

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.

EIGHTEENTH ANNUAL MEETING.

Those whose duty it is to record the formal meetings at fixed periods of organizations working in the public interest, find their minds inevitably impelled to retrospection. They are prone to compare any present tale of achievement with that of earlier periods in the history of the organization, and, when that history is one of progress, they are led on from a contemplation of the sum total of accomplishment to a finer understanding of the vision of the founders of the organization, and a deeper reverence for the memories of such of them as have passed away.

That the Canadian Bar Association is a body of public importance needs no demonstration. That its activities touch the very core of our social order is implicit in the fact that it is composed of men, both on the Bench and at the Bar, whose whole concern is with the rule of law and the administration of justice. Its field of usefulness knows no provincial boundaries. It is nation-wide in its inclusiveness.

To note the success of the Association in breaking up sectionalism, in creating unity of sentiment among its members and uniformity of action by them in behalf of public order and law reform through-

out Canada, is to realize that the profession of the law in this young country is as responsive to the call of the State for voluntary service as were the lawyers in the mother-lands overseas when European civilization was in its infancy. It may be truly said that what lies behind the Association is not a series of "fatuous, ineffectual yesterdays" but yesterdays valorous in spirit and not wanting in substantial performance. The temper of the time when the Association was brought into being was anything but benign towards such an adventure. The early thunders of the Great War were finding an echo in Canada and our lawyers of military age were hurrying to the colours of the Expeditionary Force. That the Association in an unpropitious period of history, dating from 1914 and continuing down to the present, has been able to enlarge its sphere of influence and achievement steadily reveals at once its *raison d'être* and the ability and zeal for public service of those who have guided its activities. And so our looking backward but confirms our faith in the persistence of the Association in high and successful endeavour. "*Le présent est gros de l'avenir.*"

* * The Eighteenth Annual took place in Ottawa, having its headquarters in the Chateau Laurier. The formal proceedings began on Wednesday the 30th of August, and finished on Friday, the 1st September. King's weather prevailed throughout the meeting and the capital never presented a more attractive appearance to visitors. Now the REVIEW finds its editorial home in Ottawa, and we frankly ask our readers if that fact should not deter us from saying whether or no the Committee of the local Bar gave the visiting members a thoroughly good time? Be the answer what it may a good time is really a matter dependent on one's individual taste, so our question may be left to find its answer in the recorded votes of thanks. Possibly convention would not be strained by us if we mention the fact that the Honourable Mr. Justice Roche, who attended the meeting as a delegate from England, wrote on his departure homeward to the President of the County of Carleton Law Association saying, amongst other pleasant things, "It would be impertinent to praise your arrangements, of course they were beyond praise."

There certainly was no lack of cordial welcome to the visitors by the people of Ottawa as a whole. One of the local papers on the opening day of the meeting editorially declared that "Ottawa is glad to play host to the lawyers. We should like to have them believe that we don't think them half as bad as they are painted." Lest the language of the sentence last quoted be construed as embodying a satiric thrust, we quote further from this editorial greeting: "We don't know what the world would do without lawyers. It probably

could not do much, or would do so much of the wrong thing that it would simply go smash . . . Lawyers have become more careful about their profession, merciless with their own black sheep. Today the 'shyster lawyer' has little place among lawyers and is dealt with roughly and summarily. The profession, in truth, has become more concerned with the administration of justice than with the saving of clients, looks upon itself—and rightly—as the preserver of ordered liberty. This is why we have such a body as the Canadian Bar Association meeting in Ottawa this week."

We rather like these remarks of the Ottawa editorial writer and have no apology to make for obtruding them upon those who were not able to get to Ottawa to attend the meeting but who wish to know all about what was done there.

The registration of members in attendance at the Eighteenth Annual Meeting was one of the largest—perhaps the largest—on record. It was pleasant to observe that the registrations were made early in the week, and that the audiences present during the debates on the reports of the various committees of the Association were so large as to displace any critical comment when compared with the attendances at the purely social events on the programme. That, of course, is a flattering tribute to the practical value of the Annual Meetings.

The President's Dinner took place at the Rideau Club on the evening of the 29th August, and afforded an opportunity to those present for meeting the distinguished guests of the Association. We have always felt that these dinners set the *tempo* for the whole social programme of the "Annual," and with President Rowell in the chair this particular dinner maintained in a very handsome way the traditions attached to the event. The speeches were excellent and a spirit of good fellowship between Bench and Bar abounded. With such a prelude the Eighteenth Annual could not fail of its purpose.

* * The formal sessions of the meeting opened at ten o'clock in the morning of the 30th August, with the Honourable N. W. Rowell, P.C., K.C., LL.D., President of the Association, in the chair. The Honourable Sir Adair Roche, Kt., one of the Judges of the King's Bench Division of the High Court of Justice, England, and Maître Ernest Vallier of the Bar of Paris, France, occupied seats on the platform as official delegates to the meeting from their respective countries. Owing to some unforeseen delay, the representative of the American Bar Association, The Honourable J. Grafton Rogers, was not present at the opening session. The first item of the proceedings was an address of welcome to the Association's guests by the Honourable Hugh Guthrie, P.C., K.C., Minister of Justice. In

the course of his address Mr. Guthrie touched on several matters of importance to the profession. After referring to the mutual advantages accruing to Canada and the United States by reason of the similarity of their systems of jurisprudence, Mr. Guthrie pointed out that differences between the two legal systems prevailing in Canada sometimes became active. In this connection he instanced the withdrawal of the Bill introduced at the last Session of the Dominion Parliament to prevent the recovery of moneys paid to the Crown in mistake of law; and he explained that the reason of such withdrawal was that while in the common law provinces a claim for the recovery of such moneys would not be enforceable, under the civil law of Quebec such a claim could be maintained. Mr. Guthrie next referred to the question of the disallowance of Provincial Statutes. He stated that the policy of the Department of Justice for some years has been not to disallow any Acts of Provincial Legislatures unless the provincial legislation seriously interfered with Dominion powers or interests, or where a provincial Act might embarrass or prejudice the interests of the Dominion in respect of matters having an extraterritorial or international bearing.

