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AFTER TWENTY-ONE YEARS*

As this year is the twenty-first anniversary of the formation of The Canadian Bar Association—as it has now “come of age”—I have thought it fitting that I should speak to you to-day about our Association, its formation, its early history, and its aims and objects, so that we may consider how far those aims and objects have been carried out, and to what extent we have measured up to the hopes of those distinguished and public-spirited members of our profession who were the founders of the Association. And it is perhaps particularly fitting that I should have chosen that subject to-day, as we are holding our Annual Convention in the City of Winnipeg, the home of Sir James Aikins, our first President, and the man to whom, more than to any other, was due the credit and honour of having started and fostered and nursed (if I may use that term) our Association during its early years, and who as long as he lived put his whole heart and strength behind its work. It is impossible for those of us who knew Sir James to think of him without thinking of The Canadian Bar Association, or to think of the Association without thinking of him. He was our President for thirteen years, and thereafter held office as our Honorary Life President. I shall not say more about him and his work because our good friend Mr. Justice Robson has consented to voice, at a later stage, some words of appreciation on behalf of us all.

I. FORMATION OF THE ASSOCIATION

Our Association was formed in 1914; but it is interesting to note that in 1896 (39 years ago) an attempt had been made to organize a Canadian Bar Association with objects practically the same as ours. I have seen a circular calling a meeting to

* Presidential Address of Mr. Isaac Pitblado, K.C., LL.D., at the Annual Meeting of the Canadian Bar Association in Winnipeg, 28th August, 1935.

be held in September of that year for the purpose of organizing such an Association. That circular was signed by some 84 members of the Bar then prominent in the public and legal life of Canada, among others—Oliver Mowat, Wilfrid Laurier, Charles Fitzpatrick, Louis H. Davies, Charles Hibbert Tupper, R. L. Borden, William Pugsley, T. C. Casgrain, Rodolphe Lemieux, J. N. Greenshields, Adolphe P. Caron, J. W. Longley, George G. Foster, Eugene Lafleur, Hector McInnes, R. E. de Lorimier, Raoul Dandurand, F. H. Chrysler, Dalton McCarthy, Nicholas Flood Davin, and George H. Murray. That Association, however, seems to have been very short-lived.

Then in 1909, The Manitoba Bar Association, during the Presidency of Mr. Aikins, as he then was, passed a resolution favouring the formation of a Dominion Bar Association. In 1911 Mr. Aikins, at the annual banquet of the Ontario Bar Association in Toronto, advocated the formation of a Canadian Bar Association "embracing all the Provincial Law Associations," with a view of helping to link together the East and the West, which he said were growing apart.

But it was the American Bar Association which finally gave the needed impetus, and our present Association owes its origin *to the direct influence of the American Bar Association*. In 1913 that Association honoured Canada by holding its Annual Meeting in the City of Montreal, and had as its chief guest Lord Haldane, then Lord Chancellor of England. The Minister of Justice of Canada, the late Right Honourable C. J. Doherty, K.C., who was one of the hosts on that occasion, was so impressed by that meeting, that he urged upon prominent members of the Bar in various parts of Canada that a national Association along similar lines should be organized in Canada. He first spoke of the matter in Winnipeg at a banquet of the Manitoba Bar Association. Mr. Aikins, who presided at that banquet, felt that the time was ripe for the realization of his hopes, and, as he was then a member of the Dominion House of Commons, had opportunities of discussing the matter with prominent lawyers in Eastern Canada. After several preliminary conferences, a meeting was held at Ottawa on the 31st day of March, 1914, at which some 72 members of the Bar from all parts of Canada were in attendance (including The Right Honourable R. L. Borden, then Prime Minister). The Canadian Bar Association was then formed and Sir James Aikins was elected President. It is interesting to note that the dinner which was given in the evening by the newly elected President was honoured by the presence of His Royal Highness The Duke of Connaught,

