

THE EARLY YEARS OF THE EDMONTON BAR*

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Henry (Hy) Bleeker was probably the very first lawyer to open an office for the practice of law in Edmonton. The best evidence is to be found in that pioneer Edmonton newspaper *The Bulletin* first published by Alex Taylor and Frank Oliver on December 6th, 1880 as a weekly. No reference to any lawyer can be found in any issue until April 15th, 1882. Then it was stated that Hy Bleeker who described himself as "solicitor etc." had rented an office "opposite Villier & Parsons store on Main St." (Later Main Street was renamed Jasper Avenue.)

Hy Bleeker's professional card appeared in the weekly editions of *The Bulletin* from April through May 27th, 1882. It reappeared on June 24th. This is probably accounted for by the note in the local news column of May 20th that "Hy Bleeker has started down river with two others headed for Winnipeg." How Bleeker managed his trip here in March or April of that year can only be imagined. Supposedly overland by horse or ox cart or on foot for the river would not be navigable until well into May. The trails were probably buried in snow or mud at that season.

The early settlers like Richard Hardisty, Matt McCauley, Malcolm Groat, Donald Ross, John A. McDougall, Alex Taylor and Frank Oliver had all trekked overland from Winnipeg, Battleford, Regina or Calgary. Some may have come by the paddle wheeler "Northcote" which first reached Edmonton in 1875.

In his book "Edmonton—a history" the distinguished historian of Alberta's past, J. G. McGregor, makes no mention of any lawyer here before 1882 and there is no such reference in any of the early issues of the Canadian Law List or Martindale or any other directory of those days. Surely Bleeker is our original Edmonton lawyer. He must have felt very much alone. There would have been no other lawyer nearer than Calgary.

However, he was soon to be joined by a colleague. In the August 19th issue of *The Bulletin* under the heading of local news this appears "A partner of Mr. H. Bleeker, lawyer, is expected here shortly." On September 2nd the professional card reads "Bleeker & Hambly, solicitors, etc. Hy Bleeker and J. Hambly, office opposite Villiers & Parsons store, Main Street." The card continues into the autumn issues and in the October 21st paper it reads "Bleeker and Hambly, Barristers, Notaries Public and Commissioners for taking affidavits in Ontario and Manitoba. Office in Villiers and Parsons old store." Evidently the partners moved their office across muddy Main Street. For the following months until late in 1883 the

* In preparing these notes I have examined old copies of the several documents mentioned herein. Some of these ancient records are imperfect and incomplete. Some reports are inconsistent, causing confusion. Hence there may be some errors particularly in the times and dates of various happenings. By and large, however, the names given and sequence of events is substantially correct and the facts recited are generally accurate. Nevertheless further research must be undertaken to discover more details and to correct errors, omissions and inaccuracies. In particular, the partnership associations need further investigation.

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partnership card continues unchanged. It may safely be concluded that either or both of Bleeker and Hambly had been at some stage in Winnipeg and Ontario for such is the inference from their authority to take affidavits in Ontario and Manitoba but what may have been their background of legal education or experience remains a mystery. It is interesting for the modern lawyer with his wealth of books and equipment to speculate upon the lack of these in the offices of the pioneers for the problem of transport among other obstacles would seem to present an almost certain barrier to such possessions. Nowhere in the news items of these early issues of *The Bulletin* is any mention made of litigation or transactions in which Bleeker or Hambly may have been engaged.

Meanwhile under date of January 20th, 1883 a new professional card appears, that of Joseph V. Kildahl, who described himself as a "solicitor of the High Court of Judicature in Ireland, temporary office, Ross' Hotel." His card continues weekly thereafter uninterrupted until August 1st, 1885. Throughout this period Kildahl appears to have had a "temporary office" in Donald Ross' Hotel which was established in 1876 located at the foot of McDougall hill. Donald Ross is reputed to have said to complaining guests that they could always move to the next hotel — in Winnipeg! No doubt Kildahl lived in the hotel as well and it is interesting to consider whether he had many clients for the trip down the hill and up again in the mud would not be easy and there was no telephone system until 1886. No doubt Kildahl was glad to find the hotel after an exhausting journey and crossing the river on Walters ferry, first operative in 1881.

