

"I Was Unable to Identify with Topsy" Carrie M. Best's Struggle Against Racial Segregation in Nova Scotia, 1942

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PROLOGUE

This paper reports on an eventful court case that has been buried in Canadian legal archives for fifty-six years. In 1942, Carrie Best brought an action against a Nova Scotia theatre, charging the owners with racist discrimination. Dr. Best, an African-Canadian who was a former teacher, journalist, and founder of *The Clarion* (a newspaper which she began publishing in 1945) has been a tireless advocate for human rights and has fought against racial discrimination and segregation in Nova Scotia. At the age of 95, she lives in her home community of New Glasgow, Nova Scotia. We dedicate this article to Dr. Best and her pioneering struggle against racial segregation.

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Cet article rapporte une cause célèbre, qui était enfouie dans les archives judiciaires canadiennes durant les cinquante-six dernières années. En 1942, Carrie Best intenta une action contre le Nova Scotia Theatre, accusant les propriétaires de discrimination raciale. Dr. Best, une Canadienne d'origine africaine, enseignante, journaliste et fondatrice du journal *The Clarion* (journal qu'elle commença à publier en 1945), fut une championne des droits de la personne et lutta contre la discrimination et la ségrégation raciale en Nouvelle-Écosse. Âgé de 95 ans, elle vit chez elle à New-Glasgow, en Nouvelle-Écosse. Nous dédions cet article au Dr. Best et à sa lutte pionnière contre la ségrégation raciale.

Much has recently been written about the African-Canadian, Viola Desmond, who challenged the racist seating policies of a New Glasgow movie theatre in 1946. When the Halifax beauty salon owner refused to capitulate to the demand that she sit in the balcony, she was arrested and prosecuted. Scholarly articles and poems have been published to chronicle Desmond's life and anti-racist work. Plays and documentary movies are being planned. She has been heralded as "one of the first Black women in Canada" to challenge racial segregation in the courts. (Backhouse, 1994; Woods, 1990: 37).

Few are aware that four years prior to Viola Desmond's actions, another African-Canadian woman brought suit against racial segregation in Nova Scotia. Carrie Best deserves equal attention for her efforts to promote racial equality in Canadian legal history. Best is rightly acclaimed for her successful career as one of Atlantic Canada's first African-Canadian journalists. In 1974, she was named to the Order of Canada, and in 1980 promoted to the rank of Officer of the Order, for

her work on behalf of racial equality and civil rights. Strangely, none of the published material about Carrie Best, including her own autobiography, makes mention of the anti-racist litigation she sponsored in her home town of New Glasgow in 1942.

Carrie M. Best, an African-Canadian whose birth name is Carrie Prevoe, was born in New Glasgow, Nova Scotia on 4 March 1903. At a young age, Carrie became an avid reader who spent "long hours" reading poetry and memorizing poems. She recalls her mother, an African-Canadian who could neither read nor write, urging her children to resist the racist culture that labelled African-Canadians "inferior." Both her parents taught their children to take pride in their heritage, to seek information about the true role of African-Canadians in Canadian history, and to stay in school.

Years later, in her autobiography *That Lonesome Road*, Carrie Best would describe her refusal to conform to prevailing cultural

stereotypes: "With all due respect to Mrs. Stowe and her literary accomplishments, I was unable to identify with Topsy, the product of her imagination - "Topsy" - the little Black piccaninny slave girl who 'just growed.'" Disappointed with Harriet Beecher Stowe's *Uncle Tom's Cabin*, Carrie sought out the writings of African-American poets such as Paul Lawrence Dunbar, Noel J. Gonsales, James Weldon Johnson, and historians such as John Hope Franklin, Otto Lindemeyer, Jerome J. Bennet, Herbert Aptheker, Eric Lincoln, W.E.B. Du Bois and Leo W. Bertley. According to Carrie Best, these writers provided "my first sense of Black Identity." (Best, 1977: 20, 44, 78, 82, 89-90, 209, 216-7; *The Novascotian*, 1982: 3-4).

