

CANADIAN BAR ASSOCIATION

PROCEEDINGS AT THE TWENTY-THIRD ANNUAL

When it was announced that the Twenty-third Annual Meeting of the Canadian Bar Association would be held in Vancouver of this year my mental reaction to the announcement was a mixed one. On the one hand, I welcomed the opportunity of seeing the western wheat-fields restored to the fertility which had gladdened my heart many times in the past, and of viewing again the mountains as they march garmented in beauty from the plains to the sea. This was indeed an argument *ad hominem* so far as I was concerned in the premises. On the other hand, I reflected that there was an argument *ad crumenam* thrust upon the consideration of the members of the Association who live in the eastern portions of the Dominion. The expense to them of a journey to the Pacific coast is necessarily large, and, at a time of financial stringency such as the present, requires some measure of sacrifice to undertake it. And so I was inclined to doubt whether the attendance would sufficiently attest appreciation by the membership of the Association as a whole of the work done by the Bar of British Columbia through its local committees to make the programme of this year's meeting a notable one in all its aspects. But I am happy to say that my doubt as to the attendance was very completely dispelled. Registration of members and their guests began in gratifying number two days before the date of the formal opening of the meeting, eventually reaching the surprising total of eight hundred and ninety-two—the second largest list of registrations made at any annual meeting of the Association since its foundation. In that fact lies the comforting assurance that the Association has gone on from strength to strength in forwarding the laudable project of its founder, the late Sir James Aikins, namely, to integrate the several units of the legal profession in Canada so that it might function more effectively in its distinctive field of public service. Perhaps it is not too much to say that the increased attendance, the community of interest and harmony in action exhibited during the last three annual meetings, held in Halifax, Toronto and Vancouver respectively, indicate that the project of unification of the Canadian Bar has passed from the state of aspiration to that of realization. This means that our lawyers have learned to think of Canada in the terms of the Statute of Westminster, 1931, rather than as a congeries of provinces jealous of their autonomy. If this consummation has

been in any wise accelerated by the internal problems of government that have confronted Canada, in common with other countries during the economic *débâcle* that swept over the world some nine years ago, then we can affirm the truth of the poet's saying "Sweet are the uses of Adversity". The prime social duty of the lawyer is that of leadership in the maintenance of order and its correlatives, justice and liberty; and with the unanimity of thought and uniformity in action now prevailing among the members of the Canadian Bar Association, such leadership will be exercised by them in the most fruitful and spacious way.

All this may be said without derogating from the fact that the Association from its inception has kept a critical eye on the activities of the provincial as well as the federal law-making bodies. One has only to turn the pages of the printed reports of the various committees of the Association to realize that legislation—either as existing or as proposed—of an ineffective or improvident character has received some frank discussion with a view to its correction. But in this day of social hysteria when fools are in the saddle to override the wise, and when, among other things, the cardinal principles of democratic government are sought to be discarded by legislative enactment, it is comforting to know that an organization of lawyers, nationwide in its membership, can lead public opinion against such legislation with all the forcefulness and weight that inheres in cohesive action.

Another pleasant aspect of the meeting was the hospitality shown in gracious abundance by the members of the Bench and Bar of British Columbia to their many guests. In addition to the delectable indoor feasts and festivities provided for the ladies and gentlemen in attendance, no efforts were spared to gladden their eyes with the scenic glories that surround Vancouver and Victoria, making them two of the most beautiful cities in the world. Those who were privileged to look upon Vancouver and its environs from the chalet on Grouse Mountain, and were further privileged to pass over the pleasant waters of the Strait of Georgia to Victoria and realize for themselves the many attractions that city holds for the tourist, were, I am sure, disposed to think that their visit to British Columbia was one of the occasions when Father Time is especially kind to his children, when—

"All his sands are diamond sparks
That glitter as they pass".

Courteous welcome from the press is the common experience of the members of the Association when attending its conventions in places other than their homes, but the measure in which precise notice was extended to them on this occasion is especially worthy of remembrance. Take, for instance, this allusion by The Vancouver News-Herald to the list of registrations by lady members of the Bar :—

You read down about twenty or thirty masculine names and you run across "Miss," or "Mrs. So-and-So"; another dozen or so names of men, and another feminine one.

And this keeps up through the hundreds of names registered until you find there are a dozen or so women who are fully privileged, have paid their fee and intend to attend the Bar convention—as barristers and solicitors in their own right.

Then you will look around the foyer and you will meet these women lawyers, and you will more than likely be surprised that each and every one of them is a complete and utter denial of the time-worn adage that has to do with "beautiful but dumb," or "brains, minus beauty."

