

THE CANADIAN BAR REVIEW

THE CANADIAN BAR REVIEW is the organ of the Canadian Bar Association, and it is felt that its pages should be open to free and fair discussion of all matters of interest to the legal profession in Canada. The Editor, however, wishes it to be understood that opinions expressed in signed articles are those of the individual writers only, and that the REVIEW does not assume any responsibility for them.

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TOPICS OF THE MONTH.

CANADIAN BAR ASSOCIATION.

SEVENTEENTH ANNUAL MEETING.

BY THE EDITOR.

If good Bishop Berkeley, who sang of empires two hundred years ago, had been permitted to look out from the shades and observe the way in which the Bar of Calgary entertained their professional brethren who had journeyed thither to attend the Seventeenth Annual Meeting of the Canadian Bar Association, he would have been convinced that the course of hospitality has followed the course of empire in taking its way Westward. And he would have been moved to say so because the genius for social entertainment displayed by Mr. A. L. Smith, K.C. and Mr. Legh A. Walsh, respectively chairman and secretary of the General Committee of the Calgary Bar, was truly imperial in character. Nor was the welcome accorded to the visitors confined to the organised activities of the Bar. The amenities dispensed by the General Committee were delightfully reinforced by the hospitalities of the Right Honourable R. B. Bennett and many citizens of Calgary. Never before has that side of the programme of an annual meeting which lies within the domain of sociability been more abundantly or more effectively turned to

account. The Seventeenth Annual Dinner, held in the great *salle à manger* of the Palliser, will go down to history as one of unusual charm by reason of the musical numbers rendered by such capable artists as Mr. Glyndwr Jones, M. Jean de Rimanoczy, Mr. Edgar Rhys, Miss Helen Worden and Mr. Thomas Jenkins. The floral decorations supplied for the tables by the courtesy of members of the Calgary Dahlia Society also delighted all present and deepened their sense of obligation to the good people of Calgary. Then the pleasant atmosphere which surrounded the annual dinner found its counterpart in the luncheon given by Mr. Bennett at the famous hotel of the Canadian Pacific Railway in Banff. By courtesy of the hotel management a group photograph of the guests was taken in the open air with the magnificent mountains as a background. It forms an interesting souvenir of a delightful occasion.

We dwell on these purely sociable features of the Seventeenth Annual not only because they merit in so high a degree the thanks of the Association to those who were responsible for them, but also because of their psychological value to all who shared the joy of them in these days of wide-spread anxiety and gloom. If it be true, as some of our wise men assure us, that despondency in the group mind following upon a long-continued recession from national prosperity is one of the hardest corners to turn in the process of recovery, then much has been done in the way of uplifting the hearts and restoring the courage of all who participated in the good time at Calgary.

* * The evening before the formal opening of the meeting the President of the Association entertained a large number of gentlemen at dinner at the Ranchmen's Club. After Mr. St. Laurent had welcomed his guests and proposed toasts to His Majesty the King, the President of the French Republic, and the President of the United States, Mr. Leonard W. Brockington, K.C., City Solicitor of Calgary, in a brief speech replete with witty sallies, thanked the host of the evening on behalf of all present, and thereafter informally welcomed the distinguished guests of the Association to the city. By special request Mr. Brockington's racy deliverance is printed further on in the editorial department of this number. After dinner a matter of business was transacted, with Mr. Justice McGillivray of the Supreme Court of Alberta in the chair. This consisted of two resolutions introduced by the Honourable N. W. Rowell, K.C. The first proposed an amendment to the constitution enabling the Right Honourable Richard Bedford Bennett, P.C., K.C., LL.D., to be made Honorary Life President of the Association. In moving that this

resolution be recommended for adoption by the Association in general meeting, Mr. Rowell paid generous tribute to the many and meritorious services rendered by Mr. Bennett to the profession of the law at large as well as to the Canadian Bar Association in particular. Incidentally he referred to an item in the history of Mr. Bennett's achievements for the good of his profession not generally known. When preparations were being made in London some eight years ago for the great convention of the American, Canadian and British Bars there was considerable objection encountered in obtaining Westminster Hall as the scene of the opening meeting. Mr. Bennett wisely thought that no more fitting place than this historic cradle of the Common Law could be chosen for the purpose, and he pressed his view with so much pertinacity and force that the permission of the authorities to use the Hall was finally given. Those who were privileged to witness the unforgettable pageant presented by the entry into the Hall of the Lord Chancellor and the Judges of England, clothed in all their vesture of office, on the 21st July, 1924, will cordially appreciate Mr. Rowell's allusion to what was done by Mr. Bennett in the premises.

The second resolution submitted by Mr. Rowell for the recommendation of the meeting was to the effect that the constitution should be further amended by making all former honorary presidents of the Association life members of the council. Heretofore the Ministers of Justice for Canada lost their honorary presidential status in the Association when retired from their political office.

On Mr. St. Laurent seconding Mr. Rowell's motion for recommending both of these resolutions for acceptance by the Association, the motion was carried unanimously. The resolutions were subsequently adopted in open meeting by the Association and the constitution amended accordingly.

