

## THE TWENTY-EIGHTH ANNUAL MEETING \*

The widespread newspaper publicity given to the resolutions on civil liberty has tended to obscure somewhat the many other accomplishments of the Canadian Bar Association at its twenty-eighth annual meeting, held in Winnipeg on August 28th, 29th and 30th. One would not wish to minimize the importance of the civil-liberties aspect of the conference. Indeed, to a considerable extent that issue haunted the proceedings of the annual meeting from their very commencement. The press of Canada had predicted that the challenge to civil liberty would have to be dealt with by the Association at its annual meeting; and, in the very midst of the convention, an editorial in the Winnipeg Free Press called upon the legal profession to state its position on the great question of civil liberty, adding that "Canada awaits the answer of its lawyers". It is understandable then that this feature of the annual meeting should have been telescoped to the surface and become the object of special scrutiny and attention. The issue was important; upon it the profession took a definite stand; and public interest in the matter was exceedingly high.

All that having been stated, it remains to add that the twenty-eighth annual meeting of the Association did more, much more, than pass three resolutions on civil liberty. It was a meeting that in every sense deserves to be regarded as among the greatest, perhaps *the* greatest, in the life of the Association. It was marked by the largest out-of-town registration of any meeting in its history and, while the numerical test is admittedly inconclusive, it is at least some indication of strength, interest and activity. Those present at the meeting were privileged to hear feature addresses marked by sound content and delivered in a refreshing, interesting and eloquent manner, while the sectional meetings produced outstanding papers that represent significant contributions to Canadian legal thought. Moreover, the business sessions of the meeting, quite apart from the resolutions on civil liberty, dealt constructively with a variety of legal questions whose import goes beyond the confines of the profession and touches intimately many phases of the Canadian social scene.

When the annual meeting was called to order by its President, E. K. Williams, K.C., the large gathering witnessed a somewhat unusual spectacle in the form of the official welcome. Seldom does it happen, albeit it is a striking illustration of the contribution

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\* This report of the Twenty-eighth Annual Meeting of the Canadian Bar Association has been kindly prepared for the Review by Mr. Samuel Freedman, K.C., of Winnipeg.

of the lawyer to our public life, that the three official greetings should be extended by members of the legal profession. His Honour, R. F. McWilliams, K.C., Lieutenant-Governor of Manitoba, Hon. Stuart S. Garson, K.C., Premier of the Province, and His Worship Mayor Garnet Coulter, K.C., Mayor of the City of Winnipeg, each spoke in turn. Mr. McWilliams welcomed the members, and made special reference to the representatives of the United Kingdom, the United States and France, "the most liberal nations in the world, who had engaged in a common defence of the rule of law". Mr. Garson, commenting on the change that had taken him from the active practice of law into public life, drew laughter when he said, "My status as an ex-lawyer is purely a temporary one, very much subject to the whims of demos". He described as fundamental the clash between allegiance to the rule of law and the worship of the state. Mayor Coulter emphasized the important place occupied by the bar in a modern democracy. He cautioned against the danger of lawyers surrounding themselves too completely with a cloak of traditional dignity, instead of cultivating good public relations.

The reply to the official welcome was ably made by Hon. C. J. Burchell, K.C., of Halifax and President N. A. M. MacKenzie, K.C., of the University of British Columbia. Mr. Burchell expressed the hope that members of the bar would be pre-eminent in national and international affairs. He paid special tribute to Winnipeg as "the most international city in Canada". President MacKenzie voiced his pride in the contribution of the Canadian Bar Association to Canadian society and made reference to the qualities of hospitality and tolerance of the citizens of Winnipeg.

After the Hon. F. Phillippe Brais, C.B.E., K.C., Immediate Past President of the Association, took the chair, Mr. Williams delivered his presidential address. This was assuredly a great moment in the history of the Canadian Bar Association. Only the fact that the address in its entirety is being published in this issue of the Review prevents extended reference to it here. One cannot refrain, however, from commenting on its translucent style, its solid scholarship and its wealth of ideas. Calling upon the bar to think and act in national and international terms, Mr. Williams eloquently stressed the role of leadership which the lawyers of this continent could play in submitting "to the United Nations a clear and comprehensive code of International Law for all men and all Nations to read". Hand in hand with this objective was the need of creating an International Bar Association, and here again Mr. Williams called attention to "the peculiarly favourable

position in which the lawyers of this continent find themselves to initiate and largely to support this work". One will not quickly forget his analysis and defence of democracy, nor his stirring peroration in which he urged that if "this continent is to be the permanent citadel of our democratic civilization" we should not be unworthy guardians of its heritage.