The response to the address of welcome by Mr. Guthrie was made by the Honourable W. H. Harrison, K.C., Attorney-General for the Province of New Brunswick. Mr. Harrison referred to the great changes that had taken place in the world since the last meeting of the Association. He went on to remark that while we in Canada are privileged to be spectators of the great changes in the world at large, yet our government bodies have to be vigilant to observe the effects of these great world changes so as to maintain our international interests intact and to secure our social welfare. As changes in social legislation involve constitutional matters the yearly gatherings of lawyers of the Dominion to consult on problems so arising serve a most useful purpose both to the Bar and to the State.

The next item in the proceedings of the morning session was the presentation of the President's Address, Mr. D. L. McCarthy, K.C., Vice-President of the Association for Ontario, occupying the chair. Mr. McCarthy took occasion to remind the audience of Mr. Rowell's unselfish devotion to public service not only in the national sphere but in the international sphere as well.

The subject of Mr. Rowell's address was "The Permanent Court of International Justice," and we have had the satisfaction of printing it in full for the benefit of our readers in the present number of the *REVIEW*. No one can read this address without being impressed with the affluence of knowledge it reveals of the constitution, jurisdiction

and what might be called, *faute de mieux*, the public policy of this great tribunal. In an address delivered some two years ago by Judge Caloyanni—then an *ad hoc* member of the Court—before the Grotius Society, London, he spoke of the Court in these words: "That wonderful body which, in spite of the difficulties, extrinsic and intrinsic, has already brought forth such a monument of legal principles, such a monument of strength and power, that it has revolutionized many questions which nobody ever thought could possibly come about in the short time it has had to operate." And so we say that not only the lawyers but the whole Canadian public are indebted to Mr. Rowell for presenting them with knowledge most difficult of attainment to any one not in intimate touch with international affairs.

Following upon the President's address a Memorial Resolution concerning the late Right Honourable Chief Justice Anglin, P.C., was proposed by the Honourable Mr. Justice Rinfret of the Supreme Court of Canada, and seconded by the Honourable Mr. Rowell. The text of the resolution reads as follows:

"That the members of the Canadian Bar Association desire to place on record their profound sorrow on the occasion of the death of the Right Honourable F. A. Anglin, Chief Justice of Canada, a member of His Majesty's Privy Council.

"His loss is mourned by all his fellow-citizens and by the members of this Association, who praise the high quality of the services he rendered to his profession and to his country."

Speaking to the resolution Mr. Justice Rinfret recalled that Chief Justice Anglin had been born in Saint John, N.B., and educated in Ontario and Quebec and had the advantage of becoming imbued with the mentality of these provinces. "His was a keen legal mind" continued Mr. Justice Rinfret, "of quick and sound decision. His judgments were written in clear, careful and precise language. Many of these judgments dealt with the most important legal or constitutional problems that have come before our courts. Of them it was truly and justly stated they would stand as landmarks in Canadian jurisprudence." Mr. Justice Rinfret closed his remarks with a feeling reference to the personal qualities and character of the late Chief Justice.

A Memorial Resolution concerning the late Sir François Lemieux, former Chief Justice of the Superior Court of Quebec, was introduced by the Honourable Mr. Justice Baxter, of the Supreme Court of New Brunswick, speaking both in English and French, and seconded by Mr. J. E. Chapleau, K.C., Bâtonnier of Quebec. This resolution was couched in the following terms:

"Resolved that the Canadian Bar Association place on record their sense of corporate and personal loss sustained in the death on July 19 last of Sir François Lemieux, Chief Justice of the Superior Court of Quebec, who held judicial office for 36 years and has left a record of indomitable energy devoted to the impartial administration of justice combined with a sweetness of disposition which endeared him to the successive generations of men with whom he came in contact."

Mr. Justice Baxter referred to the long public career of Sir François, remarking that for years there had been "only a feeling of deep affection for the wise and kindly magistrate whose years showed no decline in his ability. A great figure from the past whose tireless energy made us forget that he had grown old and whose youthfulness of spirit brought him close to the younger members of his profession."

"His death at 82 years of age seemed to come all too soon. The judgments of Sir François had been precise and his wide knowledge of human nature had helped him in his great judicial work. Genuinely desirous as he was of a good understanding between the two races who have made Canada what it is, we join in deploring the passing of a great gentleman of another generation."

The rest of Wednesday morning's session was taken up with the presentation of reports. Mr. A. G. Slaght, chairman, presented the report of the Committee on the Administration of Criminal Justice; Mr. H. J. Riley, K.C., chairman, that of the Committee on Comparative Provincial Legislation and Law Reform; Mr. O. M. Biggar, K.C., chairman, that of the Committee on International Law; Mr. C. F. H. Carson, chairman, that of the Junior Bar; and Mr. F. C. Cronkite, (Dean of the law faculty of the University of Saskatchewan) chairman, that of the Committee on Legal Education. These reports were referred in the usual course to the Sectional Meetings.

