

## TWENTY-SIXTH ANNUAL MEETING OF THE CANADIAN BAR ASSOCIATION

The twenty-sixth Annual Meeting of the Canadian Bar Association, held in Winnipeg, the home of its founder, Sir James Aikins, under the presidency of his son, G. H. Aikins, K.C., afforded ample evidence that the profession of Canada is keenly aware of the duties it must perform in the interests of the public both now and after the termination of the war. In view of the fact that the meeting of last year was, unfortunately, cancelled, one might well have expected some diminution of enthusiasm and cooperation. That, on the contrary, the attendance was not only high, but that those in attendance showed that much thought and effort throughout the year had been devoted to problems arising from tendencies of government produced by the war, must in large part be attributed to the untiring efforts of the President, G. H. Aikins, K.C., who devoted the better part of a year in travelling from one end of Canada to another, stimulating the profession in the various provinces to a sense of their new responsibilities, and laying the foundation for much of the work that the Meeting in Winnipeg showed itself willing to do, and performance of which seems now to be assured.

Permeating all the meetings, discussions and addresses at the Annual Meeting was the theme that the lawyers of Canada had the supremely important and difficult task of maintaining the liberties of the individual which, surrendered in greater or less degree for the more successful prosecution of a war being fought essentially for the preservation of individual liberty, stood in danger of being submerged in a post-war world unless some method of public education, accompanied by a constructively critical policy on the part of the legal profession were put into operation. Closely allied to this thought was the related problem of meeting the challenge of nostrums and panaceas thrown out by irresponsible elements of communities in times of disturbed social relations and which may, unless analyzed and explained to peoples wearied by the strain of war, involve the sacrifice of many simple but hard-gained virtues of the common law way of life. Thus, the Presidential address (printed elsewhere in this issue), and the address of E. K. Williams, K.C., to the Insurance Section of the Association, also printed in this issue of the REVIEW, draw attention to the seriousness of the problems in which lawyers must be prepared to play their part in the world of tomorrow. That the members of the Association recognize the compelling nature of

these demands was amply demonstrated in the discussions on Civil Liberties. It is true, that to date, the Committee in charge could do little more than report progress in the investigation of the broad problems covered by the term "Civil Liberties", but from the activities in Manitoba, reported on by W. P. Fillmore, K.C., and in British Columbia, reported on by A. C. Desbrisay, K.C., to take only two of the Provinces, it was apparent that the expanding "bureaucratic" process of government is being closely watched, and that the lawyers of Canada as a whole were alive to its serious implications. We have received a paper prepared for the Council of the Barristers' Society of New Brunswick along these lines, which we hope to print next month. The fact that Gustave Monette, K.C., acting as Chairman of the Discussion Group, had difficulty in reconciling all the various opinions expressed, and that no direct action was taken at the Winnipeg Meeting other than to form a committee to obtain such action, showed that the profession was not only irked at the delay in doing something constructive but also served as an indication that the Association was not rushing headlong into the kind of precipitate action which it was deploring on the part of others.

The two guests of the Association, Lord Wright, as representing the English profession, and Hon. James Grafton Rogers, representing the American Bar Association, in addresses widely separated in theme, nevertheless dealt with problems of concern to the lawyer—and indeed all thinking citizens—arising out of the war. Lord Wright contrasted the aims and methods of a Nazi-dominated world with the ideals and working principles of the common law. That the war could, in a sense, be styled one for the common law way of life is merely another way of stating that both now and later, when the war is ended, liberty under law must be the aim of every man, and in the post-war era the lawyer must seek to hand back to the public that liberty on which the war has made its encroachments. Mr. Rogers' theme was broader. He drew a picture of the problems that post-war Europe would present to a world seeking peace, in language that carried his audience—it was at the annual dinner—right into the heart of peoples whose lives were dominated by fear, and to whom the "underground" presented a means of liberation at the present and a menace to the future. If Mr. Rogers offered no solution, he at least brought Europe and its problems as close to Canadian lawyers as complete familiarity with those problems, supported by a graphic ease of expression, could bring them.

