



HON. MR. JUSTICE BLISS,
Judge Supreme Court, Nova Scotia.
(From a Water Colour by Miss Odell, Halifax.)

MEMOIR OF THE LIFE OF THE HONORABLE WILLIAM BLOWERS BLISS.

By the HON. SIR CHARLES J. TOWNSHEND, Chief Justice of
Nova Scotia.

Read 6th March, 1911.

The pure, and efficient administration of justice is one of the most essential features of good government. The Province of Nova Scotia from the first settlement has been very fortunate in the ability, learning, and integrity of the men who from time to time have occupied seats on the Supreme Court Bench. Jonathan Belcher, the first Chief Justice, was a man of exceptional ability and force of character. He not only inaugurated with great dignity our Supreme Court, and regulated its procedure, but by his assistance, and guided by his hand the foundations of our Provincial law were laid solidly, and well. Our knowledge of the Judges from his time up to the appointment of Sir Brenton Haliburton as Chief Justice in 1833 is very limited. From that date onwards we are in a position to form a fairly accurate estimate of the men who sat on the Supreme Court Bench. Of these Mr. Justice Bliss has always been regarded as one of the ablest and best. Amongst his contemporaries his high character and judicial acumen were universally recognised, and his reputation as a great judge survives as one of the most cherished traditions of the Bench and Bar. That reputation does not rest on tradition alone, but is to be found in the Law Reports on every page where his decisions are preserved giving abundant evidence of his great learning, and high qualifications for the office he so long filled to the great advantage of the Province.

But it is otherwise in regard to his early life, and his career at the Bar. As in the case of many other distinguished Nova Scotians prominent in our past history, no record has been kept, and such glimpses as we have are very meagre and unsatisfactory. In his case, of course all those who enjoyed his acquaintance, and were associated with him either at the Bar, in the Legislature or on the Bench have long since passed away, and there are few members of the profession now living who practised before him, or even remember him at all.

William Blowers Bliss came of Loyalist stock, that stock which has given so many able men to the public service in the different Provinces of Canada. He was the third son of Jonathan Bliss who during the American Rebellion was proscribed, and driven from his home in Massachusetts for his loyalty to his country, and his King. He went to England, and in 1785 was appointed by the Crown Attorney-General of the newly constituted Province of New Brunswick, about that date severed from the Province of Nova Scotia. That office he retained until he was appointed Chief Justice of New Brunswick in 1809, and remained Chief Justice until the time of his death. One of his classmates at Harvard, and great friend, was our former Chief Justice Blowers after whom Judge Bliss was named. His mother was Mary Worthington, a daughter of the Honorable Colonel Worthington, of Springfield, Massachusetts, an eminent lawyer, and a man of great influence. Mr. Justice Bliss was born in St. John, New Brunswick, on the 24th August, 1795, in the house, it is said, which formerly belonged to General Benedict Arnold of American Rebellion fame. Of his early years as I have said nothing is now known except that he was educated at King's College, Windsor, where he graduated at the early age of eighteen. He then went to England, and pursued his studies for the Bar at the Inner Temple under Sir William Wightman, afterwards an eminent English Judge.

After he had completed his studies and was called to the Bar in England great inducements were held out to him to remain and practise his profession there. Apparently his heart

was in Nova Scotia, and he resisted these brilliant offers, returning here where he practised at the Bar in Halifax until he was elevated to the Supreme Court Bench. As he was only thirty-nine years of age when he was promoted in 1834 he must have risen rapidly to the front, and commanded a large share in the business of the Courts. That he was so successful at such a comparatively early age is the best proof we can have of his preeminent ability in his profession and the confidence reposed in him by the public, and the government of the day.

As to this part of his career, his manner, his success in his cases, the cases in which he was engaged, and matters of a similar character we are absolutely without any information whatever, and we can only draw inferences from the fact of his early promotion to such a responsible position.

