

The Mid-Winter Meeting of Council*

The Mid-Winter Meeting of the Council of the Canadian Bar Association held at Saint John, New Brunswick, on February 10th and 11th transcended the usual conventional objectives. The usual progress reports of committees and sections were read and approved, but above and beyond that a feeling of warmth and friendliness permeated the atmosphere from the Thursday afternoon before the meeting, when the Law Society of Saint John entertained the visitors at a cocktail party, until the closing luncheon tendered by President and Mrs. A. N. Carter on the Saturday. Not that this was a "rubber-stamp council", far from it. Ample consideration was given all the items on the agenda: the restoration fund for the Inns of Court, the Junior Bar, the Canadian Bar Association's Essay Competition, the Survey of the Legal Profession, the Canadian Bar Review, and the combined meeting of the American and Canadian Bar Associations planned for next September at Washington.

The usual meeting of the executive of the Conference of Governing Bodies of the Legal Profession took place on Thursday morning and in the afternoon the programme committee for the Washington meeting and the Section on Legal Education met and deliberated. These preliminary meetings were followed by the Law Society's cocktail party, at which the guests were received by Mr. L. McC. Ritchie, K.C., the President of the Society, Mrs. Ritchie and Mr. Carter, and then the lawyers of the Loyalist City opened their hearts and hearths and entertained the visitors in their homes, an innovation that seems to have been enjoyed as much by the guests as by their hosts.

The Advisory Committee of the Association met privately on Friday morning.

The luncheon tendered by the New Brunswick Barristers' Society at noon, Friday, was a fitting and pleasant prelude to the formal opening of the Mid-Winter Meeting later in the day. The guests were warmly welcomed by the President of the Society,

*The Editor is indebted to Mr. B. R. Guss of Saint John who kindly prepared this account.

Mr. A. B. Gilbert, K.C., of Saint John, and Mr. H. E. Swift, K.C., Winnipeg, responded on their behalf.

On Friday afternoon the Council Meeting opened promptly at half past two in the Admiral Beatty Hotel. The President of the Association, Mr. A. N. Carter, K.C., welcomed the members in apt phrases. "This meeting", said Mr. Carter, "affords us in New Brunswick an opportunity of showing in a small measure, by way of token as it were, the feeling of warm friendship we have for our fellow members of the Canadian Bar Association." Regretting the absence of Mr. Harold J. Gallagher, the President of the American Bar Association, Mr. Carter continued: "I am very happy, however, to welcome Mrs. Olive Ricker, the very able and very charming secretary of the American Bar Association. What there is to know about bar associations and their arrangements and personalities, Mrs. Ricker knows. We are fortunate in having her with us to give us the benefit of her wise counsel."

The Honorary Secretary, Mr. André Taschereau, K.C., read his report, which ended with the significant recommendations that the Association should

- (1) study lawyers' reference plans and legal aid,
- (2) give more attention to legal education, and
- (3) give some thought to relations with the public.

He also mentioned with regret the absence of Mrs. A. N. Carter and Mrs. Stanley H. McCuaig, the wife of the Immediate Past President, both of whom were unable to attend because of illness.

The report of the Honorary Treasurer, Mr. Paul P. Hutchison, K.C., showed that the surplus position of the Association had been bettered by over \$5,000 during the 1949 fiscal year, although expenditures in the same period had increased by approximately \$4,000. Mr. Hutchison felt that the present position is sound but that the trend is not entirely satisfactory and should be watched. He recommended that introductory speeches and speeches of thanks be severely edited before being printed in the annual proceedings, that money resolutions should be approved by Council before submission to annual meetings and that the Finance Committee be authorized to fix registration fees for council meetings and annual meetings. His report, with the recommendations, was adopted.

From the report of Mr. L. V. Sutton, K.C., Chairman of the Membership Committee, it was learned that as of January 31st, 1950, the Association had 4,275 members. Mr. Sutton reminded the meeting that all members of the British Columbia Bar are members of the Canadian Bar Association, which accounted for

777 members out of the 4,275. His report touched off a warm discussion on the advisability of "legislating" every lawyer into the Canadian Bar Association. In the course of it General J. A. Clark, K.C., the Vice-President for British Columbia, asked, "What is being done to follow the British Columbia example?" and added, "Our Bar wonders if lawyers in other provinces are as interested in the Canadian Bar Association as they should be".

A report prepared by Mr. J. A. Campbell, K.C., of Vancouver, on the campaign for funds to assist in the restoration of the Inns of Courts was read in his absence by Mr. E. Gordon Gowling, K.C. It disclosed that of the minimum objective of \$25,000 approximately \$17,000 had been raised. Considerable discussion followed. Finally, in answer to two questions posed by Mr. Campbell's report, (1) how long should the activities of the committee on the Restoration of the Inns of Court continue? and (2) how, when and in what manner should the money be distributed? it was resolved that the campaign be wound up on July 1st next, provided that the minimum objective of \$25,000 had been raised by then, and that the committee be authorized to dispose of the funds after consultation with the provincial chairmen, "provided that no part of the money be sent to England in cash unless the Committee is assured that the money will not be used to reduce the amount of insurance or indemnity otherwise payable to the Inns of Court".