* * On Wednesday, the 31st of August, the Seventeenth Annual Meeting was formally opened in the Hotel Palliser with the President, Mr. L. S. St. Laurent in the chair. At the morning session greetings of welcome to members and guests were voiced by His Honour the Lieutenant-Governor of Alberta, the Mayor of Calgary and the Premier of the Province. The Honourable John Doull, K.C., Attorney-General of Nova Scotia, responded to the addresses of welcome. The Chairman then formally introduced to the meeting the Right Honourable Viscount Hailsham, representing the Bench and Bar of Great Britain, Maître Olivier Jallu, of the Bar of Paris, and the Honourable William P. MacCracken, of Washington, D.C., a representative of the American Bar Association. These distinguished

guests were accorded the plaudits of the meeting. Thereafter Mr. St. Laurent delivered his presidential address, which we have the pleasure of publishing in this number of the REVIEW. A resolution expressing the thanks of the Association to Mr. St. Laurent for his able address was moved by the Honourable Horace Harvey, Chief Justice of Alberta, and carried enthusiastically.

Before the morning session had concluded its business, the Honourable J. C. Elliott, K.C., proposed a resolution expressing the profound loss sustained by the Association in the recent death of the Honourable Mr. Justice Orde of the Ontario Court of Appeal. The resolution was adopted by a standing vote and ordered to be entered in the minutes of the meeting.

A notable event of the opening day was the address during luncheon delivered by Lord Hailsham. Mr. Rowell, who was in the chair, introduced the speaker in the felicitous way that we have come to expect of him. After reminding those present that our distinguished guest had been twice Attorney-General of England, had held the great office of Lord Chancellor and was now Secretary of State for War, he added that Lord Hailsham was entitled to our homage not only as "a great lawyer and a great Judge, but also as a great statesman and a great subject of the British Empire."

Lord Hailsham's address was one of the finest exhibitions of oratory of the English type that we have ever listened to—and we have been privileged to hear many speeches by his contemporaries in the public life of Great Britain. It was a demonstration of the soundness of Mr. Galsworthy's declaration that he would choose the English language, when well spoken, "before any language in the world, as the medium of expression of which we would tire last." The speaker held throughout his discourse the delighted attention of the six hundred people who sat at table. And the message of hope he brought to us was as refreshing to our hearts as was its felicity of expression to our ears. His theme was the recent Imperial Economic Conference at Ottawa and its measure of achievement. He thought that the mere fact that this conference followed so closely upon the heels of the unsuccessful London Conference of 1930, by itself proved that the economic tie which binds the British Empire together is indissoluble. In opening he referred to the conspicuous part played by the present Prime Minister of Canada in getting together this great family assemblage to meditate and rebuild the economic structure of the British world. It was a tribute of which every Canadian, no matter what his political faith or unfaith, may well be proud. He said: "Whatever future generations may say about the

Ottawa Conference, I believe that they will agree that it was due to one man, Mr. Bennett, that the British Empire did not begin to disintegrate in October of 1930."

It was obvious from his remarks that Lord Hailsham was convinced that at the Conference much spade-work had been done, and much stone quarried and laid, for the foundation of the new economic mansion in which the British communities must live together if they are going to live at all. We quote his concluding remarks:

Mistakes we shall make and differences will arise, but mistakes can be remedied, misunderstandings can be cleared, differences can be overcome, if only each parliament holds firmly to the principles laid down, and never loses sight of our common Imperial idea; and although Ottawa was only a beginning, yet the builders of the future will be able to build on the foundations we have laid, and reach a prosperity of which the world has never dreamed. It will take time, but I can be satisfied that posterity, when it looks back at Ottawa may say: "Whatever their mistakes, they laid foundations on sound economic lines, and builded better than they knew."

At the close of Lord Hailsham's address the thanks of the Association were expressed to him by the Honourable W. J. Major, K.C., Attorney-General of Manitoba. In the course of his remarks Mr. Major referred enthusiastically to the value of Lord Hailsham's share in the work of the Ottawa Conference. On Motion, by Mr. Major, Lord Hailsham was made an honorary member of the Canadian Bar Association.

The early afternoon of the opening day was given over to sectional meetings and round table discussions on the subjects set out in the formal programme of the meeting. With so many attractive matters under discussion by able minds we had to regret that we could not become omnipresent for the nonce and be at all the meetings simultaneously. As it turned out we found discussion in the Committee on Legal Education presided over by Dean Cronkhite of the Faculty of Law in the University of Saskatchewan, so interesting and informative that we lingered there too long to attend the other committees before they adjourned. In that meeting much diversity of view was encountered as to the best means and method of imparting a knowledge of practice to the neophyte in the law, but it was generally conceded that the day of sound training of the articled clerk in a law office had hopelessly passed. The unreality of the atmosphere of moot-courts and the tenuous quality of the technical information to be gained from the drafting of pleadings in fictitious suits by the students were adversely criticised by some and supported by others as the only means open to the law school to meet the obsolescence of office training. Undoubtedly the matter has become

a difficult problem, but this much is certain that the young lawyer who has obtained a sound academic training in the principles of substantive law is in a better position within a given time to acquire, by any means open to him, a knowledge of court procedure than one who has not. The former's mind has been quickened beyond its native power to apprehend technical principles hitherto unmastered. We have no doubt that for such a man subsequent training for a year in an office where business is plentiful would qualify him for the capable practice of his profession.