Like many other able lawyers of that day he sought political honors, and entered the House of Assembly in 1830 as Member for Hants County. His political career was comparatively brief, extending over four Sessions from 1830 to 1834. From the outset he appears to have taken an active and useful part in the debates of the Assembly, although he was not a frequent speaker. One of the measures to which he specially gave his attention was the granting of a Charter to the Bank of Nova Scotia. At that time there was only one Bank carrying on business in the Province. It was in the hands of a small number of wealthy people in Halifax known as the Halifax Banking Company, and some of the proprietors were members of the old Council. It would seem from the debates, and public meetings that this Bank used its financial power oppressively or at least not at all in the interests of the general public. To meet this state of affairs it was proposed to establish another Bank, for which a large stock list had been subscribed. As might have been anticipated the monopolists of the Halifax Banking Company threw every obstacle in the way. After a warm contest in the Assembly it passed that house, and was sent up to the Council for concurrence. Bliss, assisted chiefly by Alexander Stewart, contended vigorously for its passage in the lower House,

and was successful. But at the hands of the Council it met a different fate. That body did not reject the bill, but made such amendments as would have defeated the whole project. Of course this led to much indignation in the Assembly which promptly rejected the Council's amendments. After some further negotiations between the two Houses the Bill passed with some unimportant changes, and the new Bank was established.

Another subject which largely engaged his attention was the Provincial Currency which at that time seems to have been in a deplorable condition, seriously hampering trade. The discussions in the House were carried on at great length and there were wide differences of opinion as to the proper remedy. Mr. Bliss appears to have had very clear, and practical ideas on the subject which he advocated in many speeches with much success.

From his speech on that subject reported in the *Nova Scotian*, February 28th, 1833, I have made the following extract which will convey some idea of his polished, and incisive oratory in the House of Assembly. After dealing at great length with the pitiful state of the currency he says "The notes of the Halifax Bank are made payable in specie or in Provincial notes, and they claim the right to pay them at their own option. On this point I do not mean to offer my opinion, because it is not necessary for me to do so, but this much I will state, and I do it with some confidence, that if they are not payable absolutely in specie on demand, they are little else than a fraud upon the public—they are utterly valueless, and no better than a blank piece of paper. If payment cannot be enforced in specie against those who issue them, neither can any action at law be maintained to recover the amount in Provincial paper; And what a miserable state of things it is; how loudly it calls for redress, when the greater part of the actual currency of the Country consists of notes of private individuals who are not legally liable to the holders for the amount which they promise to pay. But says the Honorable Member for Halifax, if these promises cannot be enforced by law, if no remedy can be had

against the Bankers by an action, still he has such confidence in their integrity and honor that he is willing to incur any risk, and take their paper freely, and without fear.

"His confidence does not weaken my argument, the validity of Bank notes must not depend on such a frail foundation. I want not the honor of any man, or any body of men pledged to me for such purposes. I will trust to the honor of no one, for it is not right that I should be referred to this, where I can better support my claims on legal rights, and legal abilities.

"Of the individuals who compose the Company I may probably be willing to speak in as high terms as that Honorable gentleman. With all of them I am sufficiently acquainted—at least to know the high character they possess—I shall certainly say nothing of any one which it would be unfit that he should hear. I would speak but of their conduct as bankers, and of the character of their paper and proceedings which are now subjects in which the public is concerned. I shall speak my sentiments with the boldness, and freedom which becomes a Member of this House, nor think an apology necessary. I am aware of their power, and influence, though I may not know the whole extent of them, and it is this very circumstance that makes it more necessary that this house should guard against their abuse. To leave with them the uncontrolled power of issuing such paper I consider to be highly dangerous. They may be above all suspicion, and be numbered among the honorable of the land, but cases may arise with respect to their notes in which even they may avail themselves of their exemption from a legal liability to pay them in any manner whatever."

He concludes—"In this as in other matters we may all lie under the influence of immediate interest, or personal friendships, or be swayed by some other indirect, and perhaps unknown views. I may be equally liable to this suspicion, but in a measure in which the public interests are concerned, I think we should all form an opinion without regard to private considerations and with a desire to promote the public good."

This was bold language to be used towards this banking Company then comprising the wealth and power of the Province, but Mr. Bliss was evidently no coward. On other questions before the Legislature he delivered his views with his usual force, and lucidity, but none of them are of sufficient importance to call for special notice except one. Alexander Stewart, member for Cumberland in the Session of 1834, made the first attack on the old Council by moving a series of resolutions condemning its composition, its methods of doing business with closed doors, and demanding that its executive functions should be separated from its Legislative powers—in other words that there should be a separate Legislative Council. Mr. Bliss, in a temperate and able speech, gave his support to these resolutions. Although they failed to carry at that time, later or when Mr. Bliss had left the Assembly for a seat on the Bench and Howe had entered the arena, resolutions of a much more drastic character were passed, and the Council as then constituted ceased to exist.