Following the presidential address, Dr. E. H. Coleman, C.M.G., K.C., LL.D., presented, in moving terms, a resolution in memory of the late Honourable R. L. Maitland, K.C., a past-President of the Association. Dr. Coleman's resolution, seconded by A. C. DesBrisay, K.C., and unanimously approved, was as follows:

That the Canadian Bar Association place on record its deep and abiding appreciation of the outstanding services of its fifteenth President, the late Honourable Robert Lethington Maitland, K.C., of Vancouver, British Columbia, whose untimely death has deprived his country of a great patriot, his Province of a brilliant and conscientious administrator, the profession of the law of a high-minded and able advocate, the Association of an inspiring leader and its members of a loyal and unselfish friend; and that the Canadian Bar Association extend to Mrs. Maitland and her family its profound sympathy in the loss of a devoted husband and father and assure them that each member of the Association associates himself in their sorrow at his passing and in their pride in his distinguished record of public and professional service.

The Honorary Secretary of the Association, Gerald Fauteux, K.C., then presented the Report of Council. He referred to the fact that the resignation of J. C. Binnie as Secretary-Treasurer had been accepted with regret and that it had re-opened the problem of the establishment of a permanent secretariat. The report of the Honorary Treasurer, C. F. H. Carson, K.C., stressed the urgency of establishing the finances of the Association on a sound basis and to this end recommended that the active membership fee be raised from five to ten dollars. The recommendation was accepted.

The luncheon meeting, presided over by Chief Justice McRuer, Dominion Vice-President, was featured by an address by Honourable Willis Smith, the President of the American Bar Association. Taking as his topic, "Recent Observations in Europe", Mr. Smith, who had been an observer of the Nuremberg trials, outlined in graphic detail some of the proceedings he had witnessed and voiced praise of the work of the Allied prosecutors. The task of preserving civilization, in his view, would have to be performed through the consent of all peoples and if possible through the instrumentality of the United Nations, unless

unhappily that organization should founder upon the shoals of suspicion and distrust. Mr. Smith described incidents from his own experience which illustrated the tension between the Russian and the United States armies of occupation. Speaking easily and fluently in a pleasing Southern manner, and illuminating his address with many a light touch, this representative of the American Bar Association gave a truly impressive performance. The resolution that he be made an Honorary Member of the Canadian Bar Association was moved by H. S. Scarth, K.C., the Vice-President for Manitoba.

The afternoon session witnessed the Report of the Conference of Commissioners on Uniformity of Legislation, presented by R. Murray Fisher, K.C., and the Report of the Conference of Governing Bodies of the Legal Profession, given by André Taschereau, K.C. The Finance and Investments Committee reported through its chairman, T. D'Arcy Leonard, K.C., its chief recommendation being to segregate the capital funds of the Association so as to identify the sources from which they were received. C. H. A. Armstrong, K.C., submitting the report of the Membership Committee, pointed out that as of August 15th the membership of the Association numbered 3285, which represented over 40% of the practising members of the profession. This business session was concluded with the reports of the Vice-Presidents for the different provinces.

After a delightful reception and buffet dinner given by the President and members of the Manitoba Bar Association, the members adjourned to the Banquet Hall for the address of the representative of the Bench and Bar of the United Kingdom. Sir Reginald Croom-Johnson, of the High Court of Justice of England, was introduced to the gathering by the Honourable Thibaudeau Rinfret, Chief Justice of Canada. And here occurred one of the unforgettable moments of the annual meeting. The Chief Justice of Canada spoke for perhaps five minutes. What he said was apt and happy, but it was the manner of his saying it that was even more important. His delightful informality, his charm of manner, his vibrant personality and his gay humour won all hearts. As the Chief Justice concluded his remarks he received a prolonged ovation.

Sir Reginald Croom-Johnson took as his topic, "Law and Language". It proved to be an arresting and luminous exposition of the pitfalls besetting the practitioner who strays from the paths of simple English. "Use simple words", the speaker said. "Use plain words for plain things. Use plain words for ugly

things and for unpleasant things with which we oftentimes have to deal in court. We cannot control the language of our witnesses, but we can control and should be able to control our own." Sir Reginald cautioned against the danger of seeking to make a display of one's learning and erudition, and thereby being betrayed into error. His address was marked throughout by a happy gift for the pertinent illustration and anecdote. Honourable Stuart S. Garson, K.C., Premier of Manitoba, moved the resolution conferring upon the speaker Honorary Membership in the Association.