For with no exception every feminine barrister is a most personable person, and most of them are young—on the right side of thirty.

Among the lady members in attendance was Helen A. Kinnear, of the Ontario Bar. Miss Kinnear enjoys the distinction of being the only woman holding the patent of K.C. in the British Empire.

** Following the usual course, on Tuesday, August 16th, the day preceding the opening of the Annual Meeting, the Conference of Governing Bodies of the Legal Profession in Canada and a meeting of the Council of the Canadian Bar Association were held at the Hotel Vancouver.

At a dinner given at the Vancouver Club by the President of the Association, Hon. Senator J. W. de B. Farris, K.C., D.C.L., in honour of distinguished guests, a pleasant event took place in the presentation of a handsome gold watch to Mr. Glynn L. Cousley, Assistant Secretary of the Association, in acknowledgement of the valuable services rendered by him in the discharge of his official duties. The presentation to Mr. Cousley was made in felicitous terms by the Rt. Hon. R. B. Bennett, P.C., K.C., Honorary Life President of the Association. The watch bears the following inscription:—"Presented to Mr. G. L. Cousley by Members of the Canadian Bar Association as an expression of Appreciation of his Services to the Association, 1923 - 1938".

** On Wednesday morning, August 17th, the formal programme of the meeting was opened under the chairmanship of

the Hon. Senator Farris, President of the Association. After calling the meeting to order, the chairman introduced to those present the following gentlemen: The Rt. Hon. Sir Lyman Duff, P.C., G.C.M.G., Chief Justice of Canada and Acting Governor-General of Canada; The Rt. Hon. Viscount Finlay of Nairn, K.B.E., representing the English Bench and Bar; The Hon. Arthur T. Vanderbilt, Past President of the American Bar Association, representing the American Bar; Hon. Ian McKenzie, K.C., representing the Minister of Justice. Among those seated on the platform were His Honour E. W. Hamber, Lieutenant-Governor of the Province of British Columbia; Hon. Gordon Wismer, K.C., Attorney-General of the Province; L. E. Beaulieu, K.C., LL.D., Vice-President of the Association for the Dominion, and Isaac Pitblado, K.C., LL.D., a former President of the Association.

Following upon the introductions, His Honour the Lieutenant-Governor cordially welcomed the members of the Association and their guests to the Province of British Columbia, and Hon. Gordon Wismer, Attorney-General, extended the greetings of the Premier and Government of the Province to those in attendance at the convention. Mr. H. A. Porter, K.C., of the Bar of New Brunswick, expressed the thanks of the visiting members of the Association for the kind words of welcome extended to them, and assured his hearers that the unity of the Canadian people was a matter of outstanding concern to the members as a body, and that in particular those from the more eastern portions of the Dominion earnestly desired the continuous development of the resources of British Columbia and the advancement of the great sea-port of Vancouver.

Mr. Isaac Pitblado, K.C., then took the chair in order that the President might proceed with the delivery of his formal address. Mr. Pitblado referred in laudatory terms to the manner in which Senator Farris had exercised his office during the year, and acknowledged the great benefit derived by the Association from the work he had zealously performed.

The address is published at length in the present number of the REVIEW, and its highly practical quality will reveal itself to every reader. In tenor it is an outspoken and outstanding protest against measures recently placed upon some of the statute-books in Canada "which directly defeat the justice of the courts because these laws deny our citizens access to the courts". It appeals to the lawyers of Canada and, in particular, to the Canadian Bar Association, to take a firm stand

against this insidious legislation. "It is our duty to fight this sort of thing to the limit. It is also our duty to see that the public mind is educated to the end that an aroused public will protect its own interests." This serves to recall Bentham's view that public opinion is the first and truest guarantee against misrule. It is not likely that Senator Farris's challenge to the Bar to lead public opinion at this time will go unheeded.

The President's Address was followed by the report of the meeting of the Council of the Bar Association, held Tuesday, presented by E. H. Coleman, K.C., LL.D., Honorary Executive Secretary.

The report approved of several changes in the Constitution of the Association, and a number of other matters were referred to the mid-winter Council meeting. Among them are proposed amendments to the Dominion Exchequer Court Act regarding the liability of the Crown in civil actions.

Dr. Coleman informed the session that there were now 1,896 members on the active list of the Association.

The financial statement was submitted by E. K. Williams, K.C., Honorary Treasurer of the Association. The report showed collections to be favourably comparable with those of 1937 and that this year, for the first time on record, there would be a surplus of revenue over expenses. The capital account stands at \$109,271.00.