From notices in the press it would seem that Mr. Bliss came to the House as one of the old Tory Party, and it was supposed that he would ally himself with and uphold those who were interested in maintaining the privileges, and abuses of the existing regime, but both his friends and opponents were greatly surprised at the free and independent course he took in all matters, and discussions which came before the House.

During the period he sat in the Assembly some of the ablest and most distinguished men of the day were his colleagues, such as Archibald, James B. Uniacke, Alexander Stewart, C. Rufus Fairbanks, Beamish Murdock, John Young, Huntington and others, and it is quite evident from reading the proceedings of the House that he was able to hold his own amongst these brilliant and capable legislators.

In February, 1833, Chief Justice Blowers resigned, and Judge Halliburton, afterwards Sir Brenton Halliburton, was appointed Chief Justice. In February 1834, Judge Uniacke suddenly died, and in the following April Mr. Bliss was elevated to the

Supreme Court Bench in his place. This appointment terminated his brief political career. Thenceforth he was to occupy a place probably more congenial to his tastes and where he had the opportunity of displaying his eminent ability, sound legal training, and accurate knowledge of the law, where in the years which followed he became recognized as one of the ablest, if not the ablest Judge who ever occupied a seat on the Supreme Court Bench of Nova Scotia.

The appointment gave general satisfaction, and high hopes were entertained for improvement in the administration of justice throughout the Province. That such were the feelings and expectation can be gathered from the following notice of his appointment in the Nova Scotian newspaper April 17th, 1834. As Mr. Howe was the editor and proprietor, it probably reflects his opinion.

"There is nothing which more concerns the general welfare than the character of our legal tribunals, and therefore we may fairly congratulate the Country upon the appointment of William Blowers Bliss, Esq., to fill the vacancy on the Supreme Court Bench caused by the death of Judge Uniacke. Of the legal etiquette which is to govern such selections we know but little, but judging of the propriety of the choice from what we have seen of the individual we think it is one that will give great satisfaction to the country. Mr. Bliss as a scholar stood high in the estimation of his old classmates at College, and at the Bar his sound legal knowledge and penetrating intellect have earned for him much reputation. We judge more from what we have seen of him in the Assembly, where although he came in rather with the stain of toryism upon him, his conduct manly and consistent throughout, aided by his eloquence and varied knowledge was daily increasing his influence. We regret we shall hear him no more in the open field of popular discussion, but we hail his appointment as one step towards that improvement in the character of the Supreme Court, which heaven knows was badly wanted."

This forms very strong testimony of his high estimation in the public eye at the very outset of his judicial career, and as we shall see later on he fully justified these opinions in the many years he sat on the Bench. Just here it will be of interest to give some idea of the person, and personal characteristics of this eminent Judge. He was of medium stature, spare figure with a highly intellectual face, very dignified in his bearing, not easy of approach, but at the same time very courteous to all. He had a high sense of the dignity of his office as a Judge. His manner, and address impressed this feeling on every member of the Bar, and official of the Court. When he entered the Court, and took his seat on the Bench the strictest etiquette was observed among the members of the Bar in the conduct of the cases tried before him. While patient to hear, and weigh all that was urged on either side of the case, he was very firm, and decided in his rulings, and there were few Counsel who would venture further argument once he had announced his decision. It must however be added that by the Bar he was always treated with the greatest respect and deference, due to their confidence in his great ability and learning—indeed he was recognised from the first as an able and accomplished jurist, which of itself accounts for the commanding position he held in the estimation of the profession. These few general facts I have gathered from those who practised before him of whom there are very few living, and some slight personal recollection of him when I was a student at law.

An anecdote has been related to me which shows that with all his reputed sternness in repressing any improper conduct in the Courts where he presided, he could be magnanimous in the face of what would ordinarily be treated as a grave offence. On one of the country circuits he tried, and reversed on the spot the decision of a magistrate, and in so doing expressed a wish that he had it in his power to make the magistrate pay all the costs. The magistrate who happened also to be an officer of the Court stepped forward, and said, "My Lord, I gave that decision according to what I thought was right. All I can say is that if the

Judges of the Supreme Court were made to pay the costs of all their erroneous decisions they would not have enough to pay for the coats on their backs."

Such a statement to a Judge in the face of the Court was of course a high contempt for which the Judge had the power to severely punish the magistrate by fine or imprisonment. Judge Bliss however said nothing, no doubt feeling that he had gone too far in making the observation he did.