In the late afternoon a reception by the Bench and Bar of Alberta and the Ladies' Committee was given at the residence of Lady Lougheed. In the evening there was an Association reception and dance at the Palliser Hotel.

At the morning session on Thursday, September 1st, Mr. D. H. Laird, K.C., Vice-President of the Association for Manitoba, was in the chair. Amongst the items of business considered was the report on judicial salaries presented by the Honourable N. W. Rowell. It was recommended by the report that in the existing financial stringency no effort should be made to obtain a present increase in the salaries of Canadian Judges. Mr. G. A. Campbell, K.C., of Montreal, in seconding Mr. Rowell's motion to adopt the report, urged that the Dominion Government be asked at the proper time to establish a fund for the benefit of widows of Judges who may be in need of financial assistance.

After the presentation of the report of the Committee on International Law by Mr. O. M. Biggar, K.C., and reports on Membership and the CANADIAN BAR REVIEW by Mr. E. H. Coleman, K.C., the meeting listened to an address on "The Place of the Lawyer in the Public Life of the Country," by the Honourable Mr. Justice Ewing of the Alberta Court of Appeal. It might be characterised as an admirable reinforcement of Bacon's fine saying: "I hold every man a debtor to his profession." If the lawyer discharges his debt in that behalf he serves his country well.

Mr. F. G. T. Lucas, K.C., of the Vancouver Bar, was then heard on the eminently practical subject of "Contracts for the Carriage of Goods by Sea." He urged that Canada should adopt a uniform bill of lading governing the carriage of ocean-bound goods, and so come into line with other countries in the Empire.

A most attractive feature of the morning's session was the address on the "Codification of Private International Law" by Maître Olivier Jallu. It was delivered in the French tongue and will be so printed in the Proceedings of the Association. The REVIEW hopes to publish

a translation in English after that is done. The address was a masterly presentation of the existing chaotic condition of private international law. M. Jallu is not hopeful of any immediate reform in the direction of general codification. But he thinks that the jurist may assist, at least in a speculative and moral way, to a better understanding by the civilised peoples of the world of the necessity of uniformity in the principles and practice of private international law. M. Jallu, as we understand his observations, is of opinion that until some definite *rapprochement* between peoples in the post-war world takes the place of cautious aloofness there is no possibility of the desired reform.

A resolution of thanks to M. Jallu was proposed by Mr. L. E. Beaulieu, K.C., of Montreal, and carried unanimously. On a further motion by Mr. Beaulieu, seconded by the Honourable Ernest Lapointe, K.C., the distinguished member of the Paris Bar was made an honorary member of the Canadian Bar Association.

At Thursday afternoon's session, with Mr. A. H. MacNeill, K.C., Vice-President of the Association for British Columbia in the chair, Mr. R. M. Fisher, K.C., Deputy Provincial Secretary of Manitoba, presented the report of the Committee on Noteworthy Changes in Statute Law. Thereafter, Mr. Robert Taschereau, K.C., of the Quebec City Bar, read a paper on "Modern Laws," handling his subject with knowledge and a fine appreciation of the temptations and dangers confronting the legislator in our period of social ferment. He deplored the prevailing belief that as the time is out of joint its dislocations can only be reset by making laws and still more laws.

Following upon this Mr. J. E. A. Macleod, K.C., of the Calgary Bar, read an instructive historical paper on "The Political Institutions of Western Canada." Mr. Macleod's familiarity with his subject enabled him to reveal certain features of it not as well known to the average reader as they should be.

In the evening the Annual Dinner took place and was in every sense a huge success. We have already referred to its more æsthetic side, and it only remains for us to say that the menu itself was in every way worthy of the Palliser Hotel and the after-dinner speeches greatly above the average. Our claim in the latter behalf is sufficiently supported when we mention that Mr. St. Laurent was chairman, and that the Honourable Ernest Lapointe proposed and Mr. Justice Dennistoun, of the Manitoba Court of Appeal, seconded the toast to the health of "Our Guests," to which Lord Hailsham, Maître Jallu and Mr. MacCracken replied. The toast of "Bench and Bar" was proposed by the Honourable M. A. MacPherson, K.C., Attorney-General of Saskatchewan, and replied to by Mr. A. L. Smith, K.C.,

Chairman of the General Committee of the Calgary Bar, in eloquent terms.