Growing up in New Glasgow as an African-Canadian was a challenging task. One of Carrie Best's most vivid childhood memories involved a race riot that erupted in New Glasgow at the close of the First World War. An inter-racial altercation between two youths inspired "bands of roving white men armed with clubs" to station themselves at different intersections in the town, barring Blacks from crossing. At dusk that evening, Carrie Best's mother was delivered home from work by the chauffeur of the family who employed her. There she found that her husband, her younger son, and Carrie had made it home safely. Missing was Carrie's older brother, who had not yet returned home from his job at the Norfolk House hotel. Carrie described what ensued in her autobiography, *That Lonesome Road*:

In all the years she lived and until she passed away at the age of eighty-one, my mother was never known to utter an unkind, blasphemous or obscene word, nor did I ever see her get angry. This evening was no exception. She told us to get our meal, stating that she was going into town to get my brother. It was a fifteen minute walk.

At the corner of East River Road and Marsh Street the crowd was waiting and as my mother drew near they hurled insults at her and threateningly ordered her to turn back. She continued to walk

toward the hotel about a block away when one of the young men recognized her and asked her where she was going. "I am going to the Norfolk House for my son," she answered calmly. (My mother was six feet tall and as straight as a ramrod.) The young man ordered the crowd back and my mother continued on her way to the hotel. At that time there was a livery stable at the rear entrance to the hotel and it was there my mother found my frightened brother and brought him safely home. (1977: 43-4)

Carrie completed high school in New Glasgow. Already in search of an occupation, she knew that domestic service was not an option. "Although I had been well trained in the housekeeping arts by my mother," she resolved, "I had decided very early that this type of work would be done for myself alone and never as a means of livelihood." She toyed briefly with the idea of a career in nursing, which was foreclosed to Black women in Canada and would have required her to move to the United States to obtain training. Carrie Best ultimately concluded that nursing was not a fortuitous choice, confiding that "the only running blood I can tolerate comes from either a Sirloin or T Bone steak." She next considered a position as a teacher in one of the segregated Black schools in Nova Scotia, but this too did not seem completely satisfactory. Instead, she opted for matrimony, marrying Albert Theophilus Best, an African-Barbadian who had immigrated to Canada and become a porter for the Canadian National Railway. The couple had one son, James Calbert Best. (Best, 1977: 44-6; Clarke, 1991: 71; Winks, 1971: 405, 408).

New Glasgow maintained one movie house, the Roseland Theatre, on the north-east corner of Forbes and Provost Streets. Norman W. Mason, the town's most celebrated "showman," was the owner and operator. Mason was a well-known character in New Glasgow. Born in St. Margaret's Bay, in 1896 he "rode into New Glasgow on a bicycle from Halifax, with 82 cents in his pocket." Formerly a pro ball player in the United States, he played several parts on the stage in Boston and

New York, "had the strength and virility of a horse, liked work, and loved life." Norman Mason set up a candy and confectionary shop, enticing customers with live orchestral performances in the evenings. Soon he was managing most of the theatrical events that debuted in New Glasgow. "Uncle Tom's Cabin," complete with bloodhounds and Little Eva, was so popular with the New Glasgow audiences that Mason brought the play back nearly every year. This kind of stereotypical fare was paraded again and again before the New Glasgow audiences.

In 1913, Mason built the Roseland Theatre to serve as a movie-house featuring silent movies. After an overhaul in 1929 to outfit the theatre for sound, the Roseland began to run a series of popular movie musicals and dramas. When talking pictures killed off the Vaudeville performances in the 1930s, Mason abandoned his interests in theatre and turned his full energies into the Roseland movie house. Al Jolson's "The Jazz Singer," featuring a white minstrel actor performing in "Blackface" was one of the most successful movies shown. Norman Mason made such a "mark on the community" that he was elected mayor of the town three separate times. (Cameron, 1962: 170-79, 201-3; Cameron, 1974: 152-61; "Mason" P.A.N.S., 448).

For years the Roseland Theatre had accommodated members of New Glasgow's racially-mixed community without discrimination in terms of price or seating. However, in the early 1940s, some of the white patrons began to complain that they felt African-Canadian movie-goers should be asked to sit separately in the balcony area. Racial segregation was commonplace in Canada during the first half of the 20th century. The colour bar was less rigidified than in the United States, and it varied between regions and shifted over time. While no consistent pattern ever emerged, at different periods various theatres, restaurants, hotels, athletic facilities, parks, swimming pools, beaches, dance pavilions, skating rinks, pubs and bars shut their doors to people of colour across the nation (Backhouse, 1994; Winks, 1971; Walker, 1997).