Governor-General of Canada, by several members of the Canadian Cabinet, by Judges of the Supreme and Exchequer Courts, and by representatives from the American Bar Association. The two gentlemen who arranged the seating for that dinner were Mr. R. B. Bennett, K.C., who was then M.P. for Calgary (now Prime Minister of Canada, and our Honorary Life President), and Mr. W. F. Nickle, K.C., who was then M. P. for Kingston, and who subsequently became Attorney-General of Ontario, and was during the past year President of the Conference of Governing Bodies of the Legal Profession in Canada. Our present Honorary Executive Secretary, Mr. E. H. Coleman, K.C., who was Sir James Aikins' private secretary at the time, kept the minutes of all the preliminary meetings; subsequently he became Secretary of the Association, and has been an active driving force in connection with the work of the Association ever since. Without the efficient, painstaking work of Mr. Coleman, our Association could not have attained the success which it has.

A few months after the organization of the Association the Great War broke out, and had it not been for the courage, determination and perseverance of Sir James and his colleagues the Association would probably have had a short life, and might have perished in the confusion and dislocation of business which ensued.

As the Honourable J. E. Martin, who was our President in 1928, said :

"Probably no young organization could have met a more severe test, and that The Canadian Bar Association survived is the surest proof that the members of the profession in Canada recognized that the ideal animating its formation was not selfish or sectional or solely professional, but included the vision of promoting the welfare of Canada by bringing together in friendly and happy intercourse the lawyers of the several Provinces of this great Dominion in order that they might obtain a clearer insight into the problems which confront us both as lawyers and as citizens".

But notwithstanding all the trials and tribulations which the Great War brought upon us at the very birth of the Association, our first Annual Meeting was held in Montreal in March 1915. That first convention was a memorable one. Our President, Sir James Aikins, gave an inspiring address upon "The Advancement of the Science of Jurisprudence in Canada", and many prominent judges and lawyers also delivered addresses. Our special guest speaker was the Honourable James M. Beck, of New York, afterwards Solicitor-General of the United States, who subsequently was honoured by being made an Honorary Bench

of Gray's Inn. His address on "The Lawyer and Social Progress" was properly described as a "Great Speech" by the present Chief Justice of Canada, who was one of the speakers at the Annual Dinner.

Since our first Convention in 1915, the only year in which we failed to hold an annual meeting was the year 1917. The records of the Association show that the meeting that year was postponed on account of war conditions and the pendency of the Dominion Elections.

II. TWO OUTSTANDING EVENTS

There were two outstanding events in the past history of the Association.

The first was the visit of the members of the Canadian and American Bar Associations to Great Britain and France in 1924. American and Canadian lawyers and their wives to the number of about 3,000, went on that pilgrimage. Our English brothers, with that generosity which is so characteristic of them, and having a full knowledge of "legal fictions", did the Canadians the honour of naming them joint hosts with themselves at the functions given in honour of the visitors.

The hospitality extended by the lawyers of England, Scotland, Ireland and France will never be forgotten by those who were privileged to be their guests. Especially memorable was the magnificent gathering in Westminster Hall attended by all the Judiciary of England in their robes of office. Never before had that historic Hall been used for such a purpose. Built by William Rufus, Westminster Hall is recognized as the "ancestral home of English law, the seat of the English Law Courts for centuries". Its walls had "listened to great State trials". There Richard II was deposed, and Charles I heard the sentence of death. There Simon de Montfort, nearly seven centuries ago, summoned the Knights of The Shire and Burgesses to their first parliament.

In speaking upon that occasion Lord Haldane (then Lord Chancellor) said :

"Here in Westminster Hall the ancestors of both of us did their work, here they have given their names to some of the great deeds in history and law, and it is surely right that this Hall should be the place chosen in which to accord to you a heartfelt welcome."

It was in Westminster Hall that recently our beloved King and Queen met the Lords and Members of the House of Commons and representatives of the Overseas Dominions on the occasion of

the King's Silver Jubilee. And our beloved Sovereign spoke thus about the place of meeting :

"This my Palace of Westminster in the mighty heart of our Empire, is the very cradle of our envied Parliamentary Institutions. Here is the anvil on which our common law was forged to become the joint inheritance of the United States and our own community of peoples."

