

CANADIAN BAR ASSOCIATION TWENTY-SECOND ANNUAL MEETING

While a complete and formal record of the proceedings at the annual meetings in book form is regularly supplied by the Association to its members, it has always been the practice of the REVIEW before that publication is available to print a more or less comprehensive story of what is done at the meetings so that those of its readers who were not in attendance might have speedy knowledge of the temper and tenor of the proceedings as related to the advancement of the objects of the Association.

To say that the visiting members of the Canadian Bar Association who assembled in Toronto during the third week in August on the occasion of the Twenty-second Annual Meeting were accorded a warm reception is beyond challenge. The ardour of the hospitality extended to them by the local Bench and Bar was abundantly seconded by that of the temperature provided by the weather-man. It was so hot that one was moved to emulate the resourcefulness of the humorist Sydney Smith who said that on a certain occasion he succeeded in allaying thermal oppressiveness by taking off his flesh and sitting in his bones.

But the temperature of the weather had no malign influence upon the temper of the meeting — it was tranquil and yet alert in the disposition of business. Thus we have an instance supporting the psychological theory that the collective life of a society of men organized for a lofty purpose evolves a habit of mind — a group culture, so to speak — that ignores the petty frustrations of purpose that beset the individual in action.

The tenor of the proceedings found its origin in the view so generally expressed by speakers, both in the public and sectional meetings on the programme, that the drift towards disorder which now pervades society from top to bottom demands exceptional and intensive effort by the Bar to vindicate the supremacy of the Law as an instrument of government.

In short, what was said by the speakers in this behalf constituted a challenge that will not lack responsive action by members of a profession which in the past fashioned a unique structure of order and liberty for the governance of the British world.

In this connexion it was pleasant to read in the *Toronto Globe and Mail* of August 19th an editorial commending the

aptitude of lawyers for public service. Amongst other things it said :

In a time of unrest, with the appearance of many extreme doctrines and increasing lawlessness, the meeting of the Canadian Bar Association in Toronto is an event of more than its usual importance. Lawyers have left upon the history of this country the imprint of their special talent for legislation. They have given generously of their knowledge and of their time, setting a high standard of public service.

. Constitutional changes are pending, and men of the legal profession are peculiarly qualified to discuss these for the enlightenment of the average citizen who gives little thought to involved problems of government.

. One of the important things for Canada is upholding of the authority and the dignity of its courts. There is only too evident today—and in strangely differing circles—a disposition to flout the law's authority. This may be but a passing phase of insubordination, but its presence constitutes a challenge to right-thinking Canadians, and especially to the legal profession. The supremacy of the courts ensures the security of a people, and upon those who preside over and practice in the courts rests chief responsibility for their character. Administration of the law in this country has excited the admiration of the world, and that high reputation must be maintained.

* * The day preceding that of the formal opening of the annual meeting is usually given over to a conference of the Governing Bodies of the Legal Profession in Canada and a meeting of the Council of the Association. On this occasion both of these bodies met at Osgoode Hall where a luncheon was tendered to the members in attendance by the Treasurer and Benchers of the Law Society of Upper Canada.

The President's Dinner in the evening brings the events of this particular day to a close. It savours of a 'friendly swarry', if one may borrow a phrase from the graphic vocabulary of 'Pickwick'. Its purpose is to enable those who are assembled there to meet the distinguished guests of the Association in a more or less informal way. It is a prelude to the sociable features of the meeting as a whole, and serves to recall the 'amytie' that prevailed between the several branches of the profession in England on 'feast daies' as celebrated in the old Inns of Court.

It is but fair to say that the President's Dinner of 1937 was an exceptionally brilliant event. The gift of cordiality is not always a concomitant of the judicial quality, but the Honourable Mr. Justice Davis possesses it in abundance. With

him as host the atmosphere of the dinner was such that it seemed easy for Mr. Norman Birkett, K.C., of the English Bar, and the Honourable W. J. Tupper, K.C., Lieutenant-Governor of Manitoba, to add some cubits to their stature as post-prandial speakers.

* * The proceedings of the Twenty-second Annual Meeting began on Wednesday morning, the 18th of August, with the Honourable Henry Hague Davis, M.A., LL.D., President of the Association, in the chair. On the platform with him were Mr. Norman Birkett, K.C., of the English Bar; Maître Jacques Charpentier, of the Bar of Paris; Mr. Frederick H. Stinchfield, President of the American Bar Association; and Dr. R. Masujima, of the Bar of Tokyo. These gentlemen were special guests of the Association. Also on the platform were the Right Honourable Sir Lyman Poore Duff, P.C., Chief Justice of Canada; the Honourable H. A. Bruce, M.D., F.R.S.C., Lieutenant-Governor of Ontario; the Honourable W. J. Tupper, K.C., Lieutenant-Governor of Manitoba; the Right Honourable Sir William Mulock, P.C.; the Right Honourable Ernest Lapointe, P.C., K.C., Minister of Justice for Canada; the Honourable N. W. Rowell, Chief Justice of Ontario; Mr. E. H. Coleman, K.C., LL.D., Under-Secretary of State for Canada; Mr. Robert Taschereau, K.C., Honorary Secretary of the Canadian Bar Association; and Mr. George Montgomery, K.C., D.C.L., LL.D., Past-President of the Association.