The sessions of Thursday, August 29th, were dedicated to the Sectional Meetings. These meetings, to a very marked degree, represent the working part of the annual meeting. They were of a uniformly high standard, with useful and important papers delivered on various phases of law. It is regretted that limitation of space prevents detailed reference to the accomplishments of all the sections, but with the publication of the Report of the Proceedings of the Annual Meeting the omissions here made will be rectified, and the papers presented will there find an honoured and deserving place. A reference by name to the subjects discussed at all the sections, and more detailed analysis of the work of some, should at all events be made.

The Section on Insurance Law, presided over by Wilson E. McLean, K.C., heard papers on "The Proposed Revision of Provincial Insurance Acts", by A. Leslie Ham of Montreal and Arthur S. Pattillo of Toronto, and on "The Doctrine of Public Policy in Relation to Insurance" by E. B. McLatchy, K.C., of Fredericton. The Taxation Section, of which Molyneux L. Gordon, K.C., is chairman, heard a paper on "Some Notes on the Income Taxation of Farmers" by G. W. Auxier of Edmonton. The Section on Legal Education and Training received a report from its chairman, G. H. Steer, K.C., of Edmonton, on "The Relation of the Canadian Bar Association to Legal Education in Canada". A well-attended meeting of the Commercial Law Section, headed by Hugh E. O'Donnell, K.C., heard a paper on "Negotiability of Street Certificates", prepared by Max M. Grossman, K.C., of Vancouver and read in his absence by B. M. Alexandor of Ottawa. This meeting heard, too, an important and comprehensive survey of "Aviation Law", given by Dean G. F. Curtis of the University of British Columbia. It was a monumental effort and its trenchant observations provoked an interesting discussion among the members.

The Administration of Civil Justice Section, under the joint chairmanship of J. B. Coyne, K.C., and His Honour Judge Fuller,

produced an animated and interesting discussion of several controversial topics. It was from this meeting that several resolutions emerged which were submitted to the entire convention the following day. Included among the subjects discussed were the extension of the grounds of divorce, the recognition of decrees under the War Marriages Act (1944) of Great Britain, custody of children, the creation of a special section to deal with Industrial Relations and Labour Law and the appointment of judges as Royal Commissioners.

A visit to the Junior Bar Section, ably led by Benjamin R. Guss of St. John, was a heartening thing. This section proved to be productive of serious and constructive proposals for the betterment not only of the Junior Bar but of the Association generally. From the active membership of this section will assuredly emerge, in the tomorrows that lie ahead, the leadership of the Canadian Bar Association. This is in itself reason enough for a brief reference to its work at the annual meeting.

Five important addresses were delivered in this section. A stirring challenge to defend democracy against the dangers of totalitarianism was delivered by R. M. Willes Chitty, K.C., of Toronto, in an address entitled "Beware the Bureaucrat". Mr. Chitty warned that "if from democracy you travel to the left or right you arrive at dictatorship". "We have lost the right", the speaker said, "to call our soul our own. If our system of parliamentary government is not sufficiently streamlined to meet emergencies as they arise, we should find a form of democracy that will, but we should never adopt totalitarianism."

Dealing with the matter of "Public Relations", Alexander Stark of Toronto showed how an intelligent programme of public relations had proved of benefit to the banker, the insurance man, the doctor and even the undertaker, the latter being publicized as "the sweet perfume of consolation itself". Offering specific recommendations for a balanced public relations programme, Mr. Stark said the first essential was the improvement of our own profession through more refresher courses and through increased sharing of knowledge with fellow practitioners. He advocated group insurance to make up income lost through illness or accident. Mr. Stark outlined details of a publicity programme as an aid to good relations.

R. D. Guy, Jr. of Winnipeg, speaking on "A Vital Programme for the Junior Bar", enumerated certain spheres of activity in which members of the junior bar could assist the Association. He made reference to legal aid to indigent persons, revision of

rules, improving the welfare of law students, instituting a luncheon lecture system, encouraging articles to the *Canadian Bar Review* and preparing an index to the Year Books of the Association.