At the luncheon following the morning session Mr. Isaac Pitblado, K.C., Dominion Vice-President of the Association, was in the Chair. The luncheon address was given by the Honourable Mr. Justice Roche who took for his subject "Commerce and the Law in England." Going back to the 17th Century the learned Judge, step by step, traced the development of the law and practice in the English courts in commercial matters until the establishment in 1895 of a commercial list for hearings of commercial causes, or as it is more popularly called the Commercial Court, and on to the present day. From time to time, he entertained his auditors with humorous digressions from the "hard high road of legal history"—to use his own phrase—into some of the bypaths of biography and anecdotes.

The address was a highly instructive one, and it is the desire of the REVIEW to publish it as soon as possible. At the close of his address Sir Adair Roche was made an honorary life member of the Association on motion of the Honourable W. H. Price, Attorney-General of Ontario.

The afternoon session on Wednesday was devoted to Sectional Meetings and Round Table Discussions on matters embraced in the reports of committees. A lively debate took place on the proposal in the report on Criminal Law to amend the provision of the Code dealing with the crime of kidnapping by raising the present maximum sentence of 25 years' imprisonment to life imprisonment with lashes. In opening the discussion on the report, Mr. A. G. Slaght, K.C., spoke as follows:

"Fortunately Canada has not yet been subject to the saturnalia of kidnapping so prevalent in the United States, and it was with a view to warning the kidnappers there that Canada would not be a fair field to ply that most despicable, cowardly and awful crime that the committee drafted this proposed amendment calling for a maximum penalty of life imprisonment with lashes for kidnapping."

During the debate general criticism of the entire Criminal Code developed. It was said to be so archaic and full of holes that "an automobile could be driven through it." In view of a decision being arrived at as the result of the discussion that a request be made by the Association to the Department of Justice to cause a complete revision of the Code, both in substantive law and practice, to be undertaken without delay, the proposal as to kidnapping was referred back to the committee.

The reports of the Committee on International Law, the Committee on Legal Education, and the Committee on the Administration of Criminal Justice, appear in the present number of the REVIEW. The report of the Committee on Comparative Provincial Legislation and Law Reform will be published in the October number.

At the conclusion of the afternoon session the members of the Association and their guests were entertained at a garden party by Miss Duff, sister of the Chief Justice of Canada, and the wives of the Judges of the Supreme Court of Canada and of the Exchequer Court of Canada. This pleasant event took place at the Country Club.

In the evening a reception and dance were held at the Royal Ottawa Golf Club, arranged by the Local Committee of the Ottawa Bar.

The morning session on Thursday, August 31st, was presided over by Mr. D. H. Laird, K.C.; Winnipeg, Vice-President of the

Association for Manitoba. The early part of the morning was taken up with the presentation of reports. The report of the Council of the Association was presented by Mr. Robert Taschereau, K.C., Honorary Secretary. It showed that the Association was carrying on its work with a commendable degree of efficiency and success notwithstanding the difficulties of the present time.

Mr. George F. Henderson, K.C., Chairman of the Canadian Bar Review Committee, presented his report. As regards the relations between the official organ of the Association and its contributors Mr. Henderson stated that the publication was in excellent case. Articles continued to be sent in without payment required by writers at home and abroad. The department of Case and Comment is admitted on all sides to be of great value.

Mr. W. N. Tilley, K.C., Chairman, presented the report of the Committee on Judicial Salaries. The report as presented by Mr. Tilley proposed that no action should be taken this year towards increasing the remuneration of Canadian Judges. The report, however, reaffirmed the policy laid down in 1927 prescribing a scale of salaries with allowances for special services. In connection with this report some discussion ensued upon a resolution sponsored by Mr. George A. Campbell, K.C., of the Montreal Bar, for a compassionate allowance to the widows of Judges left in necessitous circumstances. The resolution was referred to the Resolutions Committee for report to the Association.

Colonel O. M. Biggar, K.C., Chairman of the Committee on International Law, referred to the report of the committee presented on the day before. Speaking to the substance of the report Colonel Biggar said "Despite all the turbulent events throughout the world during the past year, we can, I think, look forward to the time when ultimately war will be looked upon as illegal."

A stirring address by Sir Robert Borden on the League of Nations was read by the Honourable Mr. Rowell in the absence of Sir Robert, who was confined to his home by a slight indisposition. In the course of his address Sir Robert said: "If the world should lose confidence in the League of Nations, it must equally lose confidence in itself, reverting to a system hopelessly damned by the outbreak of the Great War. Let us be thankful for what the League of Nations has wrought for the salvation of humanity; and let us pray that the torch of its purpose and its endeavour may still flame as a beacon and point the path to hope and safety across the tempest-torn sea of international jealousies and antagonisms." A large audience listened to this instructive survey of the League's position and after the reading was finished the chairman suggested that a message be

sent from the Association thanking Sir Robert for his address and expressing a hope for his early recovery from his indisposition. This suggestion was approved by a round of prolonged applause. The REVIEW hopes to publish Sir Robert's address in a future issue.