Mr. Justice Davis, after declaring the meeting open, called upon His Honour the Lieutenant-Governor of Ontario to extend a welcome to those who were in attendance at the meeting. His Honour spoke in enthusiastic terms of the public service rendered to the Dominion by the Canadian Bar Association. He also said that when the members of the Association went to England in 1924 and acted as joint hosts with the English Bar to the visiting members of the American Bar Association they took part in an event of international importance. Continuing he said :

It is such associations as yours that foster good feeling and unity among the three great democracies in whose hands is placed the destiny of the world. May this feeling of friendship, understanding and sympathy continue to increase.

Response to the Lieutenant-Governor's address of welcome was made by Mr. R. L. Maitland, K.C., Vice-President of the Association for British Columbia. Mr. Maitland is known as one of the best speakers at the Canadian Bar. He always has

an attentive audience. Flashes of genuine wit enliven his forceful handling of any question engaging the serious attention of the public mind. Referring to the social unrest occasioned by the long period of economic depression that has visited Canada, he said : " Every province has its problems. In Ontario you have the C.I.O.'s, in Alberta they have the I.O.U.'s, and in British Columbia we are trying to invent a constitutional Natural Products Marketing Act." Continuing he said :

Many were afraid that we are about to depart from our Canadian traditions, but in spite of the inroads of radicalistic ideas and unsound suggestions there was one man who kept a cool head and his feet on the ground. This man was the average lawyer in Canada.

After the President had formally introduced to the audience the distinguished guests from abroad, Mr. George H. Montgomery, K.C., D.C.L., LL.D., Past-President of the Association, took the chair and Mr. Justice Davis proceeded to deliver his Presidential Address.

The full text of the address is printed at another place in the present number of the REVIEW, and a perusal of it will show how earnestly Mr. Justice Davis laboured in the interests of the Association during his tenure of office. We learn there of his journeying during the year to the chief centres of population in Western Canada and addressing the local associations of the Bar. He tells us that in doing this he was animated by the belief that—

The work was worth doing, that the objects and ideals of this Association were worth perpetuating, that the Association formed a most necessary link between the members of the profession who serve in the Judiciary and those who serve at the Bar, that the members of the profession across our far-flung country should be more closely united in bonds of friendship and of understanding, and that lawyers should continue to yield, as they have in the past, a great and good leadership in the national affairs of this country.

In holding to these objects and ideals and faithfully promoting them as he did Mr. Justice Davis has set a stimulating example to his successors in office. It was pleasing to hear the generous appreciation of Mr. Justice Davis's fruitful services to the Association spoken by Mr. R. L. Maitland, K.C., and Mr. D. L. McCarthy, K.C., during the progress of the annual meeting.

The proceedings of the morning session on Wednesday were brought to a close by the unanimous adoption of a resolution recording the deep sense of loss sustained by the Association

and the country at large in the death of the Right Honourable Sir Robert Laird Borden, P.C., G.C.M.G., K.C., D.C.L., LL.D., which occurred in June last. The resolution was moved by the Honourable N. W. Rowell, Chief Justice of Ontario. In speaking to the resolution, Mr. Rowell said : " We realize that a great Canadian statesman, and a Christian gentleman has passed away."

Hon. Senator J. W. de B. Farris, K.C., Dominion Vice-President of the Association, occupied the chair at the formal luncheon on Wednesday. In introducing the Rt. Hon. Ernest Lapointe, P.C., K.C., Minister of Justice, as the speaker for the occasion the chairman referred to him as "a man who only yesterday performed a public duty in the interests of the citizens of Canada." This was an allusion to the disallowance of certain Alberta legislation by the Dominion Government in conformity with the recommendation of the Minister of Justice.

In opening his vigorous and interesting address, Mr. Lapointe spoke in eulogistic terms of the work so steadfastly performed by the Canadian Bar Association in the promotion of national unity. "Its members think in terms of Canada, not of their own particular section." The purpose of those who effected confederation in Canada was to unite its several parts into one great country. Difficulties, he said, must always be expected, for our federal system is a delicate one and needs co-operation and good-will on the part of all members of the community. Indirectly referring to the recent Alberta legislation Mr. Lapointe declared that no citizen of Canada should be denied the right of a hearing in the courts. He had affirmed the right of the lowest citizen "even a banker" to lay his grievances before an impartial judicial authority.