The Bulletin records on May 26th, 1883 that "Mr. G. A. Watson, Barrister, of Prince Albert, paid a short visit this week and expects to return in early July and take up residence and practice his profession." Under date of July 14th, 1883 this further professional card appears "George A. Watson, Barrister, Conveyancer, etc., Law Office 1st door east of Jasper House."

The local news of September 29th, 1883 made mention of J. Hambly's trip to Calgary. Maybe something was in the wind for on December 22nd, 1883 an advertisement was printed "All persons indebted to the firm of Bleeker & Hambly are requested to settle their accounts without delay as the business of the said firm is to be closed. Bleeker and Hambly. N.B. The office furniture of the above firm is for sale." This advertisement was repeated in the January 12th, 1884 issue but nothing more appears thereafter concerning Bleeker and Hambly.

In 1884 the only lawyers in the little hamlet were Joseph V. Kildahl in his temporary office in Ross' Hotel and George Anthony Watson on Main Street. That seems to be the whole bar of Edmonton throughout 1884 and until the arrival of Robert Strachan in November, 1885. *The Bulletin* carried his professional card on November 21st "Robert Strachan, Barrister, Solicitor, Notary Public and Conveyancer, Edmonton."

An interesting news item also is found in the same issue "Louis Riel was hanged at Regina at 8:22 a.m. on Monday, the 16th instant in the presence of about 20 people. He had prepared a four hour speech for delivery on the scaffold but was influenced not to make any remarks by Rev. Father Andre and MacWilliams. He died bravely and his body was buried in the Roman Catholic Church in Regina. The excitement created in Quebec by his execution has nearly subsided."

Of *The Bulletin* J. G. McGregor says in his book on Edmonton "For the student of early days, its unusual wealth of accurate reporting makes it a gold mine of information."

But a member of the Calgary Bar also came to Edmonton in 1885 for on May 2nd the following advertisement was printed "Legal Notice: the undersigned intends to be present at the next sittings of the District Court in Edmonton and will be happy to attend to any professional business that may be entrusted to his care. Fitz Cochrane, Barrister, etc., Calgary, Alberta, N.W.T. April 19, 1885."

Then in the local news of August 22nd, 1885 it seems that "Fitz Cochrane, Barrister, of Calgary arrived to take cases at the last sitting of the Court" when Judge Rouleau was to preside. The report continues "Court opened on Wednesday at 10 a.m. Judge Rouleau on the bench. Mr. Watson represented the local bar and Mr. Fitz Cochrane of Calgary was in attendance. There were 53 cases on the docket. At the conclusion of the hearings Judge Rouleau stated that this would be the last court he would hold as a new stipendary magistrate had been appointed for this District. Judge Rouleau stated that courtesy and good feelings had always been extended to him by the members of the local bar. Watson, on behalf of the local bar, reciprocated these sentiments." Presumably the local bar of that time consisted of Watson and Kildahl for Bleeker and Hambly had departed and Strachan was yet to come.

In 1895 Kildahl went to Beaver Lake as Dominion Land Agent and it is believed that he was there at least until 1900.

There is an interesting local news item in the January 2nd, 1886 *Bulletin* that "E. P. Davis of Calgary who attended the last sitting of the court here as Counsel for Mrs. Butler was recently prohibited by Judge Travis from practicing before him for two years on account of the part he had taken in the Clark case and for representing himself as a barrister when he was not one in fact." One can imagine the scandal that caused. Edward P. Davis is shown as enrolled in the N.W.T. on June 22nd, 1886 before Judge Rouleau and as being of Calgary. Later he journeyed to Vancouver where he became the most prominent lawyer of his day and founded the outstanding firm which still bears his name.

The history of the Bar of the Northwest Territories becomes easier to follow after 1886 for in that year the Bar was formally organized. Presumably until then any lawyer from anywhere at all, and maybe even one who was not a lawyer at all, could set himself up as a practitioner of the law anywhere between the Western boundary of Manitoba (1870) and the Eastern boundary of British Columbia (1873), roughly the Rocky Mountains. The "Roll of Advocates of the Northwest Territories" covers the period from January, 1886 until March, 1901. From then on until 1907, when the Societies of Saskatchewan and Alberta were organized, it becomes the "Roll of Advocates of the Law Society of the Northwest Territories." There are 211 entries in the first roll and 346 entries in the second roll. These Rolls contain the names of all the lawyers entitled to practice in the then North West Territories, now Saskatchewan and Alberta, during those years, 1886 - 1907. In these notes mention is made only of those lawyers who established themselves in Edmonton. These Rolls provide an invaluable guide to the early Bar of Western Canada.