The work of the Annual Meeting concluded with the session held on Friday morning, the 2nd instant, when the chair was occupied by Mr. G. H. Barr, K.C., of Regina. The report of the Committee on Comparative Legislation was presented by Mr. E. K. Williams, K.C., of Winnipeg, who made a comprehensive statement of the work done by the committee during his occupancy of the chair. The report of the Committee on the Administration of Criminal Justice was submitted by the Honourable Mr. Justice Taylor of the Supreme Court of Saskatchewan, who was happily able to say that there was no marked evidence of increased crime in Canada during the past year. Mr. St. Laurent presented the report of the Committee on Bankruptcy, and explained the features of the new Bankruptcy Act which will shortly be brought into operation. Mr. Douglas J. Thom, K.C., of Regina, then made an oral statement of the work being done by the Conference of Commissioners on Uniformity of Legislation in Canada.

The outstanding feature of the closing session was Mr. O. M. Biggar's paper on "The Selection of Judges—a Comparison between England and Canada." Mr. Biggar handled his delicate subject with excellent taste and furnished much food for thought on the part of all who heard him. His treatment of the subject was much too exhaustive to justify any attempt at analysis here, but we hope to publish his paper in its entirety in a later issue of the REVIEW.

The report of the Resolutions Committee was then presented by Mr. G. A. Campbell, K.C., and adopted.

The report of the Nominating Committee presented the name of the Honourable Newton W. Rowell, P.C., K.C., LL.D., as the new President of the Canadian Bar Association. The nomination was received with prolonged applause. In accepting the presidency Mr. Rowell spoke with much feeling. He expressed the hope that he would maintain unimpaired the high traditions established by his predecessors in office. He looked upon the Association as a great factor in the public life and welfare of Canada. Referring to his immediate predecessor he eulogized his work during his entire tenure of office, and took pleasure on behalf of the Association in proposing a motion of thanks "to that distinguished son of Quebec, Mr. Louis S. St. Laurent, K.C., the retiring President." This was seconded by Chief Justice Harvey and carried amidst prolonged applause.

The Honourable J. F. Lymburn, K.C., Attorney-General of Alberta, presided at luncheon on the closing day of the Annual

Meeting, when a large number present listened to an earnest and thoughtful address by our American guest, the Honourable William P. MacCracken. Mr. MacCracken took for his subject "Pioneering in Law." He said, in the course of his remarks, that while much of the pioneering in law had been accomplished by legislation, that legislation had first to be drafted by trained legal minds. "Thus whether in parliament or in the courts, the legal profession had kept abreast of advances in science, and had provided legal machinery for every innovation."

At the conclusion of the address the Honourable Aulay Morrison, Chief Justice of the Supreme Court of British Columbia, tendered the thanks of all present to Mr. MacCracken, also moving that he be made an honorary member of the Association. A resolution therefor was adopted accordingly. The formal programme of the meeting was then declared closed.

* * While the ceremonious observances of the Seventeenth Annual Meeting ended at noon on Friday, a more or less adventitious formality attended the reception given by the Honourable Senator Burns at his famous ranch some ten miles distant from Calgary. There our distinguished visitors from abroad were severally admitted, with all the pomp and circumstance of the Indian rite, to chieftainship in the Sarcee tribe—Lord Hailsham becoming Chief Rising Sun; the Honourable Mr. MacCracken, Smiling Brother; and Maître Jallu, Chief Brave Friend from Beyond the Great Waters. The REVIEW hoped to be present at this function—possessing such important international implications as it did—but the gods decreed otherwise and we missed a spectacle to be forever cherished by the privileged ones. However, it was described to us in winged words by one of our journalistic friends, which enables us to make a note of it. After their election it became necessary, under the laws of the tribe, for the new chiefs to give some example of their physical prowess. Accordingly each was allotted an empty quart bottle and instructed to fill it with fluid nourishment to be extracted by them in the short space of twenty seconds from the udder of a cow whose attitude towards intrusion of the sort was not one of passive resistance. Surely the Ithacan suitors of old time were faced with no more direful test when they were asked to draw the bow of Ulysses! How natural, in filling milk into a container, that a chieftain familiar with Great Waters should have something on the other contestants, and yet who will doubt that the prize was honestly won by that fine specimen of Gallic manhood—Maître Jallu? But neither of the two unsuccessful contestants was "left to dour defeat a prey"—each of them, as well as the winner of the test, was presented with a "ten-gallon"

cowboy hat, and that these were duly valued was proved to us by Lord Hailsham, for when he vanished from our sight on the train at Calgary his hat was fondly clasped in the hand with which he waived a courteous adieu to all his friends.

It was not until Saturday, the 3rd instant, that the festivities which surrounded the Seventeenth Annual Meeting were brought to an end by hospitality extended to the members of the Association and their guests by the Right Honourable Mr. Bennett at Banff. We have already referred to the luncheon there, and it only remains to be said that it furnished a charming finale to an event which will constitute an important chapter in the history of the Association. It was sincerely regretted that family bereavement prevented both Mr. Bennett and Mrs. Herridge from being present—the latter having been so interested in the meeting as to accompany her distinguished brother to Calgary and to honour earlier events on the programme with her presence.