D. Park Jamieson, K.C., of Sarnia, discussed "The Veteran Lawyer and His Problems". He divided this group into three categories: the veteran who was entering a law school for the first time; the veteran who had graduated from a law school but had never practised; and the veteran who was returning to a law practice he had given up to enter the services. Mr. Jamieson discussed the problems peculiar to each of these categories and made a strong plea for assistance by practising members to help these veterans take their place in the profession.

An inspiring message by John T. Hackett, K.C., M.P., of Montreal was delivered on the theme "Law—A Profession". Counselling against a too materialistic approach, Mr. Hackett reminded the members that "all civilization rests on religion" and that the impalpable things of life, such as equity, justice, equality and the dignity of the human soul, should be esteemed and treasured.

G. V. V. Nicholls, Editor of *The Canadian Bar Review*, appeared before the section, and made an appeal for articles and contributions, emphasizing that the Review must be a co-operative effort.

In the election of officers of the Junior Bar, the following were chosen: Hon. Chairman, B. R. Guss; Chairman, E. B. Griffith of Toronto; Vice-Chairmen, Jacques Viau of Montreal and S. C. Biggs of Toronto; Secretaries, J. B. O'Connor of Montreal and G. L. Murray of Vancouver.

The Annual Dinner, which closed the proceedings of the second day, was marked by an interesting innovation. In previous years a single speaker was the guest of honour and he delivered a full-dress speech. This time five guests shared with Mr. Williams as Chairman the honour of being the speakers of the evening. They were Sir Reginald Powell Croom-Johnson, Hon. Willis Smith, Maître Marcel Poignard, Bâtonnier of the Bar of Paris, Honourable Chief Justice Rinfret, and Judge John E. Read of the International Court of Justice. Each spoke briefly and the composite effect was one of stimulation and variety. An overflow attendance marked this event, which was followed by a dance, excellently arranged by the Manitoba Bar Association under its president, Arnold M. Campbell, K.C., and its sub-committee headed by Ian D. Sinclair.

When the annual meeting entered its third day an air of expectancy permeated the crowded Banquet Hall. Members knew that a debate on the civil-liberties report would take place and speculation and rumour as to its precise character, fortified by predictions in the press, had stimulated interest to a high point. It is not unlikely that some of the other business on the agenda received less attention than it otherwise would have, by reason of the apparent disinclination of members to prolong the interval before the civil-liberties report would be reached.

The Canadian Bar Review Committee presented its report through its retiring chairman, E. Gordon Gowling, K.C., who has headed this committee for several years. This was followed by the report of the Committee on War Work, presented on behalf of its chairman, K. F. Mackenzie, K.C., by Margaret Hyndman, K.C. It is noteworthy that upon the conclusion of this report, Brigadier Orde, Judge Advocate General, expressed the thanks of the Department of National Defence and of the armed services for the co-operation of the Canadian Bar Association in regard to legal aid. Over 22,000 cases, he stated, had been handled through the War Work Committee of the Association.

The report of the Committee on Noteworthy Changes in Statute Law, which was prepared by M. M. MacIntyre, was received. Commenting on the socialistic trend of legislation, Mr. MacIntyre's report contains this observation: "In other words, the men in control have more and more control over the rest of us, and there are each year more and more men in control". A motion that the Committee on Restoration of Inns of Court, headed by C. F. H. Carson, K.C., be continued was adopted.

Presenting the report of the Committee on Legal Problems of International Organization for the Maintenance of Peace, Mr. Williams offered three resolutions, which were adopted:

1. That this Special Committee be continued until the next Annual Meeting.
2. That the Canadian Bar Association declares its desire and readiness to be of whatever assistance it can to the agency empowered by the General Assembly for the purpose of dealing with the question of the codification of International Law.<sup>1</sup>
3. That this Special Committee be authorized to co-operate with the Special Committee of the American Bar Association for the organization of an International Bar Association, reporting from time to time to the Executive and Council of this Association.

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<sup>1</sup> See further on this subject (1946), 24 Can. Bar Rev. 614.



In the debate on the civil-liberties question seven speakers were heard. In order to clarify the precise issue that divided the meeting it is essential to make reference not only to the portion of the report that was adopted but to the portion that was rejected.

The report itself was submitted by A. N. Carter, K.C. The chairman of this committee, Gustave Monette, K.C., was not present at the meeting. Indeed his resignation as chairman had already been referred to in the press and an attempt had been made to link his resignation with the fact that his own report had allegedly not been accepted by some of the provincial chairmen of this committee, who had then drafted one of their own.