A prominent feature of the morning's session was the address by Maître Ernest Vallier, the representative of the Bar of Paris at the meeting. Maître Vallier was gracefully introduced by Mr. Aimé Geoffrion, K.C., of the Montreal Bar. M. Vallier in his address traced the evolution of the law of modern France respecting liability for damages in accident cases. The speaker explained that originally the victim had to prove negligence by the defendant, but that now the burden is cast on the defendant to disprove his negligence, or upon the owner of a machine causing an accident to disprove negligence by him. He stated further that the practice of insuring against automobile accidents has resulted in more accidents and higher expenses for competing insurance companies. The latest suggestion put forward in France is for obligatory insurance on the part of the owners of all motor cars. At the conclusion of his address Maître Vallier voiced his pleasure at being the official delegate of France to the present meeting of Canadian lawyers, and extended the cordial greetings of the Paris Bar to the Association. Mr. H. N. Chauvin, K.C., Bâtonnier-General of the Province of Quebec, moved that a certificate of honorary life membership in the Association be given to M. Vallier as a token of the Association's appreciation of his presence at the meeting and of his informative address. The Honourable P. B. Mignault, K.C., of the Montreal Bar, also spoke to the resolution moved by Mr. Chauvin, and it was carried amidst applause.

The next item in Thursday morning's session was an address by R. B. Graham, K.C., Police Magistrate of Winnipeg. The subject of Mr. Graham's address was "British and Russian Criminal Jurisprudence." Mr. Graham's paper showed careful study of his subject and his conclusions were illuminating. He condemned the Soviet system of jurisprudence as compared with the British system. For the longevity of the Soviet system he expressed grave doubts. The British system, like the British Constitution, was the result of a process of evolution, while the Russian system, like the Russian Constitution, was a hastily constructed fabric reflecting the social upheaval of the time.

The speaker at the Thursday luncheon was the Right Honourable Lyman P. Duff, P.C., LL.D., Chief Justice of Canada. In the absence of Mr. George H. Montgomery, K.C., Vice-President of the Association for Quebec, Mr. George F. Henderson, K.C., President of the County of Carleton Law Association, was moved to the chair.

In introducing the distinguished speaker, Mr. Henderson paid a glowing tribute to him both as a Canadian citizen and as the occupant of the highest judicial position in Canada. He said, amidst loud applause, that the Right Honourable the Chief Justice was "the most instinctive and brilliant lawyer Canada has ever produced." Before beginning his address the Chief Justice said that it was impossible to express his gratification for the honour he enjoyed of addressing so distinguished a company of Judges and lawyers, and for the "all-too-flattering words of the chairman." He went on to say that "It is important that individual Judges should be cognizant of the confidence of the general public in the Bench. It would be altogether wrong," he said, "that any individual Judge should seek or be highly gratified by publicity in respect of his decisions. It is altogether right that the confidence of his *confrères*, who may judge of his work censoriously but wisely and critically, should be a source of happiness to himself."

The Chief Justice then proceeded with his address which was in effect an encomium on 'Our Lady of the Common Law.' He proceeded to show that the foundation of the English common law was due in a large part to the capacity and understanding of the King's Judges from the time of Henry I to Edward I. The law was something more to Englishmen than a majestic phrase. The common law administration stood to them for security in the full enjoyment of their own rights. No single force, not even Parliament, had exercised a deeper influence on the temper of the British people than the English common law. "It is a strange thing and difficult to explain, that this most fundamental of the functions of Government, should, through all the centuries, have been entrusted in so large a measure to a profession enjoying the high degree of autonomy which is ours." Amid approving murmurs, the Chief Justice declared that except in matters of phraseology, fundamentally Roman Law and the Common Law of England have very few differences. Although it must be admitted that the bias of the Roman Law had been in the direction of absolutism. "The common law was 'Freedom slowly broadening down from precedent to precedent.' The common law has been built up to meet most of the complexities of life. It has been a noble achievement for justice among men."

This summary of the Chief Justice's address is all too inadequate to denote its value. The REVIEW hopes to publish the address at length in the issue for October.

At the conclusion of the address the Honourable Aulay Morrison, Chief Justice of British Columbia, moved the thanks of the audience to the Chief Justice for "his learned and instructive address." The

motion was received with lively acclaim. In extending the thanks of the audience to the luncheon speaker Mr. Henderson said that the volume of the demonstration of approval by those present was "one more evidence that the profession in Canada is unanimously beside you."

At Thursday afternoon's session the chair was occupied by the Honourable T. C. Davis of the Prince Albert Bar. The proceedings opened with the report of the Honorary-Treasurer, E. K. Williams, K.C., which showed that the Association enjoyed a favourable financial standing, notwithstanding the long period of depression that the whole country has experienced in common with the rest of the world. Mr. W. S. Montgomery, K.C., chairman of the Membership Committee stated that the Association has now over 2,300 members, of whom 727 are in Ontario, 353 in Quebec, 200 each in Saskatchewan and Alberta and the remainder scattered over other portions of the Dominion. It was pointed out by Mr. Montgomery that a more active effort should be made to secure additional membership for the Association. He suggested the co-operation of the Junior Bar as a vital necessity to the welfare of the Association as a whole.