As a further illustration of the masterly way in which he upheld the dignity, and decorum of the Court an old barrister relates that when first starting in his career, he was pitted in a case tried before Judge Bliss, against an able lawyer of rather bumptious character. In opening his address to the jury, this lawyer instead of remaining in his place, went to the front of the jury box emphasizing his speech by pounding the rail in front of the jury. Judge Bliss observing this sternly said to him, "Mr. —, take your place at the Bar, sir, and address the jury." There was a moment of hesitation on the part of the barrister, but one look at the Judge was enough, and he quietly resumed his proper place continuing his speech. On the same trial my informant says his opponent called a witness to the stand and to his surprise and dismay Judge Bliss recognized him as an old servant, shook hands with him inquiring about himself and family. As it was a question of disputed facts, he thought this looked bad for his side fearing that the Judge's faith in his old servant might unconsciously influence his mind, but all fears on that score were dispelled when the Judge came to address the jury. His charge was so clear, every word of evidence so clearly sifted, and explained without the semblance of bias that he eventually won his verdict.

Another somewhat amusing instance of the fearless mode in which he dispensed justice, and let down even leaders of the Bar is told. A very eminent Counsel was endeavouring to set aside a conviction made by a magistrate for the illegal sale of liquor. After patiently hearing the case to the end Judge Bliss

said to the Counsel, "Mr. —, I presume I am not bound by the amount of the penalty imposed by the magistrate?" The learned Counsel no doubt thinking he intended to reduce the amount of the fine quickly rose and said, "Oh, certainly not, my Lord." "Then," said the Judge, "I will just double the amount of the fine, and dismiss the appeal with costs to be paid by your client."

As already pointed out he was very strict in upholding the dignity of the Court. Solicitors and barristers were soon made conscious that no unseemly conduct nor questionable transactions would escape his eagle eye. He was very severe on professional misconduct, and jealous for the honour of the bar. As an instance told me by one who was present, he was holding court in one of the County towns where it came under his observation that a solicitor not bearing a very good reputation had on the Docket of Cases for trial an unusual number in which he was acting either for Plaintiff or Defendant of a very frivolous and dubious character. In his address to the jury he took occasion to administer a scathing rebuke. "If," he said, "my opinion should have any weight with the yeomanry of this County I should advise in case any of them should consider himself to have suffered wrong at the hands of another, and should determine to seek redress, that he should consult some respectable attorney," emphasizing "respectable" by a slight pause after and before the word, and significantly inclining his head as he uttered the sentence. His high shrill voice—clear as a bell—was eminently adapted to convey his meaning.

Another instance of his determination to put down any unworthy or undignified conduct occurred before the full Bench when all the Judges were present. A leading barrister in the course of his argument related, no doubt as he thought, for their amusement a somewhat smutty story. The other Judges smiled, and said nothing but Judge Bliss at once addressing the Counsel said, "Mr. —, If you dare, repeat that

story, or anything of the kind in my presence I will order your committal for contempt."

From these anecdotes one would infer that he was a very severe, and stern Judge—unpopular with the Bar, and the people. Such however was not the case, as we know from tradition, from the press of the day and from addresses presented to him. On the contrary he was universally esteemed, and beloved by all who came in contact with him. His standard of life was high, and occupying the high position he did, he deemed it his duty to impress upon all those who came under his influence the same spirit and rule of conduct.

I have tried to get other anecdotes of incidents happening on trials before Judge Bliss, but without success, as those who could have related them are all gone. The few I have given were characteristic, and help us to form some idea of his methods in conducting trials which took place in the Courts before him.

The record of the judicial career of Judge Bliss is principally to be found in the Nova Scotia Law Reports. Notices of trials in which he was engaged occasionally appears in the press of the day, but hardly full enough to convey any correct idea of the manner in which he dealt with the case before him. It appears from one of these notices that he first took his seat on the Bench after his appointment in a criminal trial with the Chief Justice, and Judge Wilkins in May, 1834. There were no Court reporters at that time, nor for some years after his elevation, so that with some few exceptions we know little of his early decisions between 1834 and 1853. About the latter date, the late James Thompson, a barrister of the Court, gathered some of the Judgments of the Supreme Court given in past years, and published them in a volume now known as No. 1 Supreme Court Reports. Amongst these are several from Mr. Justice Bliss, and from that time onward until he resigned his judgments are included in all the reports terminating in the second volume of Oldright. In a brief

memoir such as this no extended reference to these valuable decisions can be given.