The report of the Committee on Noteworthy Changes in Statutory Law was then presented to the session by the chairman, W. S. Montgomery, K.C., of the Toronto Bar. The report showed that the committee was alive to the mischievous tendencies of legislation recently passed in Canada. The committee thinks it evokes the question "whether our legislators have a clear view of the country they wish to build up"? Several Acts of provincial legislatures are brought under review in the report, and their impolicy in relation to governmental action demonstrated. In labour legislation, such as was passed in British Columbia last session, and in Manitoba and Saskatchewan, the committee finds "the tendency unless definitely checked is toward the corporative State and despotism." The committee is of opinion that the interests of the business community and of the State are best served when governments confine their functions to matters over which they can obviously exercise effective control.

The appointment of Committees on Nominations and Resolutions closed the programme of business for the morning session.

** The luncheon on Wednesday took place in the handsome ball-room of the Hotel Vancouver, with Mr. L. E. Beaulieu, K.C., Dominion Vice-President, in the chair. There was a large attendance of ladies and gentlemen who found it a most pleasurable event. The Honourable Arthur T. Vanderbilt, the immediate Past President of the American Bar Association, was the guest speaker.

Mr. Vanderbilt, at the outset of his remarks, surrounded his audience with an atmosphere of merriment by informing them that while he had prepared what he regarded as a thoughtful and serious-minded address, and under that impression had deemed it proper to hand it to the press in advance of delivery, he was now persuaded that as the luncheon was but an interlude between serious working hours he ought not to inflict this studious address upon his hearers, but should leave it to be read by them in print and look upon the occasion as one demanding a more lightsome treatment. After this naive prolegomenon he proceeded to regale the ears of his audience with a *mélange* of stories racy of the soil of the United States in general and of the ways and doings of the law courts there in particular. But before he sat down Mr. Vanderbilt revealed that he had a message as well as amusement for those who listened to him. Turning away from his humorous vein he spoke in terms of serious import. And this is what he said, in substance, as to the duty of lawyers who confront the strange doings of mankind in this our age:

Jurists and lawyers of democratic countries today must dedicate themselves to public service in a new way — to the searching examination of fundamental problems of governmental power, and of human liberty in a world in which the spectre of dictatorship walks the stage, and the struggle for justice and liberty is rampant.

With the forces of tyranny, ignorance and oppression entrenched on four continents, with the same forces struggling to assert themselves in every quarter of the world, is it not evident that the primary and paramount obligation of the Bar is to perfect the processes of law-making in the courts, in our administrative tribunals and in our legislatures?

Western civilization, whose history has been the development of intellectual, religious, political and industrial freedom, is today wrestling with economic tyranny, and in some quarters the earlier forms of freedom are being sacrificed.

We of the United States feel a great bond of relationship with the Canadian Bar Association, and we also feel that the whole North American Bar should stand together to fight those forces which are subversive of the liberty of the subject. Peoples which suffer and

submit to despotic government fail to realize that liberty in its highest aspects at least is not an incorporeal hereditament handed down from generation to generation by operation of law.

In moving a vote of thanks to Hon. Mr. Vanderbilt, Mr. W. E. Bentley, K.C., Vice-President of the Association for Prince Edward Island, said that the call to lawyers to uphold law and order has never been so strong or so urgent as it is today. On motion of Mr. Bentley, Mr. Vanderbilt was elected an honorary life member of the Canadian Bar Association.

** The afternoon session on Wednesday was under the chairmanship of D. J. Thom, K.C., Vice-President for the Province of Saskatchewan.

Before the formal programme of the session was entered upon, a resolution expressing the profound respect of the Association for the memory of the late George Frederick Henderson K.C., and recording appreciation of the services in behalf of the Association so generously and effectively rendered by him in his life-time, was adopted by a standing vote of the members present.

A report of the CANADIAN BAR REVIEW Committee was then presented by Mr. E. Gordon Gowling, Vice-Chairman of the committee. The report of the Registrar, Colonel W. N. Ponton, K.C., was also received at this session.

Thereafter the Chairman of the session called upon Dr. Cecil A. Wright, one of the professors on the staff of the Law School of Osgoode Hall, to deliver an address. The subject chosen by Dr. Wright was "Law and the Law School", a subject on which his learning and professional experience enabled him to speak with enlightenment and authority. After pointing out the part played by the Law in conserving the integrity of the social structure, the speaker proceeded to discuss the requirements necessary for the attainment of success in the legal profession at the present day. In his opinion these requirements are threefold, and he stated them as follows :

1. The lawyer must have ability to examine a problem in the light of past judicial experience with other problems.
2. He must have the ability, in the light of such study, to determine what should be done in the case under examination.
3. He must have a technique for obtaining authoritative solutions by adjudication and for non-authoritative adjustments in the solicitor's office.