The first entry in the Roll is the name of David Lynch Scott, January, 1886, and shown to be of Regina, the capital of the Territories and seat of the Legislature. He had been a junior crown counsel at the trial of Louis Riel in 1885 and in September, 1894 was appointed a Judge of the Supreme Court of the Northwest Territories and then of Alberta becoming Chief Justice of the Province in 1922 upon the coming into force of the amendment to the Judicature Act whereby the Supreme Court was declared to be of two divisions — Trial and Appellate. Before that the Appellate work was performed by the judges of the court sitting en banc.

As a diversion mention may conveniently be made of the extraordinary, and rather tragic dispute between Chief Justice Scott and Chief Justice Horace Harvey (N.W.T. Bar, 1893) arising from the establishment of the two divisions of the courts. A review of this remarkable episode may be found in the reports of the reference to the Supreme Court of Canada and the appeal therefrom to the Privy Council. (These are cited as [1922] 2 W.W.R. @ 289 & [1923] 3 W.W.R. @ 929).

It is unfortunate that the incident was never written up by some of the judges of the time who, while not directly implicated, were on the sidelines of the unhappy dispute and thereby gained a highly personal insight into it. There were in particular Beck, J.A., Stuart, J.A. and Hyndman, J.A. and Clarke, J.A. Additionally there was of course Richard Bedford Bennett, then Minister of Justice. But all of these have long since gone to their rewards so the details of that story will never be fully known.

To revert now to Hy Bleeker, his name appears on the first Roll of the Northwest Territories as #31 enrolled on May 3rd, 1886 and being registered then as of Calgary where he had evidently gone from Edmonton in 1884. It is believed he practiced there for several years. In the typed Roll there appears an insertion against his name in handwriting "California." Presumably he may have left for California before 1907 for his name is not included in the early records of the Law Society of Alberta which dates from that year. Hambly's name does not appear in the Northwest Territories Roll or the Law Society of Alberta Roll.

Watson was enrolled as an Advocate of the Northwest Territories in February, Kildahl in April and Strachan in May, all in 1886. There is some evidence that in 1900 Watson went to Indian Head and later to Yorkton, where it is believed he died in 1904. Charles Courselles McCaul wrote of Watson that he was "a very sound lawyer."

There followed in Edmonton in 1886 Charles Lewis Shaw and Joseph Ubald Prieur and in 1888 Charles Henry Connon. Marie Françoise Antonio Prince was also here in 1888 for his name appears as a partner of Shaw in the July 21st issue of *The Bulletin* that year although he was not recorded in the Roll of the Northwest Territories until February 3rd, 1890.

As an aside a public notice in the July 21st *Bulletin* may also be of interest to lawyers. "The Lieutenant Governor of the Northwest Territories at Regina was pleased to order that sittings of the Supreme Court of the Northwest Territories for the Judicial District of Northern Alberta shall be held within the said district at 10 o'clock in the forenoon at Calgary on the 2nd Tuesday in April, July and November in each year and

at Edmonton on the 2nd Monday in May and October in each year." The courts were not overburdened with litigation.

The year 1889, or maybe 1890, saw the arrival from Calgary of Sidney Stockton Taylor who had been enrolled in March of 1889. Thereafter the completion to Strathcona of the Calgary and Edmonton Railway, a subsidiary of the C.P.R., in 1891, encouraged several south Alberta practitioners to try their luck in Edmonton.

John Campbell Ferrie Bown had practiced in Winnipeg in 1883 followed there in 1884 by Nicholas Dominic Dubois Beck. Bown proceeded to Calgary and was enrolled in the Northwest Territories Bar in February, 1886. Beck also went on to Calgary and joined the Bar in November, 1889. Both came to Edmonton in 1891. Soon also came Patrick L. McNamara who had been enrolled in Calgary on May 11th, 1891. They were followed by Hedley Clarence Taylor whose name appears in the Roll as of November 25th, 1891.