In December of 1941, Norman Mason apparently decided it was time to respect the racist complaints of some of his white patrons. He instructed the staff of the Roseland Theatre to insist

that a new seating policy be implemented, and when several African-Canadian high school girls refused to comply, he had them forcibly ejected from the theatre. When Carrie Best learned what had happened, the forty-one year old woman resolved to take action. (*Best v. Mason and Roseland Theatre*, 1942).

Her first strategy was to go to the theatre in person and insist that the discriminatory policy be dropped. When this failed, she wrote a letter to theatre-owner Norman Mason directly. In clear and forceful language, she recounted what had transpired, laid out her arguments against the discrimination, and demanded a change in policy:

Dear Mr. Mason:

I sincerely trust that this is the last time that I shall be forced to undergo the humiliating and undemocratic treatment that I have been forced to undergo from your employees at the Roseland Theatre.

It should not be necessary for me to remind them that I am a citizen and taxpayer in the town and as such have the right under British law to sit in any public place I wish to while I enter and exit in a clean orderly manner.

I have spent the entire afternoon conducting a personal Gallup poll to see if this rule is the carry over from the far-away days of slavery or if this is the rule of the Board of Directors and shareholders of the Roseland Theatre Company. [...] Scores of respected citizens were amazed to believe that such Jim-crow tactics are practiced on decent law-abiding citizens and when the time comes have said they will not hesitate to speak against it.

Today I speak for one family, the Bests, my husband, my son and myself. I will ask, no I will demand to be given the same rights as the Chinese and other nationalities of the Dominion of Canada and today I speak for my family only. As

I am too tired to come to the theatre tonight, I respectfully request you, Sir, to instruct your employees to sell me the ticket I wish when next I come to the theatre or I shall make public every statement made to me by you and your help; of negroes being dirty, smelly etc. and of you taking it upon yourself to evict high school girls of irreproachable character from your office. Please get this straight, Mr. Mason. If respectable colored people are cowardly enough to put up with such treatment they are welcome. I speak today for no family but my own and if you wish a public controversy both pro and con as to whether you have the power of a dictator to decide in a British town who is a citizen and who isn't, you can have it. If my words are clear and strong I wish you could have heard some of the citizens who do not believe such a thing is possible in times like these. The statement of your employee to me that no colored person can sit downstairs in the Capitol Theatre in Halifax is a lie of the first order as I have and always do sit there and I am sure the public will be interested to hear all this. I am coming to the theatre Monday.

Mrs. Best.

(*Best v. Mason and Roseland Theatre*, 1942)

Monday afternoon, 29 December 1941, Carrie Best arrived at the wicket of the Roseland Theatre, accompanied by her son, Calbert. "Here Comes Mr. Jordan" was the featured matinee movie, starring Robert Montgomery, Evelyn Keyes, Claude Rains, James Gleason and Rita Johnson. Carrie and Calbert Best deliberately arrived shortly after 2:30, when the movie was due to start, and the lobby was empty. Carrie placed two quarters on the ticket-seller's counter and asked for two downstairs tickets. Caroline White, the white woman staffing the wicket, passed her two balcony tickets and ten cents change. Main floor tickets were 25 cents, while balcony tickets were only 20 cents. Without saying a word, Carrie Best and her son entered the theatre, leaving behind the change and the tickets at

the wicket. (*Evening News*, 1942)

Erskine Cumming, the white assistant manager, was standing between the front entrance and the seating area. He asked the Bests for their tickets, and Carrie Best simply replied that she had left the money and the tickets at the counter. He followed behind them as they entered the auditorium, insisting that she had to have tickets, and that all "colored people must sit upstairs." Carrie Best replied: "I am inside now. Put me out." Erskine Cumming returned to the box office, retrieved the money Carrie Best had left there, gave it to her, and asked her to leave. Three times he asked her to leave, and each time she refused, claiming she was "a British subject with as much right to be there as anyone else." The third time Erskine Cumming put the fifty cents into Carrie Best's purse and told her she was seated downstairs without a ticket, and if she did not leave he would call the police. Carrie Best and her son stood their ground.

