in real discussions. I cannot recall any, however, in which Mr. Bulmer took part. He was really modest, and retiring, but he had his professional ambitions and activities, and I have an impression that it was just as difficult in those days as it is to-day for a new aspirant to secure the recognition to which his real abilities and merits entitle him. Bulmer's practice brought him into the police court, where most young practitioners have to begin, and among his other cases he was on one occasion concerned in the defence of a coloured man named Kane for some alleged criminal offence. There was in those days an alderman whom everybody knew almost exclusively by the name of "Neddy O'Donnell". He represented one of the best wards of the city, and was concerned in one of its vilest activities. He appeared as a witness in the case that Bulmer was defending, which came before the late Stipendiary Magistrate Robert Motton, Esquire, in 1894. This is only a little more than thirty years ago, and yet I have found it as difficult to distinguish the veritable history of the case from the tradition that has grown up in connection with it as if it had occurred in the Middle Ages. It would seem that there must have been at least the promise of a battle royal between witness and counsel, which was prevented only by the intervention of the police, but they were powerless to prevent the crushing rhetorical attack in which, among other picturesque expressions, Bulmer described his antagonist as having "the face of a damned soul", and indulged in other highly inflammatory

and uncomplimentary remarks. The expression I have quoted may be worth dwelling upon for a moment. The *Life and Letters of Lord Macaulay* had only recently been published by an American firm, and Bulmer, along with the rest of our circle, had revelled in a letter to one of the great man's correspondents describing the scene that took place in the House of Commons when the great Reform Bill of 1832 passed by a majority of one vote in the preceding year. The writer said that when the result was announced, shouts broke out and many shed tears. He himself could hardly refrain, "and the jaw of Peel fell, the face of Twiss was as the face of a damned soul, and Herries looked like Judas taking his necktie off for the last operation". Bulmer had this scene in his mind, and these words at his instant and perfect command. They, of course, went a little over the heads of the ordinary police court audience, but "the face of a damned soul" would naturally strike the magistrate and the policeman as a terrible and blasphemous piece of abusive and provoking language. Bulmer was seized by the police, and in spite of vigorous resistance was thrust out of the court room, returning, however, after a short interval of rest and recuperation to resume his professional duties. The recorder of that day, Mr. Wm. F. MacCoy, had come in at an earlier stage and gave the magistrate his moral support. Bulmer was a second time violently thrust out of the court room, and to make the expulsion effective, he was locked up in one of the cells. For this he brought an action in the Supreme Court, and recovered \$700 damages.

The evidence taken in the trial cannot be found, but there is a long and interesting affidavit of Bulmer, drafted by my partner of those days, a very efficient lawyer, Mr. F. T. Congdon, narrating the facts from the plaintiff's point of view. There was also an affidavit from the stipendiary magistrate, stating that Bulmer's conduct had been exemplary, and denying that the magistrate had ever ordered his expulsion; but in the absence of the evidence taken at the trial, we are obliged to accept, at least provisionally, the judgment of the Supreme Court that on this occasion the learned counsel lost control of his temper, and that his conduct was not that which became an official of the court. My learned and honourable friend, Mr. Justice Mellish, is also of opinion that the triumph of the plaintiff injured rather than promoted the professional interests of the victor in the litigation. But this impression seems to be erroneous. My former partner, Mr. Congdon, K. C., assures me that Bulmer's business grew and prospered after this triumph over the police.

I find my own name among the counsel concerned in the case; but as I have no remembrance of the matter, I do not believe that I was present. The argument took place during the period when I was very busily engaged in securing my election to the House of Commons for Halifax.

Mr. Congdon refers in his letter to a suit that Mr. Bulmer had for trial in Amherst against one of the industrial companies operating in that busy town. He engaged Mr. Congdon as counsel, with the understanding that he should himself deliver the closing address. The plaintiff's case was successful; and when Congdon applied to Mr. Justice Weatherbe, who tried the cause, for the largest allowable counsel fee, the learned judge, whose compliments were never cheaply won, replied that he would gladly pay the counsel fee out of his own pocket to hear another such address.

In the course of his professional practice, Bulmer had a retainer to act for a prisoner who had been sentenced to the penitentiary at Dorchester for one year. No imprisonment could be awarded in Dorchester penitentiary for a shorter period than two years, and it is one of the curiosities of our jurisprudence that ought to, but never seems to, amaze the intelligent layman that an erroneous imprisonment milder than the one prescribed by law entitles him to be discharged from prison absolutely, just as he would be if the lawful term of imprisonment had been exceeded. Bulmer, therefore, applied for a *habeas corpus* which came on before Mr. Justice Weatherbe, who, in the course of his professional practice, had had frequent occasion to resort to the same remedy. The learned Justice rather enjoyed having a little fun once in a while with practitioners at the Bar, and the temptation was very strong when Bulmer was thundering against the illegality of the imprisonment, with such pronouncements as this, for example: "Why, my Lord, if you were to bombard the doors of the penitentiary with such a warrant as this, they would not let you in!" His Lordship availed himself of a momentary lull in the rhetorical attack on the invalid warrant to say that he had himself obtained access to the penitentiary a few weeks ago, and said: "I saw—" "A lot of your old clients," said Bulmer in a lightning-flash retort. It was the first, the last and the only time in my experience of reporting that the master of judicial dialectics did not have the last word.

