

# THE CANADIAN BAR REVIEW

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THE CANADIAN BAR REVIEW is the organ of the Canadian Bar Association, and it is felt that its pages should be open to free and fair discussion of all matters of interest to the legal profession in Canada. The Editorial Board, however, wishes it to be understood that opinions expressed in signed articles are those of the individual writers only, and that the REVIEW does not assume any responsibility for them.

Articles and notes of cases must be typed before being sent to the Editor, Cecil A. Wright, Osgoode Hall Law School, Osgoode Hall, Toronto 2, Ontario.

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INTER-AMERICAN BAR ASSOCIATION.—Last month we were privileged to publish three of the addresses which were delivered at the first conference of the Inter-American Bar Association held at Havana, Cuba. At that meeting new officers of the Association were elected and our president, Mr. D. L. McCarthy, K.C., was made a Vice-President of the Association representing Canada, and he was also made a member of the Executive Committee of nine which will hold its first meeting in Washington the beginning of next month. In addition, Senator Lucien Moraud and Mr. McCarthy were elected councillors as representing Canada. The Canadian Bar Association has thus received signal honour in the larger American body and one can only hope that at the next meeting of the Inter-American Bar Association at Buenos Aires in September 1942, world conditions will permit of even fuller participation by members of the Canadian Bar Association in work which promises much for a better understanding and appreciation of problems common to the Western Hemisphere.

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1941 ANNUAL MEETING OF THE CANADIAN BAR ASSOCIATION.—We previously announced that at the Mid-Winter Council Meeting it was decided to hold the Annual Meeting at Toronto on the 11th and 12th days of September. Since then the Association, through the efforts of its president, Mr. D. L. McCarthy, K.C., has been fortunate enough to obtain the promise of Mr. Norman Birkett, K.C., of the English Bar to attend the Meeting as the Association's guest. Those members who were present when Mr. Birkett was the guest of the Association in 1937 at the Meeting in Toronto, will bear testimony to the fact that his visit marked a high point in the long list of distinguished visitors from the Bench and Bar of England. Today the presence

of an English colleague has a deeper significance than ever before. From the beginning of the war Mr. Birkett has devoted his talents entirely to the cause of country and in a letter to a Canadian friend, not so long ago, he wrote, in part, as follows:

. . . . As I write these words, about 7.15 p.m., the sirens have just sounded with their wailing note, and the guns have begun their British bark. It contrasts most vividly with those great days which the reading of your paper evoked, when I was the delegate to Canada—happy, thrilling days which live in my memory almost more than any others. And I confess I sighed for a moment for a time when delegates could come and go to Canada and America as in the old days. But there will be no delegations worth while, nor indeed any law to discuss, unless we have first rid the world of the unspeakable horror which threatens it . . . I should very much like to speak to my old friends in Canada one of these days to tell them of what the common folk are doing here, and what they think of their brethren across the sea. . . . Because of my affection for Canada we have offered our country house for the entertainment of wounded Canadian soldiers. Our first guest was Captain Donald Clarke of Vancouver, a lawyer who knew you by reputation well, and whose father was closely connected with the Canadian Bar Association. He has revisited us several times. I have been the chairman of the Home Office Advisory Committee since the outbreak of war, dealing with detained persons under Regulation 18B of the Defence Regulations without salary, and paying my own expenses. I have therefore earned nothing at the Bar for this is a whole time job; but I don't think I should like to earn the kind of income I formerly enjoyed whilst men and women were dying for the greatest cause for which we have ever gone to war. You would probably see in your papers the devastation in the Temple, and possibly a photograph of the destruction of my own Chambers and also my flat. But you may be quite sure that what you read and hear of the spirit of the British people is true. They are putting on greatness like a garment. Winston is the idol of all. I have admired him all my life, but what Clarendon said of Cromwell is true of him "that as he grew towards place and power all his qualities revealed themselves." . . .

In welcoming Mr. Birkett the Association will be greeting an old friend and, we trust, will send back with him renewed pledges of common loyalty to a cause vital not only to the existence of law and order but to life itself.

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FROM THE ENGLISH PROFESSION.—In the March issue of the REVIEW we published two letters which were sent by the President of the Canadian Bar Association to the General Council of the Bar and to the Law Society in England, expressing the sympathy which the Canadian profession felt in common with their English colleagues at the destruction of so many buildings

sacred to the memory of the law. The President has received a letter from Sir Herbert Cunliffe, K.C., Chairman of the General Council of the Bar and one from Lieut.-Colonel Maynard of the Law Society, enclosing a resolution of the Council of the Law Society. The letters and the resolution are here reproduced.

5, Stone Buildings,  
Lincoln's Inn,  
London, W.C. 2.

3rd April, 1941.

Dear Mr. McCarthy,

I received two days ago your very kind letter dated 15th February with a message of sympathy and encouragement from the Canadian Bar Association.

I had the pleasure of reading your letter yesterday to the meeting of the General Council of the Bar, and I was desirous to express our grateful thanks for and our warm appreciation of what your Association has been so kind to say.

Yours sincerely,

"Herbert Cunliffe"  
Chairman.

D. L. McCarthy, Esq., K.C.,  
President, Canadian Bar Association,  
Toronto 2., Canada.

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Law Society's Hall,  
Chancery Lane,  
London, W.C. 2.

18th April, 1941.

Dear Mr. McCarthy,

It is a great privilege for me to have this opportunity of writing personally to thank you, the Canadian Bar Association and the legal profession in Canada for the very kind words in which your letter to me of the 14th February, 1941, was couched.

I read your letter to the Council at their last meeting when they passed a resolution of which I enclose a copy.

The damage to historic buildings in this country and particularly those with which the legal profession are most closely

associated causes, we realise, as great regret to members of that profession in the Dominions as it does to us here, but it cannot have any effect on the ultimate issue of the war.

I look forward to the days when peace is restored, in the hope that I may have an opportunity personally of meeting you and our legal friends in the Dominion.

Believe me,

Yours sincerely,

"Sam T. Maynard"

Lieut.-Colonel.  
President.

D. L. McCarthy, Esq.,  
President, Canadian Bar Association,  
Toronto 2.

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### THE LAW SOCIETY

At a meeting of the Council of The Law Society held at the Society's Hall on Friday the 4th April, 1941,

#### IT WAS RESOLVED UNANIMOUSLY:—

That the President be requested to tender to the President of the Canadian Bar Association the thanks of the Council of The Law Society and of the solicitors' branch of the legal profession for the generous and inspiring sentiments expressed so sympathetically in his letter of the 14th February, 1941, and to convey to him and to the members of the legal profession in Canada the assurance that fortified by the knowledge of the magnificent contribution to the common cause made by the Dominion of Canada and other members of the British Commonwealth, the profession in this country can have no doubt as to the outcome of the present struggle between law and order as known to the free peoples of the world and the doctrine of force by which at present so much of Europe is dominated.

"Sam T. Maynard"

President.

"T. G. Lund"

Secretary.