It should be remembered that law was the national conscience translated into legislation. Law had to reflect the national will and when one section of the country clamored for legislation repugnant to another section there had to be mutual adjustments. Governments should set an example to their citizens in law observance. If they wished the people to obey the law, they should themselves observe the constitution which was the supreme law.

Speaking with obvious reference to a recent attempt to undermine the constitutional independence of the Supreme Court of the United States, Mr. Lapointe said :

I do not think I am trespassing on forbidden grounds when I say that one of the most hopeful happenings of the year has been the rejection by the legislative body of a great country of a proposal which

public opinion in that country considered to be an attempt to interfere with the independence of their highest court.

I have neither the right nor the desire to express my views on the merit of that proposed legislation, but this I am able to say. It was sponsored by one of the most popular leaders of government in modern times. Yet public opinion rightly or wrongly felt that the inviolability and the freedom of the court might suffer if a change was made.

The result clearly shows, first, the inherent confidence of the people in the court, their belief that it is their supreme safeguard; secondly, the power of public opinion in a democracy.

Commending the freedom of speech that is found in England and more especially in Hyde Park, London, Mr. Lapointe advised an adoption of 'the British way' by the Canadian people in dealing with the utterances of radical agitators. It would be a mistake, he said, to make "martyrs and victims of men who are only crazy and fools".

Hon. J. W. McNair, K.C., Attorney-General of New Brunswick, presided over the afternoon session on Wednesday. After receiving the report of the Committee on Noteworthy Changes in Statute Law, presented by W. S. Montgomery, K.C. (Toronto), and the report of the Council of the Association, presented by **Robert Taschereau, K.C.**, Honorary Secretary of the Association, the Chairman called upon Mr. Frederick H. Stinchfield, President of the American Bar Association, to address the meeting.

The tone of Mr. Stinchfield's address was inclined to be sombre. In substance the address was a frank revelation of the malefic influence of unscrupulous politicians upon the social life of the American people. Without saying so it implied that the fond hopes of Madison and Hamilton for the successful and beneficent working of the polity they had helped to frame for the American republic had not been realized.

Starting out with the declaration that the United States was "one of the best countries in the world in which to live" yet the speaker was constrained to say that "for the past 150 years the people have been deceived by their leaders".

They have been led into wars, into wrong political alignments. They have been deceived about tariffs, about securities, about money, about the problems of wages, about the hours of labour, about the value of education. Manufacturers had preached exorbitant tariffs on the basis of improved living conditions and wages, but the people had seen them levied for profits.

They have been told that virtue lies only in the labouring classes and all selfishness in him who has money. They haven't found the virtue when power was given, nor have they always seen the ill in all those who possess property. They have heard politicians promise

cures for every evil, small and great, in every community and in the nation. They have learned that it is often merely the welfare of the leader that is served.

In concluding his address Mr. Stinchfield said that political leaders in the United States fell far short of the standards of honesty and sincerity required of practising lawyers, adding that "if you say that in Canada and Great Britain that is not the case, then I say to you that you live in a world that is completely strange to me."

All this reads like the story of the decadence of imperial Rome as we have it in the *Annals* of Tacitus, but Mr. Stinchfield is to be commended for his courage and thoughtfulness in bringing to the attention of a Canadian audience conditions subversive of right social living in his country which have already found some lodgement in our own. *Praecepto monitus, saepe te considera.*

At the conclusion of Mr. Stinchfield's address upon motion by the Honourable Horace Harvey, Chief Justice of the Appellate Division of the Supreme Court of Alberta, he was elected an honorary member of the Canadian Bar Association.

A paper on "The Canadian Law of Civil Aviation" by Mr. B. V. Richardson, K.C., of the Winnipeg Bar was the next item on the afternoon's programme. The author after discussing the provisions of Dominion legislation as contained in "The Air Board Act," (1919), "The National Defence Act" (1922), and "The Department of Transportation Act" (1936), pointed out that no province had as yet passed legislation on the subject, although the Legislative Assembly of Alberta in 1931 had considered a Bill respecting the liability for damage arising out of aircraft operation, without adopting it. Speaking of the articles of the Warsaw Convention, dealing with the rights of aircraft passengers, and those of the Rome Convention, affecting the rights of third parties on the surface, Mr. Richardson said :

Aviation requires an international code of law. For this reason it is submitted that Canada ought to give immediate consideration to at once becoming party to these two conventions and making them part of the law of Canada, otherwise Canadian aviators and aircraft owners may under certain circumstances find themselves in a less fortunate position than are aviators and aircraft owners of other countries.

With the presentation of the report of the Registrar of the Association by E. H. Coleman, K.C., in the absence of Colonel W. N. Ponton, K.C., the Registrar, the afternoon session was brought to a close.

Following a buffet dinner at the Royal York Hotel an evening session took place on Wednesday under the chairmanship of the President. There was only one item on the programme but the large audience present in the capacious Concert Hall of the hotel indicated that it was something of especial importance. To hear an address by Mr. Norman Birkett, K.C., of the English Bar, was a privilege not lightly to be lost.