One of the best, and most important decisions of Mr. Justice Bliss was in the well known case of *Scots vs. Henderson* in 1843, reported in *Thompson 3, Nova Scotia*, p. 136, in which he differed from Chief Justice Halliburton. The question before the Court was the right of the Crown to grant land where another was in possession without first taking proceedings to expel the intruder. It is of great length—too long to give in full, but as a good specimen of his style I have made the following extract:

“The law, he says, has carefully guarded the possession of the Crown, and nothing can change, or limit that possession or interfere with or prevent the plenary exercise of its rights resulting therefrom till the law itself is in this respect changed—that has been done by the Statute already mentioned (21 Jac. 1 Cap. 14) which has broken in upon the common law principles, and recognised an adverse possession against the Crown after twenty years, and in all cases which fall within the operation of the Statute, that is where the adverse possession has continued for twenty years, the Crown cannot grant, until it has filed proceedings against the intruder. In all other cases, the Common law principle that the possession of the Crown cannot be disturbed by an intruder remains in full force, and consequently its right to grant, notwithstanding the possession of the intruder, cannot I think be impugned.” He then adds in conclusion “I have thus gone at large into the consideration of this question from its importance to the Country, and because I find an opinion widely different from my own is still entertained by two of the Bench. My respect for them with whose views I am unfortunately unable to agree has made it the more proper for me to examine the subject with attention, and to seek out every authority which I could find that had any bearing on this point. This I have done to the best of my power. It has impressed me with a very strong conviction the grounds of which I have just given that when the Crown has

never parted with its original title, it retains the full power of granting lands, notwithstanding another may have possessed himself in the meantime, and be in occupation of such lands, except the power of the Crown has been restrained, and limited by Statute. In the present case no Statute has that operation, and effect, and without entering into any consideration of the Policy of the law where it is my business only so state what I conceive to be the law, I am of opinion that the direction of his Lordship the Chief Justice was in this respect incorrect."

This opinion abounds in legal authority showing most thorough reseach, in support of the conclusion reached, and although a recent decision in the Supreme Court of Canada affirmed by the Privy Council on appeal has held that that part of his opinion which limited the Crown's right to grant where there was adverse possession for twenty years was erroneous yet in the particular case under consideration he was undoubtedly right.

There are so many reported cases in which he gave elaborate and important judgments that it is a matter of difficulty to select those which deserve especial notice. In the well known case of Woodberry vs Gates, N. S. R. 255, will be found a clear exposition of the law bearing on conventional boundaries between adjoining owners. "The law," he says, "is ever the guardian of good faith, and interposes by a wholesome rule to prevent its violation. Who does not see that it would be a breach of good faith if these admissions, and this agreement could be thus set aside? The affairs of life could not be carried on with safety unless such conduct could be relied on with perfect certainty. It would doubtless be more prudent, better in every respect, if the parties in such cases executed deeds to perfect their intentions, but men—especially in these remote situations do not generally conduct their business with a legal adviser at their side, and though in such matters technical and legal difficulties may interfere to defeat their arrangements, the law will generally be found subservient to justice as I think it is here."

In Freeman vs Morton in the same volume at p. 340 will be found a thorough discussion of the rights of tenants in Common—in itself a valuable treatise on that very important branch of the law.

Hill vs Fraser, in the same book, p. 294, presents an admirable opinion on the right of a contractor to damages, where a false, though *bona fide* representation had been made to the contractor. "The plan," he says, "does as has been already stated most certainly exhibit and represent that beneath the water there was a substratum into which the piles could be driven, and the specification required that the work should be performed by driving piles into this substratum, and the contract was made to carry out this work. The existence of this substratum is thus an essential ingredient of it,—without it not only would the contract not have been made but the work could not have been done, and the Crown would have stipulated for an impracticable, and impossible performance. Now I must confess that under such a contract, I incline to the opinion that there is an implied warranty on the part of the Crown that such a substratum was there. I must not be understood to say that any mere representation made *bona fide* by one party to another by which he has been induced to enter into a contract can amount to a warranty, for that would be holding that misrepresentation without fraud would give a right of action in the very face of the authorities. I have cited to the contrary. But the distinction appears to me to be between the representation which precedes, and induces the contract and the representation embodied and forming part of the contract itself. And I cannot but think that whatever is represented by one party in a contract of so essential a nature that the very contract if founded upon it, and cannot be carried into effect without it, amounts to a warranty of the matter as represented, and this appears to me to be the case under the first agreement."

