MARGINAL NOTES

THE VIEW PROSPECTIVE.—Canada, as she looks far abroad at the spectacle of the recidivist nations doing their worst to—

> "Pour the sweet milk of concord into hell,
> Uproar the universal peace, confound
> All unity on earth,"

may well congratulate herself on the promise of the New Year for continued peace on this continent and for an increasing measure of the prosperity within her own borders that marked the year that has just closed. The betterment of our welfare may not go ahead with leaps and bounds but that should not worry us—*Pas à pas on va bien loin!*

True, the evil genius of sectionalism showed its ugly head amongst us during the past year, but recent elections have indicated very clearly that the existing constitution of this Dominion is broad-based upon the people's will. Leading men of the two dominant political parties are outspoken in their denunciation of the mischievous fools who prate and preach at the moment that Canada is a house so divided against itself that it can never become a nation in fact. Let us strengthen our resolution that unity rather than disunity shall be written by the present year upon the page of history; and in this behalf rejoice in the forthright and challenging words spoken by the Honourable J. L. Ilsley, Minister of National Revenue, to the Canadian Association of Garment Makers in Montreal during the present month. We quote :

> Provincial efforts in disregard of national interests destroy our unity as a nation, and are contrary to the spirit of Confederation. Especially is this true when these efforts are joint—when *blocs* are formed to these ends.
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> Sir Wilfred Laurier regarded national unity as the great problem of his day. It is certainly no less acute at the present time. I do not know whether we are more or less united at the present time, but I do know that unless we make progress in this respect the future is one of division and disaster.

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THE KING'S HIGHWAY.—What was called of old the King's Highway received definition in *Termes de la Ley* (1624) as "Chimin est le Haut voy lou chescun homme passa, qui est appel *Via Regia.*" Since the coming of the automobile it should have the hinderpart of its name changed to *Die*way as better adapted to designate the kind of 'passing' that is furnished there to the

liege subjects of His Majesty who venture upon it and are struck down without any fault of their own.

Chief Justice Rose, of the High Court of Ontario, in addressing the Grand Jury at the opening of the winter criminal assizes at Toronto on the 10th instant, spoke with point and admonition concerning the attitude of the public towards reckless driving by motorists. He said :

> Sitting back as we do and piously observing that there is too much reckless driving will not stop it, he said. When we become sincere and rouse ourselves to stop it, then and then only will it be stopped.
>
> Persons breaking the law must be certain they will be punished. Persons on our highways are going to be safe as soon as we all make up our minds that reckless driving is going to stop. It cannot be done by amending our laws, but by all of us being ready to assist in the enforcement of our laws.

It appears that the people of Great Britain are now much alive to their duty with respect to the enforcement of the law against those who are guilty of 'motor-manslaughter'. A Bill, somewhat rigorous in its punitive provisions, was recently rejected by the House of Lords, the rejection being influenced very largely by the fact that for certain traffic offences absolute forfeiture of the cars whose owners were guilty of any such offences might be adjudged. But instead of allowing the matter to rest with the rejection of this Bill, the House of Lords has appointed a Select Committee to consider and report upon what effective steps should be taken by the Government to reduce the number of casualties on the roads.

The existing legislation in the Canadian provinces is adequate to redress the evil complained of if public opinion demanded its strict enforcement.

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Sir George Perley.—Canada has had to regret the loss by death of two of her most distinguished public men within the short period of six months—Sir Robert Borden, P.C., G.C.M.G., K.C., passed away on the 10th of June and Sir George Perley, P.C., G.C.M.G., on the 4th instant. Both of them were privileged to serve Canada and the British Empire in high place, and the warmest personal friendship existed between them.

Sir George entered political life in 1904 as member of the House of Commons for Argenteuil, Que. He was re-elected for that constituency in 1908 and 1911. On the eve of the 1911 election he was appointed Chief Whip of the Conservative party.

When Sir Robert Borden became Prime Minister in that year, Sir George entered his Cabinet as Minister without Portfolio. Before the outbreak of the Great War in 1914 he went to England as Acting High Commissioner for Canada in the place of the late Lord Strathcona. Appointed formally to the office in 1917 he administered it with distinction until 1922 when he retired. Returning to Canada, he occupied himself with his private affairs until 1925 when he was again returned to Parliament for Argenteuil. He retained the seat in the general elections of 1926, 1930 and 1935. In 1926 he held office as Secretary of State in the administration of the Rt. Hon. Arthur Meighen. In 1930 he entered the Cabinet of the Rt. Hon. R. B. Bennett as Minister without Portfolio. During Mr. Bennett's absence from Canada in 1930 and 1933 he occupied the position of Acting Prime Minister, having acted in the same capacity during Sir Robert Borden's administration in 1912 and 1913. In addition to his other duties in London, he acted as First Minister of the Military Forces of Canada from November 1916 to November 1917, and also sat as a member of the Imperial Conference held in the latter year.

