

**THE BAR DINNER IN HONOUR OF RT. HON. SIR WILLIAM
MULOCK, K.C.M.G.**

The dinner in honour of the ninetieth birthday of the Chief Justice of Ontario, Rt. Hon. Sir William Mulock, K.C.M.G., was the happy idea of Mr. D. L. McCarthy, K.C., Ontario Vice-President of the Canadian Bar Association. The popularity of the Chief Justice proved so overwhelming that tickets had to be confined to the profession, there not being room even in the Convention Hall of the Royal York for the many friends who wished to be present. Those at the head table were Dr. Bruce, the Lieutenant-Governor of Ontario, Mr. D. L. McCarthy, K.C., Chairman, Hon. N. W. Rowell, President of the Canadian Bar Association, M. L. St. Laurent, representing the Quebec Bar, Chief Justice Rose, three Judges of the Supreme Court of Ottawa, Hon. O. S. Crocket, Hon. F. J. Hughes and Hon. Robert Smith, now retired, and Hon. William Finlayson. Close by, immediately in front of the head table were seated the Ontario Bench with the exception of four who were ill and one who was on Assize. To complete the legal picture the whole personnel of the Chief Justice's old firm occupied a table close by.

Following the toast to His Majesty the King, the Chairman introduced the guest of honour. In doing so Mr. McCarthy produced bundles of telegrams and letters of congratulation to the Chief Justice among which was one from Hon. Henry George Carroll, Lieutenant-Governor of Quebec, from Hon. W. H. Price, Attorney-General of Ontario and from the Prime Minister of Canada and the Minister of Justice, these gentlemen being in Ottawa at the Provincial Conference. There were also messages from Sir Lyman Duff, the Chief Justice of Canada and from three other Judges of the Supreme Court, Mr. Justice Rinfret, Mr. Justice Cannon and Mr. Justice Lamont. A telegram came also from the Chief Justice of Saskatchewan, Sir Frederic Haultain, and telegrams from Chief Justice Greenshields of Quebec and from Hon. Ernest Lapointe.

Mr. McCarthy, who was compelled to desist from the attempt to read all the messages owing to the number that had been received, reminded the audience that the Dinner was an unique event, one to be remembered in legal history, a representative gathering assembled to do honour to the Chief Justice, writing judgments and attending a Bar luncheon and dinner on his ninetieth birthday.

The pleasing duty of proposing the toast to the Chief Justice fell to the Hon. N. W. Rowell. For the benefit of the younger members of the Bar. Mr. Rowell recalled the services to the state of the Chief Justice as a jurist, as a statesman and as an educationalist

Sir William was graduated from the University of Toronto at nineteen years of age. From that day on he had the interest of the University at heart and after ten years became a member of the Senate and then Vice-Chancellor for many years and Chancellor for the last decade. It was he who persuaded the various higher institutions of learning to federate into one to be known as the University of Toronto. Thus to Sir William's foresight our citizens owe what is now regarded as the leading University in the Dominions included in the British Commonwealth.

The Hon. Mr. Rowell touched on Sir William's political career as Federal member for North York and a Minister in the Laurier Cabinet. His services as Postmaster-General and as head of the Department of Labour which he created are now part of our history.

The ability and courage he displayed in public life, the Rt. Hon. Sir William Mulock brought with him to the Bench, along with a knowledge of human nature and an inextinguishable sense of humour. These qualities are invaluable in a judge; without them his interest would flag in the daily grind, however conscientious he might be. Mr. Rowell then presented the Chief Justice with a Birthday Book containing the signatures of those present.

M. St. Laurent in seconding the toast turned to Cicero for a parallel. From "De Senectute" he read Scipio's comments on the ease with which Cato bore his age. Nature, Cato replies, "after having wisely distributed to all the preceding life its peculiar and proper enjoyment has not left the last act of human drama destitute of suitable consolations." The Chief Justice of Ontario has those resources within himself which enable him to enjoy every phase of life as it passes.

In acknowledging these warm words of welcome the Chief Justice was obviously greatly touched, and thanked the members of the Bench and Bar for a reception which was as spontaneous as it was hearty.

After expressing his appreciation of this warm welcome the Chief Justice began his address. Though he had reduced it to writing he had it so well in mind that the audience did not seem conscious of any reference to his notes. His theme was two aspects of legal procedure which immediately concern the citizens at large. The first of these was the change made by the amendment of the Judicature Act in 1931 for the hearing of appeals. With the hearty cooperation of the Bar, appeals, other than those allowed a longer period by statute, are heard within the month. "*Jarndyce v. Jarndyce* has ceased to be precedent in our Court" he added with a

twinkle in his eye. The members of the Bar, however inconvenient the new ruling may be at times, have made it possible to clear off all arrears, and to hear all appeals within the month.

The other topic dealt with by the Chief Justice struck home judging by the headlines in the press. The growing practice of governments of all political shades of investing Commissions, Boards and officers with judicial powers without the checks which operate in our courts the Chief Justice sees as a danger to our liberty. There is a specious aspect of convenience about this sort of justice which has caused it to grow apace since the Great War. Lord Hewart, the Chief Justice of England, in "The New Despotism" published in 1929 sounded the alarm, and showed how the methods adopted amount to a denial of justice. No appeal is allowed from the decisions of these Boards. And thus the subject is bereft of his ancient right to have a Superior Court review the decision.

The cheers were so deafening as the Chief Justice resumed his seat that even the Irish piper could scarcely be heard as he heralded the approach of a birthday cake, vaster than has been, adorned with ninety candles. The Chief Justice relieved his feelings by cutting the cake with that enthusiasm which is the source of his perennial youth.

With this sensibility there is united in the Chief Justice, who might have been a model for Michaelangelo's "Moses," a strong practical sense of justice. At the great age of ninety he shows the same zeal for reform in our judicial practice as Queen Common Sense in an old satire by Henry Fielding.¹

"Q.C.S. My Lord of Law, I sent for you this morning,
I have a strange petition given to me:

Two men it seems have lately been at law
For an estate, which both of them have lost,
And their attorneys now divide between them.

"Law Madam, these things will happen in the law.

"Q.C.S. Will they, my Lord? Then better have we none
....."

"Law That may perhaps be some poor person's case,
Too mean to entertain your royal ear.

"Q.C.S. My Lord, while I am Queen, I shall not think
one man too mean, or poor, to be redressed."

These last two lines summarize the theme of the Chief Justice of Ontario on this historic occasion.

The text of his address appears on the pages immediately following.

¹ See "Henry Fielding: Novelist and Magistrate," by B. M. Jones of the Middle Temple.