In 1893 H. C. Taylor formed a partnership with his cousin, S. S. Taylor, no doubt well established by that time. McGregor says of Taylor & Taylor that they had a phonograph as part of their office equipment "It was said to take down sounds and reproduce them slowly so that the words could be typed." About 1896 S. S. Taylor left Edmonton to practice in British Columbia. In August, 1899, H. C. Taylor took with him as a partner John Robert Boyle who had been articled to Taylor since 1897. In 1918 Boyle became Attorney General and later was appointed a judge of the Supreme Court.

Beck and McNamara practiced as partners from about 1891 until 1892. Beck became crown prosecutor in that year and McNamara practiced alone until 1901 when it is rumoured he left Edmonton for Seattle.

In 1891 the partnership of Shaw and Prince, which had been established in 1888, formed some association with Bown, whether a partnership or sharing of office space is not clear, but by 1894 Bown and Prince were partners and continued as such until at least 1898. In 1896 Harry Havelock Robertson had arrived on the local scene and after a brief association with Taylor & Taylor, Bown and Robertson joined forces to form a partnership of that name which continued until about 1902 or 1903.

In November, 1891, Ernest Brown, the perceptive photographer of the District of Alberta in early days gathered before his camera a most historic group comprising the Bench, Bar and Legal Officers of Edmonton. The photograph is preserved in the Law Courts here and embraces the following: Justice C. B. Rouleau, Clerk of the Court Alex Taylor (who was also the local telegrapher, the weather man, the telephone operator, the electric light plant operator, and a member of the school board), Sheriff W. S. Robertson, S. S. Taylor, P. L. McNamara, J. C. F. Bown, N. D. Beck, R. Strachan, C. L. Shaw, Antonio Prince, H. C. Taylor and J. V. H. Kildahl—twelve in all. Although Rouleau, J. was not strictly of Edmonton, no doubt he was here on circuit at the time.

In that photograph the student of legal history will find the origins of the three oldest firms in Edmonton. S. S. Taylor (1889), H. C. Taylor (1891) were undoubtedly the forerunners of the present firm of Parlee, Irving, Henning, Mustard and Rodney. Beck (1891) and McNamara (1891) founded today's Emery, Jamieson. The ghosts of Shaw (1886) Prince (1886) and Bown (1891) can, presumably, claim responsibility for establishing the

firm of Milner & Steer. More of all these pioneers and their "descendants" will follow later in these notes. Having regard to the uncertain and tenuous nature of some of their early relationships it is difficult to determine precisely which of these outstanding firms can claim priority. To solve this question, if anyone is sufficiently interested, will require a good deal of further research.

In February, 1892 an event of importance occurred. By act of the Legislature of the Northwest Territories sitting in Regina the little hamlet of perhaps 900 population was incorporated as a town. Edmonton continued to grow rapidly for McGregor says that in April, 1893 the civic census taker counted 1331 souls.

In October, 1892, Edward Corrigan Emery, formerly of London, Ontario, was enrolled in the Bar as of Regina. He moved on to Edmonton late that year. He practiced alone until 1893 when a partnership was formed with Beck. In the records of Emery, Jamieson the original partnership deed is carefully preserved.

Henry Claude Lisle, Charles M. Woodworth and Isaac Sydney Cowan came in 1893.

In 1895 Alexander Cameron Rutherford arrived from Ottawa. He settled in Strathcona (which did not amalgamate with Edmonton until 1911) and established his office on Whyte Avenue. He was the first to practice law on the south side of the river. In 1899 he and Frederick Charles Jamieson formerly of Carlton County, Ontario went into partnership, interrupted for a time by Jamieson's engagement in the South African War. This firm are clearly the founders of today's McCuaig Desrochers. Rutherford became Alberta's first premier in 1905.

Also in 1895 William Short (1894) arrived from Calgary. He set up his first office above Camerons' Store. He was followed in 1898 by Charles Wilson Cross of Madoc, Ontario and these two became partners in 1900. The name Short & Cross was well known in legal circles for many years spawning several other firms over three or four decades. Numerous judges also sprang from that partnership. Short was a Mayor of Edmonton and Cross was Attorney General from 1905 to 1910 and from 1912 to 1918.