Mr. Carter stated in his first sentence that the report would consist "solely of observations and recommendations arising out of the so-called espionage incident". Reference was then made to Order in Council P.C. 6444 of October 6th 1945 authorizing the detention and interrogation of persons by order of the Acting Prime Minister or the Minister of Justice. The appointment of the Royal Commission was referred to, followed by the detention and interrogation of certain persons who "were not allowed to communicate with their friends, or to consult their solicitors". Criminal charges were subsequently laid against some of these persons, "and in one case at least, answers which he had given before the Commissioners were admitted in evidence against him". Moreover the Commissioners in publishing their reports had made observations on the guilt or innocence of those detained. The report then commented in critical terms upon the technique employed in these espionage cases and concluded with the following three specific recommendations:

1. It is recommended therefore that the Association go on record in uncompromising support of the Rule of Law, and of strongly disapproving any action by government or by any individual or organization which infringes in any degree the freedom of the subject under the law.

And we make the further recommendation:

2. That in order to protect the right of any witness not to be compellable to give evidence which may be used elsewhere to incriminate him, S. 5 of the Canada Evidence Act be amended so as to provide that a witness may claim absolute privilege for any evidence given by him at any time unless it be shown that at the time he was compelled to give such evidence he was informed of his right to claim that privilege and elected not to do so, or waived the privilege at the time when it is sought to use the evidence in question in order to incriminate him.

3. That the practice of appointing Judges as Commissioners to inquire into the conduct of persons suspected of having committed

criminal offences tends to confuse the functions of the judiciary with that of the Police and prosecuting counsel, and as such, is detrimental to the proper administration of justice, and ought not to be followed. Further, the publication of reports by any Commission charging any person with having committed any criminal offence, or of being suspected of having done so, is detrimental to the fair trial of such person, if subsequently charged with that offence, and, therefore, ought to be withheld until after the accused has been tried by the court in the usual manner.

Mr. Carter indicated that the report was signed by A. C. DesBrisay, K.C., of Vancouver, J. M. Goldenberg, K.C., of Saskatoon, R. M. Willes Chitty, K.C., of Toronto and himself; and that W. P. Fillmore, K.C., of Winnipeg dissented in part.

Mr. Fillmore then came before the microphone and stated that he did not disagree with the resolutions that were recommended but he did dissent from that part of the report which assumed that normal peace existed. The entire statement leading up to the resolutions assumed that there was a state of normal peace, but there was no peace either in law or in fact. There had been no proclamation, no treaty, and the prospects of peaceful settlement had been dimmed by the uncompromising and increasingly provocative attitude of Soviet Russia. Canada had been entrusted with a secret of great moment by the United States and the United Kingdom. The information placed before the government indicated attempts at betrayal at the instance of a foreign power. "Here in my opinion was a moment of peril and of crisis", Mr. Fillmore said. "It was important to take effective steps." In the circumstances the criticism of the government and of the Commission was not justified.

R. M. Willes Chitty, K.C., expressed the view that the report, if anything, did not go far enough. It ought to have taken a stand against the infringement of property rights of any person or corporation, and Mr. Chitty cited the action of picketers in denying full right of ingress to and egress from a plant as violations of civil liberty that should not be overlooked. He said that the Canadian Bar Association had been challenged in the press to take a stand on the question of civil liberty and it must do so. "The lawyer", he said, "stands for the rule of law between subject and subject, and between subject and government. Even if the state be in direst peril, we are still a democracy and we must still adhere to democratic principles. If we adopt totalitarian methods to save democracy, we kill democracy."

John MacLean, K.C., of Winnipeg drew upon historical parallels in support of the adoption of the report. "Even though

our conscience revolts against the idea of spies", he said, "it is vital that a man should have a fair trial." He expressed his pride in belonging to a profession that was concerned about the liberties of the ordinary citizen. "Ours is not a totalitarian state, and must not adopt totalitarian methods", Mr. MacLean said, in indicating his support of the report in its entirety.

Next to speak in the debate was W. B. Scott, K.C., of Montreal. Holding in his hand the Report of the Royal Commission, he called attention to the fact that they had examined 116 witnesses and studied over 1000 exhibits. He concurred with Mr. Fillmore's view that we were not living in normal times of peace. A fifth column had been set up in Canada and was in full operation. This created an emergency situation, something totally new to us. "We are not confronted with an ordinary civil-liberties infringement", Mr. Scott said, "but we were confronted with the threat of treasonable action, and of treachery." The adoption of the report as submitted would in his view amount to a vote of censure on the Commissioners.