Shortly after this, a white New Glasgow police officer, George S. Wright, arrived and asked the Bests to leave. When she refused to do so, the white Chief of Police, Elmo Langille, was called in. He ordered the Bests to leave the theatre. They refused to budge. Then Officer Wright placed his hands under Carrie Best's arms and raised her from her seat. At that point, she stated: "That's all I wanted you to do, put your hands on me. I will fix you for this." Then she stood up, and accompanied by her son, they walked out of the Roseland Theatre. (*Evening News*, 1942)

In 1941, there were no Canadian statutes expressly prohibiting racial segregation in public facilities. The first such legislation would not appear until 1947, when the *Saskatchewan Bill of Rights Act*, Canada's first comprehensive human rights statute, outlawed discrimination in hotels, restaurants, theatres, business ventures, employment, housing and education. (*Saskatchewan Bill of Rights*, 1947)

Despite the absence of human rights legislation, however, several African-Canadian men had previously tried to bring legal action against racial segregation. Frederick Johnson successfully used the common law doctrine of "breach of contract" to sue the Montreal Academy of Music in

1899 for refusing to allow him to sit in the orchestra section. James Barnswell made the same claim in 1914 against the Empress Theatre in Victoria. Other litigants were not so successful. Norris Augustus Dobson and Sol Reynolds lost their lawsuits against Lowe's Montreal Theatres in 1919. W.V. Franklin lost his claim against a London, Ontario restaurant in 1924, and Edward Tisdale Rogers lost his against the Vancouver Clarence Hotel in 1940. The Supreme Court of Canada produced a disastrous decision in *Christie v. York* in 1940, when it denied Fred Christie compensation after he was refused service at a beer tavern in the Montreal Forum. Christie based his claim on the assertion that hotels and restaurants providing "public services" had "no right to discriminate" under the common law. The Supreme Court expressly preferred the private law doctrine of "freedom of commerce" over the public law doctrine of "equality," and concluded that it was "not a question of motives or reasons for deciding to deal or not to deal; [any merchant] is free to do either." (Backhouse, 1994; Walker, 1997: 122-81).

The common law record was not a glowing one. Yet individuals from diverse racial groups continued to seek recourse to legal authority. In the first two decades of the 20th century, Chinese-Canadian businessmen such as Quong Wing, Quong Sing and Yee Clun chose to contest the legality of racist Saskatchewan legislation that prohibited Asian men from hiring white women. (Backhouse "White Female Help," 1996; Backhouse "White Women's Labor Laws," 1996). Eliza Sero, a Mohawk widow from the Tyendinaga Territory in eastern Ontario, proudly carried her claim of Mohawk sovereignty before the courts in 1921. (Backhouse, forthcoming 1999). Although most such lawsuits went down to defeat, the individuals who endured the trouble and expense of bringing such cases obviously felt that the legal system should be held up to scrutiny. They chose to claim "justice" in Canadian courts, to test whether the law could serve as a useful strategy in the campaign to challenge racial discrimination.

Litigating for racial equality has a long history. Carrie Best was about to become part of it. The New Glasgow lawyer whom Carrie Best retained was named James Hennigar Power. A

forty-four-year-old white man, James Power had been born in Upper Kennetcook, Hants County. He studied at Halifax County Academy, and obtained an arts degree from Dalhousie and a masters in arts from the University of King's College. In 1921, he completed his LL.B. degree at Dalhousie, and then put in another year of graduate study at Harvard Law School. Power practised law initially in New York, and then returned to New Glasgow in 1927, where he set up a general law practice. From 1953-57 he would serve as New Glasgow town councillor, and from 1958-59 as mayor. Extremely well educated for his time, Power was an excellent choice as counsel. (*Canadian Who's Who*, 1948: 769; *Chronicle-Herald* 21 March 1960).

Power decided to pursue common law remedies to rectify the discrimination perpetrated upon Carrie Best. He launched a civil lawsuit in Carrie Best's name against the owner of the theatre, Norman Mason, and the Roseland Theatre Company Limited. Issuing a writ of summons on 18 February 1942, Power framed the action to claim damages of \$4.00 for repairs to Carrie Best's coat and \$5,000.00 general damages for assault and battery. He also claimed \$500.00 general damages for breach of contract when the theatre "wrongfully revoked the license given to the Plaintiff to witness the performance." The statement of claim noted that Carrie Best, the plaintiff, was "a Negress," "a British subject" and "a married woman" who had sought admission to the Roseland Theatre. The reference to her status as "a British subject" and "a married woman" was a deliberate attempt to cast the plaintiff as a respectable woman, protected by the mantle of imperial citizenship. The reference to Carrie Best's racial identity was a direct indication that race was at the fore of the case, something that other race discrimination cases of the time often downplayed. The statement of claim advised that the Roseland Theatre advertised itself as a motion picture house, and "openly and notoriously invite[d] the public ... without discrimination or reservation as to color or race, or as to place or reservation of place, depending on color." The defendants, Mason and the Roseland Theatre, "had no authority express or implied, nor any legal justification, reason or excuse for requesting [Mrs. Best's] withdrawal." The actions of Erskine