Mr. Birkett's subject—"The Lawyer in the Modern World"—was happily chosen. It was of a kind lending itself to treatment more popular than technical. As such it was capable of evoking the interest of an after-dinner audience of men and women, and was wide enough in range to give play to all the qualities of the speaker. Mr. Birkett is a ready speaker, and readiness of speech is a native gift. When that gift is so enriched by cultural training that the apt and inevitable word and the nimble phrase are always at command, then you have the genuine orator. Mr. Birkett must be ranked as such if only by reason of this particular address. He used no manuscript, and his discourse proceeded unfalteringly from beginning to end. At the very outset of his remarks his eloquence caught the ears of his listeners and held their attention throughout. We quote his introductory words :

My manifest duty is to acknowledge the sense of honour and pride I experience in being invited to address you at all. We in England regard the Canadian Bar Association as one of the great legal institutions of the world, and very much upon the plane where it was placed this afternoon in that memorable and brilliant address by the Minister of Justice. You will appreciate, therefore, that receiving an invitation from the Association is regarded by me, at any rate, as a most signal honour. And, ladies and gentlemen, that sense of honour is intensified and deepened and heightened by the manner of your reception. For kindness, friendliness, high courtesy, consideration, it could not be excelled; and, Mr. President, in whatever else I may fail, I pray you to allow me to succeed in this, that I convey to you the abiding sense of obligation which I am now so happy to acknowledge."

Further passages from the stenographic report of the address as quoted below also serve to exhibit the charm and limpidity of Mr. Birkett's style as a public speaker.

Referring to the distrust of the legal profession that is so often encountered, he proceeded to say :

I think it arises largely because of a profound misconception of the true function of the advocate. I like to think that the true conception of the advocate is this, that just as the administration

of justice is a vital and integral part in the life of any civilized State, so, as an equally vital and equally integral part, is a body of men, chosen men of honour, men of probity, men conforming to the highest standards of honour, whose duty it is to see that the citizen of that State, in the courts of that State, shall never suffer a wrong but it shall be righted, and never lose a liberty but it shall be replaced. That, I believe, is the true conception; that, I believe, is the sustaining ideal. . . . Nevertheless there is this distrust, and I emphasize it only for this purpose, to say that in this modern world, when every institution is being assailed by fierce and hostile criticism, the high duty which has rested upon members of the legal profession, upon lawyers everywhere, of maintaining the standard of honour that exists in the profession is more pronounced than ever before. For, as the Minister of Justice said here today, not merely does the lawyer exercise influence within the sphere of his own profession, but, as in the past so in the present, he steps into the wider arena of public affairs. It is, therefore, incumbent upon every single member of the profession to do that which we should all desire to do—to maintain the standard, to carry on the tradition, so that in private and public life the lawyer in the modern world may be a sign and a standard for all men.

After counselling the members of the Bar, more particularly the younger members, to apply themselves to the study of the art of speech in order to complete their professional equipment and extend their sphere of influence and usefulness, Mr. Birkett admonished them to enlarge their extra-professional knowledge:

I think it wise that the advocate should not be confined to the things of his profession, but should seek at least a high cultural level. It tends to efficiency, and, far beyond efficiency, in my judgment it tends to happiness. . . . The advantages are manifest and obvious: the enrichment of the vocabulary, the stimulus to the imagination, the insight which is given into the thoughts and habits of all sorts and conditions of men, the invoking of the widest possible sympathies. All these things prevent that sterilization of the faculties, all these things create a rich and wide and wise experience, and fashion the implement that has to be used in the work of the courts.

The last two of the above quoted passages have been taken from the early portion of the address wherein Mr. Birkett, as he says, "thought it right to lay some stress upon the lawyer himself in the modern world." Thereafter he proceeded to discuss certain branches of the Common Law, which have been modernized to a certain extent in England, and to allude briefly to the blight that has fallen upon International Law in our time. Lack of space prevents us from quoting further from this most interesting and instructive address; but we feel that what we have done in the way of quotation will stimulate complete perusal of it when it appears in the Transactions of the Association for the current year.

After Mr. Birkett had finished his address, on motion of the Rt. Hon. Sir Lyman P. Duff, P.C., Chief Justice of Canada, he was made an honorary member of the Association.

The programme for Wednesday evening was closed by a Reception and Ball given by The Law Society of Upper Canada in honour of those who were in attendance at the meeting.

Thursday morning's formal session began at ten o'clock, with Mr. A. J. Wickens, K.C., Vice-President of the Association for Saskatchewan, in the chair. The business consisted in the presentation of various reports.