Senator John T. Haig, K.C., of Winnipeg made his position plain in his first words: "I agree with the recommendations of the report; I disagree with the recitals". He expressed the view that we were in the midst of the greatest struggle of the human race—the struggle between the system of free enterprise and that of controlled economy. He believed that the concluding recommendations were fair and proper. "But", he warned, and his warning drew applause, "don't let us take part in a political argument. I'm a Progressive-Conservative member of the Senate, but I'm a Canadian first. No vote of mine will condemn the Minister of Justice for what he did." There was nothing, he felt, that one wouldn't do "to get those traitors in the public service"—though, he added, he did not believe that the evidence they gave before the Royal Commission should have been used against them at their trial. Senator Haig then moved an amendment, seconded by Mr. Fillmore, that the statements and recitals preceding the specific recommendations be struck out.

The amendment was put to the meeting by Mr. Justice Barlow, who was in the chair, and on a show of hands was declared carried.

Mr. Williams then rose and said he desired to make a statement on two points. In the first place he paid tribute to Gustave Monette, K.C., and said emphatically that his resignation as chairman of the committee had first been tendered in February. It was in no way connected with the report and newspaper

statements suggesting otherwise were most unfair to Mr. Monette. In the second place, he pointed out that as President he was an *ex-officio* member of all committees, but had not sat on this committee, and heard its report now only for the first time. "I dissociate myself from the report and the recommendations. I want that on the record", Mr. Williams said.

The action of the Canadian Bar Association in connection with the civil-liberties report has been variously interpreted. It is essential to bear in mind, however, what the issue was that produced the division in the meeting. It was not simply whether the report should be accepted or rejected. It was, rather, whether the proposed resolutions should be accepted along with their accompanying statements and criticisms of the espionage inquiry, or whether they should be adopted alone, stripped of any reference to the espionage matter whatever. In the result the second course was followed. Mr. Fillmore, Mr. Scott and Senator Haig had each emphasized the critical situation that had confronted the government at the time of its actions. Senator Haig's observation "that in the whole circumstances the Government could have done nothing else but what it did" underlined this point. The vote made it clear that the members, while desiring to go on record in favour of the specific recommendations in the report, were not prepared to include therewith any criticism of the government in its handling of the espionage matter.

At the luncheon meeting on the final day of the convention the guest speaker was Maître Marcel Poignard, Bâtonnier of the Bar of Paris. His speech was delivered in French. A forceful and eloquent speaker, with a magnetic personality, Maître Poignard discussed "The French Constitution in Evolution". It was a vivid and graphic picture the speaker painted. Appealing for mutual understanding between France and the other nations of the world, Maître Poignard called upon Canadians to join in the common task of rebuilding the structure of civilization. "I come from the old world", he said. "You are the youth of force. You have the force of youth. I ask you, are you ready for that great work which will be our common task for the good of humanity. France is ready!"

André Taschereau, K.C., Vice-President for Quebec, was chairman, and Hon. F. Phillippe Brais moved the resolution making Maître Poignard an Honorary Member of the Canadian Bar Association.

In the final business session of the annual meeting, further important work was done. The report of the Inter-American

Bar Association Committee was presented by Lynn Spencer, K.C., and that of the Criminal Justice Section by Antoine Rivard, K.C. Several important resolutions were adopted as a result of the reports of the various sections. In connection with the report of the Taxation Committee, criticism was expressed concerning the Advisory Board which the government proposed to establish and which would be under the control of the Minister. A resolution was adopted, on motion of Hon. J. Earl Lawson, K.C., seconded by John A. MacAulay, K.C., "that the Association strongly recommends against the creation of an Advisory Board which is subject to the jurisdiction and control of the Minister".

