

The Mid-Winter Meeting of the Ontario Bar*

The meeting of the Ontario members of the Canadian Bar Association, held at the General Brock Hotel, Niagara Falls, on February 4th and 5th under the Chairmanship of D. Park Jamieson, K.C., the Ontario Vice-President, was attended by more lawyers than any previous meeting. Present at the meeting were the Dominion President and Vice-President, Stanley H. McCuaig, K.C., of Edmonton and A. N. Carter, K.C., of Saint John.

At the opening session, the Honourable Leslie Blackwell, K.C., the Attorney-General, pointed out in the course of a few remarks that, in the field of criminal law, policy and legislation were initiated by the Federal government but that the administration of criminal law was delegated to the provincial Attorneys-General. He felt that this division was contrary to the important principle of democratic government that the effectiveness of policy can be tried only by the acid test of administrative experience. He urged that the difficulty be met, for the benefit of the public, by annual conferences between the Attorneys-General and the Minister of Justice. G. W. Mason, K.C., the Treasurer of the Law Society of Upper Canada, reported briefly on the activities of the Benchers during the past year.

A very few weeks before the meeting, the Benchers had adopted a report of their Special Committee on Legal Education, following which Dr. C. A. Wright, the Dean of the Law School, and three full-time lecturers tendered their resignations, to take effect at the end of the current academic year. The Resolutions of the Benchers and a Statement of the Dean had been sent to all members of the Ontario Bar. Arising out of this difference of opinion, D. D. Carrick, seconded by Arthur Kelly, K.C., moved a resolution "that this meeting considers that the said resolutions are inadequate to meet the problems of legal education in Ontario and that the resolutions should be reconsidered

* By K. G. Morden, K.C., of Toronto.

by the Benchers of the Society". Fifteen other members, including the Treasurer, the Chairman of the Benchers' Legal Education Committee and one lady barrister, Miss Harriet Clark, spoke to the motion. Although the opinions expressed were often sharply divergent, it was obvious that they were sincerely and deeply felt and it was a matter of comment that the debate throughout was kept on a good-natured plane. After a two-hour discussion, the motion was carried by an unrecorded vote, estimated at two to one.

The report of the Committee on the Administration of Civil Justice was presented by John D. Arnup. Following this report, resolutions to the following effect were carried: (1) that the Devolution of Estates Act be amended to give the husband of a wife who died intestate and without issue the first \$5,000 of her estate and one-half the residue; (2) that the procedure where the value of an infant's interest is under \$500 in land to be sold be simplified; (3) that the Devolution of Estates Act should be revised in its entirety and to this end that consideration be given to the appointment by the Attorney-General of a committee; and (4) that the County and District Judges Association be requested to settle a uniform practice throughout all Surrogate Courts with respect to the requirements of affidavits of plight and details of inventories of estates.

Sixteen resolutions were received from the Federation of Law Associations of Ontario. Resolutions on the following topics were carried: increase of witness fees and cost of distress actions; abolition of suspension of licences under the Highway Traffic Act pending appeal; expediting the delivery of the Annual Federal Statutes; hearing of Division Court appeals by High Court judges outside Toronto; the holding of Weekly Court at Hamilton on Saturdays; amendment to Form 1 (Claim for Lien) under the Mechanic's Lien Act to set out the actual date of the lien. Other resolutions submitted by the Federation were referred to the Civil Justice Committee, covering such matters as: increasing the jurisdiction of the County Court to \$2000; rendering uniform the practice where a judge acts as *persona designata*; empowering trial judges to certify the amount of counsel fees and preparations for trial, or, in the alternative, that the local registrar, if a solicitor, may tax such items; that an affidavit of execution by a subscribing witness made at the time of executing wills be acceptable upon application for probate; that dower be abolished; and that the jurisdiction of local judges should be enlarged to include interlocutory matters in matrimonial causes.