Our visit to the Old Land on that occasion did much to strengthen the affection and esteem which we Canadians have for the lands of our Fathers, and our loyalty and love to our gracious King and Queen, whose Jubilee has so recently been celebrated with such whole-hearted depth of feeling, by all their loyal subjects throughout the length and breadth of the British Empire.

In addition, we were drawn into very close contact with a large number of the most distinguished judges and lawyers of the United States, and the fraternization of the English, American and Canadian Bars has been well called a "real event in the history of the English-speaking race".

I quote the following from the official account of that visit prepared by the American Bar Association:

"The visit of the American Bar to England had a significance such as rarely, if ever, marked an international gathering of this character. It may mean more than even the occasional meetings of diplomats and statesmen. Parties come and go; Governments of the day arise and dissolve; treaties are made and broken; but the pilgrimage of the American Bar to the fountain-head of English Jurisprudence, had an impressive character that marked it, as no previous event, as a *spiritual reunion of the greatest Empire and the greatest Republic that the world has ever known.*"

The second outstanding event was the visit which members of the Bench and Bar of England, Scotland, Ireland and France made to Canada. Over 200 visitors from the Old Lands were our guests at our Annual Convention in Toronto in 1930. That also was a memorable occasion, and those of us who were privileged to come into close contact with the visitors from Overseas, were inspired by the messages which they brought to us and by the spirit of friendship and goodwill which they displayed.

Moreover, the presence of such a large number of the members of the Bar of England, Scotland, Ireland and France tended to mark the community of interest which exists between the members of the Bar of those countries and of our Dominion, and helped in no small degree to cement those cordial relationships and warm friendships which we hope will always exist between the peoples of the countries represented.

III. THE AIMS AND OBJECTS OF THE ASSOCIATION

The aims and objects of the Association as set out in the Constitution are as follows :

"The objects of the Association shall be to advance the science of jurisprudence; promote the administration of justice and uniformity of legislation throughout Canada so far as is consistent with the preservation of the basic systems of law in the respective provinces; uphold the honour of the profession of the law, and foster harmonious relations and co-operation among the incorporated law societies, barristers' societies and general corporations of the Bars of the several provinces, and cordial intercourse among the members of the Canadian Bar; encourage a high standard of legal education, training and ethics; publish its own transactions as well as reports of cases and information and decisions concerning the law and its practice, and generally to do all further or other lawful acts and things touching the premises."

(a) *Advancement of the Science of Jurisprudence*

The first stated object of the Association is to "advance the science of jurisprudence".

The law concerns every human being. It is always with us. It directs our daily conduct. It dictates how fast we may travel, how our conveyances are to be equipped, how we shall build our homes, and often what we may eat or drink. Our right to buy and sell goods of a particular kind, or at particular hours, is governed by law. In short, law, as has been said by the Honourable Mr. Beck :

"Directs the path of our destiny from the cradle to the grave. Even after we have joined the Great Majority, it is the law that determines what disposition shall be made of the property of one who no longer lives to protect his rights, and who being dead can have no rights."

We lawyers, therefore, recognize the duty to ourselves and to our country not only of knowing the law and of endeavoring to apply it to the matters which come to our attention, but of continually striving to improve and "advance" the jurisprudence of our country. The lawyer should at all times endeavor to bring about such improvements in the law as will best meet the needs of our people in the ever changing conditions of society. "The ever advancing and altering relations of society and individuals, new fields of human activities, new modes of thought—demand modification of the old rules and the adoption of new".

But more than that, our profession should attempt to simplify and clarify the law. Every person is *presumed to know the law*; but the Common Law advances from precedent to precedent, and as decisions have multiplied, a mass of precedents has arisen so that on many legal problems it is a difficult and

laborious task, even for the most learned lawyers, to find out what the law is; accordingly in addition to Law Reports of decided cases, we require Encyclopaedias and Digests of Law, and of making of these there appears to be no end.