I might continue to cite passages from many other of his judgments, but this is wholly unnecessary. These examples

have been given to show their general character, and to enable us to appreciate the clear logical mind which enabled him to express his views on any subject he had under consideration. The choice language, and high tone which permeates all his deliverances on important matters under adjudication is especially noticeable.

From a note of the reporter in 2 Oldright, 179, it appears that Judge Bliss was absent from illness during the whole Michaelmas Term, 1865, and so far as I can ascertain he never was present in the full Court after that date—certainly there are no further decisions of his to be found. I have heard it stated that he presided at the October Term of 1866 at Windsor, and if so that must have been the last occasion on which he went on circuit. Ill health compelled him at this time to give up all active work in the Courts. In 1869 he resigned his seat on the Bench after thirty-four years service, which caused general regret throughout the Province. The feelings of the Bar on this occasion are eloquently expressed in an address presented to him with the accompanying remarks of the Attorney-General at that time Martin I. Wilkins.

Presentation of address to Judge Bliss.

At 1 1-2 o'clock today the Committee appointed to present the address of the members of the Bar to Mr. Justice Bliss attended at his residence where they were received by the Judge, Mrs. Bliss, their daughters Mrs. Odell, Mrs. Binney, and Miss Bliss and his granddaughter Miss Odell. Mr. Odell and the Rev. Mr. Bliss, his son-in-law, were also present.

The Committee, attended by many of the barristers, were received in the drawing room.

The Attorney General addressed the worthy Judge as follows:

“Mr. Justice Bliss:

We have been commissioned by the members of the Bar resident in this city to beg the favor of your acceptance, on

your retirement from the Bench, of an address expressive of their high opinion of your merits as a Judge of the Supreme Court, in which you presided for a great many years with distinguished credit to yourself, benefit to the province, and honor to the profession.

It will afford you gratification to be informed that this testimonial of respect has been signed by every member of the profession in Halifax, without a solitary exception, and that several gentlemen who are absent on the circuits have made use of the telegraph to request that their names might be added to the address, which has been attended to.

I now beg permission to read this address which has been dictated by a steady regard to the truth, and is entirely free from every taint of flattery or exaggeration.

To the Honorable William B. Bliss, etc.

We, the Attorney General, Queen's Counsel, and other members of the legal Profession, resident in the city of Halifax, would have taken an earlier opportunity of addressing you had there been any official announcement of your retirement from the Bench of the Supreme Court, where you presided for upwards of thirty-four years, with the most exemplary judicial integrity.

Your resignation is viewed by the profession and all who are capable of forming a just estimate of your eminent qualifications for the administration of justice, as a serious public misfortune.

We have great pleasure in testifying that you invariably discharged the duties of a Judge with enlightened ability, and untiring industry, and, while your conduct on the bench was always characterized by the strictest impartiality, as regards the suitors in court, your bearing towards the members of the bar was distinguished for dignity and courtesy, and you deservedly enjoyed the confidence, respect and esteem of the Profession.

You may rest assured that we have witnessed your retirement as a consequence of the infirmity of your bodily health, while your intellectual powers are entirely unimpaired, with cordial sympathy and unfeigned regret, and that on your return to private life you carry with you our best wishes for your present and future happiness.

After reading the address the Attorney-General proceeded:

I have but to add, Sir, that I deem it a very great privilege and honor to be in a position to deliver into your hands, in the presence of these witnesses, this valuable instrument, which has been executed with singular unanimity by a body of gentlemen who have enjoyed the best opportunity of estimating your merits as a public magistrate, and I am satisfied that this demonstration of their admiration of your public conduct will afford, in your retirement, the most soothing and agreeable conviction that you have descended from a lofty public station, which you adorned with every virtue, into the ranks of private life with not merely an unsullied but a remarkably brilliant reputation.

The following is the reply of Judge Bliss:

Mr. Attorney-General, and Gentlemen:

I thank you most sincerely for your kind and affectionate address. I value it, believe me, very highly.

It was in the presence of the Metropolitan Bar that my official life was chiefly spent; you have thus become familiarly acquainted with its character, and with the manner in which its duties have been discharged. To have obtained then from those so competent to judge and so interested in the matter, such a testimony to my services and conduct, with the generous expression of their regret on my retirement, may well fill me with an honest pride.