As we shall, as soon as possible, bring to our readers as many of the addresses and reports as possible, it is only necessary here to mention some of the other aspects of a Meeting which in many ways was the most hard-working and serious in the history of the Association. The Commercial Law Section, under the Chairmanship of A. Kelso Roberts, M.P.P., produced not only papers and discussions of work-a-day concern to the practising lawyers, but also provided the occasion for a difference of opinion on the policy of the Association which ended in an open and closely contested division of the members of the Association. After a paper on the Bank Act by A. W. Rogers, K.C., which is reproduced in this issue, and a supplementary paper on Outstanding Certified Cheques, by J. A. Mann, K.C., which we will present to our readers next month, both prompted by the fact that the Bank Act is due for its decennial revision next year, a proposal was made that the Section go on record as approving the Bank Act (subject to minor amendments) in its present form. Behind this motion, of course, lay the demand made in some quarters for Government or State-controlled banking. A lively discussion took place before the Section as to the advisability of the Association taking a stand on matters of political or economic policy. The Section, however, passed a resolution approving the present Bank Act. When the report of the Section was presented to a meeting of the Association the oratorical fireworks, set off in admirable style by Senator J.T.Haig, who decried the Association dodging what he felt its plain duty in giving a lead to Parliament on the attitude of the lawyers, began in earnest. After a close vote the Association refused to adopt the Resolution. Many saw in this refusal a "pussyfooting" attitude on the part of the Association, and it is no doubt true that many who voted in favour of a resolution which, to this reporter at any event would, if passed, seem to have done more harm than good to those opposed to Government banks, did so as an indication that they felt the time had come for the Association to make its opinion felt. Whether the Association was qualified to pass, in this oblique way, on the question of banking policy, is, however, another matter.

At the first luncheon meeting, Colonel H. G. Nolan, M.C., K.C., Deputy Judge Advocate General spoke on the relationship between the law and the armed forces and discussed the work which the legal profession is doing in advising members of the service. Unfortunately, this address was not reported but we hope to be able to persuade Colonel Nolan to let the REVIEW have an article along the lines of his address, for we feel that to the

majority of the profession there is an unfortunate lack of accurate information as to the inter-relation of the civil and military authorities.

Vincent C. MacDonald, K.C., Dean of the Dalhousie Law School, and presently on loan to the Department of Labour, spoke eloquently at the concluding luncheon on Friday of the lawyer's future problems, and indicated that the answer to a large extent lay in the Law Schools and the education of the profession. We have hopes of obtaining Dean MacDonald's address for our readers.

Of the work of the Commissioners on Uniformity of Legislation, one of the few groups in Canada which has produced tangible results towards law reform, and whose efforts, by the same token, have received too little attention in this country as compared to jurisdictions outside Canada, we hope to return in another issue.

A short comment on the highlights of the 1943 Meeting must, of necessity, fail to bring a true and accurate report of the entire proceedings. But lest it be thought that the entire meeting was devoted to serious and earnest endeavour, we must mention the hospitality of the President in his dinner to the Council, at which incidentally E. C. ("Lofty") Leslie, K.C., of Regina, emerged publicly, in the capacity in which he had been known privately to many for years, as the oratorical "find" of the Association—somewhat after the style in which L. W. Brockington, K.C., of illustrious fame, was discovered some years ago. Unless we are mistaken, "Lofty" will be heard by an even larger audience at subsequent Meetings of the Association. Nor can we refrain from expressing our whole-hearted admiration for and thanks to the Winnipeg and Manitoba bars who, despite all the restrictions and difficulties of war-time rationing, once more exhibited that hospitality and warm-heartedness—to say nothing of self-sacrifice—with which the rest of Canada has come to associate Winnipeg.

The twenty-sixth Meeting is over; "Pat" Maitland has taken over the Presidency from one who brought the Association through an extremely difficult year to a successful conclusion; and the Canadian Bar Association, because of that Meeting and that leadership of the last year, marches on with renewed determination to play its part in the problems of the future.

C.A.W.