Those who are concerned about the "advancement of the science of jurisprudence" must have followed with great interest the work of the American Law Institute in its stupendous undertaking in the United States "to promote the clarification and simplification of the law and its better adaptation to social needs". It is attempting "to formulate from the maze of English and American decisions a *rational system of common law principles*."

To realize the magnitude and importance of such a task, one has only to consider the vast number of legal decisions in the United States and the great difficulty of determining the law from these decisions, which, as rendered in different jurisdictions, are frequently conflicting.

Mr. John M. Shirley many years ago called the attention of the American Bar Association to the "multiplicity of reports" that "crowd upon us like the pests of Egypt". Mr. Cardozo, now one of the Associate Justices of the Supreme Court of the United States, is quoted as having said: "Our law stands indicted for uncertainty", and after having enumerated a number of the causes, he added: "Of all these causes, the weightiest, I fancy, is the multiplication of decisions. The fecundity of our case law would make Malthus stand aghast".

The Institute after laboring for several years, and after the expenditure of a very large amount of money (mainly provided by the Carnegie Foundation), has, within the last three years, brought out a Restatement of the Law of Contracts in two volumes, a Restatement of the Law of Agency in two volumes, a Restatement of the Law of Torts in two volumes, and a Restatement of the Law of Conflict of Laws. Restatements of the Law of Trusts, Property, Sales of Land, and other subjects are in process of completion, while perhaps more important than these, a "Model Code of Criminal Law" has been prepared.

These Restatements of the Law are an attempt on the part of Committees consisting of professors, judges and outstanding practitioners to set out in direct and positive language what the law is, "to bring order out of the chaos of some six centuries of accumulation of judicial precedent".

But, as has been pointed out on several occasions, the Restatements set forth not merely what the law *is*, but in many instances, what it *ought to be*.

In England (and in Canada) the same need for "clarification and simplification" of the law has long been felt. Lord Macmillan, whom we have been delighted to receive as our guest on several occasions, spoke in one of his addresses of our being "swamped by precedents".

It must delight the hearts of those members of our Association who live in the Province of Quebec, where the Civil Code of Lower Canada governs, to see how many members of our profession who practice under the Common Law system, have from time to time strongly urged the need of a codification of the Common Law. For instance, Sir James Aikins in one of his Presidential addresses many years ago made a strong plea for codification. He said :

"And so courts and legislatures go ceaselessly on, piling Pelion on Ossa, and Olympus on both, to the dismay of the bewildered lawyer and a helpless people. When will there appear from these modern Sinais a follower of the great lawgiver with a suitable Code."

Again he said :

"What then is the remedy? What else can it be but to compress, to write the *principles*, which have been settled by decisions or statute, in a well arranged Code."

And he gave many reasons in favour of such codification.

The Restatements of the Law in the United States are practically unofficial Codes, and those who have prepared them sincerely hope that they will eventually be accepted by the Courts as correct expositions of the law.

The tendency in England and Canada has been constantly towards codification. In England many statutes have been passed codifying the law on specific subjects, e.g. The Bills of Exchange Act, The Sales of Goods Act, The Partnership Act, and many others. While in Canada our Uniform Acts (of which I will speak later) are in most cases codifications of the law on the subjects which they cover.

In England the need of an "authoritative" statement of the law to be deduced from the mass of decisions has long been felt.

Lord Halsbury in his introduction to the first edition of "Halsbury's Laws of England" after referring to a Commission, composed of very distinguished persons, appointed in November 1866, for the purpose of "enquiring into the exposition of a digest of the law and the best means of accomplishing the object, and other ways of exhibiting in a compendious and classical form the law as embodied in judicial decisions", stated that the Commissioners "recommended a digest, which they defined as a condensed summary of the law as it exists . . . divided into

definite statements or propositions, which should be supported by references to the sources of the law whence they were severally derived, and might be illustrated by citations of the principal instances in which the rules stated have been discussed or applied”.