Cumming, Officer Wright, and Police Chief Langille in ejecting Carrie Best from the theatre had amounted to an unlawful assault and battery. The refusal to allow her to sit in the downstairs portion of the theatre amounted to a breach of contract. (*Best v. Mason and Roseland Theatre*, 1942).

Norman Mason defended himself and his theatre company with vigour. He retained another white lawyer, Edward Mortimore Macdonald, Jr. KC, a forty-seven-year-old New Glasgow resident. Born in Pictou, Macdonald received degrees from Dalhousie University, Bishop's College and McGill. Called to the bar of Quebec in 1924, he practised law in Montreal until 1930. He obtained his call to the Nova Scotia bar in 1929, and returned the next year to practise in his home province. Partner of the law firm of Macdonald & MacQuarrie with offices in Pictou and New Glasgow, Macdonald also served as the town solicitor for New Glasgow. (*Maritime Reference Book*, 1931: 11; "Macdonald, E.M."; Roberts and Tunnell, 1936: 660).

Macdonald filed a statement of defence denying virtually every allegation in Carrie Best's claim. Macdonald refused to admit that Carrie Best was "a Negress," that she was "a British subject," or even that she was "a married woman" or resided in New Glasgow. Conceding that Carrie Best had requested two downstairs tickets and tendered payment, Macdonald denied that the "alleged twenty-five cent pieces were accepted by the servant or agent of the Roseland Theatre Company." He denied that Carrie Best had ever been permitted to enter the downstairs or any other portion of the theatre. Instead, he asserted, "she unlawfully and illegally without permission, without right and by subterfuge did enter the downstairs portion of the said theatre and did illegally and without permission take a seat therein for purposes unknown to the Defendants." The statement of defence indicated that Carrie Best was "a trespasser," and denied that she had been forcibly ejected, assaulted, or damaged in any other manner. (*Best v. Mason and Roseland Theatre*, 1942)

The matter came on for trial before Judge Robert Henry Graham of the Supreme Court of Nova Scotia on 12 May 1942. Judge Graham was not unknown to Carrie Best. Before he was

appointed to the bench, when he was a practising lawyer in New Glasgow, her mother had occasionally worked as a domestic servant at the Graham home. Carrie Best had a memorable encounter with Graham when she was only four years old, in an exchange that emphasized the vast chasm of power that separated the young African-Canadian girl and the white lawyer. She thought the incident worth recounting in detail in her autobiography:

For many years, I was embarrassed by the story my mother often told of an incident that happened when I was about four years old and we were living on Provost Street in New Glasgow. I was sitting on the steps of my home one morning, when a local lawyer (Henry Graham) later Mr. Justice Graham of the Supreme Court of Nova Scotia, passed by on his way to the office and winked at me.

My mother worked at his home sometimes and I knew him by name. Angry and excited, I rushed upstairs and declared Da' Hennie Game look at me and wink he eye - but I never toined; **I let he know I no two-cent dude**. Two-cent dude was the term applied to people of low esteem; usually those who were flashily dressed but financially insolvent. Apparently I had interpreted his greeting to mean that he felt that I belonged in that class. If I had reasoned so, at that early age then I had actually begun my journey into self evaluation when I was only four years old.

(Best, 1977: 40-1)

Born and bred in New Glasgow, Judge Graham obtained his arts and law degrees from Dalhousie. Called to the bar in 1894, he served as mayor of New Glasgow from 1899 to 1900, and represented Pictou County in the House of Assembly between 1916 and 1925. That year he was appointed to the Supreme Court. It must have been somewhat unnerving for Carrie Best to face her childhood nemesis, now a seventy-two-year-old judge, as she sought to assert her right to racial

equality in law. (*Catalogue*, P.A.N.S.: 110; *Canadian Who's Who*, 1948: 380; *Mail-Star*, 1956).

