

## The Montreal Advocates' Benevolent Association\*

---

High as may be the mission of the advocate, the practice of law does not generally make wealthy the man who devotes his life to it. The modest way of life of most lawyers' widows is eloquent testimony to that truth. Some lawyers are in easy circumstances, some are even wealthy, but the wealthy lawyer has seldom accumulated his fortune exclusively from his legal practice. For the period of a lawyer's maximum earning capacity is short. Even before old age, several factors contribute to bring about a rapid decline in the average legal clientele. A man becomes less energetic; physical disabilities make their appearance; the passing years decimate the friends and contemporaries from whom most of his practice comes; clients take their disputes to younger men, preferring fire and ambition to experience and wisdom.

At least in Quebec, the bar lacks any overall insurance scheme to enable its members to retire at a reasonable age. For many years it was even without an organized system to relieve special cases of need among lawyers or their surviving families. The first problem was to find some means of relieving the cases of greatest need, so that they would not become the objects of public charity. From time to time Mr. Maréchal Nantel, Q.C., now a member of the Quebec magistracy, who during his years as secretary-treasurer of the Bar of Montreal had seen a good deal of suffering in the profession, took the matter up with successive bâtonniers. Finally, a former bâtonnier of the Bar of Montreal, the late J. A. Mann, K.C., during a visit to Great Britain, discovered in London a benevolent association for needy lawyers. He brought back a copy of its by-laws to Mr. Pierre Beullac, K.C., the then bâtonnier, and it was decided to establish a similar body in Montreal.

With the generous help of former bâtonniers and other leaders of the Montreal Bar, the Montreal Advocates' Benevolent Association was incorporated on March 12th, 1938. The first patrons of

\*This short article has been prepared by Mr. Ignace J. Deslauriers, Q.C., of Montreal in response to an invitation of the Editor.

the Association were: Hon. Sir Mathias Tellier, K.C.M.G., Chief Justice of the Province of Quebec; Hon. R. A. E. Greenshields, Chief Justice of the Superior Court; and Hon. P. B. Mignault, a retired judge of the Supreme Court of Canada. The first Executive Committee was composed of Pierre Beullac, K.C., President; Arthur Vallée, K.C., Vice-President; A. W. P. Buchanan, K.C., Treasurer; Maréchal Nantel, K.C., Secretary; and George A. Campbell, K.C., and Rodolphe De Serres, K.C., Directors. Basic in the minds of the sponsors of the Association was the fraternal duty of well-to-do lawyers to ease the burdens of those of their confreres who are in straitened circumstances.

During the fifteen years of its existence the Montreal Advocates' Benevolent Association has endeavoured, within its limited means, to fulfil the purposes for which it was founded. At one time it was paying a monthly pension, usually of \$25.00, to six members of the bar; as its last annual report shows, similar pensions are currently being paid to a lawyer's widow and three advocates. In addition, occasional help is given in a variety of cases. Here are some figures illustrating the progress of the Association since 1938:

Year	Persons Assisted	Amount Granted
1939	6	\$ 90.00
1940	2	70.00
1941	4	220.00
1942	3	155.00
1943	4	233.80
1944	3	240.00
1945	10	409.84
1946	13	1,101.93
1947	17	1,985.07
1948	27	1,913.35
1949	37	2,895.25
1950	32	2,291.36
1951	41	2,830.81
1952	33	1,857.25
<b>TOTALS</b>	<b>232</b>	<b>16,293.66</b>

I remember on one occasion returning to my office from a brilliant convention of lawyers and finding a man waiting to see

me. His appearance was pitiful. His worn-out clothes, his face without expression and his general carriage would have identified him as a man used to the humblest labour, but he was of my own profession, a qualified member of the Bar of Montreal, come to see me in my capacity as the president of the Montreal Advocates' Benevolent Association. Mr. *T*'s story was a sad one. His life of just fifty years had been one blow after another. For a few years he lost his mind, was interdicted and committed to an asylum. After his discharge he tried to resume what had been at best an unprofitable practice, the only one who believed that he could succeed at it. The distress of that confrere was lamentable. He had become one of the Association's regular pensioners and once again, in addition to his monthly allowance, we paid the food bills for himself, his wife and four children. All lawyers do not attend bar conventions.

A few further examples will illustrate the necessity of such an organization as the Montreal Advocates' Benevolent Association and the advisability of its further expansion to enable it to be of greater service. A few years ago, *S*, a lawyer, was killed at the early age of thirty-five in a highway accident not far from Montreal, and a promising career was brought to an abrupt end. He was survived by a widow and five young children, unprovided for and quite unprepared for the tragedy. To tide them over the period of readjustment, the Association contributed \$500 towards their living expenses. The widow went to work. One of the justices of the Superior Court of Montreal is now paying the eldest boy's way through college and, through the good offices of the same judge, another benefactor is making it possible for one of the girls to have a first-class education.

