

Justice Hjálmar A. Bergman, LL.D., K.C.

By Rev. Stefan M. Jonasson

H.A. Bergman was blessed with one of the most brilliant legal minds ever seen in our city, which earned him an international reputation as a precedent-setting lawyer. He was a “lawyer’s lawyer” who earned the respect of his colleagues – including his fiercest adversaries – and was a leader in his profession, even during times of conflict and difficulty. Despite a demanding practice, he devoted considerable energy to community service, especially in the fields of education and religion.

Hjálmar August Bergman was born at Gardar, Dakota Territory on August 22, 1881, the second son of Eiríkur Hjálmarsson Bergmann and Ingibjörg Pétursdóttir Thorlacius. His father, a merchant and postmaster, was elected to the Territorial Legislature as a Republican in 1888, becoming the first person of Icelandic heritage to sit in a legislature anywhere in North America.

When he was only eighteen years old, Bergman graduated from Luther College in Decorah, Iowa with a Bachelor of Arts degree. Three years later, he completed law school at the University of North Dakota, achieving the highest academic standing in his class, not to mention setting the record as the state’s youngest-ever law graduate. He practiced law in Grand Forks, North Dakota until 1905, when he relocated to Winnipeg, articling under the noteworthy lawyer and legislator Thomas H. Johnson. He received a second Bachelor of Law degree in 1906, this time from the University of Manitoba, graduating with first class honours. He was called to the Manitoba Bar in 1908 on the very same day that he received Canadian citizenship, becoming a partner in the firm Rothwell, Johnson and Bergman.

H.A. Bergman argued cases before the Supreme Court in North Dakota, the Supreme Court of Canada and the Imperial Privy Council, establishing important precedents in both civil and constitutional law. One of the most celebrated cases involved the contest over ownership of the former Winnipeg Tabernacle on Victor Street, which was claimed by both the First Federated Church, which had been formed by a merger between the First Icelandic Unitarian Society and the Tabernacle congregation, and a minority from the Tabernacle which had opposed the merger. A nephew of the Tabernacle’s last minister, Friðrík J. Bergmann, he did not share his late uncle’s enthusiasm for the merger of Winnipeg’s Icelandic liberal churches. He did, however, have a large personal stake in the building – he had served on the three-man building committee, which had overseen construction, and his family had been among the major benefactors of the new building. Ironically, he had earlier defended the right

of certain North Dakota congregations to retain their property after seceding from the Icelandic Lutheran Synod. It is a testimony to his brilliance as a lawyer that he was successful in both cases, although he championed different sides!

H.A. Bergman was a central figure in two major challenges to the judiciary. In 1928, he was the prosecutor at a hearing into the conduct of Judge Harold Maulson of Minnedosa, whose financial affairs and public intoxication, which included the courtroom, had led the Manitoba Law Society to demand his resignation. This inquiry concluded that most of the charges were true and Maulson was subsequently dismissed from office. A decade and a half later, while appealing a case to the Supreme Court of Canada, Bergman advised the court that the Manitoba Court of Appeal had not allowed him to speak for his client, having already decided that the case had no merit. When every case appealed to the Supreme Court in 1942 and 1943 was reversed, it was obvious that there was a problem on the Manitoba bench. As a result of the controversy, changes were made in the composition of the Court of Appeal, not least of which was the resignation of Chief Justice James Prendergast.

In 1944, Bergman was himself named as a justice of the Manitoba Court of Appeal, serving until his death. Although many had expected that he would be named Chief Justice, this did not happen, perhaps because of the role he played in the events leading up to Prendergast's pressured resignation. After a brilliant career as a lawyer, there was every reason to believe that his insightful legal mind would lead to landmark rulings from the bench. But his judicial service was cut short by his unexpected death after less than four years on the Court of Appeal.

He was twice elected president of the Manitoba Bar Association and was also twice president of the Manitoba Law Society, eventually becoming a Life Bencher of the Law Society. From 1933 until 1946, he was a member of the board of governors of the University of Manitoba, serving as chairman during the last three years. At the beginning of his service on the board of governors, Bergman won approval for the establishment of a chair in Icelandic studies at the university, although the impact of both the depression and World War II prevented the university from implementing the decision for nearly two decades. The year before he died, Bergman was instrumental in establishing the endowment fund committee that generated the financial resources necessary to launch and maintain the Icelandic chair.

Hjálmar A. Bergman received numerous honours during his lifetime. He was named King's Counsel in 1920, while still comparatively young. In 1939, the government of Iceland made him a Grand Knight Commander in the Order of Falcon in recognition of his leadership in the Icelandic community. Following his retirement from its board of governors, the University of Manitoba conferred upon him the honorary degree of Doctor of Laws in 1947.

Bergman married Emilía Sigurbjörg Johnson, daughter of Jón Jónsson Bardal and Guðbjörg Guðmundsdóttir, on June 29, 1907 and they had three children: Ethel, Norman and Eric. He died in Winnipeg in 1948, cutting short a judicial career that had promised to be as bright as the lengthy career as a practicing lawyer that had preceded it. Through his legal practice and the various professional offices he held, Bergman left an indelible impression on the legal history of our province.

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