A notable feature of the afternoon session on Thursday was the address of the Honourable J. Grafton Rogers, Dean of the University of Colorado Law School, representative of the American Bar Association at the Annual Meeting. His address was entitled "The Mold of Nationalism of Law and Statecraft." Speaking of the present time-spirit and actual conditions, he declared that the civilized world had "plunged right and left into a programme called nationalism," which collided with a great scale of ideas that had been accepted by many enlightened men as "wise and workable" for the modern world. Mr. Rogers outlined the probable course of future events as he envisaged them, and claimed that the services of lawyers would be greatly needed in the future to protect the common rights of the individual. The speaker proceeded to say that "It may be that sternly regimented national units are but a necessary preliminary step to a new era of sounder international relations"; and he added that "We are now waging a battle for economic democracy as we did for political democracy." Continuing Mr. Rogers said that the new nationalism contests all our old philosophies of international culture, trade and co-operation, it threatens to upset many of the temples of British common law and it impinges on the whole gamut of human relationships. "This may seem to be a gloomy portent for the world, and I may say that I speak not as a missionary for the new régime because I see turmoil and wreckage. Certainly the outlook is for major changes in the law and government. The preservation of what needs

preserving lies largely with the lawyers and the Judges and they must act wisely to preserve the common law." At the conclusion of Mr. Roger's address a resolution was proposed by the Honourable Chief Justice Sir Douglas Hazen, P.C., K.C., K.C.M.G., Vice-President of the Association for New Brunswick, to give the Honourable Mr. Rogers an honorary life membership in the Association in acknowledgment of his stirring address.

The proceedings at the afternoon session closed with an address by Mr. Hector Hughes, K.C., a former member of the Bar of the Irish Free State, and now a member of the Inner Temple, London, on "A New Phase of Dominion Development." Mr. Hughes stated that there was no question but that the British Empire is bound together by bonds of fellowship "and the strongest links are those of our own institutions and traditions, collateral and otherwise." He deprecated "meticulous insistence on mere formulæ" and hoped that the independence and equality of status accorded the component nations within the Commonwealth will lead to a spirit of wider internationalism, so that the British Empire may take the lead in the world on behalf of peace.

Mr. Hughes dealt with one aspect of the controversy on the taking of the oath by members of the Irish Parliament. He ridiculed the contention that non-taking of the oath affected the relations of King and subject. He pointed to the fact that there were millions in all parts of the Empire who had never been called upon to take such an oath but the relations had not been affected as between King and subject in their cases.

The speaker said that the contention that non-taking of the oath would place the Irish Free State outside the pale of the British Commonwealth of Nations, had been answered by the fact that the Free State was still a member of that Commonwealth, although members of the Irish parliament had not taken the oath of allegiance.

Lady Borden entertained the visiting ladies at the tea hour on Thursday afternoon at "Glensmere," her charming residence in Ottawa.

The Annual Dinner, the chief social event on the programme, did not fail to realise all the high hopes for its success. It was held in the spacious and beautiful ballroom of the Chateau Laurier, and the menu and appointments were excellent—notwithstanding a marked tendency on the part of the microphone to speak for itself at the beginning of the post-prandial oratory. President Rowell was in the chair, and the guests of honour were The Honourable Mr. Justice Roche, Maître Ernest Vallier, and the Honourable J. Grafton Rogers, delegates respectively from England, France, and the United States. After the toast to His Majesty the King, toasts were proposed to the

President of the French Republic and the President of the United States, followed by the singing of "La Marseillaise" and the "Star Spangled Banner." After these formalities the chairman called upon Mr. Leonard Brockington, K.C., City Solicitor of Calgary, to propose a toast to "Our Guests."

In view of the thunderous applause that greeted Mr. Brockington's speech it would indeed be "wasteful and ridiculous excess" to labour in its praise. It was in a class by itself. We heard him with delight at the Calgary meeting last year, and we were glad to get a report of what he said there and to publish it in the REVIEW—but this was much against his will, for he is a modest man as all true masters of any art are prone to be. He was even happier in Ottawa than at home. Mr. Brockington's wit is neither sardonic in its quality nor illusive in its relation to fact. Its point is always veridical, and so becomes a source of revelation to the receptive ear. When he descends to mere humour—which he does upon occasion—he apparently intends it to serve as a respite to the tension of listeners thrilled by the lightning-play of his higher gift. We are glad to know that our opinion of his speech is shared by one of the distinguished delegates who said that he had never heard a finer performance of the kind. Perhaps we may be permitted to add that the delegate we refer to remarked to Maître Vallier at the close of Mr. Brockington's speech that it would be hard for subsequent speakers to get the ear of the audience, to which M. Vallier replied: "*Courage, mon brave! Faites de votre mieux. Nous sommes pris tous les deux.*"

It would not be fair to attempt to epitomise Mr. Brockington's speech—to yield properly to its spell was to listen to it. We shall merely quote his courteous references to the gentlemen whose health he proposed. He mentioned each one individually. "The Honourable Mr. Grafton Rogers," he said, "is an aristocrat of Canada by family, and an aristocrat of the United States by service. He served as Assistant Secretary of State in the Hoover administration, and is at present Dean of the Colorado Law School." . . . "May God, goodwill, and good neighbourhood be your company" was the salutation of Mr. Brockington to be conveyed to the United States through the Honourable Mr. Rogers.

Speaking next of the Honourable Mr. Justice Roche, he said that Sir Adair Roche is a direct descendant of an officer who fought in the Battle of the Plains of Abraham. "I need pay no tribute here to a country which has meant so much to this land."

Paying tribute to the qualities of the representative of the Bar of Paris, Maître Ernest Vallier, Mr. Brockington referred to France as

the "second Mother Country of Canada." . . . "We are glad to follow the leadership of France in art and beauty," he added.