The teaching of the law school must be related to these requirements, and unless the student has capacity to absorb it he cannot hope for success in the modern practice of law.

Dr. Wright's address was received with marked appreciation by those who listened to it.

A statement submitted by the Conference of Governing Bodies of the Legal Profession in Canada showed that the Law Societies of seven of the nine Canadian provinces now have rules in effect which govern the keeping of proper trust accounts by solicitors.

It was also intimated that the Conference would appoint a committee for the purpose of making a complete survey of the operation of these rules in the provinces that have adopted them, with a view to ascertaining if they have proved effective in curbing the defaults of solicitors.

The Conference of Commissioners on Uniformity of Legislation in Canada submitted a statement to the effect that it had completed draft uniform Acts as follows: An Interpretation Act, a Partnership Registration Act, and an Act respective Commorientes. The statement further informed the meeting that the Commissioners had under discussion a draft Evidence Act, a Libel and Slander Act, a Married Women's Property Act, and a Coroners Act.

During the afternoon, various committees held sectional meetings for the discussion of matters falling within the scope of their activities. At 4.30 p.m. a garden party for the ladies and gentlemen in attendance at the Annual Meeting was given by the President and Mrs. Farris at their residence, "Walleyln." Some 700 guests were present to enjoy the beauty of the gardens surrounding the residence, and a programme of music discoursed by the band of the Seaforth Highlanders.

After a buffet dinner at the Hotel Vancouver which greatly redounded to the credit of the maitre d'hôtel, an evening session of the meeting was convened, under the chairmanship of the President, to hear an address by the Right Honourable Viscount Finlay of Nairn, K.B.E. Lord Finlay had chosen for his subject "The Historical Study of the Law," and his presentation of it made it plain to the crowded audience listening to him that if culture had waned on the continent of Europe during the present century the members of the Bench of the British Isles still maintained their faith in the truth of Cicero's saying,—"*Animi cultus ille erat ei quasi quidam humanitatis cibus.*" After being gracefully introduced to the audience by the Honourable Aulay M. Morrison, Chief Justice of the Supreme Court of British Columbia, Lord Finlay proceeded with his address. Regarding himself as a student of law speaking to

students of law, the speaker said that he wished to point out "some methods of study whereby education in law may be linked up with the enrolling of the long and splendid panorama of human history" 'Mere legal terminology may seem to you a dead thing. Mix history with it, and it clothes itself with life', quoting Lord Bowen in his address to the Birmingham Law Students' Society. Continuing, Lord Finlay said :

I am amazed when I hear at times the suggestion that our profession must be dull. The truer view would be that our work is inordinately engrossing. Is our occupation narrowing to the mind? Can it ever narrow the mind to learn the perfect story of human life? There is not a study in the world more exact, more liberating and more elevating.

Law develops with life, and I feel that few things could be more interesting than to watch how, as a civilization becomes broader and more complex, law follows it. From a few simple principles, evolved in a simple state of society, law proves equal to all demands made upon it by an advanced civilization.

English common law is one of the glories of our race. I do not doubt that legislation could improve the common law, but it should be used sparingly with careful thought of its effect.

Then, again, judgments are more interesting, more real and understandable in the light of the lives and character of the men who render them.

To this end the reading of biographies of great lawyers and such books as Lord Maugham's "Famous Trials of History" were recommended by the speaker. "A lawyer without history or literature is a mere mechanic. Professing a knowledge of these, he becomes an architect".

Turning to a lighter form of literature and its tendency to please as well as widen the understanding of the lawyer, Lord Finlay advised students not to scorn writers of fiction. In this connection reference was made, *inter alia*, to Bunyan's account of the trial of Faithful in "Pilgrim's Progress," and of Jeanie Deans in Scott's "Heart of Midlothian" Nor was Dickens, as reporter of the *causes célèbres* of *Jarndyce v. Jarndyce* and *Bardell v. Pickwick*, overlooked in his lordship's list of the makers of literature whose books are not usually at hand in the office of the practising lawyer but from which the student can suck no small advantage.

Lord Finlay's father, the late Lord Chancellor Finlay, was a guest of the Canadian Bar Association shortly after the termination of the Great War. Referring to this fact the speaker said :

He spoke, naturally, on the laws of war and the law of blockade.

The law of blockade possesses an academic interest which it can never lose. We must all hope and earnestly pray that, so far as the British Empire is concerned, that interest may for the future remain academic.

At the conclusion of Lord Finlay's address on motion of G. H. Aikins, K.C., Vice-President for Manitoba, he was made an honorary life member of the Canadian Bar Association. In speaking to the motion Mr. Aikins said :

It is a great privilege to have met the men who have been our guests during the past nineteen years, and one of the greatest of these is Lord Finlay. His outstanding ability and charm has endeared him to us all.