I was indeed already aware of your good will and disposition—though I could never have anticipated so marked and

gratifying a proof of your regard—for on the Bench I have invariably experienced from you and the whole Bar the utmost courtesy and kindness, which I take this opportunity of gratefully acknowledging.

And yet when I turn back to my past career I see in it many shortcomings and failings—to give them no other name—which even indulgent self love cannot overlook, though you have been good enough to forget them in the flattering language of your address.

Many changes have taken place since I became a Judge; some have thrown a dark shadow around me. I have seen every one of my early associates on the Bench, with whom I have lived in the closest intimacy, pass away—and many valued friends from among yourselves removed by death. I may also remark as another result of my extended term of office, that not a few are now in practice who were not born when I first occupied a seat on the Bench.

It was, however, time for me to retire. Infirmities increasing with increasing age and broken health, had rendered me unequal to the labors of my office: and much as I loved my profession, and reluctant as I was to leave it, a sense of duty demanded that I should make way for some other better qualified to fill my place. Could I have accomplished it, my retirement would have taken place some years earlier.

And now, gentlemen, with renewed thanks for your parting kindness, your good opinion and good wishes, I take a final and affectionate leave of the profession in whose welfare I shall never cease to feel a lively interest. For yourselves, I wish you individually every happiness and success, and for the profession to which we belong I add my earnest hope that it may still be ever distinguished for learning, talents, and integrity.

Thus terminates the judicial career of William Blowers Bliss amidst the genuine regret of the people, and more especi-

ally of the profession amongst whom he had faithfully laboured for so many years, whose respect, and affection he had so fully retained. Time has amply justified the high encomiums passed on him as a man and as a Judge—His works speak for themselves.

It now remains briefly to refer to another side of his life—his scholarly tastes, and attainments. Educated at King's College he became a ripe, and excellent classical scholar. This may be seen everywhere in his reported decisions which are models of diction and apt language for conveying his meaning. He was a lover of the poets, and at one time delivered a series of lectures on the early English bards. So imbued was he with classical lore, that he translated into English verse printed only for private circulation some of the most beautiful odes of Catullus, Horace, and Ovid. These translations he tells us in a short preface were principally made after his retirement to fill in his leisure time. I am permitted to give one or two extracts from this little volume which must fill us with admiration of his elegant taste and accurate classical scholarship.

The first is a translation from the Roman poet Catullus entitled "Sacrifices at a brother's Tomb."

"Through many a land, o'er many a sea I come
To sacrifice, dear brother, at thy tomb.
With these last rites to drop the unheeded tear,
And call that name, thou canst no longer hear
But oh my brother since by fate's decree
Alas too early thou was torn from me,
Accept this offering to thy honored shade
By custom sanctioned, by affection paid,
And while these frequent tears, my sorrows tell,
Take, dearest brother, this my last farewell."

In a different vein is this translation of a Nuptial Song of Catullus—

To the new made bridegroom's home
Bids its willing mistress come

Love possessing all her mind
Love with every thought entwined
Round the elm trees wandering
As the clasping ivies cling.

Ye too—spotless virgins—ye
Fair, and lovely who shall all
Your own bridal day ere long
Join with us the measured song
Hymen—hasten, Hymen thou
Guardian of the nuptial vow.

Pleased your summons to attend
Hither he his course shall bend
He who heart to heart unites
Source of purest love's delights
He whose smiles alone can shed
Blessings on the Nuptial bed.

Mighty God of wedded love!
To what other power above
Should so apt the lover raise
Votive Prayer, and song of praise
Half so frequent at whose shrine
Bends the votary as at thine."

These are but two specimens out of many others taken from this little volume, but they are sufficient to convey to us the cultured taste and refined scholarship of the author—It is often difficult, as any classical scholar knows, to render into good English prose some of the most touching and beautiful odes of the Roman poets, but to turn them into good English verse requires the imagination of a poet and a thorough mastery of the language of the original.

Judge Bliss survived for five years after his retirement from the Bench. His health did not improve, and I cannot find that he took any part in public affairs thereafter. He probably felt what all men feel who have led an active, and



"Fort Massey,"
RESIDENCE OF HON. W. B. BLISS.
(View from the Garden)

busy life, the weariness of having nothing to do. During the summer months while on the Bench, and probably afterwards he enjoyed his country residence at Windsor where in its lovely surroundings he could find many mementos of his College life.