Nothing, however, was done by way of carrying out the recommendations of this Commission, and so Lord Halsbury went on to state that “Halsbury’s Laws of England” was an attempt by private enterprise to carry out in its main outlines the scheme recommended by the Commission in 1866. And he added in his preface—“It is hoped that when finished the work will furnish a complete statement of the laws of England.”

So it would appear that “Halsbury’s Laws of England” claims to do for England what the Restatements of the law by the American Law Institute are attempting to do for the United States, with these notable exceptions, that while “Halsbury’s Laws of England” confines itself to a statement of the law *as it is*, and cites the references which support the text, the Restatements of the law in the United States, as has already been pointed out, set forth not merely *what the law is*, but in many instances, *what it ought to be*, and cite no references or decisions.

Those of us who are interested in the science of jurisprudence, might well study these Restatements of the law, and compare analytically the conclusions reached with the law as set out in “Halsbury’s Laws of England,” or as laid down by the decisions of our Judges, with a view of seeing how far we can be of assistance in clarifying and simplifying, not only for ourselves but for the public, the law in Canada.

It is gratifying to note that various Professors in our Canadian Law Schools are bending their energies to this task, and already we have had in the first number of the *University of Toronto Law Journal* a most enlightening article by Professor Cecil A. Wright, the Assistant Editor of the CANADIAN BAR REVIEW, on “The American Law Institute’s Restatement of Contracts and Agency.”

Is it too much to hope that we in Canada, who wish to advance the science of jurisprudence, might attempt to formulate some statement of our distinctively Canadian laws with a view of securing simplification, clarification and uniformity?

But our Association should do much more than study the law and aim at its clarification and simplification. As stated before, we should do everything in our power to bring about needed changes in the law, and also to improve the administration

of law, and so we have committees of this Association on "The Administration of Justice," both civil and criminal.

These committees throughout the years of our existence have done splendid work by making suggestions for such changes in the law and procedure as would bring about needed improvements. A great field still lies ahead of us in this respect, and I trust that our Association will live up to its opportunities, and will prove to be a still more potent factor in helping to improve the Administration of Justice.

(b) *Uniformity of Legislation in Canada*

Another important object of our Association is—"Uniformity of Legislation throughout Canada so far as is consistent with the preservation of the basic systems of law in the respective provinces."

All those connected with the formation of this Association placed great stress upon this object. And it is interesting to note that "Uniformity of Legislation" was one of the objects mentioned in the notice, to which I have already referred, sent out in 1896 calling a meeting to form a Canadian Bar Association.

At our first Convention in 1915 the late Mr. Eugene Lafleur, K.C. (an idol of the Quebec Bar and one of our greatest Canadian lawyers) gave an address on "Uniformity of Laws in Canada". He emphasized the fact that our friends in the Province of Quebec need have no apprehension that the movement in favour of uniformity contemplated any constitutional changes, or the impairment of provincial autonomy, *or any attempt to interfere in any way with the system of Code Law in force in the Province of Quebec*. He stressed the point that our constitution advocates "Uniformity of Legislation throughout Canada" only "*so far as is consistent with the preservation of the basic systems of law in the respective provinces.*" He pointed out that the obstacles in our way were not great so far as Commercial Law was concerned, because the general principles of the "Law Merchant" are much the same the world over. Moreover, in Canada a very important part of the field is under the control of the Dominion Parliament, and we already had Federal codes on many subjects. But there was no reason why in numerous other matters, especially in commercial business matters, Insurance Law, and a variety of other subjects, there should not be uniformity in our laws.

Another speaker at our first Convention, the Honourable Mr. Baxter, then Attorney-General of New Brunswick (now Chief Justice of that Province) in his address said :

"May we not hope that the idea of Uniformity of Legislation, which has been entertained by a few of us in the Maritime Provinces, may be so quickened by the spirit and vigour of this Association that as a result, we shall at least accomplish *absolute identity of the commercial laws of all the Provinces.*"

And so our Association whole-heartedly undertook the task of endeavouring to bring about Uniformity of Legislation on certain commercial and kindred subjects in the different Provinces. It was felt that such work could more efficiently be carried on by a body formed under the auspices of our Association but separate and distinct from it, and so "The Conference of Commissioners on Uniformity of Legislation in Canada" was formed in 1918.