The toast as proposed by Mr. Brockington was eloquently seconded, in French, by Mr. Louis S. St. Laurent, K.C., LL.D., a former President of the Association.

Sir Adair Roche, in responding to the toast, referred to his visit as "a homecoming too long delayed under pressure of a really busy life." He said that his mother's great-grandfather fought on the Plains of Abraham and then "went on to lose the United States after helping to win Canada." His brother also served in the Canadian forces during the Great War.

The speaker also paid a glowing tribute to the Canadian Bar Association and the value of its meetings. "I marvel at your ability to bring such a meeting together from all parts of your wide Dominion," he said. "This is a great institution, bound to raise the level of professional importance, and what is more, the level of professional honour." . . . "There can be nothing wrong with your country when it takes a President of the Canadian Bar Association and makes him Prime Minister of the Dominion, while the Province of Quebec is also ruled by a prominent member of the Association."

We shall digress here long enough to say that readers of Mr. C. P. Hawkes' "Bench and Bar in the Saddle" will recall that Sir Adair Roche is noted for his skill in the saddle as well as on the Bench. He is a member of the famous Pegasus Club—you would please him if you pronounced it *Peegasus*—the constitution of which provides that only members of the four Inns of Court shall be eligible for election. He rode his own horse "Nancy" in the steeplechase at Edenbridge in 1922, and he might have won it had his horse not lost time at the water-jump.

An eloquent speech in French was made by Maître Ernest Vallier. He expressed his thanks to the Association for its generous welcome, assuring his hearers that while there was a difference in language between the two races represented at the meeting, the language of the heart was a common one.

The Honourable Mr. Rogers in replying to the toast said: "I cannot help being impressed with the quiet dignity and high tone with which the meetings of the Canadian Bar Association have been conducted. There is a quality of poise and balance which any visitor must notice." He quoted the dean of the American legal profession who said: "There is only one policy in the minds of the American people and that is they must never part with the friendship of the British Empire, and their neighbours to the north."

Mr. Rogers touched briefly on the serious problems which at present confront the United States, the British Empire, and Canada and said: "We will triumph over them; the hope of the world rests upon our friendship."

The Honourable J. L. Ralston, C.M.G., K.C., complimented the three visiting delegates on their instructive addresses at the meeting. He also expressed his appreciation of the work done by the Honourable Mr. Rowell for the legal profession in his capacity as President of the Canadian Bar Association, and commended his unselfish labours in many other branches of public service. In his reply Mr. Rowell said that any success that had been achieved by the Association during his term of office was equally due to Mr. E. H. Coleman, K.C., the energetic secretary-treasurer of the Association, and to the various members of the Council.

At the morning session on Friday, the 1st instant, Mr. F. D. Smith, K.C., Vice-President of the Association for Nova Scotia, occupied the chair. Mr. St. Laurent, chairman of the Nominating Committee, presented a report declaring that the Honourable Mr. Rowell had been unanimously re-elected as President of the Association. The report also announced that Mr. Isaac Pitblado, K.C., LL.D., of the Winnipeg Bar was unanimously elected as Dominion Vice-President for the ensuing year. Re-election of the following officers was also announced:

Honorary Secretary, Robert Taschereau, K.C., Quebec.

Honorary Treasurer, E. K. Williams, K.C., Winnipeg.

Registrar, W. N. Ponton, K.C., Belleville.

Secretary-Treasurer, E. H. Coleman, K.C., Winnipeg.

Assistant-Secretary, G. L. Cousley, Winnipeg.

A full list of the officers of the Association for 1933-1934 will be found on p. ii. of this number.

Colonel Ponton presented his report as Registrar in which he feelingly referred to the passing since the last meeting of many highly valued members of the Association. The deaths recorded reached the high total of 52 within the year.

The report of the Committee on Resolutions was presented by Mr. A. R. McMaster, K.C., LL.D., of the Montreal Bar. The appreciation and thanks of the Association for hospitalities extended to members and guests, and for assistance and co-operation in carrying out the general programme of the meeting were extended to the Hull Bar, the County of Carleton Law Association, the Right Honourable R. B. Bennett, P.C., Mrs. Herridge, Miss Duff, and the wives of the Judges of the two Dominion Courts and Lady Borden.

After formal business was disposed of, the members present were addressed by Mr. R. Leighton Foster, K.C., Superintendent of Insurance for Ontario, on "The Uniform Automobile Insurance Statutes." He said that twenty-two of the United States and all the provinces of Canada, except Quebec, now had legislation providing for the automatic suspension of the driver's license of motorists who commit major offences against highway safety, or fail to pay judgments arising out of motor vehicle accidents, until they prove their financial responsibility to the authorities by a certificate of insurance, or otherwise.

Mr. Foster added that Quebec was understood to be giving favourable consideration to the same uniform legislation. He concluded his paper by recommending regular conferences of administrative officials concerned with company taxation and motor vehicle statutes as the best means of promoting uniformity in these kinds of legislation, and suggested the organisation of a section on insurance law by the Canadian Bar Association.