The programme of Wednesday was concluded by a reception and dance given in the Ball Room of the Hotel Vancouver under the auspices of the Law Society of British Columbia.

** At Thursday morning's session the chair was taken by Arthur Vallée, K.C., Vice-President of the Association for Quebec. Referring to the absence from the Annual Meeting of a delegate from the Bar of France, Mr. Vallée explained that this was owing to unforeseen circumstances which had arisen to prevent that Bar from sending a representative to us this year. He said that this fact was particularly regrettable to the members of the Quebec Bar, and suggested that authority be given by the meeting for a letter to be sent by the Secretary of the Association to the Bar of France requesting that in future a representative of that Bar be regularly sent to our annual meetings. The suggestion of the chairman was adopted.

The reports of committees were received and referred for consideration and discussion to the sectional meetings.

The formal address at the session consisted of a paper read by F. Philippe Brais, K.C., of the Montreal Bar, on the subject of "Motor Manslaughter and Kindred Offences." This timely subject received learned and exhaustive treatment by Mr. Brais, and his paper will furnish an excellent brief for the practising lawyer in cases falling within the ambit of the branches of the law discussed by him. The gravamen of Mr. Brais' criticism of existing legislation, both on its substantive and adjective side, is that it fails to meet the complexities of the problems arising in respect of culpability and the penalty that justice would assign to it.

During the session Dr. E. H. Coleman, K.C., explained the character of the proposed new by-laws of the Association

adopted by the Council and suggested that they come into force immediately before the mid-winter meeting of Council. This suggestion was agreed to.

Mr. C. H. A. Armstrong, K.C. presented the report of the Membership Committee, of which he is Chairman. The report showed a decrease in membership due mainly to lag in payment of fees.

At luncheon on Thursday the members of the Association were entertained at the Jericho Country Club and Royal Vancouver Yacht Club.

In the afternoon sessional meetings were convened by the chairmen of the several committees of the Association for the purpose of concluding the business assigned to them. The Committee on Comparative Provincial Legislation and Law Reform under the chairmanship of C. C. McLaurin, K.C., of the Calgary Bar, listened to an address by R. Andrew Smith, K.C., Vice-President of the Association for Alberta, on a uniform Act respecting Companies which has been drafted by a special committee and submitted for approval to the Dominion and Provincial authorities, Mr. Smith said that agreement had been reached by those authorities on a number of essential points.

Dominion representatives agreed, he said, that the administration of the different Provincial Securities Acts should be reconciled so as to avoid unnecessary duplication.

The committee agreed that if the issue of no-par value shares is permitted the conditions of issue and allotment should be made more stringent.

Other points agreed on were :

1. No company should be permitted to issue more than one class of ordinary shares, but might be permitted to issue several classes of preferred shares or deferred shares.
2. That voting rights of a shareholder should depend solely on the amount paid up in respect of his holdings. Use of warrant shares should no longer be permitted.

The members of the Junior Bar during the afternoon were privileged to hear an informative address by Viscount Finlay on the privileges and functions severally enjoyed and discharged by the Barristers and Solicitors of England.

** As was expected from the enthusiastic interest manifested in the programme of the convention from the start, the Annual Dinner on Thursday night proved to be *une grande fête* in every sense of the term. Hon. Senator Farris took the chair in happy mood, and in making what he called his "last Presidential speech" expressed his satisfaction in the fact that the Vancouver convention would go on record as one of the most successful in the history of the Association.

Seated with the President at the head table were men of high distinction in the political life of Canada and at the Bench and Bar. The attendance taxed the spacious dining capacity of the Hotel Vancouver. The menu in quality would have pleased the eye of Brillat-Savarin and in quantity might have satisfied Lucullus. If this be deemed hyperbole, let those who do not know what the Canadian Pacific hotels can do upon occasion make the most of it.

The general tenor of the after-dinner speeches, and the directness of its bearing upon the public duty of lawyers at the present time, can be gathered from the following passage taken from a comment upon the speeches which appeared in one of the Vancouver newspapers:

Leaders of the Bench and Bar of Canada, England and the United States Thursday night pledged the solidarity of the English-speaking race in the struggle to preserve democracy and justice, and toasted the legal profession as a strong bulwark for the preservation of human rights.