Again we followed the lead of the United States, which has a "National Conference of Commissioners on Uniform State Laws."

Splendid work has been done by the Uniformity Commissioners. Their Conference meets every year on several days prior to our Annual Meeting, and devotes an immense amount of time and painstaking effort in endeavouring to prepare uniform Acts which will be of assistance in unifying and improving the law of the various Provinces.

Time does not permit me to speak in detail of the work which the Commissioners have accomplished except to say that the Conference has drafted about 17 uniform Acts, which are in most cases models of draftsmanship. Some of those Acts have been enacted in all the English-speaking provinces, while the others have been accepted to a greater or less extent.

I should like to bear tribute to the support which the various Provinces have given to this work by the appointment of Provincial Commissioners, and by the interest which the Attorneys-General of the different Provinces and their law officers have always taken in the work of the Conference.

Credit must also be given to The Insurance Superintendents Conference for the splendid work being done by it, with the object of bringing about uniformity in statutes relating to Insurance throughout the Provinces of Canada.

(c) *Uniformity of Judicial Decisions*

But uniformity in the *language* of our provincial statutes will not in itself secure uniformity of law. This can only be fully brought about by the Courts "construing the provisions of the uniform Act in the light of the decisions of other provincial

courts on similarly worded enactments." In other words, there should be as far as possible uniformity of judicial decision. With this object in view the "National Conference of Commissioners on Uniform State Laws" in the United States inserts in every uniform Act which it recommends this clause—"This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it."

Chief Justice Hughes, of the Supreme Court of the United States, said some years ago when he was one of the Associate Justices of that Court, in respect of a uniform Act :

"It is apparent that if these Uniform Acts are construed in the several States adopting them according to the former local views upon analogous subjects, we shall miss the desired uniformity and we shall erect upon the foundation of uniform language separate legal structures as distinct as were the former varying laws. It is to prevent this result that the Uniform Warehouse Receipts Act expressly provides (section 57), 'This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it'. This rule of construction requires that in order to accomplish the beneficent object of unifying, as far as this is possible under our dual system, the commercial law of the country, there should be taken into consideration the fundamental purpose of the Uniform Act, that it should not be regarded merely as an offshoot of local law."

The Conference of Commissioners on Uniformity of Legislation in Canada has been accustomed to insert in the uniform Acts prepared by it similar language to that used by the Conference of the United States—"This Act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those provinces which enact it."

While up to the present time I know of no decisions of our courts expressly upon any of the uniform Acts in which this principle has been followed, it is a source of great gratification to the members of the profession to know that the general principle of uniformity of decisions throughout Canada has been approved by our Judiciary with increasing frequency, when Dominion legislation has been under consideration, and when the Appellate Court of another Province has already decided the point in question.

As far back as 1907, in *Rex v. Lee Guey*,¹ the Ontario Court of Appeal in a criminal case followed a judgment of the Quebec Court of Appeal. Mr. Justice Meredith in his reasons for judgment stated :

¹ 13 C. C. C. 80.

"It would be unseemly, if not intolerable, that one view of it (the criminal law) should be adopted in one Province, and the opposite view in another."

In 1914, in *Rex v. Sam Jon*,² the British Columbia Court of Appeal followed a judgment of the Ontario Court of Appeal in a criminal case. Chief Justice Macdonald gave as one of his reasons that :

"Uniformity of decision should prevail as far as possible in respect of laws which are common to all parts of Canada."

In 1919, in *Rex v. Irwin*,³ the Appellate Division of Alberta followed the Supreme Court *in banc* of Saskatchewan, because as stated in the judgment, it was "Desirable that there should be uniformity of interpretation of Dominion legislation"—although Chief Justice Harvey (who delivered the judgment of the court) stated that he personally was not sure that he would have reached the same conclusion.