*R*, some thirty years ago, was one of the better known lawyers of Montreal, highly regarded as a practitioner in the criminal courts. He had been crown prosecutor, for example, in one of the most famous cases before the assize courts of the province. *R* died leaving a splendid reputation and pleasant memories of his witticisms, but no fortune. His widow, left penniless, became despondent. A group of lawyers helped her generously through the Association. One day she was found dead. The Association paid her funeral expenses.

In many other cases as well the Association has done what it can to help the dependents of deceased lawyers. In one, a lawyer, thirty-eight years old, met a sudden death through heart failure. A few hundred dollars were contributed for the maintenance of the

family until it could reorganize its way of living. In another, several hundred dollars was donated over a period of three years to help the widow and orphans of a lawyer who had also died suddenly. In still another, the widow of a clerk of the Superior Court, who at one time had been a member of the Bar of Montreal, was living in indigence in the suburbs. The Association paid her coal bills for three years.

The case of *G* was particularly poignant. Well along in his eighties, he was barely existing on a very meagre income. Time and again he had to move from one boarding house to another, either because he could not pay his rent or because his fellow boarders refused to tolerate his infirmities. One day, after the last of his many moves, he could not find his way back to his new room and he wandered about the streets until finally he fell, exhausted. He was picked up and taken to St. Luke's Hospital, where at last he was identified. Then the Association undertook to look after him. His office was liquidated and a good home was found for him, where he could enjoy rest and peace, and be cared for. At his death the Association paid for his funeral.

Some hardship unfortunately remains unknown until it is too late to help the living. A few years ago an old lawyer, who was living alone in Montreal, died unnoticed and his body was removed to the morgue, where it lay unclaimed. After an interval it was delivered to one of the medical schools for dissection. At this point the Association heard about the case and took steps to arrange a decent burial for their confrere.

The object of the Association is stated in its Rules to be "to afford assistance in necessary and deserving cases to members of the Montreal Bar who are or have been in active practice, their wives, widows and children", and "assistance" is defined as including a contribution towards funeral expenses. We cannot claim to have alleviated all cases of hardship in Montreal but, where the need was known, we have done what we could, the extremity of the need being always taken into account before help is extended.

The governing body of the Association is the Advisory Committee, which meets at least twice a year and which consists of the bâtonnier and ex-bâtonniers of the Montreal Bar, ex officio, and ten members elected at the annual general meeting of the Association. At its first meeting of the year in January the Advisory Committee chooses seven of its members to constitute a Committee of Management to "manage the affairs of the Association" during the coming year, among them a president, vice-president, treasurer and secretary. All officers act without remuneration.

The revenue of the Association comes from various sources, but especially from membership fees. It has two categories of members: life and annual. Of the approximately 1,250 lawyers who compose the Bar of Montreal at the moment, 197 are life members of the Association and 321 annual members. It is hoped that the membership can be substantially increased during the coming year. The fee for life membership is a minimum of \$100.00 and for annual membership, of \$5.00.

The Association has also been assisted by a few welcome legacies and gifts. The late Lawrence A. Macfarlane, K.C., a former bâtonnier, bequeathed \$2,500, and the Association will receive \$5,000 from the estate of another former bâtonnier, John W. Cook, K.C., when it is wound up. The Hon. E. Fabre Surveyer and Mr. Pierre Beullac are turning over the proceeds from the sale of the book they wrote jointly in 1949, *The Centenary of the Bar of Montreal*. Just recently the Junior Bar Association of Montreal celebrated the fiftieth anniversary of its foundation and again a souvenir book was published, the proceeds of which were turned over to the Association as a fine gesture of solidarity among the lawyers of Montreal. Thanks to the initiative and representations of Mr. John F. Chisholm, Q.C., the immediate past president, sympathetically received by the authorities, all contributions qualify as deductions from taxable income for Canadian income-tax purposes.

The Montreal Advocates' Benevolent Association, with its restricted means, can bring only limited relief and only in the most urgent cases. It responded to a need and through the years has proved itself. But this beginning should now be elaborated into a social security programme with complete coverage for lawyers. We know how expensive it is for an individual to purchase insurance covering such risks as illness, retirement and death. Why should the professional man and his family be left without adequate protection against the vicissitudes of life, especially of old age? Why should a lawyer be compelled to work on and on, without the prospect of rest, for thirty, forty or fifty years? Surely a plan could and should be devised by the bar under which lawyers would contribute to a general fund during their active years, so that when need arises they will be reasonably provided for.