The President, in calling upon the Right Honourable Sir Lyman Duff, P.C., Chief Justice of Canada, as the first speaker of the evening, alluded to the kindness of Sir Lyman in coming directly to the meeting from London, where he had been sitting in July as a member of the Judicial Committee of the Privy Council. He also spoke of the respect for the great abilities of Sir Lyman and for the eminence of his public office, entertained by Canadians at large and more especially by the citizens of British Columbia, where he lived in the early years of his professional life and endeared himself to a large circle of friends.

Sir Lyman, during the major portion of his address was in reminiscent mood and refreshed the memories of the older portion of his audience, and touched the imaginations of the younger, by a recall of former days in British Columbia where, to quote his words, "my legal adolescence and my early manhood in the law were nurtured and sustained." In a voice filled with emotion he paid eloquent tribute to the

memories of distinguished Judges who, in the stirring times he recalled, administered justice with firmness and wisdom and laid the foundations of stable government in the province. In closing his address Sir Lyman expressed his faith in the maintenance of world conditions necessary to the well-being of civilization as inherited from the past, and adjured his hearers to do their part to displace the wide-spread disorder which marks the present age.

In response to a very general request from subscribers permission was obtained from Sir Lyman Duff to publish his address in the present number of the REVIEW.

The next speaker at the dinner was the Right Honourable Viscount Finlay. In the course of his remarks Lord Finlay said:

You in Canada are the inheritors of a great tradition of freedom. I am well assured that your Bench and Bar are learned, strong, independent and fearless. That is your surest shield against tyranny, whether of the one, or not less dangerous, of the many.

Before resuming his seat, Lord Finlay read to the members a sincere message of friendship and interest from the Bench and Bar of Great Britain, expressed by Mr. Justice Hawke, Treasurer of The Middle Temple of the Inns of Court.

The Honourable Arthur T. Vanderbilt in addressing the dinner audience struck a similar note to that of the previous speakers, adjuring the lawyers of Canada to be vigilant to reform the administration of justice, as American lawyers are attempting to do. He said:

I have been asked why do we in the United States worry so much about Fascism and Communism. It is because we realize that much of the popular unrest is to do with the administration of justice.

Administration of local courts is as important as that of the highest, he said, remarking that problems of administration of justice in Canada are similar to those in the United States, and inviting the Canadian Bar to take advantage of studies being made by the American Bar.

The Honourable Ian Mackenzie, Canadian Minister of National Defence, brought the regrets of the Honourable Ernest Lapointe, Minister of Justice, that duties elsewhere prevented his attendance at the convention. Speaking briefly, Mr. Mackenzie said, among other things, that :

The social needs of a people will not forever await constitutional niceties and the settlement of conflicting jurisdictions, and members of this distinguished Association can do a great deal to straighten out our national problems.

Invited by the chairman to express the thanks of the Association to the distinguished guests who honoured the Annual Meeting with their presence, Mr. R. L. Maitland, K.C., discharged his pleasant task with all the charm that usually marks his spoken word. He also took occasion to commend the work done by Dr. E. H. Coleman, K.C., Mr. T. W. Laidlaw and Mr. G. L. Cousely in promoting the success of the convention then in progress.

** At the morning session on Friday, Mr. R. Andrew Smith, K.C., Vice-President of the Association for Alberta, occupied the chair.

Reports of committees were presented by their chairmen and accepted after some discussion by members present at the meeting.

Mr. C. C. McLaurin, K.C., reported on behalf of the Committee on Comparative Provincial Legislation and Law Reform, that a uniform Companies Act similar to the draft Dominion Act had been drafted by the committee for acceptance by the legislatures of the several provinces in Canada.

Mr. E. K. Williams, K.C., stated that the report of the Committee on Insurance Law in relation to the subject of Subrogation should be divided into two parts, that of Subrogation in itself and that which relates to actions by husband against wife. The latter, he explained, is still under consideration by the committee.

Mr. A. D. Macfarlane, K.C. in presenting the report of the Committee on Administration of Civil Justice explained that no action had been taken on the amendment of the Judge's Act, as the committee had not been able to secure a copy of a Bill respecting the matter which it was proposed to offer to the House of Commons for acceptance.

Mr. R. L. Maitland, K.C., in submitting the report of the Committee on the Administration of Criminal Justice, pointed out that there were a number of specific recommendations which the committee desires to bring before the Department of Justice. They are the following :

1. That an accused person appearing before a police magistrate, charged with an indictable offence, be informed, not only of his right to either a summary or a jury trial, but of his right, after committal, to a speedy trial before the County Court Judges' criminal court.
2. That the attention of the Minister of Justice be called to the advantage to be had by empowering justices holding preliminary enquiries to grant bail after committal for trial in suitable cases,

thus obviating the necessity of obtaining a judge's order for bail after committal with a view to the Minister's giving the matter serious consideration.