In 1931, in *Re R. P. Clark & Co.*,⁴ Mr. Justice W. A. Macdonald, of the Supreme Court of British Columbia, in a Bankruptcy case followed a judgment of the Court of Appeal of Manitoba on the ground that there should be in such cases "uniformity of decisions throughout Canada."

In 1932, in the case of *Rex v. L'Heureux*,⁵ the Court of Appeal of Manitoba in a criminal case adopted the same principle.

While quite recently in *Rex v. Glenfield*⁶ Chief Justice Harvey in delivering the judgment of the Appellate Division of Alberta, after discussing certain conflicting decisions, said :

"The criminal law is the same throughout Canada and if respect is to be maintained for the administration of it, the Courts of the different provinces should not place different interpretations on it, but leave it for the Supreme Court of Canada or Parliament to correct any wrong decision."

Again he said :

"The real reason for accepting the decision of the highest Court of another province upon a Dominion statute seems to be that the law is *in fact* the same in all the provinces, and that it is unseemly for the Courts to declare that *it is not so*, where there is a higher Court that can correct any error with propriety, and Parliament is equally able to do so."

² 24 C. C. C. 334.

³ 31 C. C. C. 54.

⁴ (1931) 3 W. W. R. p. 79.

⁵ 40 M. R. 582.

⁶ (1934) 3 W. W. R. 465.

This question of the Uniformity of Judicial Decisions throughout Canada was referred to by D. H. Laird, K.C., in the admirable paper which he read last year on the "Doctrine of Stare Decisis" and which appeared in the January, 1935, number of the CANADIAN BAR REVIEW,⁷ in which he asks :

"Is it too much to hope for the day when the decisions of a Provincial Court of Appeal will be followed by the courts not only of such Province, but those of other Provinces, both of appeal and of first instance."⁸

Our Canadian Bar Association looks forward to the day when there shall be not only uniformity of legislation in the various provinces on many important matters, but also uniformity of judicial decisions, not only on Federal legislation but also on Provincial legislation, where the language in the different enactments is substantially the same, and also in interpreting the Common Law in those Provinces where the Common Law prevails.

It is gratifying to know that this general principle would seem to have the support of so many of the members of the Bench in the Dominion of Canada.

(d) *Conference of Governing Bodies*

Time forbids that I should refer at any length to the other objects of our Association. May I, however, call attention to the fact that under the auspices of this Association there has been organized a "Conference of Governing Bodies of the Legal Profession in Canada", which holds its Annual Meeting immediately prior to our Convention and which deals with matters of common interest to the governing bodies of the profession in the several provinces. By this means the Association is fostering "harmonious relations and co-operation" among the various governing bodies. This Conference is constantly endeavoring to "encourage and maintain a high standard of legal education, training and ethics".

A report from that body will be presented at this Convention, so I shall not deal further with the work which it is attempting to do, except to say that when it was organized it was hoped that through the various Provincial units acting within the limits of their respective powers and jurisdictions "the Conference would be a great national executive for the profession".

⁷ 13 C. B. Rev. 1.

⁸ A valuable note on the question under consideration by Professor Cecil A. Wright appears in 13 C. B. Rev. 108.

(e) *Junior Bar Committee*

In 1933 a Junior Bar Committee was formed with the object of giving the members of the Junior Bar a greater interest in the work of the Association. As a consequence, we have had during the past two years a very active Committee of the Junior Bar, and the members of that Committee have been interesting themselves in a large number of matters relating to the profession and to the practice of law. This year that Committee has been particularly active in considering the question of "Legal Aid", which has been before our Conventions on many occasions. It is to be hoped that as a result of the Committee's report this year and the action being taken by the Conference of Governing Bodies, something definite will be done so that this subject will no longer remain merely an academic one, but that in all the larger communities arrangements will be made through the members of the Bar so that legal aid may be available for indigent persons in all the Provinces of Canada.