The Junior Bar Section next came in for attention. Mr. B. R. Guss had been named to act as chairman of a committee consisting of Mr. Justice Barlow and Messrs. Alexander Stark, Stanley C. Biggs and Jacques Viau. In accordance with a resolution passed by Council at the Banff meeting, the committee proposed a constitution and by-laws for the Junior Bar, the main points of which were outlined by Mr. Guss. Objection was taken by Mr. Jamieson and Mr. W. P. Gregory to establishing the Junior Bar as a subsidiary organization within the Association and to the proposal that all members of the Association not over thirty-six years of age should be members of the Junior Bar. The discussion was postponed until Saturday when Mr. Guss pointed out that the Junior Bar Section had no prescribed field of endeavour and that it would be advantageous if it were given definite form and definite work to do. It was finally decided to refer the matter back to the committee for the purpose of organizing the Junior Bar in a manner similar to other sections.

The Essay Competition was next on the agenda. Mr. G. E. Edmonds, K.C., of Toronto, reported on behalf of Mr. Walter S.

Johnson, K.C., the Chairman of the Board of Judges in last year's competition. The Board's recommendations that the competition should be continued this year and that a first, second and third prize of \$500, \$250 and \$100, respectively, should be offered were approved. Contestants will be given a choice of four subjects: (1) An Historical and Juridical Analysis of Article 1301 of the Quebec Civil Code; (2) The Basis of an Agent's Liability on Warrant of Authority at Common Law; (3) The Jurisdiction of the Canadian Parliament in Matters of Labour Legislation; (4) Provincial Jurisdiction over Criminal Law. The Board of Judges consists of the Hon. E. K. Williams, Winnipeg, Chairman, Mr. Gustave Monette, K.C., Montreal, and Dr. C. A. Wright, K.C., Toronto. A formal announcement of the competition will be distributed shortly; in the meantime it is understood that the only other substantial change in the rules is that students will not be eligible.

The report of Mr. Edson L. Haines, K.C., on the proposal to form a Canadian Medico-Legal Society was read by Mr. W. S. Martin, K.C. It was pointed out that the success of such an organization would depend upon the initiative and energy shown by the lawyers in each province. After considerable discussion, in which Mr. Martin, Mr. W. S. Owen, K.C., Mr. H. G. H. Smith, K.C., and Mr. Edmonds took part, it was decided that no definite decision need be taken immediately and the Committee was asked to continue its exploration.

Mr. E. G. Gowling, K.C., then presented an interim report of the Organization Committee. It was agreed to allocate \$3,000 for a modern addressograph machine and other needed equipment for the Secretary-Treasurer's office.

In spite of full discussion, all matters of business that had been set down for Friday afternoon were concluded earlier than had been expected. By unanimous consent it was decided to continue the meeting and the President called on the Honourable C. P. McTague, K.C., the Director of the Survey of the Legal Profession in Canada, to speak. Mr. McTague referred in the course of his remarks to the questionnaire on income that had recently been distributed on behalf of the Survey by the Dominion Bureau of Statistics. Apparently this had caused some misunderstanding. The results of the questionnaire would be tabulated generally as most statistics are tabulated, without identifying individual sources. Replies would not be made available to the Director, the Income Tax Department or any other branch of government. Similar statistical surveys of income had been made by the

Bureau of Statistics for the medical and dental professions and the druggists; the same or a similar form had been used by the Survey of the Legal Profession in the United States. This topic generated some criticism, both on Friday and when the discussion was resumed on Saturday. As the discussion continued it broadened out to include the Survey as a whole and it is not easy to summarize the views expressed, some favourable and some unfavourable. There was general recognition that the Survey, though originally sponsored by the Canadian Bar Association, is an independent project over the conduct of which the Association has no direct control, but the opinion seemed to be fairly general that its objectives were not understood by the profession at large and should be more adequately explained. The great interest in the topic is shown by the number of members participating in the discussion: Mr. W. B. Scott, K.C., Mr. C. W. Robinson, K.C., Mr. W. C. Dunlop, K.C., Mr. L. McC. Ritchie, K.C., Mr. A. H. Warner, K.C., Mr. J. R. MacLaren, K.C., Mr. John T. Hackett, K.C., Mr. E. G. Gowling, K.C., Mr. G. W. Forbes, K.C., Mr. R. M. Willes Chitty, K.C., and Mr. André Taschereau, K.C.