In 1915 Sir George Perley was made by His Majesty King George V. a Knight of the Order of St. Michael and St. George. He was also made in that year a Grand Officer of the Order of the Crown (Belgium), in recognition of his war services in London. In 1931 he was made a member of the Imperial Privy Council, and in 1933 he was the only Canadian mentioned in the King's New Year's list of honours conferred—being then raised to a higher degree of knighthood, namely, Knight Grand Cross of the Order of St. Michael and St. George.

But he needed none of these symbols of distinction to give his name an enduring place in the hearts of the Canadian people. They knew him as a man whose conceptions of the duties of citizenship impelled him to devote his life to the service of his fellow-men. To him public office was in every sense a public trust, and in private life he freely used his wealth for the benefit of those in need. Ottawa rejoices in her enduring monuments of Sir George Perley's observance of his duty towards his neighbour.

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SETTLING CASES IN CHAMBERS.—The hazard which sometimes attends the settlement of an action in Chambers on the suggestion of the trial Judge is exemplified by the English case of *Vernazza* v. *Barburriza & Co., Ltd.*, reported in [1937] 4 All

E.R. 364. The action was for breach of a contract of service and wrongful dismissal. During the hearing of the action (June 6th, 1937) before Swift, J. it appears that on the Judge's intervention a discussion took place in his private room, as a result of which the action was settled. No one representing the defendants was present, but the Judge directed a short-hand note of the discussion to be taken, and this was done. Afterwards the plaintiff entered notice of appeal, on the grounds, *inter alia*, that when the settlement was so arrived at he was almost unconscious through shock, that he did not understand his legal rights, and that the settlement was against his wishes and intent. On the 28th July, 1937, the defendants applied to Swift, J. for permission to have a transcription made of the stenographic report of what had taken place in his private room. The application was not then granted by Swift, J. but he stated that he would consider the matter again in October. In the meanwhile the learned Judge died, and on the 15th November, 1937, an application for permission to obtain the transcription was made to the Court of Appeal. This application was dismissed, the Court holding that it was contrary to—

> Established practice with regard to proceedings in Chambers. . . . . The proceedings in Chambers were private, and therefore the short-hand notes should not be published.

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THE TONGUE THAT SHAKESPEARE SPAKE.—A playful commentary upon an incident that occurred in an English court between Judge and counsel was recently published in *The New York Herald-Tribune*. It is obvious from our reprint of it below that the Judge is one of those purists who profess alarm at the surface-drainage that is now pouring into the well of English speech as it exists in America, and threatens to find its way into the very fountain-head of the language in England's green and pleasant land. It would appear, however, that the Judge in objecting to the phrase that "an agreement had been reached" exemplified the truth of Disraeli's saying that "It is easier to be critical than to be correct." One of the definitions of the verb 'reach' given in *The Oxford Dictionary* is to 'arrive at'—which leaves the Judge open to the charge of wasting the time of the court.

Here is the commentary :

> Now comes from London the intelligence (news?) that Mr. Justice Humphreys was irate (burned up?) when a barrister (lawyer?) read

from a document that an agreement had been "reached." He (Hizzoner?) asked: "Is that a correct word?" The barrister replied that while the word might not be strictly correct (the McCoy?) he had encountered it while reading an American document. Whereupon said (upspoke?) the learned jurist: "We do not want these horrible things to get into our language."

We have consulted various dictionaries and reference works, including the waspish dicta of the estimable (late great?) H. W. Fowler, who has nothing to say on the subject (he won't sing?), and it appears that Mr. Justice Humphreys has a considerable weight of evidence on his side. In the colonies we commonly "reach" an agreement, or an understanding, but the English prefer to "arrive at" or "conclude" agreements. Likewise, in the United States court decisions are "reached"; in England they are "taken."

We have as much of a liking (yen?) for international amity as any one. But, in all sense, is it not possible to make out a plausible case for the use of the word "reach" as applied to an agreement? A child, surely, may reach for the stars. The word implies a groping, a yearning: it suggests the travail of negotiation, of bickering, of painful compromise, all leading up to the happy moment when the participants agree upon something and put their signatures (John Hancocks?) on paper. No offense meant, Mr. Justice Humphreys, but at the moment we are inclined to agree with Brother Jonathan (we're in Uncle Sam's corner and will string along with him?).

A thankless, profitless business, this trying to reconcile the English and American languages. The end is usually defeat and despair. The Yankee is merely scornful. The Englishman, after one look at these solemn attempts at clarification, will rush (scram?) to the nearest pub (saloon?), drink a Scotch and soda (highball?), and then sit on the kerb (curb?) and lose himself in bewilderment. A good wager is five to ten for any amount (five will get you ten for all the tea in China?) that the average Englishman will never understand the meaning of "roorback" or "gerrymander." But there need be no pother (fuss?). We are just as difficult to the English. Quite so (oke?).

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