COMMENTARY ON THE BAR ASSOCIATION MEETING

However soberly we contemplate a Meeting of The Canadian Bar Association, our impressions are still tinged with the festal glow, old friends re-met and new friends got. Winnipeg again has shown how well East and West can meet. Our appreciation of and wonder at the unfailing hospitality of the Winnipeg Bar are beyond expression. They say you don't feel the cold winter in Winnipeg, it's so dry then; we were there in the summer.

At the outset, at the President's Dinner for the Council, the West revealed Mr. E. C. Leslie, K.C., of Regina, as a post-prandial orator of the first water, a role all unsuspected by the East. Mr. Leslie was put up to thank Lord Wright for his guest-of-honour greetings, which included the kindly remark that he had never seen such a handsome body of gentlemen. Mr. Leslie, who bears a striking resemblance to Ichabod Crane, with a touch of Abraham Lincoln, began, "I occupy a unique position —never before has it fallen to the lot of any man to reverse the judgment of the Privy Council simply by rising to his feet."

Lincoln would have enjoyed the rest of the speech too.

Equally unexpected by the writer was the more formal and literary eloquence of the Presidential address. How Col. Aikins found time, in the midst of all his business and professional activities, plus the labour and energy he has devoted during his year to the Association, to crystallize his philosophic defence of private liberty and enterprise, is hard to understand.

Among the Sections, Commercial Law under the Chairmanship of Mr. Kelso Roberts stole the show. That the profession has awakened to the importance of taxes to the community and to itself was manifested by the intense interest with which a large audience heard the address of Mr. M. L. Gordon, K.C., on income tax.

The most important matters now affecting Canada are the present welfare of her Armed Forces and the future welfare of us all. So the most important tasks now of the Association are those of its Committees on War Work and on Civil Liberties and Post-War problems.

The report of the Committee on War Work showed that the Association's efforts to give legal aid to those in the Armed

Forces, and the eagerness of the various Provincial Committees and panels to serve, have not been balanced by the official results. Two factors have interfered. First, while our Committee has been formally adopted by the Department of Defence as the official channel for obtaining legal assistance for men in the Armed Forces, the bulk of the cases handled by the Committees has not come to them through the Departmental channels but through various auxiliary and civilian organisations, or through personal professional contacts. In Canada far more cases are referred by lawyers in the Forces directly to their friends than to the nominees of the Association's Committee. The result of this is that neither the Association nor, probably, the individual lawyer who looks after the case gets credit, and the burden of the gratuitous service rendered is unfairly distributed.

A second restriction on the work comes from the official Orders detailing the arrangements for the furnishing of legal services. Paragraph 5 of Army Routine Order Number 3519 reads as follows:

> "This arrangement extends only to applications for legal advice by members of the Canadian Army. It is not intended to and does not provide for legal assistance to dependents of such members. Thus legal assistance will not be provided in cases of eviction of dependents for non-payment of rent, repossession of Articles bought by dependents under conditional sale agreements, etc. Further, the arrangement does not cover divorce or other matrimonial causes.

Conferences with Colonel Nolan, Deputy Judge-Advocate-General (who came to make a fine address at the Wednesday Luncheon) and members of the Provincial Committees during the Meeting enabled the Chairmen of the Committee, at the final session, to amend the report with a clear statement that the Association puts no limitations on the kind of legal work which the Committees and panels are prepared to undertake for the members of the Armed Forces, and that arrangements are under way to insure officers in the Forces more direct contact with lawyers locally available where required to give legal aid.

Civil Liberties and Post-War Problems — perhaps better styled as suggested last Winter "Democratic Rights and Duties" —rightly were the chief topic of discussion. It appeared not

only in the conferences and report of the Civil Liberties Committee, but it was the theme of the Presidential address, and of the Honourable James Grafton Rogers, Representative of the American Bar Association at the Annual Dinner, who spoke on Post-War Problems from the international aspect, and the address of Mr. Vincent C. MacDonald, K.C., at the Friday Luncheon, applied the theme to the legal profession.

But it must be said frankly that all this discussion left the writer discontent. Mr. Rogers threw the light of a keen and exploratory mind among the shadows of coming events, but he did not pretend to dispel them. The resolution offered by the Committee had no explosive power. Mr. MacDonald's speech, which might have provoked action, came at the close of the Convention.

Our Association has a weakness for restrained generalities. The Meeting's one attempt to get down to cases was abortive. A lesson might well be taken from the meetings of the Ontario division. Last winter's meeting made a specific attack on the Rental Regulations of the Wartime Prices and Trade Board, which brought about, for the first time, the submission by a War Bureau of its regulations to the scrutiny of a Bar Committee, resulting in substantial amendments thereto. The Ontario Bar has not been only a general advocate for our judicial system. It has specifically attacked the refusal of the Government to submit to the courts disputes with tax-payers, naming the objectionable statutes. It can claim some credit that the end has been promised of the vicious system which reserves the arbitrament of such disputes to the interested Departments of the Government.

Outside in the rooms and corridors there was no such restraint or generality. The single topic was the menace of certain political objectives being placed before the public. If, as it seems to the writer and to every member of the Association with whom he talked, some of these objectives are a direct and deadly attack on everything for which the Canadian Bar Association stands — "The maintenance of liberty under the rule of law", to quote Sir Norman Birkett, K.C.,— then we should say so, and should by every means in our power, and not merely by speeches to each other, oppose them. Yesterday the Roman

Catholic Church in Quebec and the Methodist Church in Chicago spoke out. The Churches recognize that such movements must inevitably substitute worship of the State for religion. The Bar must equally recognize that such movements must inevitably substitute despotism for the rule of law. Hark back to the conclusion of Mr. McCarthy's Presidential Address in 1941 — "I earnestly urge you to make of this Association an articulate voice of a profession that must now speak or forever hold its peace".

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