The prisoner had to be released. The warrant was fatally defective, but the gratitude of the client, totally unequal to the merits of his counsel, bore a still more nearly infinitesimal ratio to his expectations. The interview between counsel and client

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must have been interesting. It is narrated that on one occasion during the American Revolutionary War the great leader of his people was so enraged that he swore like an angel from heaven. Bulmer was not given to profanity. His reading, although desultory in the main, had supplied him with resources that rendered the resort to mere commonplace profanity altogether needless. Though I used to meet him nearly every day, and at times saw him in a state of fury that would, in the case of almost any other have culminated in profanity, I must bear witness that I have no recollection of his ever using in anger a profane or vulgar expression. But this time the record is, or perhaps it is only a tradition, that he swore just in the usual and vulgar manner,—of course with imaginative exaggerations that not many others could command. "Yesterday", said he to his ungrateful client, with the accompanying profane expletives, "you were in jail, and your back was in danger of the lash. To-day I brought you forth, and God's sunlight smiles upon your ugly and detestable visage. I ask you for a paltry hundred dollars, and you hurl an avalanche of slander at my head. It is a wonder to me that an atrophy does not seize your limbs, that you don't turn inch by inch into wood."

When the time was ripe for Dalhousie to remove from the Grand Parade and find a new location, Mr. Bulmer was red-hot for the so-called Miller's Fields. When he learned that the prevailing opinion favoured the site now occupied by Forrest Hall, his disgust knew no bounds. Why should a great and expanding university be placed in the neighborhood of the provincial poor-house, when an infinitely more desirable location was available? So eloquent did he become, and so persistent in the advocacy of the Miller's Field, that almost everybody assumed he must have a personal and pecuniary interest in the issue. This he utterly disavowed, and one of Emerson's figures of speech came to his aid in the expression of his feelings. Emerson had described the typical New England road as beginning in a town with well defined courses and adequate sidewalks, gradually narrowing as it extended into the country district, growing by degrees narrower and narrower until it degenerated into a squirrel track and ran up a tree. This was the outlook that distressed the large and liberal spirit in which Bulmer's vision envisaged the future of Dalhousie. Who can be certain that his might not have been the best solution of the problem even in those early days?

Bulmer's faculty for recalling and utilizing the scenes and events of every day life and using them for the embellishment of his addresses was certainly exceptional. When the Conservative

party suffered defeat in one of their elections after 1878, I asked him what he considered the cause of their fortune. They had been counting with much assurance on a great success. He reminded me of the fact that travellers in the arctic regions with dog-teams were obliged to hang the harness on poles for fear the dogs would eat it. This was the trouble with the party, which was more prosaically described by the organizer Dalby. Bulmer said that their difficulty was that the dogs had eaten the harness.

On one occasion we were organizing a movement to erect a monument to the memory of Joseph Howe. Someone suggested that, among others, we should ask the Bishop to speak. I raised the question whether he could be willing to come. "Of course he will", said Bulmer. "All men are like crows. They like to hear their own voices". He used to narrate an incident of his boyhood when he and one of his acquaintances who, if I am not mistaken, bore the name of Slade, were participants. His companion was leading a well-grown and able-bodied young steer to the pasture. It was necessary to remove the bars, and in order to have the full use of his hands, he adopted the device of fastening the tether like a girdle about his loins. At that moment it happened that a hen flew over and excited the spirits of the steer just when the lowest bar but one had been removed. Suddenly the steer leaped over the bar into the field, dragging young Bulmer's unfortunate companion after him at the end of the tether, over hummocks and cradle hills, at peril of his life, until by a merciful dispensation of Providence the tether broke, and the narrator of the scene came up out of breath, making the normal and inevitable enquiry, "Why, for heaven's sake, did you play such a fool trick as that?" Slade's answer is reported in his own words by Bulmer: "I hadn't been drawn three rods afore I seen I had made a mistake". The incident, with its moral, has served to enliven more than one able address in which the orator was called upon, or felt himself called upon, to denounce the wrong method of procedure in connection with the great problem that lay nearest to his heart.

If there was one cause in which his whole heart and mind and soul and strength were enlisted, it was the prohibition of the traffic in intoxicating liquor. This is the great question which, among others that confuse the issue has during the past few months been engaging the attention of the millions of voters all over the United States. They have rendered a verdict which it will be the business of "the best minds" in that great country to interpret and enforce. On that question Bulmer never had any doubts or misgivings. His practice was absolutely in accord with

his professed convictions, and on this great question, so deeply concerning the interests of the country, so far as he was concerned, there was no variableness, neither shadow of turning. It was a subject on which he was an eloquent and powerful speaker.

Had he continued to live even for the minimum period indicated as the term of human life in the course of the wonderful and beautiful poem, the Ninetieth Psalm, his record on this great issue would, I have no doubt, have been significant of much to the people of this province and Dominion. *Dis aliter visum.*

It was a shock to me to learn that he had suddenly dropped dead on a street in the city. I had a suspicion that he was not in perfect health, and I find it easy to believe that his too early demise was due in part to the excessive strenuousness of his various activities. When the celebrated genius of the Seaman's Bethel in Boston, so vividly described in Dickens's *American Notes*, the man who was chosen in a work by a Boston author of fifty or sixty years ago, Rev. C. A. Bartol, as the representative illustration of genius, was warned that he would wear himself out if he did not slacken his speed, his reply was, "I do not wear out, I tear out". Bulmer resembled the genius of the Seaman's Bethel in this as well as in some other admirable qualities. It is no great wonder that he passed away all too long before he reached the normal "summit of the years". Those who had most to do with him, who met him most frequently, communed with him most closely, and could most fairly measure his merits and his weaknesses—these were they who most deeply mourned the loss of a loyal friend, and lamented the too sudden close of a promising career.