Judge Bliss principally resided in Halifax where he was a valued and prominent member of society due to his high position, and his pure and elevated character. He was a devoted member of the Church of England, and was one of the first contributors to the beautiful Cathedral so recently constructed. He gave the land for the purpose on which it was at first proposed to build it. His wife was a Miss Anderson by whom he had seven children—three sons and four daughters—One of the daughters was married to the late Bishop Binney another to the late Senator Odell, and the third to Bishop Kelly of Newfoundland, the fourth died young.

He died at Halifax in March 16th, 1874, at the ripe age of seventy-nine. I cannot better conclude this brief and imperfect memoir than by giving in full the resolutions of the Bar Society, and of the House of Assembly of the Province, which in glowing, and truthful language set forth his merits, and the estimation in which he was held by those who lived at the time, and knew him best.*

At a special meeting of the Bar, held at the law library on Tuesday, the 17th March, 1874, the following resolutions were unanimously adopted:

1. That this meeting desires to express its regret at the demise of the late lamented Judge Bliss and its appreciation of his distinguished services to the profession and to the public at large. He had for the last five years retired from the active duties of life, but his long and brilliant career marked by the skill of the accomplished advocate and the integrity and impartiality of the able judge cannot be readily forgotten.

*The *British Colonist*, Halifax, of March 17, 1874, also gives an interesting obituary notice of Judge Bliss.

Educated for his profession in Nova Scotia, called to the bar in England, practising successfully as a barrister in this province for years and then elevated to the Bench at a comparatively early age, he was able to bring to the discharge of its duties a vigorous intellect, fitly trained to perform the important functions of his high office.

Of his success as a judge the best proofs are to be found in the able decisions which he has given, and which are valued by the profession as the best exponents of the law of the land.

Dying at a ripe old age, he has left behind him a name that will be long remembered and works that will "follow him."

2. That a copy of the foregoing resolution be sent to the widow and family of the deceased Judge, and that as a token of respect the members of the bar do attend his funeral in a body.

Resolutions regarding the death of Judge Bliss.

(Morning Chronicle, March 20, 1874.)

Hon. Attorney-General said he merely rose for the purpose of discharging a duty which was incumbent upon him from the position he occupied. It was always a matter of regret and a subject for sympathy when men of character and integrity who had held high positions at the Bar and the Bench were taken away, men who had reflected credit upon their profession and adorned every station they had occupied. Within a few days he had learned, as the whole country had learned, with regret that Judge Bliss had passed away. There was no one who knew of the high character which Judge Bliss had borne in public and private life but would be ready to give expression to the sentiments contained in the following resolution:

Resolved, that the House have heard with deep regret of the death of the Hon. William Blowers Bliss, formerly a member of this House a prominent practicing member of the Bar of

Nova Scotia and for many years one of our leading Judges; upright, honest and talented. This province sustained a great loss when he retired from the Bench.

Resolved, that this House will adjourn on Thursday next to attend the funeral in a body, and that a copy of these resolutions be sent to the widow and family of the deceased.

Mr. Blanchard said he had great pleasure in seconding that Resolution. He had had the pleasure since 1842, when he went to the Bar first of practicing before His Honor Judge Bliss; and he could say that if ever Nova Scotia had a Judge of integrity, knowledge and ability that was the man. He was not saying anything about the other Judges but in Judge Bliss there was something above and beyond all he had yet mentioned. He was a Christian and a good man in every sense of the words. To pass and carry out this Resolution was as little as this House could do. Judge Bliss had long been here as a member and had adorned the debates and business of the House with his fine talents and high character. He (Mr. B.) was glad now and then of these oases in the deserts, these rosebushes among thorns, these occasions when all could lay aside their differences and unite to do honor to an able and good man. This was one of them. He knew of no man who had gone to the happy world above whose departure should be more regretted.

Mr. DesBrisay said he had great pleasure in supporting the Resolution which had been moved by the Hon. Attorney-General and seconded by the Hon. leader of the opposition. The good name and fame of Judge Bliss were not confined to Halifax, but was known throughout Nova Scotia. He was a man of rare talent, of finished education, of sterling integrity and of the highest principle. He was indeed what the poet calls "A christian, the highest style of man."

The resolution was then passed unanimously.