The financial report of the Association was presented by Mr. E. K. Williams, K.C., Honorary Treasurer. It showed amongst other things that the capital account as it stood at the end of June, 1937, amounted to about \$110,000. Adverting to the expenditure necessary to maintain the publication of the *CANADIAN BAR REVIEW*, Mr. Williams said that through the efforts of Mr. E. Gordon Gowling, Vice-Chairman of the Committee in charge of the *REVIEW*, there had been a notable decrease in the cost of publication. Mr. Williams further stated that the Association was in a healthy financial position and could look forward with assurance to the future.

The report of the Membership Committee was presented by its chairman, Mr. C. H. A. Armstrong, K.C. (Toronto). The report disclosed that during the past year the membership of the Association had increased by a hundred, and it now stood at 1,995.

Speaking to the motion for adoption of the report Mr. J. W. Hugill, K.C., of the Calgary Bar, suggested that some effort should be made to induce law student bodies throughout the Dominion to become affiliated with the Association. To this end copies of the Transactions embodying reports of the annual proceedings should be donated to the law schools. He moved a resolution to the effect that steps should be taken by the Association to keep before law students the benefits to be derived from membership in the Association. The report of the committee was adopted together with Mr. Hugill's motion.

Mr. E. Gordon Gowling (Ottawa), Vice-Chairman of the Committee in charge of the affairs of the *CANADIAN BAR REVIEW*, presented the report of the Committee. Mr. Gowling said that his committee hoped to increase the revenues of the publication and to finish the present year without a deficit.

He appealed to members of the Bar to send to the editor notes of decisions in important cases in which they had been re-

retained, as these were of value to practitioners and were favourably regarded by the readers of the *REVIEW*.

This terminated the formal business of the session, but prior to the adjournment Mr. Justice Davis, as President, tendered to Mr. E. K. Williams, Mr. C. H. A. Armstrong and Mr. E. Gordon Gowling the hearty thanks of the Association for their untiring efforts in promoting its interests in respect of the several matters under their direction.

The remaining portion of the morning and part of the afternoon on Thursday were devoted to sectional meetings of the following committees :

Administration of Civil Justice—A. D. Macfarlane, K.C. (Victoria), chairman, in the absence of O. M. Biggar, K.C., Ottawa.

Administration of Criminal Justice—R. L. Maitland, K.C., Vancouver, chairman.

Comparative Provincial Legislation and Law Reform—E. K. Williams, K.C., chairman in the absence of C. C. MacLaurin, K.C., Calgary.

Insurance Law—E. K. Williams, K.C., chairman.

Junior Bar—F. A. Brewin, Toronto, acting chairman.

Legal Education—H. Aldous Aylen, K.C., Ottawa, chairman in the absence of F. C. Cronkite, K.C., Saskatchewan.

The reports of these committees were available in printed form on the opening day of the annual meeting. That of the Committee on Civil Justice dealt with two matters that have long been under discussion—the Superannuation of Judges in the Superior Courts of the Provinces, and Pensions for Judges' Widows. In relation to the former the Committee has framed a draft Act for submission to the Dominion Government which would remedy certain grievances suffered by the judges at the present time, and, on the other hand, would prevent any retired judge to whom an annuity has been granted, equal to the salary received by him at the date of his retirement, from engaging in any gainful occupation which he might not have lawfully engaged in immediately before his retirement. In relation to the latter the report states that the present time could not be regarded as an opportune one for pressing the proposal for pensions for judges' widows.

The sessional meeting of the Committee on Criminal Justice was attended by many lawyers of distinction, and discussion of the Criminal Code and complementary legislation was both

lively and informative. A suggestion by Mr. J. C. McRuer, K.C. (Toronto), that the Code in its entirety be revised, provoked a prolonged debate. He was of opinion that when a statute provided for a 'minimum' sentence "it was a declaration of want of confidence in the judicial authority." Mr. J. G. Diefenbaker, K.C. (Prince Albert), spoke strongly against the section of the Penitentiary Act relating to 'waiver of appeal' by a convict. He maintained that in many cases where persons who had been convicted were not represented by counsel, advantage was taken of their ignorance of the law and waivers of their appeal rights were signed without the convicted person really knowing what he was signing.

He instanced a Saskatchewan case where he said a boy had been sentenced to five years in the penitentiary for stealing a camera. This boy had signed away his right of appeal and as a result was forced to serve the five years.

As a result of discussion on this point the sectional meeting decided to recommend to the Minister of Justice that the Penitentiary Act be amended by abolition of the waiver of appeal by a convict, and by providing that sentence run from date of conviction.

The Committee on Insurance Law had also a well attended sessional meeting. The law of Subrogation as related to contracts of Insurance had received much consideration at the annual meeting of the Association in Halifax last year, and was reserved for further consideration by the following resolution adopted at the sessional meeting of the committee in that year :—

That the subject of Subrogation be referred back by this Committee to a sub-committee to be named by the Chairman for further study, including the study of the present law of the Province of Quebec, the report of such sub-committee to be considered at the next annual meeting of this Section.