3. That bail on appeal from a conviction for an indictable offence be granted by the trial judge or magistrate, or by any Superior or County Court Judge.
4. That the attention of the Minister of Justice be called to the question of a uniform Habeas Corpus Act in criminal matters.
5. That the attention of the incoming Committee be called to the necessity for a clarification of those sections of the Criminal Code which deal with estreat of recognizances.
6. That the attention of the Minister of Justice be called to the necessity of so amending the Code as to make, so far as is possible, the provisions with regard to preliminary enquiries and trials the same for corporations as for natural persons.
7. That an appeal from the decisions of a Juvenile Court Judge, similar to that provided by Part XV of the Criminal Code, be inserted in the Juvenile Delinquents' Act.
8. That when a person who has been granted suspended sentence is brought up for sentence after breach of recognizance, the sentence may be imposed by any justice or judge having jurisdiction over the offence.
9. That the provisions of Part XVI of the Code, dealing with summary trials of certain indictable offences, be clarified and simplified in so far as they refer to the jurisdictions of the several classes of magistrates.

By resolution adopted at the meeting Mr. Maitland, as chairman of the committee, was empowered to name a special committee to wait upon the Department of Justice in an endeavour to have the above recommendations carried out.

Mr. R. M. Willes Chitty, K.C. then led the renewal of an adjourned discussion relative to the Solicitors' Guarantee Fund of New Zealand, and the appointment of King's Counsel. In the course of the discussion, Mr. R. M. Maitland, K.C., expressed approval of the bonding of solicitors, or a scheme such as that described by Mr. Chitty as existing in New Zealand. The public must be assured of protection if matters of monetary concern are to be entrusted to solicitors.

Mr. Stuart Thom, Chairman of the Committee of the Junior Bar, presented the report of that committee. After mentioning in detail the question of legal aid to the poor as studied by the committee, Mr. Thom stated that during the coming year the committee would concern itself with the promotion of better relations between the public and the legal profession.

Mr. L. E. Beaulieu, K.C., Chairman of the Committee on International Law, stated that under existing conditions be-

tween the nations of the world the committee had decided that the study of present day questions as related to the rules of international law was inadvisable.

Mr. Aldous Aylen, K.C., in the absence of the chairman, Dean Cronkite, submitted a written report of the Committee on Legal Education.

The report of the Resolutions Committee was presented by Mr. Ward Wright K.C., in the capacity of its chairman. He paid the due meed of thanks to the various committees of the local Bar for work done in connection with Vancouver's portion of the programme of the Twenty-third Annual Meeting.

The report of the Nominating Committee was presented by Mr. Isaac Pitblado, K.C. At the election that followed upon the report the gentlemen therein nominated were unanimously chosen as the officers of the Association for the ensuing year. The members as a body are rejoicing in the fact that Mr. L. E. Beaulieu, K.C., LL.D. of the Montreal Bar, and Mr. Ward Wright, K.C., of the Toronto Bar, now hold respectively the office of President and the office of Dominion Vice-President of the Association.

** The luncheon on Friday was the last corporate feast on the programme of events assigned to Vancouver. There was no need for the resonant note of a gong to call the members to the table. Mr. L. W. Brockington, K.C., was to be the guest speaker, and they knew his quality. He did his job as usual with distinction. As was said by Mr. Ward Wright in introducing him, Mr. Brockington is a master of the spoken word. The spoken word is addressed to the ear and not to the eye. It resists metamorphosis, and loses its magic when deprived of the atmosphere that brought it to birth. So I will not do Mr. Brockington the disfavoured of attempting to quote any portion of the delightful things he had to tell his audience about "Attitudes, Platitudes and Beatitudes." Suffice it to say that as a public speaker Mr. Brockington has a technique wholly his own, and that his rare talent for interblending gaiety, irony and sobriety of thought was used without stint on this occasion. The address at Vancouver increased in large measure the debt of gratitude owed by the Association to Mr. Brockington for previous favours of the kind.

Subsequent to the luncheon a brief meeting of the newly elected Council of the Association was held; and thereafter a large number of members and their friends proceeded to attend a convocation of the University of British Columbia at which

honorary degrees in law were conferred upon Rt. Hon. Viscount Finlay, K.B.E., Hon. Arthur T. Vanderbilt, Rt. Hon. Sir Lyman Duff, G.C.M.G., and Hon. Senator Farris, K.C.

This interesting event closed the programme of the convention for Vancouver.