The trial took one day. Both Carrie Best and Calbert Best testified how they had arrived at the theatre, tendered payment for two downstairs tickets, ignored the balcony tickets they had been issued, and seated themselves in the auditorium. They explained how they had been forcibly ejected from the theatre, and described the humiliation, pain and embarrassment caused by racial discrimination and segregated seating policies.

After the plaintiff's case was presented, the defence evidence was called. Caroline White, the ticket-seller, claimed that she never issued any tickets to the Bests. She testified that Carrie Best deposited her fifty cents, and without saying a word passed on before she had a chance to give out any tickets. She was adamant that she never tore off any tickets nor touched the money offered. The two police officers took the stand to testify that "no undue force had been used on Mrs. Best." Officer Wright admitted that he placed his hands under Carrie Best's arms, and raised her from the seat, but did so only after her continual refusal to depart voluntarily. (*Evening News*, 1942; *Advocate* 14 May 1942.)

When it came time to charge the jury, Judge Graham left no doubt as to his opinion of the case. Judge Graham conceded that theatres advertised their services generally to the public. However, it was his view that "the management had the right to exclude anyone from the theatre." Theatres were no different from private dwellings, as far as Judge Graham was concerned. "[T]he ordinary citizen had the right to exclude anyone from their home unless a contract had been entered into," he advised the jury. He urged them to disregard any other questions raised in the litigation. All else was "irrelevant." (*Advocate* 21 May 1942).

Judge Graham drew up a list of seven specific questions for the all-white members of the jury. The surviving archival records list the questions and the jurors' answers in full. It took the jury only thirty-five minutes of deliberation to complete the full set of interrogatories:

1. Did the Defendant Company's ticket-

seller sell any tickets to the plaintiff?

- No.

2. Did the Defendant's ticket-seller sell her a downstairs ticket?

- No.

3. Did the Plaintiff know the Defendant Company would not sell her a downstairs ticket?

- Yes.

4. Had Plaintiff any reasonable ground for thinking the ticketseller sold her a downstairs ticket?

- No.

5. Did the Plaintiff do as she did because she knew Defendant Company's ticket-seller would not sell her a downstairs ticket?

- Yes.

6. Was any more force used to remove the Plaintiff than was necessary?

- No.

7. What damage, if any, did the Plaintiff sustain.

- None.

Judge Graham quietly listened to the findings of the jurors, thanked them for their efforts, and directed judgment for the defendants. "It is hereby ordered, decreed and adjudged," he pronounced, "that the Plaintiff's action against the Defendants, N.W. Mason and the Roseland Theatre Company Ltd." be "dismissed with costs to be taxed." The defendants submitted a bill of \$63.45 for legal preparation, \$75.00 for counsel fee, and specified court and witness fees resulting in a total bill of \$156.07 owing from Carrie Best to Norman Mason and his theatre. (*Best v. Mason and Roseland Theatre*, 1942). Carrie Best's efforts to call upon Canadian law to declare racial segregation illegal had faltered. It must have seemed like a final insult that not only had she lost her case, but she was now required to compensate

the racist theatre-owner for the costs of his defence.

The case and its outcome were duly noted by five daily newspapers at the time: the New Glasgow *Evening News*, the New Glasgow *Eastern Chronicle*, the Pictou *Advocate*, the Halifax *Herald*, and the Halifax *Chronicle*. None saw fit to comment on the injustice of the loss by Carrie Best. (*Evening News*, 1942; *Eastern Chronicle*, 1942; *Advocate* 14 May 1942; *Herald*, 1942; *Chronicle* 15 May 1942).

Shortly after her legal defeat, Carrie Best decided to embark upon a career as a journalist, an occupation that she would later describe as "very satisfying," "a release from frustration and disappointment" and "a prescription for impatience." Carrie Best commenced her journalism career in 1945, when she published the first edition of *The Clarion*, a single sheet 8" by 10" that began as a church bulletin and later grew into a full-scale newspaper. Carrie Best's express goal for her newspaper was to work for the "betterment of racial relations." (Best, 1977: 50-1, 78-9; *Chronicle-Herald* 21 December 1974(a); Bird, 1950: 274-5).