In the interim Mr. F. Philippe Brais, K.C. (Montreal), had been invited by the chairman of the committee (Mr. E. K. Williams, K.C.), to prepare a paper for presentation to the committee, when convened in Toronto, on the Quebec law of Subrogation with comparative comments as regards the pertinent law of the other provinces in Canada.

The paper, as presented to the sectional meeting in Toronto by Mr. Brais, proved to be a comprehensive and scholarly review of the provisions of the Quebec Civil Code touching Subrogation, and their interpretation by the courts and by jurists. So far as any correlation may be set up between Quebec law on the

subject and that of the Common Law provinces, Mr. Brais speaks as follows :

It may be noted, (1) that Subrogation may be obtained in Quebec, in an action in tort or otherwise. If the subrogation is in part only, it may be enforced against the debtor. This, of course, is a distinct advantage over the doctrine evolved in the Common Law provinces. (He is referring here to the doctrine imposing a limitation of remedy in respect of a partial assignment of a right of action in tort).

(2) The courts in Quebec have evolved a doctrine which permits the institution of actions in the name of the assured. . . . The Common Law on this question is, of course, entirely different.

When published in its entirety this paper will be of value to the whole Canadian Bar.

After a buffet luncheon on Thursday the members assembled for programme business on Thursday afternoon, Mr. Louis S. St. Laurent, K.C., a former President of the Association, occupying the chair. The chief features of the session consisted of two addresses, one by Maître Jacques Charpentier, of the Paris Bar, and the other by Mr. Henri Gerin-Lajoie, K.C., of the Montreal Bar.

Maître Charpentier's subject was "La Direction des Sociétés par Actions." It comprised an exposition of the nature and management of joint-stock companies as they obtain under the law of France, together with a critical examination of the differences that exist between French law and that of other countries in respect of these bodies. Maître Charpentier's treatment of his theme was of high quality. In substance it was an authentic embodiment of legal doctrine; in expression it was all that could be desired — lucidity, precision, point, analytic skill, and generalizing power — all these attributes of a French jurist at his best were there. It will constitute a notable chapter in the Transactions of the Association for 1937.

At the conclusion of his address, Maître Charpentier was made an honorary member of the Association on motion of Mr. Arthur Vallée, K.C., of the Montreal Bar, seconded by the Hon. N. W. Rowell, Chief Justice of Ontario.

Mr. Gerin-Lajoie treated his hearers to an interesting survey of the origin and development of patent monopolies in the old and the new world. The title of his paper was "Patent Law in Canada : Its Origin and International Aspect." To determine the rights of a Canadian patentee under local and foreign legislation as well as international conventions, is an undertaking that pushes one into the contentious field of legal exegesis;

but Mr. Gerin-Lajoie was happy enough to extract a fair amount of harmony from apparent disharmony and left his hearers with the impression that there is after all an appreciable amount of silver lining in the cloud of litigation that surrounds the patentee.

During the session the report of the Committee on Insurance was presented by Mr. E. K. Williams, K.C., (Winnipeg) Chairman, and the report of the Junior Bar Committee by Mr. F. A. Brewin (Toronto), acting chairman.

In tendering the last mentioned report Mr. Brewin said :

Justice which is not within the reach of the poorer members of the community is a mockery of justice. It is the obligation of the Junior Bar to make an effort to meet the needs of poorer people and, with the support of the Bar as a whole, we may hope to achieve a workable scheme of providing such free legal aid.

The Toronto experiment was carried out with the co-operation of the city welfare department, and he cited a number of cases handled which attested to the need of a scheme and its value to the community. Some 250 persons had received free legal advice since the experiment was begun. Quite a number of these persons would have suffered grave injustice but for the assistance given them.

The difficulty of the scheme was to distinguish between poor persons, between those really deserving of assistance and those who were able to pay or who, while unable to pay, would waste the time of lawyers with imaginary or trifling grievances.

The afternoon session was concluded by the acceptance of a Statement of the Conference of Governing Bodies of the Legal Profession in Canada presented by Mr. A. A. Moffatt, K.C., of the Winnipeg Bar. Among other things the Statement disclosed that the matter of reciprocal concessions in respect of admission of members of the Bar of one Common Law province to the Bar of another, as well as the recognition of examinations passed and of time served under articles by students in one province when applying for enrolment in another province, were discussed. The meeting felt that much useful work had been done by the Committee on Legal Education of the Bar Association and, in order to get the benefit of the knowledge gained by members of that committee, a committee of the Conference is to be appointed and members of the Legal Education Committee are to be invited to act on the committee. The chief object in appointing the committee is to endeavour to bring about a more uniform practice in so far as the Common Law provinces are concerned.

On Thursday evening the annual dinner of the Association took place in the Royal York Hotel, and was followed by a dance in honour of the visitors given by The Lawyers' Club of Toronto.