Mr. Onesime Gagnon, K.C., M.P. for Dorchester, was also heard at this session. He spoke on "The Evolution of Canadian Autonomy." Mr. Gagnon dissented from the idea held, as he admitted, by so many people that under our present constitutional position Canada was obliged to go to war when Britain went. Mr. Gagnon declared, however, that when both parties in Canada decided in 1914 to join the Allies in the Great War, they were in no way jeopardising Canadian autonomy. He said the "smoke screen" raised by controversy over the Military Service Act in Canada had tended to obscure the real work done by men like Sir Robert Borden and Honourable N. W. Rowell in the interests of Dominion autonomy, which had been crowned by the passing of the Statute of Westminster. Canada's present autonomy was the result of the best efforts of men of all political parties in Canada, declared Mr. Gagnon.

The proceedings of the Eighteenth Annual were brought to a close immediately after the members and guests had attended a luncheon given in their honour at the Chateau Laurier by Prime Minister Bennett and his sister, Mrs. Herridge. Those present were delighted to see the Right Honourable Sir Robert Borden among the guests, and glad to know that he had recovered from the indisposition suffered by him in the early part of the week.

The Prime Minister's entry into the luncheon room to preside was the signal for an outburst of loud applause, and when he rose to respond to the toast of his health, proposed by the Honourable N. W. Rowell, President of the Association, Mr. Bennett was accorded musical honours and rounds of cheering.

Mr. Rowell, in proposing his toast, said Canada was fortunate in being represented abroad by a man whose fine qualities, courage, ability and unselfish devotion to his country, were recognised by all, though they might not all agree with his policies. Before taking his seat, Mr. Rowell made flattering reference to Mrs. Herdridge for her interest in the affairs of the Association and her valuable help during the week.

The Prime Minister was in happy vein in response. He complimented the Bar Association on the biggest and most successful annual meeting in its history, told somewhat of the difficulties of the World Conference, and closed with a note of confidence that when the Conference resumed the delegates would be seized with a sense of common responsibility in face of an unprecedented situation. Mr. Bennett admitted that the Conference had not fulfilled all the high hopes entertained for it. But it had been far from futile, and there was a better understanding of the needs of the world than before.

Speaking with special reference to the work of the Canadian Bar Association, the Prime Minister said:

I am certain that the contribution of the profession to the life of the country will be more and more apparent. Nothing is better calculated to ensure the orderly development of our country than the meeting together of men and women from different parts of the Dominion to understand something of their difficulties and their points of view. I am sure gatherings such as these are very powerful factors in shaping the future of this Dominion.

I do congratulate you on the splendid papers and addresses delivered during your meetings by representatives of the British Bench, the Paris Bar, and by the distinguished American of Canadian ancestry. These contribute mightily to the spirit of solidarity and high Canadian citizenship. And I do hope that the functions of this Association may be better understood by the people of Canada.

The number of guests at the luncheon was among the largest of any held in the city, and was of a most cordial character throughout. Mr. Bennett introduced a new toast to Canada, which he said he had learned while overseas. Following the toast to His Majesty the King, he raised his glass again to toast: "The Heads of Sovereign States." Both toasts were cordially honoured.

The "Eighteenth Annual" goes down to history as an exceedingly pleasant and successful event.

WILSON AND THE PARIS CONFERENCE.—Mr. Harold Nicholson in his new book—"Peacemaking, 1919"—says that the essential failure of the Paris Conference was due to President Wilson's ignorance of European problems and his lamentable blunder, at the beginning of

the Conference, in agreeing with Signor Orlando to support the demand for the inclusion of the Southern Tyrol within the Italian frontier if Orlando would support him in his proposals for the constitution of the League of Nations. By this concession to Orlando the principle of "self-determination" was thrown into the discard, for it meant that 250,000 German-speaking Tyrolese would pass under the dominion of the Italians. This initial blunder lost Wilson the good opinion of the French as well as the English delegation. They recognized that he was confronted by a self-created job that was too big for him. "That conviction," says Mr. Nicholson, "was a profound disappointment: on its heels demoralization spread through Paris like a disease." One incident Mr. Harrison cites as evidence of Wilson's fatuity which we have not seen elsewhere. It appears that Wilson made a formal address to the members of the American delegation while on board the *George Washington* in which he voiced the extraordinary statement "that not only would America be the only disinterested nation at the Conference, but that he himself was the only plenipotentiary possessed of a full mandate from the people." So far from this being true, Wilson was the only member of the Supreme Council lacking real authority to speak and act for his people; and because of this he was from the start a source of embarrassment to the other delegates at the Conference. Lloyd George confessed to the members of the British Empire delegation his amazement at Wilson's anomalous position, yet to Clemenceau's polite expression of doubt that the whole moral and material power of the United States would be behind the proposed League of Nations, Wilson blandly replied: "America has taken much from me. She will take this also."

All this reminds us of Niobe's futile boast that she was too great for fortune's injuries.

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THE SITUATION IN GERMANY.—Whether Germany will "by confusion stand" is the question of the moment. There are no signs of peace, order and good government yet apparent throughout the land. Late in July a new series of repressive measures was announced by the Prussian Cabinet, including a Bill imposing capital punishment, or life imprisonment or fifteen years penal servitude, for "introducing foreign periodicals with political contents," amongst other forbidden acts. Recently all road and rail traffic was held up for a period of forty minutes that all travellers might be searched for incriminating documents. The relatives of Communists and Socialists who have fled the country are held as hostages for the good behaviour towards

Germany of the expatriates abroad. Captain Goering, the Air Minister, sought to buy a number of British aeroplanes "for police purposes" a short time ago, but the British Government declined to supply them on the ground that the transaction would contravene the Paris Agreement of 1926. If they are obtained elsewhere it will show how poor the chances are for disarmament in our day and generation.