About nine others arrived before the end of the century notably Charles de Wolfe (nicknamed Coyote), MacDonald (1898), James H. Dunn, later to become the wealthy industrialist and baronet, Sir James (1898), William Antrobus Griesbach of later military fame (1899) and Charles Richmond Mitchell (1899), later an Attorney General and a Chief Justice.

A review of the foregoing account will reveal that about thirty five lawyers in all had come here to practice law before the turn of the century. By the end of 1899 about twenty one or two remained to carry on — a small number indeed compared with the flood of lawyers to come in the succeeding decades. Many arrived and stayed to carry on their professional careers in the incorporated city (1904) and the New Province (1905). To recite the detail of all these and their partnership associations would be tedious and of little general interest. It will suffice to attach to these notes an "Edmonton Bench and Bar Directory — 1905" which lists the names and firm associations of all lawyers practicing here in that year. Its accuracy may be questioned but by and large the directory is correct. Other directories, such as of the telephone and Hendersons and the law lists

following 1905, are reliable so that it becomes easy, though onerous, to trace the various firms and sole practitioners thereafter.

It appears then that at least five of the present Edmonton partnerships had their roots in the nineteenth century.

These are:

1. Emery Jamieson which grew through many lawyer partners from Beck and Emery;
2. Milner & Steer which unquestionably derives from Bown, or even Shaw and Prince, through Dawson and Hyndman. There is ample evidence to demonstrate this conclusion;
3. Parlee, Irving, Henning, Mustard and Rodney, which can easily trace ancestry to Taylor and Taylor through Boyle, Gariepy, Parlee and others by way of amalgamation;
4. Duncan & Craig, and Field & Field, and another one or even two, which clearly originated in Short and Cross with many intervening lawyers.
5. McCuaig Desrochers whose founders were Rutherford and Jamieson.

To detail all these and many other firms and lawyers in practice alone and to record their progress from Bar to Bench, of which there were many, becomes a monumental task. It should be undertaken, however, before the facts are lost in the mists of history. Will someone take up the torch?

ADDENDA

Subject to further research the partnership names and dates of the five senior firms over the years until about the First Great War appear to be probably:

1891	Beck & McNamara
1893	Beck & Emery
1902	Beck, Emery & Dubuc
1904	Beck, Emery & Newell
1905	Beck, Emery, Newell & Bolton
1907	Emery, Newell & Bolton
1910	Emery, Newell, Ford & Bolton
1912	Emery, Newell, Ford, Bolton & Mount
1916	Emery, Newell & Ford
1919	Emery, Newell, Ford & Lindsay
1888	Shaw & Prince
1891	Bown & Prince
1896	Bown & Robertson
1903	Bown & Dawson
1905	Bown, Dawson, Kennedy & Hyndman
1906	Bown, Dawson, McDonald & Hyndman
1907	Hyndman & Hyndman
1911	Hyndman, Hyndman, Milner & Matheson
1915	Hyndman, Milner & Matheson
1919	Hyndman, Milner, Matheson, Carr & Dafoe

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- 1889 S. S. Taylor
1893 Taylor & Taylor
1899 Taylor & Boyle
1902 Taylor, Boyle & Gariepy
1907 Taylor, Boyle & Parlee
1912 Boyle, Parlee, Freeman, Abbott & Mustard
1912 Parlee, Freeman & Abbott
1917 Parlee, Freeman, Abbott & McKay
1918 Parlee, Freeman, McKay & Howson
- 1895 A. C. Rutherford
1899 Rutherford & Jamieson
1910 Rutherford, Jamieson & Grant
Rutherford, Jamieson, Rutherford & McCuaig
Rutherford & McCuaig
- 1895 William Short
1900 Short & Cross
1903 Short, Cross & Biggar
1904 Short, Cross, Biggar & Ewing
1910 Short, Cross, Biggar & Cowan
1912 Short, Cross & Biggar
1912 Short, Woods, Biggar & Collison
1913 Short, Cross, Biggar, Sherry & Field
1913 Short, Woods, Biggar & Collison
1919 Short & Cross
1919 Short, Cross, Maclean & Macdonald