** The portion of the programme of the Twenty-third Annual Meeting allocated to Victoria was purely social and recreational in its character. In this respect the local Bar and its committees reached the same high level of courteous hospitality towards their guests as that attained by their brothers in law on the other side of the Strait of Georgia. Early on Saturday morning the visitors, in number about seven hundred, were provided with transportation to the many points of scenic beauty that ornament the city and its immediate surroundings. At the noon hour the visitors were bidden to luncheon in the justly famous Empress Hotel. Mr. H. W. Davey, K.C., President of the Victoria Bar Association, was in the chair; and it is to be said that he performed the duties of symposiarch in a very pleasant and capable manner. Seated with him, amongst others, at the head table were the Right Honourable Viscount Finlay of Nairn and his daughter the Honourable Rosalind Finlay; the Right Honourable Sir Lyman Duff, Chief Justice of Canada; The Honourable Archer Martin, Chief Justice of British Columbia; the Honourable Arthur T. Vanderbilt, Past President of the American Bar Association; the Honourable Senator J. W. de B. Farris, K.C., Past President of the Canadian Bar Association; the Right Reverend H. E. Sexton, Bishop of Columbia; and Alderman James Adam, Acting Mayor of the City of Victoria.

In welcoming the guests of the Victoria Bar, Mr. Davey remarked that it was particularly gratifying to the lawyers of Victoria to be privileged to have Sir Lyman Duff amongst them as a guest, for Victoria had been the scene of many of his activities as a member of the Bar of British Columbia prior to his elevation to the Bench. Before taking his seat, Mr. Davey performed a graceful act in returning to the possession of Sir Lyman Duff a Barrister's coat, tailored in the year of grace 1896, and lost lang syne. It was found a few weeks before the restoration to its lawful owner in the Barristers' room of the Victoria Court-house.

In rising to reply to the kind words of welcome extended to him by Mr. Davey on behalf of the local Bar, Sir Lyman

Duff received an ovation which, in its measure of esteem and affection, has rarely, if ever, been accorded to any other member of the Canadian Bench. He was deeply moved by it, and expressed profound appreciation of the opportunity afforded him to return to the scene of his early professional life. He spoke in feeling terms of his former colleagues in the law who had passed away since he left British Columbia, and recalled pleasant hours spent in the old days in Victoria with friends that are still alive. His only regret was that his official duties in Ottawa at the present moment prevented a longer stay in the city he had once called his home.

Viscount Finlay in acknowledging the welcome extended to him said : "To one who comes to you, as I do, from Europe, it is a delight to visit the Far West and this Province, where the land is bright and the seas are even brighter."

The Honourable Arthur T. Vanderbilt supplemented his thanks for the welcome accorded him by a recital of some humorous stories elucidating the high-ways and buy-ways of politics in the United States. After tickling the risibilities of his audience at the expense of his home-land, he ventured to point out that Canada was not always on the side of consistency with all her sanity. Take British Columbia, for instance, he must confess to mystification over its "political colour." It troubled him sadly to be given to understand that there was a Liberal government in power in the Province and yet to find that Victoria was so Conservative in its principles as to conserve an old coat made for a lawyer away back in 1896. This was said with obeisance made to Chief Justice Duff. Undoubtedly Mr. Vanderbilt convinced his Canadian friends that Pascal was wrong when he said—*Diseur de bons mots, mauvais caractère*.

In addressing the audience at the request of the Chairman, the Honourable Archer Martin, Chief Justice of British Columbia, said :

The dominating thought of one who had attended the convention in Vancouver was that the meetings of the Canadian Bar Association had made a most important contribution to the spirit of national unity.

So many countries and people today are in danger of being misled that it is a great thing to find the Bar of Canada showing a united front in working for the Dominion. The unification of laws of the Dominion and the advancement of the administration of justice had formed the keynote of the convention.

Mr. H. A. Porter, K.C., of the New Brunswick Bar, on behalf of the visitors, in pleasant words thanked the members

of the Victorian Bar Association for their delightful programme of festivities for the day. Such hospitality as was shown to each and all of the visitors in Vancouver and Victoria made the Twenty-third Annual a thing of joy to be long remembered.

From 4 to 6 p.m. the visitors were the guests of the Honourable E. W. Hamber, Lieutenant-Governor, and Mrs. Hamber, at a charming reception at Government House, and in the evening a large party visited the Astrophysical Observatory, while others attended a supper dance at the Empress Hotel.

** The spirit of the Twenty-third Annual was unity and its voice a call to service in this day of distress of nations. If the members of the Association help the whole body of Canadians to heed the call, much may be done to bring the soul of the world to repentance and a return to good behaviour. It is not idle even for the present generation to look forward to a better day for the race when it may be said in very truth: "How beautiful mankind is! O brave new world, that has such people in't!"

CHARLES MORSE

Ottawa.