Several of the foregoing resolutions were also submitted by the Welland Law Library Association. Also referred to the Civil Justice Committee was a resolution received from the Lawyers Club of Hamilton which, with respect to automobile licences, recommended that one permanent plate with small annual licences be issued and at the same time a certificate of ownership be provided upon which would be endorsed any dealings by way of sale, lien or chattel mortgage. The resolution also recommended the establishment of a Central Car Registry to control the issue of certificates and licence plates and to record sales and other dealings with motor vehicles.

Two resolutions presented by Roy Cadwell on behalf of the Junior Bar Section, recommending the establishment of a Public Relations Committee and the settling up of a fund for legal aid, were carried. A third resolution favouring a five-day week for lawyers was referred to the Civil Justice Committee and a fourth, favouring compulsory membership in the Canadian Bar Association, was tabled.

N. L. Matthews, K.C., submitted the Report of the Industrial Relations Section, following which several resolutions were passed requesting amendments to the regulations and rules made under the Ontario Labour Relations Act, 1948, to provide, among other things, for an appeal to the Canada Labour Relations Board, and to improve the procedure under the Act.

Informative reports were made by the Sections on Insurance Law, Commercial Law and Criminal Justice.

An experiment was made at this mid-winter meeting when two seminars were held on Saturday afternoon. T. N. Phelan, K.C., conducted one on the Practice and Procedure in Fire Insurance Claims and G. A. Martin, K.C., the other on Criminal Appeals. Both were well attended and the success of this innovation will undoubtedly make seminars on other subjects, led by leaders of the Bar in their particular fields, a permanent addition to the agenda of the mid-winter meetings.

The speakers at the annual dinner, which concluded the meeting, were the Rt. Hon. Louis St. Laurent, a former President of the Association, the Honourable Stuart Garson, the Minister of Justice, the Dominion President and the Dominion Vice-President. Mr. Garson, who spoke briefly, assured Mr. Blackwell that his Department would co-operate with the Attorney-General of Ontario. He announced the appointment of a committee to consolidate the Criminal Code and said that, at a later date, the federal statutes would be consolidated.

Mr. St. Laurent then delivered the address of the evening. His opening remarks were both felicitous and witty. He then went on to say that peace and security were the first concern of government. In the evolution of civilization, the rule of law had replaced trial by combat. Disputes between countries could be decided also by the application of the immutable rules of justice. He recalled that the United Nations Charter was designed as an instrument to substitute the rule of law for the horrors of war. To this end the Security Council was made responsible for the maintenance of security. But the veto power, which was intended to be exercised only when it was felt necessary for the good of all, had been invoked by one great power in a way to prevent decisions by the Security Council on all major matters. We have thus been deprived of a sense of security. However, regional pacts, outside the United Nations, are possible and the North Atlantic Security Pact is being negotiated. When ratified, it will bring together a group of nations with such strength and resources that no totalitarian state will venture to attack it. Two previous world wars began with attacks by totalitarian powers to enforce their domination. These states were never told what they might expect if they attacked. Today, any state threatening world peace must be shown, in a convincing way, that the strength of the peace-loving nations is coordinated. Our preparations are for a state of preponderate strength to prevent war. In Canada these preparations will coincide with the development of the country, as for example the expansion of the steel industry which, though essential for war, is necessary also for peaceful development. Mr. St. Laurent concluded by saying that the prospect of war is serious unless something is done to ward it off. What we are striving for is the substitution of the rule of law and reason for the trial of might.

International Federation of Women Lawyers

Word has been received through the Department of External Affairs that the Fifth Conference of the International Federation of Women Lawyers will be held at Los Angeles, California, from May 15th to 19th, 1949. Among the purposes of the Federation are to create better international relations, establish scholarships and, in particular, improve the conditions of women and children. In the past it has been entertained by Mexico, Cuba, Peru and The Netherlands. The Federation extends a gracious invitation to the women lawyers of Canada to attend the conference and to the appropriate organizations to be represented.