A highlight of the Mid-Winter Meeting was the dinner given by the Premier and Government of the Province of New Brunswick. In the unavoidable absence of the Premier, it was graciously presided over by the Lieutenant Governor, the Hon. D. L. MacLaren, and the audience was treated to an address, brilliantly conceived and charmingly delivered, by Dr. A. W. Trueman, the President of the University of New Brunswick — his subject, "The Power of Language". Lawyers notoriously make critical audiences but on this occasion the impact of the address was so great that afterwards the audience rose spontaneously to give speaker and speech a standing ovation. The power of language had indeed been demonstrated.

On Saturday morning Mr. Claude S. Richardson, K.C., Chairman of the Canadian Bar Review Committee, presented an interim report for his committee. After referring to the leading place held by the Canadian Bar Review among legal periodicals, the committee recommended that the position of the Editor be on a full-time basis and be recognized as offering a career to its holder. It was further recommended that as soon as the financial position of the Review warrants the Editor should be permitted to engage adequate editorial assistance and to visit members of the Association and others throughout Canada for the purpose of encouraging writing on legal subjects. Still another recommendation was that the contents, exclusive of advertising, of the first

six issues of the Review in 1950 not exceed approximately the number of pages in the corresponding period in 1949, the annual contents to be kept within a maximum of 1,250 pages subject to approval of any upward revision by the Editor and the Chairman of the Bar Review Committee.

The committee reported that it had appointed an advertising solicitor in Montreal and recommended that, while no increase in advertising rates for legal cards be made, the rates for commercial advertisements be substantially raised.

The report was unanimously approved and the committee was authorized to continue its investigations into the desirability of having the Review printed by a firm that at the same time would handle the advertising and business side. The committee will make a further report before June 30th next and meanwhile Council gave it and the Finance Committee full authority to deal with all matters relating to the Bar Review.

Following the discussion about the Canadian Bar Review, Mr. A. L. Fleming, K.C., of Toronto reported for the Viscount Bennett Scholarship Committee. The scholarship has been awarded this year to Mlle. Marguerite Choquette. Some merriment was caused when Mr. Fleming remarked with a twinkle that in her application she had said she proposed if successful to devote herself to "juvenile delinquency". It was agreed that the appointment of the new committee should be left to the President.

At this point Mr. Carter reported briefly on the plans for the combined meeting of the American Bar Association and the Canadian Bar Association in Washington from September 18th to 21st inclusive. Letters had been sent to the chief justices of the provinces asking them to arrange court sittings so that lawyers could attend, and favourable replies had been received; the Mayflower Hotel in Washington had been set aside as the Canadian headquarters; discussions with the Foreign Exchange Control Board were continuing. It was obvious that many details had already been settled through the efforts of Mr. Carter, Mr. A. M. Laidlaw and the officers of the American Bar Association.

Progress reports were then received from the following Vice-Presidents: J. A. Clark, K.C., British Columbia; S. Bruce Smith, K.C., Alberta; F. L. Bastedo, K.C., Saskatchewan; H. E. Swift, K.C., Manitoba; D. Park Jamieson, K.C., Ontario; W. B. Scott, K.C., Quebec; Hon. W. H. Harrison, New Brunswick; W. C. Dunlop, K.C., Nova Scotia; and John P. Nicholson, Prince Edward Island. It had previously been announced that the Vice-President for Newfoundland, Mr. John G. Higgins, K.C., had

unfortunately suffered a severe accident on his way to the meeting and the members' regrets and sympathies had been telegraphed to him. His pleasant personality and wit will be remembered by all who attended the Annual Meeting at Banff, the first occasion upon which Newfoundland has been officially represented. Progress reports from the following chairmen of sections were also received: W. S. Owen, K.C., Administration of Civil Justice; R. M. Willes Chitty, K.C., Civil Liberties; C. Roger Archibald, Commercial Law (read by the President); Roger Letourneau, Comparative Law; N. L. Mathews, K.C., Industrial Relations; Edson L. Haines, K.C., Insurance Law (read by the President); Stanley C. Biggs, Junior Bar (read by Claudius Leger, M.L.A.); and A. L. Fleming, K.C., Legal Education and Training. Mr. M. G. Teed reported for Mr. H. H. Stikeman, Chairman of the Taxation Section.

The meeting then adjourned to a delightful luncheon tendered by the President and Mrs. Carter. There were no set speeches, merely a few graceful words from the host and a reply by Mr. W. S. Owen. In the course of his remarks Mr. Carter gave the members a special message from his wife, of whom he said, "nobody could have enjoyed this meeting more than she, for she loves people, and she loves especially her friends of the Canadian Bar Association. To each of you she sends the kindest of greetings and the best of good wishes. She hopes to see you all before Washington and at Washington and joins me in saying 'au revoir and bon voyage'. 'Although there was to be a brief afternoon session, it was on that note that the members parted.

The writer attended his first annual meeting in Ottawa in 1933 and has been interested in the work of the Canadian Bar Association ever since. The Mid-Winter Meeting of Council at Saint John not only advanced the work of the Association in a concrete way but stimulated the feeling of friendship, respect and co-operation without which that work cannot progress in the future.