And so passed the first occasion on which the beautiful City of Calgary threw open its doors to a formal gathering of the Canadian Bar Association. It was a great success—so great that we sincerely hope that we shall not miss the next one that is fixed on the calendar for that city. It was a useful meeting on what are commonly called practical lines but more abundantly useful in a way that the pedestrian mind would not conceive to be practical. We think there are those who would say that its greatest practical value was its power to induce those living in the dull days of the present to laugh and be merry. In such a season joy is a divine thing. Hence we say with justice and sincerity that Calgary has set a high standard to be followed by other cities chosen for future annual gatherings of the Association. *Vestigia nulla retrorsum.*

LORD HAILSHAM'S APPRECIATION.—Mr. E. H. Coleman, K.C., Secretary of The Canadian Bar Association, has received the following letter from the Right Honourable Viscount Hailsham, expressing his appreciation of his visit to Western Canada as the guest of the Canadian Bar Association at the recent Annual Meeting:

Now that the Canadian Bar Association Annual Conference is ended, I want to send you these few lines of appreciation to say what a very pleasant time you gave to my wife and myself and to express to you personally our thanks for the completeness and excellence of the arrangements and to the Bar Association our gratitude for their generous hospitality. It really was a very happy week and we both enjoyed the opportunity of meeting so many representatives of the Bench and Bar of Canada and of seeing something of Western life and scenery. I am sure every one who attended must have voted

the Conference a great success. We shall take back with us the most agreeable recollections of a very delightful time.

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A PLEASANT FEATURE OF THE CALGARY MEETING.—At the President's dinner, which took place on the evening preceding the first day of the formal proceedings of the Seventeenth Annual Meeting of the Canadian Bar Association, Mr. Leonard W. Brockington, K.C., City Solicitor of Calgary, was invited to thank the host of the evening for his kind hospitality.

The speaker, who was introduced by a choral obligato consisting of an excellent parody of a well-known folk-song of the sea, said:

Mr. President, Your Honour Mr. Prime Minister, Your Lordships and Gentlemen. (Not excluding that peripatetic band of admiralty lawyers who have so admirably reconciled the crudity of the sea-chanty with the chastity of the Common Law.) I have been asked to crystalize in a few words the thanks of us all to that pleasant duality, our President and our host, for his gracious and graceful hospitality; but before I do so I am sure that, with the chivalry that is characteristic of him and of the Province from whence he comes, he will allow me to make a short digression. I would like on behalf of the Bench and Bar of Alberta, whose humble spokesman I am on this happy occasion, to welcome some of the distinguished visitors present here this evening. Maître Olivier Jallu is an Officer of the Legion of Honour. He was a distinguished soldier and for some time private secretary to Monsieur Poincaré. He does not speak English but I know, that his intellect, like that of most eminent men of his race, is what Huxley calls a cold clear logic engine ready to spin the gossamers as well as to forge the anchors of the mind. I salute him as the embodiment of one of the most lovable things in the world, the gallant and unconquerable spirit of the "sweet land of France."

I next greet The Honourable William MacCracken the representative of our recalcitrant kinsmen of the great schism. Whatever may happen at the economic table, there will always be a chair for him and his ilk at our legal table, where happily both our nations still speak the same grand old language with the same fine old accents.

At this most delightful family party I would like also to give the most cordial welcome from us all to a gentleman, who having learnt the lesson and precepts of unselfish service from that lover of his fellow-men, his father, has himself made so notable a contribution to the educational, legal and political life of his country and of ours. I refer of course to Viscount Hailsham. His Lordship in visiting Western Canada has reached the last home of the colonist. I know that that word sometimes falls somewhat harshly and ungratefully upon a Canadian ear. It is nevertheless a good honest word of an ancient and honourable lineage. When a Roman "Colonus" left his father's house he always carried from his father's fire-side a living coal with which to light the first and lasting fire in his new homestead. We bid his Lordship a heart-felt and fraternal welcome to this land of his kinsmen and hope that he will find our hearths still aglow with the ardour and geniality of his and our ancestral fires.

Lastly by way of salutation I welcome home from the Crusades one Richard Coeur de Lion. Now I do not know whether he has taken Jerusalem or whether Jerusalem has taken him but his own people are most certainly pleased to see once more the old warrior home from the friendly wars. He is here on a holiday. But let nobody be misled. The Prime Minister's idea of a holiday is to read a Parliamentary Blue-book while he is shaving and sing the swan-song of Free Trade in his matutinal bath-tub. He has learnt however that "labour is the price which the Gods have placed upon everything which is valuable." He has worked incessantly for us all and humbly and gratefully we present him with our ad valorem duty.

Now, Gentlemen, Mr. Gladstone is reported to have said that a convention is a noun of multitude signifying "many" but not "much."