IV. A UNITED CANADA

I should now like to say a few words about another aim of our Association upon which great stress was placed by its founders, namely, the part which our profession and our Association ought to play in helping to bring about a "United Canada". In the first Presidential address which was delivered in 1915 by Sir James Aikins he referred in most eloquent terms to this object.

The founders of our Association were idealists, men of vision—they saw in our Association a means of drawing together in closer union the people of the various Provinces of Canada. We, the lawyers of Canada, could by meeting together and working together, be of real service to Canada in helping to create a truly national Canadian spirit. It is our privilege to help to unite in the bonds of friendship, unity of spirit and endeavor, those of different races, languages and creeds, so that we may see and emulate our neighbor's virtues, minimize his faults, respect his conscientious convictions, and all together unite "in developing that national spirit which will overleap distances and geographical barriers", and help to create in Canada, as Sir James Aikins put it, "a consolidated Canada".

May I say that those who have continuously attended our meetings have found that the Conferences and work of the Association have widened their horizons, enlarged their vision, and enriched their lives, by new and rare friendships with men

from all parts of Canada, who hold high the honour and dignity of the profession, and who see in this Association a means of assisting in bringing about "a strong United Canada founded upon that spirit of freedom, justice and honour inherited from our ancestors". This aim of a "United Canada" must always be one of our objects, and is, I believe, just as necessary today as it ever was—perhaps more so. We should frown upon sectionalism and sectarianism and petty provincial jealousies, and all join hands in the common purpose of building up a greater and better Canada.

V. WHAT OF THE FUTURE?

While we all rejoice at the progress which our Association has made in the past, we must at this time take a look forward and see what the future holds for us. Great economic changes are taking place in our body politic. New laws and regulations of a drastic character appear every day. To many "the panorama" is "a gloomy portent to the lawyer's eye." All thoughtful leaders of the Bar are giving careful attention to the important part which the members of the Bar can take "in attempting to fall in line with the new legislative programmes which are aimed at," in so far as they are constitutionally sound, and in criticising and opposing them in so far as they may seem to undermine and weaken the foundation stones of our civil liberties.

But no matter what drastic changes may take place in our laws, no matter how searching and severe may be the criticism of, and interference with, some of "our most cherished ideals and traditions," there will always be a place in our body politic for a public spirited and learned legal profession.

As the Honourable James Grafton Rogers said in the address which he delivered before our Association in 1933 :

"The law and its profession will survive. They have survived the social transformations of at least a score of centuries, with revisions of principle and motive as deep as those we visualize or deeper. In the end, the law is a craft and the lawyer the craftsman of social principle, sometimes called justice, and the importance of such principle grows not less, but greater, with complex society."

And he added :

"The new programmes will remould the lawyer and the law, as they do other groups of men and doctrines, but they deserve and need the lawyer's skill and understanding and the light of his professional experience. The nations need his seamanship in this new venture of the fleet on glamorous but all uncharted social oceans."

And now a word in conclusion :

Our Association must so strive, that under altered economic and social conditions, and amid the changes which are daily taking place in the sphere of work of the practising lawyer, we members of the profession may live up to the traditions of the past, and see to it that "service to the public" is our main objective. The new conditions demand the constant advice and guidance of lawyers with high ideals, and our Asssiation must play its proper part in "building up a new morale in the profession fitted to the new conditions under which it must do its work." A great future lies before this Association, limited only by the interest, the earnestness and the true spirit of its members.

Many of those who were instrumental in forming this Association and of those who throughout the past twenty-one years have worked indefatigably for its success have passed to the great beyond. Year by year well-beloved faces have disappeared from our ranks, but their memories are fresh and sweet. They have left us a record of high aims and great achievement. We still see the vision which they had of the useful and important place which this Association should take in its service to the profession and to Canada as a whole. Our hope is that their spirit and devotion and high ideals will continue to be an inspiration to those who still endeavour to carry on the work of the Association.