At the dinner the Honourable Mr. Justice Davis, who occupied the chair, stated that the attendance at the annual meeting was the largest in the history of the Association. The registrations, he said, numbered approximately one thousand names, and about nine hundred were present at the dinner.

The after-dinner speeches by the distinguished guests of the Association were unanimous in urging its members to do all in their power to promote international amity. They declared that the law exercised a civilizing influence upon humanity, and lawyers were its administrators. Mr. Frederick B. Stinchfield, while stating somewhat ambiguously that he "would need a longer period in Canada to feel a 'oneness' with his Canadian brethren of the Bar"—a remark that excited some wonderment on the part of his hearers—immediately cleared the air by saying "Perhaps you will let me come back some time? I have never met warmer hearts than those of the individual men and women I have come in contact with here"—adding humorously that "the thermometer need not have risen to keep pace with the social temperature."

One difference Mr. Stinchfield professed to notice between the United States and Canada was the way the Bench mixed with the Bar. The Minister of Justice for Canada, many Chief Justices and Justices he saw seated at the head table.

"I don't know whether this is because the lawyers need the friendship of the Judges or whether it is the other way about," he remarked.

The President then invited the Honourable Aulay M. Morrison, Chief Justice of British Columbia, to address the gathering.

The Chief Justice was in his best form. After stirring the risibilities of all present with one or two amusing stories told in his inimitable way, he spoke words of wise counsel to them in line with the appeal made by earlier speakers during the annual meeting for the observance of the obligations of good citizenship in times of social ferment.

He maintained that the word "Canada" should always stand for "character," meaning the individual character of its citizens. The main structure of Canadian civilization was

the law and the law was made, he said, by every citizen who had a vote. Canadians should guard their power to make the laws zealously.

Maître Jacques Charpentier, in graceful French, acknowledged his appreciation of the courtesies extended to him as a guest of the Association. He was greeted with applause when he said :

Canada and France were linked with bonds of blood, forged in the period of the War. Frenchmen had not forgotten the sacrifices made by the Canadians in that conflict.

It was a proud and happy day in France when in the midst of war and poverty the word went out that the Canadians had arrived. During these tragic years Canadians had won immortal glory and given their lives on the soil from which Canada's earliest pioneers had come.

Mr. Norman Birkett said that the English language was a great unifying power and constituted the strongest bond between the democracies in which it was a common tongue. Speaking more intimately, he said that for the moment he wished to forget that he represented the English Bench and Bar so that he might bask in his new glory as an honorary member of the Canadian Bar Association.

The session on Friday morning was presided over by Mr. F. D. Smith, K.C., of the Halifax Bar. Reports were received from the Committee on the Administration of Civil Justice, and the Committee on Comparative Provincial Legislation and Law Reform.

These items of business being disposed of, the chairman invited Mr. J. C. Macfarlane, K.C. (Toronto), to address the meeting.

The title of Mr. Macfarlane's paper was "Sale of Goods on Consignment," and he treated his practical subject in a thoroughly practical way. His painstaking explication of the advantages and disadvantages of this method of sale in the eye of the law made the paper of abundant interest to those who specialize in commercial law.

At the conclusion of Mr. Macfarlane's address, a Statement of the Conference of Commissioners on Uniformity of Legislation in Canada was presented by Mr. R. Murray Fisher, K.C. (Winnipeg). The Statement disclosed that—

During the 20 years the Conference has been operating it has completed and recommended to the various provinces for enactment 18 uniform statutes and now has in various stages of completion 6 others. It is also considering the advisability of revising its Provincial Reciprocal Enforcement of Judgments Act, adopted in 1925 and amended in 1935, to make it international in its scope. As the

name implies, this statute provides for the enforcement of judgments where reciprocal arrangements have been made between provinces or nations.

Reports of the following committees were also received : Legal Education Committee, Resolutions Committee, Nominating Committee.

In presenting the report of the Committee on Legal Education, Mr. W. S. Montgomery, K.C. (Toronto), stated that the sectional meeting was unanimously in favour of the view that the personnel of the committee should consist wholly of those who were engaged in the teaching of law. It was also regarded as important that there should be a meeting of the members of the committee some days before the annual meeting of the Association, and that a fund should be available to meet the travelling expenses of the members.

The report of the Resolutions Committee was presented by the Honourable Mr. Justice Martin, of the Saskatchewan Court of Appeal. It embodied the thanks of the Association to His Honour the Lieutenant-Governor of Ontario, the delegates from Great Britain, France and the United States, the Chief Justice of Canada, the Chief Justice of Ontario, the Law Society of Upper Canada, the Lawyers' Club of Toronto, the Ladies' Committee, and the Manager and Staff of the Royal York Hotel.