If we lawyers are not as other men are it is because of the example of our President and the other distinguished men who have preceded him. I am told that Monsieur St. Laurent's ancestry is half French and half Irish. If I were to follow the custom recently established in this Dominion I should address the French half of him in Erse and the Irish half of him in French. I have been searching my memory for an invocation suitable to this excellent combination. I can recall only one suitable precedent—two lines from an alleged address to Ireland by Victor Hugo—

"Irlande grand pays du shillelagh et du bog

Où les patriots vont ce qu'on appelle 'le whole hog.'"

—a sentiment which the Prime Minister will agree, applies with equal cogency to the distressful isle and the distressful province.

In the West our opportunities to be vocally sentimental about Quebec are far too rare. It has always seemed to me that however prices may rise and fall the Province of Quebec recognizes and appreciates the essential and eternal values in human life. She is the future's best anchor to all that is most humane in our cultured past.

Monsieur St. Laurent is learned in both tongues and as the old Roman poet Ennius said, "He who has two languages has two souls." He is the ideal liaison officer in the equal and peaceful association of our two great mother races. I ask you therefore to drink with enthusiasm the health of an excellent President, a distinguished lawyer, a courteous gentleman and a kindly host.

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CONCERNING THE OTTAWA CONFERENCE.—The historian of the future will tell his readers that the British Empire emerged with one signal advantage from the universal ravage and dislocations of the great war which occurred in the first quarter of the twentieth century. He will point out that, in the midst of world-wide confusion and while revolution crashed empires and kingdoms to the ground, the sane and resolute genius of the British people enabled them not only to maintain their imperial structure but to refashion it in the measure demanded by the spirit of the age. And if our historian should confess teleological leanings he may be disposed to find in the indomitable will of the people of the British Empire to repel at every angle the forces of political disintegration a token that in a very

special way they have been ordained to keep the feet of civilization securely on the path that leads to that "far-off divine event to which the whole creation moves."

* * So much for the purpose of history as it may be read in the course of British imperialism in our age. Let us speak a word or two about the purely practical side of it.

With the advantage of a modernized constitutional order the task of promoting economic unity between the members of the family of nations within the imperial boundaries was greatly facilitated. True, a family of nations must reflect to some extent the qualities of the family proper. The saying, *Où peut-on être mieux qu'au sein de sa famille?* does not always hold good. Filial sentiment is apt at times to be strained by self-will, and the staff of parental authority may be made a goad to the young. But amongst normal human beings natural affection prevails over less worthy instincts and family conduct moves along the lines of wisdom and justice. From what has been disclosed to the public of the results of the Ottawa Conference it would appear that the altruism of the members of the imperial family has to a very satisfactory extent prevailed over motives of self-interest. Sectionalism seems to have given way to imperial welfare—that is to say so far as the action of the delegates can be taken to reflect the minds of the communities they were empowered to represent. Whether that be true or otherwise must depend on the way the compacts tentatively arrived at are received by the respective parliaments of those communities. Until then it is idle to speculate about the economic results of the Conference. In the meanwhile let us rejoice that it will not be the fault of Canada if nothing comes of the Conference but disaster to the Empire. Can disaster be escaped if its inchoate agreements are rejected by the British Parliament? So far as the right Honourable Mr. Bennett's rôle in the imperial drama now being staged is concerned we heard Lord Hailsham declare before the Canadian Bar Association at Calgary this month that "it was due to one man, Mr. Bennett, that the British Empire did not begin to disintegrate in October of 1930." That was an important statement for the ear of the Muse of History. And the REVIEW is glad to be free to quote the statement because it connotes something which does not lie on the low plane of party politics. It is a frank recognition of high imperial statesmanship in the man to whom it applies. It means in short that the present Prime Minister of Canada has not given up to party what was meant for mankind.

HONOURS FOR MR. ROWELL.—The Honourable N. W. Rowell, K.C., of the Toronto Bar, has been the recipient of two notable honours recently. On the 2nd of August last he was elected as an honorary Bencher of Lincoln's Inn, and on the 3rd of the present month he was elected President of the Canadian Bar Association. The administration of this office will involve much self-denial on the part of Mr. Rowell, and the Association appreciates the high sense of professional and public duty which dictated his acceptance of it.

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DEATH OF TWO EMINENT JUDGES.—Since the last issue of the REVIEW death has removed two able Judges from the Bench of the Supreme Court of Ontario. The Honourable Mr. Justice Orde, a member of the Court of Appeal, died at Toronto on the first day of August. Elsewhere in this number our readers will find a tribute to his memory. Just as we go to press the death of the Honourable Frank Egerton Hodgins is announced. Mr. Justice Hodgins was educated at Upper Canada College and Trinity University, Toronto. He was called to the Bar of Ontario in 1879, and created a King's Counsel in 1902. In 1912 he was appointed a Judge of the Ontario Court of Appeal, and in 1916 a Local Judge in Admiralty of the Exchequer Court of Canada.