His Honour Judge Fuller brought before the meeting several recommendations in the form of resolutions which had been adopted in the Section on the Administration of Civil Justice. One of these dealt with the extension of the grounds of divorce. It will be recalled that this question, which has been the subject of frequent debate at annual meetings of the Association, resulted in the adoption of a resolution in 1944 favoring the extension of the grounds for divorce along the lines of the law in force in England. The following year, however, at the Council meeting that took the place of the annual meeting of the Association, a new resolution was adopted, in effect abrogating the 1944 resolution and declaring that the Association should not take a stand on the subject but leave the matter to be dealt with otherwise—for example, by provincial bar associations and law societies. The present resolution offered by Judge Fuller asked that the 1944 resolution be reaffirmed. That resolution had advocated that the following be included as grounds for divorce:

- (a) desertion without cause for a period of at least three years;
- (b) gross cruelty;
- (c) incurable unsoundness of mind existing for at least five years;
- (d) upon legal presumption of death;

and that provision should be made that the legislation be effective only in such provinces as might by legislative action adopt it.

After a spirited debate the resolution was put to a vote and carried, putting the Association again on record in favour of the extension of grounds for divorce.

Attention was called to the fact that decrees under the War Marriages Act of 1944, passed by the United Kingdom, might

dissolve a marriage between an English woman and a Canadian man, and create the anomalous situation of the Canadian being divorced in England but still married so far as Canada and its laws were concerned. The Section on the Administration of Civil Justice accordingly brought forward a resolution that legislation be passed by which decrees under the War Marriages Act of 1944 would be recognized. This resolution was also adopted.

A further resolution, sponsored by the same section, urged that more consideration should be given to the custody and welfare of children in divorce proceedings and that the provincial sections be asked to take appropriate measures to that end. This resolution also found favour with the meeting. Finally, the section advocated that a special committee be set up by the Association to deal with Industrial Relations and Labour Law, and this proposal was accepted as well.

The report of the nominating committee announcing that Chief Justice McRuer would be the new President and John T. Hackett, K.C., of Montreal the new Dominion Vice-President was received with enthusiasm. Rising amidst applause Chief Justice McRuer said that he would be less than human if he did not feel moved by the high honour. He promised to devote his best energies to the success of the organization and pledged himself to do all in his power to hand on the Association to his successor in a sound financial condition. Mr. Hackett expressed his appreciation at being honoured with the confidence of his colleagues. A motion of thanks and appreciation for the services of the President and the outgoing executive was adopted on the motion of G. Harold Aikins, K.C., seconded by Hon. F. P. Brais, K.C.

A delightful reception at Government House by His Honour the Lieutenant-Governor of Manitoba and Mrs. McWilliams brought the annual meeting to a happy close.

The foregoing account gives an incomplete picture of an eventful few days in the history of the Canadian Bar Association. There is a consciousness of several omissions. This report has confined itself to the proceedings of the annual meeting proper. Omitted is any reference to the important work of the meeting of the Conference of Commissioners on Uniformity of Legislation, which preceded the annual meeting and which elected W. P. J. O'Meara, K.C., as its new president. Omitted also is the record of proceedings of the Conference of Governing Bodies, whose new president is André Taschereau, K.C. Nor has reference been made to the excellent dinner of the President, E. K. Williams,

K.C., and the outstanding addresses heard there; nor to the splendid dinner at the same hour arranged by Mrs. Williams for the ladies; nor to the dinner given by Chief Justice McRuer for members of the Council's executive; nor to the lovely garden party enjoyed by the visiting ladies at the home of Mrs. Hugh Phillips.

There has been a further omission. No reference has been made to the social and personal side of the meeting. This is, at every gathering of lawyers, not the least notable reason for convening; at the meeting in Winnipeg further opportunities were afforded for the bar of Canada to strengthen their bonds of brotherhood in the law. The chance of meeting fellow practitioners from other provinces and other countries in an atmosphere of friendly cordiality, of exchanging ideas and opinions with them, of joining with them in active consideration of the common problems that face them as lawyers, is at once a stimulus, an enrichment and an opportunity for an adventure in understanding. Especially does it remind us that the fundamentals that unite us, as lawyers and as men, are greater than the trivialities that divide. One remembers, with Birkenhead, that there is something to be said "for the touch of a friendly hand, and the sound of a friendly voice".

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#### THE FRAMEWORK OF THE I.L.O.

The Conference reaffirms the fundamental principles on which the Organization is based and, in particular, that:

- (a) labour is not a commodity;
- (b) freedom of expression and of association are essential to sustained progress;
- (c) poverty anywhere constitutes a danger to prosperity everywhere;
- (d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare (From the Declaration concerning the aims and purposes of the International Labour Organization adopted at the Twenty-sixth Session of the International Labour Conference held at Philadelphia in 1944—"The Declaration of Philadelphia")