* * It is a mistake to think that Hitler and his administration are seriously menaced by his enemies at the present time. The Socialists and Communists are in full flight, and, as one English writer puts it, "the trade unions have allowed themselves to be coolly swept into a sack and carted away." Hitler's revolution in its spirit and purpose is the very antithesis of the French Revolution. The principles espoused by the promoters of the latter—*liberté, égalité, fraternité*—are anathematised by all Hitlerites. Individual liberty, equality (the rallying cry of the Socialists) and fraternity (leading on to internationalism), each and every one of these principles is repudiated by Fascism, which Goebbels declares to be the first party to be hostile "to all the principles of the French Revolution." Viewed in its integrity Fascism is the doctrine of *Macht* as expounded by Nietzsche and Bernhardt. The German has not been essentially changed by the reverses of the Great War or what he has been called upon to endure thereafter. In 1912 Dr. Sarolea said that "Every German believes that he is the salt of the earth—'*Wir sind das Salz der Erde.*'" Recent events seem to indicate that every German is of the same opinion still.

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SIR ALEXANDER WOOD RENTON.—Sir Alexander Wood Renton, K.C., died in England on the 17th of June at the age of seventy-one. He was one of the very considerable number of Scotsmen who have attained distinction at the English Bar. He was educated at Glasgow Academy and Edinburgh University, graduating from the latter institution with first-class honours in law. Proceeding to London he became Bacon scholar at Gray's Inn, being called of that Inn in 1885 and joining the Oxford circuit. Before entering upon his public services abroad, he wrote a text book on the "Law and Practice of Lunacy" and edited the "Encyclopedia of English Law." In 1901 he was appointed Procureur and Advocate-General of Mauritius; later on he was made a Judge of the Supreme Court of Ceylon, attaining to the Chief Justiceship of that Court in 1914. Returning to England, he succeeded Lord Shaw as Chairman of the Irish Grants Committee in 1926, and did very effective work in that capacity.

Sir Alexander Wood Renton was of late years a frequent contributor to the professional press, making international law his chief field of enquiry. The REVIEW had the honour of publishing a special contribution from him on "The Development of the Commercial Consulate" in 1931. It will be found in Volume 9, at p. 718.

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ENGLISH GRAND JURY DEPARTS.—*The Times* (London) reported Mr. Justice Avory's remarks in addressing the Grand Jury at the opening of the Hartfordshire Assizes on the 19th of June as follows: "I regret that this is apparently the last time I shall have the pleasure of addressing a Grand Jury of this county. You are to be sacrificed on the altar of economy, and in my opinion the suggested saving of time and money to be accomplished by this change will not compensate for the loss of the time-honoured safeguard of the liberty of the subject."

It will be seen by the report of the Committee on the Administration of Criminal Justice of the Canadian Bar Association published in this number of the REVIEW that the abolition of the Grand Jury has received some attention in Ontario during the past year. Although the matter was discussed at the annual meeting in Ottawa, no action was taken by the Association in regard to it.

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THE KING'S ENGLISH.—One of our Canadian editors, who displays in his public talks a very excellent appreciation of *jus et norma loquendi*, commended the simplicity and directness of Lord Macmillan's remarks at the opening session of his committee of enquiry into the Canadian Banking System, and expressed the wish that some of our Canadian public men who are prone to inexactness of speech may profit by the example so furnished by this distinguished British jurist and man of affairs. Lord Macmillan is not only careful of forthrightness and lucidity of phrase himself but has, upon occasion, preached to other lawyers what he practises himself. In an address before the American Bar Association some few years ago he declared to his professional brethren that "there are few higher intellectual pleasures than success in the task of expressing an argument or a conclusion in just precisely the right language, so that the thought is caught and poised exactly as we would have it." More recently as President of the Holdsworth Club, an organisation of the law students of the University of Birmingham, he pleaded "for a more accurate and scholarly use by the practising lawyer of our

ordinary vocabulary in his daily work." He closed his address on that occasion with the following stirring appeal: "We have a matchless inheritance in our mother tongue, and a great tradition in its use handed down from the Bible and Shakespeare through a long list of masters to our own day. Let us see to it that we do not suffer it to be debased in our time, and that in our generation the legal profession shall continue to merit the proud distinction of being pre-eminent the learned profession."

It is a form of loyalty to the King to preserve the purity of the language that prevails so largely throughout the dominions that owe him allegiance.

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MR. E. H. COLEMAN'S APPOINTMENT TO STATE DEPARTMENT.—On the eve of going to press the news reaches us that Mr. E. H. Coleman, K.C., of the Winnipeg Bar, has been appointed to the position of Under-Secretary of State for the Dominion of Canada. We most sincerely congratulate Mr. Coleman on the fact that his qualifications for so responsible an office have been recognised by the Government. As Secretary-Treasurer of the Canadian Bar Association for the past fourteen years Mr. Coleman has manifested his capacity for efficient public service, and it is not too much to say—indeed it has been publicly acknowledged over and over again by those associated with him in the management of the organisation—that a very large measure of the success attained by the Canadian Bar Association since his election to office has been due to his tact and remarkable executive abilities. Mr. Coleman will be missed by the profession in Winnipeg. For some time past he has been Dean of the Manitoba Law School and a member of the firm of Coleman, Swail & Gibben.