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THE LATE MR. JUSTICE PATON.—The Bench and Bar of Nova Scotia suffered a loss in the death of Mr. Justice Paton in May of this year. The late Judge was born in Ontario, and he moved to Nova Scotia in early life. He was a graduate in Arts and Law of Dalhousie University. At the Bar he was an able and indefatigable solicitor and counsel. Mr. Justice Paton was a member of the Supreme Court Bench for four years, and in that position he manifested diligence, conscientious attention to details, and deep knowledge of the law. In view of his short tenure of office as a Judge he probably made his greatest contribution to his adopted Province in his work as Chairman of the Workmen's Compensation Board. He was appointed to that office in 1916, when the Board was first established in Nova Scotia, and for twelve years it fell to his lot to formulate and apply the principles of workmen's compensation in Nova Scotia. No man could have a higher ideal of official integrity in public service, and out of his administrative experience he brought to the Bench a record of unswerving fidelity to principle. A post-

humorous recognition of his ability came in July when the Judicial Committee of the Privy Council affirmed his decision at *nisi prius* in the case of *Dumphy v. Croft*, in which case the problem of the extra-territorial powers of Canada, prior to the passing of the Statute of Westminster, was before the Court.

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THE HONOURABLE H. A. McKEOWN.—On the 10th of July the Honourable H. A. McKeown, former Chairman of the Board of Railway Commissioners for Canada, died suddenly at his summer home near Saint John, N.B.

Mr. McKeown, as Chairman of the Board, brought to its deliberations a fine judicial mind, and his decisions were marked by a keen appreciation of the essential facts in controversy. He resigned his office in the early part of last year, owing to ill-health. Before he came to Ottawa, he was Chief Justice of the Supreme Court of the Province of New Brunswick, where, in his earlier days, he practised law, and later became a member of the New Brunswick legislature and provincial cabinet.

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JUDICIAL APPOINTMENTS.—Mr. Justice Crocket, of the Supreme Court of New Brunswick, as been appointed to the Bench of the Supreme Court of Canada. For nineteen years a Judge in the King's Bench Division in his native province, he succeeds Mr. Justice E. L. Newcombe, who died last fall.

Mr. Arthur Courtney Kingstone, K.C., of the St. Catharines Bar, has been appointed to the Bench of the High Court of Justice of Ontario. Mr. Justice Kingstone received his education at Upper Canada College, Ridley College, the University of Toronto and Osgoode Hall. He was called to the Bar in 1899, and became a partner in the law firm of Ingersoll, Kingstone and Seymour, of St. Catharines. He was created a King's Counsel in 1920. At the time of his appointment to the High Court he was a Bencher of the Law Society of Upper Canada, and held the office of City Solicitor of St. Catharines.

Mr. Justice J. M. Tellier, Joliette, Que., of the Court of King's Bench Division, has been appointed Chief Justice of the King's Bench Division, Montreal. The promotion fills the vacancy created by the resignation of Chief Justice Eugene Lafontaine, who resigned on account of ill-health.

Mr. Joseph Leon St. Jacques, K.C., of Montreal, has been named to the King's Bench Division. Mr. Justice St. Jacques will fill the vacancy caused by the promotion of Mr. Justice Tellier.

Mr. Frank Curran, K.C., of the Montreal Bar, was appointed to the Bench of the Superior Court of Quebec on the 23rd of August. Mr. Curran graduated with first-class honours in the law faculty of McGill University, and was called to the Bar of Quebec in 1894. In 1915 he was created a King's Counsel. He was for some years a member of the Council of the Bar of Montreal, and acted as its Treasurer for the year 1910.

Mr. Justice Walsh, of the Superior Court of Quebec, has been appointed to the Court of Appeals, replacing the Honourable E. W. P. Guerin who retired on the first day of the present month.

Mr. Wilfrid Laliberté, K.C., of Victoriaville, has been appointed to the Bench of the Superior Court of Quebec in place of the late Mr. Justice Tessier.

Mr. Herbert W. Sangster, K.C., of Windsor, Nova Scotia, was appointed County Court Judge for Hants and Kings, on the 22nd of last month.

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INTERRUPTIONS BY THE BENCH.—Frequency of interruption by a Judge of counsel in argument is not always received with good grace. Its use in the elucidation of the point or points in issue is not always commensurate with the hope of the advocate to hold the attention of the Court by an orderly presentation of his case. The great Lord Watson was much inclined to interruption. Being reminded once by one of his friends at the Bar that he frequently interposed without due advantage to the clearing of the issues, he retorted in his broad Scotch: "Eh, mon, ye should no complain of that, for I never interrupt a fool!"

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ATTIC SALT AND PEPPER.—We commend to our readers the following shrewd witticism, recently appearing in one of the London weeklies, at the expense of an interesting portion of the British Commonwealth:

"After the Pagan era and the Christian era it is only reasonable to expect the De Valera."

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ADVERSITY'S SWEET USES.—During his address to the graduating class of Acadia University in May last, Sir Robert Borden gave the

following excellent counsel to those who were entering upon the struggle for existence in these days of social storm and stress:

Courage to scorn defeat, patience that can look forward to the long result, a sense of humour that enables one to laugh at failure—these are all-important. To smile at defeat and to try again verges on victory. And do not forget that the most significant lessons of life are to be found in adversity. To agonize—that is to wrestle with oneself—in the intellectual and spiritual sense is an essential discipline. Do you recall the words of a great German poet:

Who never ate with tears his bread,
 Who never through night's care-racked hours
 Has wept in sadness by his bed,
 He knows you not, ye Heavenly Powers.