Mr. E. H. Coleman, K.C., LL.D., Honorary Executive Secretary of the Association, presented the report of the Nominating Committee. In doing so Mr. Coleman remarked that he was privileged to be the only member who had attended every annual meeting of the Association since its inception some 22 years ago.

At the election which followed upon the reception of the report of the Nominating Committee, Hon. Senator J. W. de B. Farris, K.C., of the Vancouver Bar, was made President of the Association, and Mr. L. E. Beaulieu, K.C., of the Montreal Bar, Dominion Vice-President of the Association. Other elections to office were as follows :

Vice-Presidents for the Provinces : Alberta, R. Andrew Smith, K.C., Edmonton; British Columbia, R. Maitland, K.C., Vancouver; Manitoba, G. H. Aikins, K.C., Winnipeg; New Brunswick, I. G. Rand, K.C., Moncton; Nova Scotia, J. McG. Stewart, K.C., Halifax; Ontario, Ward Wright, K.C., Toronto; Prince Edward Island, W. E. Bentley, K.C., Charlottetown; Quebec, Arthur Vallée, Montreal; and Saskatchewan, D. J. Thom, K.C., Regina.

Honorary Secretary, Robert Taschereau, K.C., Quebec; Honorary Treasurer, E. K. Williams, K.C., Winnipeg; Honorary Executive Sec-

retary, E. H. Coleman, K.C., LL.D.; Registrar, W. N. Ponton, K.C.; Secretary-Treasurer, T. W. Laidlaw, Winnipeg; and Assistant Secretary, Glynn L. Cousley, Winnipeg.

Chairmen of Standing Committees : Administration of Civil Justice, O. M. Biggar, K.C., Ottawa; Administration of Criminal Justice, R. L. Maitland, K.C., Vancouver; Legal Education, Vincent C. Macdonald, Halifax; Comparative Provincial Legislation and Law Reform, C. C. McLaurin, K.C., Calgary; International Law, L. E. Beaulieu, K.C., Montreal; Noteworthy Changes in Statute Law, W. S. Montgomery, K.C., Toronto; Finance and Investments, R. W. Craig, K.C., Winnipeg; Insurance Law, E. K. Williams, K.C., Winnipeg; Canadian Bar Review, G. F. Henderson, K.C., and E. G. Gowling, both of Ottawa; Membership, C. H. A. Armstrong, K.C., Toronto; and Junior Bar, Stewart Thom, Regina.

In returning thanks to the Association for his election to the office of President, the Honourable Senator Farris suggested that the members make Vancouver the locus of the Twenty-third Annual Meeting of the Association, and his suggestion was unanimously approved.

The morning session on Friday was concluded by a discussion relating to the Solicitors' Guarantee Fund of New Zealand and the appointment of King's Counsel, led by Mr. R. M. Willes Chitty.

Mr. D. L. McCarthy, K.C. (Toronto), was chairman of the luncheon on Friday. After a glowing tribute to the services rendered to the Association by the retiring President, the Honourable Mr. Justice Davis, Mr. McCarthy referred to the hospitality extended to the members in attendance at the meeting by Mrs. Davis, and then called upon the gathering to honour her with a toast, which was enthusiastically done. The chairman then asked Mr. R. B. Graham, K.C., Police Magistrate of Winnipeg, to address the meeting.

Mr. Graham in opening his remarks entertained his audience by the recital of some humorous incidents in police court hearings, and then went on to say that while social conditions and customs had greatly changed by reason of modern methods of communication which brought peoples which were formerly separated from each other into closer contact, yet the legal profession had changed little in its ways. Lawyers, he said, were still controlled by the dead voice of decided cases. It was encouraging, however, to see that lawyers now were writing books other than text books. Even legal biographies contained more "than the wrinkled parchment of the law and the suffocating dust of the courtroom."

The only business item on the programme for Friday afternoon was a meeting of the new Council of the Association at 3 o'clock. Thereafter the members of the Association were entertained at a garden party given by the Chief Justice of Ontario and Mrs. Rowell at Osgoode Hall.

So ended the Twenty-second Annual Meeting. We believe it will go down to history not only as marking, by the largely increased number of members in attendance, the final achievement of a compelling *esprit de corps* for the lawyers of Canada, but also as revealing in its course a more complete understanding by the members as a body that it is the inescapable duty of lawyers to defend *à toute outrance* our established frame of order and liberty when menaced by the forces of misrule. For men of good-will the recognition of a social duty is an inspiration for its fulfilment. In accomplishing this the Canadian Bar Association has done much to show the Canadian people at large that to enter the legal profession is not to espouse an occupation which is purposively gainful, and nothing more; has indeed done much to lead the popular mind into the belief that Dr. Samuel Johnson was right when he said that the law is "the last result of human wisdom acting upon human experience for the benefit of the public." And Dr. Samuel Johnson was a layman and a despiser of shams to boot.

CHARLES MORSE.

Ottawa.