When Viola Desmond, a Halifax businesswoman was also ejected from the Roseland Theatre on 8 November 1946, because African-Canadians still could not sit on the main floor of the auditorium, Carrie Best championed her legal efforts to seek redress. Denouncing the forcible removal of Viola Desmond as a "disgraceful incident," and claiming that "New Glasgow stands for Jim-crowism, at its basest, over the entire globe," the *Clarion* urged generous donations to a court fund to fight the case. (*Clarion*, 1946, 1947) When Viola Desmond's case was rejected by the Supreme Court of Nova Scotia, with Judge Robert Henry Graham sitting as one of the five justices assigned to the case, Carrie Best must have been doubly chagrined. (Backhouse, 1994).

Carrie Best's career as a journalist flourished despite the seething racism that surrounded her. In 1947, she incorporated *The Clarion* with the financial support of New Glasgow contractor Lemuel B. Mills and Halifax physician Dr. A.E. Waddell, and took on the role of editor, assisted by her son, Calbert Best. She published the paper until 1956, changing the name to *The Negro*

Citizen when she began national circulation. (Best, 1977: 50-1, 78-9; *Chronicle-Herald* 21 December 1974(a); Bird, 1950: 274-5). She expanded her horizons beyond the print format, and produced and narrated radio shows for five stations for twelve years. In 1956, she began to write columns in the Pictou *Advocate* on matters of human rights. On 26 December 1968, twenty-seven years after her ejection from the Roseland Theatre, she would lament the racism of Canadian legal and political institutions:

Canadian society is a white society. Its legislators are white. Its judges are white; its teachers are almost universally white; its police are white; its executives are white; its newsmen are white; its real estate agents are white; its landlords, its school board administrators, its mayors and aldermen, its bankers, its armed forces, and its Prime Minister are white. They support and perpetuate the institutions and customs that make Canada what it is. Thus they are racists.

If you are a liberal, middle-class white, the word "racist" has a very concrete and narrow definition. Apartheid is racist. Segregation is racist. The political, social and economic systems which enslave human beings, which deny them their identities, their freedom, their dignity and their future are all racist systems. This definition is good as far as it goes but it only begins to scratch the surface of racism.

(Best, 1977; *Advocate* 26 December 1968; Clarke, 1991: 171; Winks, 1971: 405, 408; *Evening News*, 1971; *The Novascotian*, 1982: 3-4; *Chronicle-Herald*, 1974b; *Evening News* 12 May 1975; 24 April 1975; 1980)

In 1970, Carrie Best was awarded the Lloyd McInnes Memorial Award for her contribution to social betterment. She was named to the Order of Canada in 1974 and received an Honorary Doctor of Laws from St. Francis Xavier

University in 1975, and the University of King's College in Halifax in 1992. Calbert Best graduated from Dalhousie, obtained a diploma in journalism from King's College, and completed a year of graduate studies in public administration. He became the national president of the Civil Service Association of Canada in Ottawa in 1960, and an Assistant Deputy Minister for Manpower and Immigration in 1970. In 1985, he became Canadian High Commissioner to Trinidad and Tobago. (Best, 1977; Clarke, 1991:171; Winks, 1971:405, 408; *Evening News*, 1971; *The Novascotian*, 1982: 3-4; *Chronicle-Herald* 21 December 1974(b); *Evening News* 12 May 1975; 24 April 1975; 1980; *Chronicle-Herald*, 1 October 1960; 1966; *Evening News* 21 September 1978).

The awards and honours bestowed on Carrie Best are matters of public record. That her lawsuit seeking redress for racial segregation (unsuccessful though it may have been) has not been equally noted is one indication of how deeply the past history of racism in Canada remains buried. Until recently, Canadian historians and lawyers have largely neglected to pursue research into issues of race, racism and struggles to resist racial discrimination. This failure calls out for further scrutiny. Why have momentous cases such as this

not been discovered and analyzed before? The answers are complex and may include: the prevailing mythology that Canada has a rather benevolent record on racial discrimination, the artificially "race-neutral" categories of legal and historical doctrine, and the dominant racial make-up of the faculty and students at most Canadian universities. These and other barriers to the recovery of Canada's racial history must be scaled and soon. Carrie Best's legal action against the Roseland Theatre in 1942 exemplifies the efforts of racialized groups to seek vindication before the law. The failure of the law to respond to such challenge is one of the sad, foundational truths of Canadian legal history.

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