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THE LATE SENATOR BELCOURT.—The death of the Honourable Napoléon Antoine Belcourt occurred, after a brief period of illness, in August last. The deceased was born in Toronto on September 15th, 1860, the son of Ferdinand N. Belcourt who was the founder of the first French-Canadian life insurance company in Canada. He received his early education at St. Joseph's Seminary, Three Rivers, P.Q., graduating with the degree of LL.M. In 1895 he was accorded the honorary degree of LL.D. by the University of Ottawa, a similar degree being conferred upon him in 1909 by Laval University. He was called to the Bar of Quebec in 1882 and to the Ontario Bar in 1884. He began practice in Ottawa as a member of the firm of Belcourt & Ritchie, and at the time of his death was the principal partner in the firm of Belcourt, Leduc & Genest. At one time he was Clerk of the Peace and Crown Attorney for the County of Carleton. He was elected as a member of the House of Commons for Ottawa in 1896, and re-elected in 1900 and 1904. He became Speaker of the House of Commons in the latter year, and held the office until 1906. In 1907 he was summoned to the Senate of Canada. His public services were wide and varied, and he held many offices of distinction at home and abroad. He was Minister Plenipotentiary for Canada at the International Conference held in London in the year 1924. He was also an officer of the French Legion of Honour.

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THE LATE SENATOR WILLOUGHBY.—The Honourable W. B. Willoughby, K.C., of the firm of Willoughby, Benyon & Gilmour, Moose Jaw, Sask., died at his home in that city on the 1st of August. Mr. Willoughby was born in Peel County, Ontario, in the year 1859. He graduated in Arts, taking honours in modern languages, in the

University of Toronto in 1883. In 1887 he received the degree of LL.B. from the same institution. Admitted to the Bar of Ontario in 1886, he practised for a short time in Toronto, later proceeding to Saskatchewan. He was appointed to the Senate of Canada in 1917, and became leader of the Conservative party in that body in 1929. He resigned that position some little time before his death. He had also held the office of City Solicitor of Moose Jaw.

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CHARITABLE BEQUESTS.—In the case of *Re Hallisy* (1932), 41 O.W.N. 250, the Ontario Court of Appeal reversed a judgment of Jeffrey, J., at trial, in so far as it declared that the following bequest was invalid:

I authorize, devise and bequeath to my executors and trustees the sum of two thousand dollars to be placed in trust either in a chartered bank or Government bonds or securities allowed by the Trustee Act in perpetuity, and the interest on the same to be given yearly to whoever may be the Rector of St. Patrick's Cathedral in the City of Hamilton for masses to be said for myself, wife, son and daughter.

Latchford, C.J., in delivering the judgment of the Court of Appeal, remarked that

Mr. Justice Jeffrey is said to have felt himself bound by the decision of Hodgins, J.A., in *In re Zeagman* (1916), 37 O.L.R. 536. But the cases cited in *In re Zeagman* and many others, with many statutes, were recently considered by the highest Court in England in *Bourne v. Keane*, [1919] A.C. 815. This judgment explained and in effect reversed what throughout more than three hundred years had been assumed to be the law of England. It followed that, as the bequest here was not for a superstitious use and was a charitable bequest, the rule against perpetuities did not apply: *In re Clark*, [1901] 2 Ch. 110.

It is not inappropriate to recall that Lord Birkenhead, who in his youth was associated with Lady Wimborne and Lord Brentford (Joynson-Hicks) in the activities of the National Church League, shared in the opinion of the majority of the Judges in the House of Lords in *Bourne v. Keane*, relied on as above by Latchford, C.J.

* * While dealing with charitable bequests and their judicial interpretation it is interesting to mention a case that was disposed of by Mr. Justice Logie of the High Court Division of the Supreme Court of Ontario, on the 27th June last. The learned Judge was of opinion that a bequest having for its object the procreation of what he called "eugenic babies" was not a bequest for charitable purposes. The case at the moment of writing is not officially reported, but we gather the following facts from the daily press:

Watson G. Walton, who left an estate of \$310,291, bequeathed \$1,800 a year to his widow and left \$296,241 to establish the "Watson G. Walton Foundation." It provided for enrolment on its books of any married couple who had resided in Wentworth County for more than a year. To qualify, the couple must undergo a medical examination to prove they were physically and mentally fit. When any child of theirs reached the age of 12, they might apply for an honorarium of \$500, provided the child was "99 per cent. perfect, physically and mentally." If the child was still "passed" as fit by the foundation's board of medical examiners upon becoming 21, he or she would receive a further \$500.

The testator included this minatory declaration in his will: "Any person who attempts to break this will is to get nothing from my estate."
