

THE CANADIAN BAR REVIEW

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 Editor, 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.

It is hoped that members of the profession will favour the Editor from time to time with notes of important cases determined by the Courts in which they practise.

~~For~~ Contributors' manuscripts must be typed before being sent to the Editor at
44 McLeod Street, Ottawa.

EDITORIAL.

When one reads in the daily press of the astounding and ever-increasing manifestations of concerted lawlessness in the centres of population in the United States, he is prone to recall De Tocqueville's observations, made some ninety-odd years ago, in praise of another and happier condition of the American group mind. "In the United States everyone is personally interested in enforcing obedience of the whole community to the law . . . That numerous and turbulent multitude does not exist which always looks upon the law as its natural enemy, and accordingly surveys it with fear and with mistrust." So far from it being true at the present time that the citizen in all walks of life is fulfilling his obligation to secure the observance of the law, we find not only the newspapers but the magistrates complaining that even certain members of the Bar are recreant to their pledges of office and do not scruple for gain to encourage the criminous enterprises of the "underworld" against social order. The Bar Associations are being adjured to find a remedy for "this travesty of justice."

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We could not expect that the fine edge of professional ethics would not be dulled in some slight degree by the barbaric gesture of the late war, but it is comforting to recognise that the conduct of the Bar as a whole, both in the United States and in this country, conformed in a very splendid way to traditional standards during the world conflict and its unsettling aftermath. It is but natural, then, to find the public mind resting upon the intervention of the Bar Associations, not only to purge the atmosphere of the profession from all suspicion of hindering the course of justice, but to restore

that wholesome respect for the law amongst the people at large which is so essential to the safety and progress of civilisation at the present moment. The Canadian Bar Association, which is confessedly achieving so much along these lines, was founded in the very midst of the alarms of 1914, and the American Bar Association from its foundation has kept an alert eye upon the good repute of the profession and the good of the State. At its annual meeting in 1922 there was a very special interest manifested in the subject of professional ethics, and the best methods for its enforcement were fully canvassed. Eventually by-laws were adopted for the purpose of enabling the Committee of the Association on Professional Ethics and Grievances to receive formal questions touching acts of misconduct from State and local Bar Associations and to communicate its answers to the authorities seeking its opinion. A series of opinions relating to concrete questions submitted to the committee were published in the *American Bar Association Journal* for May, and they outline a professional regimen which, if enforced, cannot fail to achieve desiderated reform in the matters submitted for opinion. In the same year the Association appointed a Committee on the Establishment of a Permanent Organization for the Improvement of the Law. The investigations of the Committee resulted in the creation of The American Law Institute, and the outcome of its labours even at this early stage of its history has restored optimism in the American public mind regarding the future of legal order as related to social needs. Assuredly these national Bar Associations are demonstrating their usefulness in all spheres of activity open to them.

Before the next number of the REVIEW is issued a unique event in the history of the legal profession will have taken place—the visit to London of the American Bar Association as the guests of the English Bar assisted by representatives of the Canadian Bar Association. Discussing this event when it was first mooted, we did not hesitate to characterize it as a matter of signal international importance, and now that we have learned that in the very large list of those who will go overseas are included many of the most distinguished names in public life both in the United States and Canada we realize that we were not wrong in our estimation of it. While it will be a fraternal gathering of the lawyers of three nations, it will be a great deal more. It will be for the visitors a pilgrimage of good-will to the home of the law to which they owe so much of their social order and freedom. It was thus that an American spoke of his own country to his own countrymen a short time ago:—"All the best we have i.e., law, ethics, love of liberty—all of it comes from England, grew

in England first, ripened from the seed of which we are merely one great harvest planted here by England." Does not this find a responsive chord in the Canadian heart, and how can the event we have ventured to characterize as a pilgrimage of good-will have any other effect than a deepening and a strengthening of international concord?

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Through the courtesy of the Secretary of the Canadian Bar Association we are enabled to publish the programme of the meeting of the Canadian Bar Association prior to the departure of the delegates to England, and also the list of events which are likely to take place after arrival in England:—

July 7—10.00 a.m. Special train leaves Windsor Street Station, Montreal.

2.00 p.m. Special train arrives Palais Station, Quebec. Baggage transferred to SS. "Montlaurier."

8.15 p.m. Opening session of the Canadian Bar Association in Ball-Room, Chateau Frontenac, Quebec.

July 8—10.00 a.m. Session of The Canadian Bar Association in Ball Room, Chateau Frontenac, Quebec.

Afternoon. Garden Party by His Honour the Lieutenant-Governor of Quebec.

11.00 p.m. SS. "Montlaurier" sails.

July 16—S.S. "Montlaurier" due to arrive at Southampton. Special train from Southampton to London (Waterloo Station).

July 17—10.00 a.m. Canadian Bar Association Headquarters will open at the Medicis Room, Hotel Cecil.

July 19—American Bar Association Party *ex* SS. "Berengaria" will arrive in London.

July 20—Church Services:

Westminster Abbey, 10.15 a.m. and 3 p.m.

St. Paul's Cathedral, 10.30 a.m.

Westminster Cathedral, 11.00 a.m.

July 21 { Visits to Record Office, 10.30 a.m. to 12.30 p.m.

July 22 { Visits to Law Courts, 10.30 a.m. to 12.30 p.m.

July 23 { Parties of Visitors will be taken each morning to the

July 24 { Record Office or the Law Courts. (They will be escorted by members of the English Bar who will serve as guides.)

July 21—11.15 am. Official Welcome in Westminster Hall. (Owing to the limited accommodation in Westminster Hall, only members and wives can be admitted.)

7.00 p.m. Dinners at the Inns of Court (Middle Temple, Inner Temple, Gray's Inn, Lincoln's Inn) and the Law Society. (One-half the visiting members of the Canadian and American Bar Associations will be entertained by this series of Dinners on Monday evening, and one-half on Tuesday evening.)

July 22—4.00 p.m. Reception by the American Ambassador and Mrs. Kellogg at Crewe House, Curzon Street.

7.00 p.m. Dinners at the Inns of Court and Law Society.

July 23—3.00 p.m. Presentation of Blackstone Monument by the American Bar Association to the Lawyers of England.

4.00 p.m. Garden Parties at Lincoln's Inn and Gray's Inn.

July 23—7.00 p.m. Lord Mayor's Reception and Banquet at the Guildhall. (Owing to the limited accommodation available, all the visiting members cannot be entertained at the Guildhall, but plans are being worked for the entertainment of those who cannot attend the Lord Mayor's Banquet. Further announcement later.)

July 24—Afternoon. Specially reserved for important function.
9 to 11 p.m. Reception by the Grocers' Company at Grocers' Hall. (The Rt. Hon. Sir Ernest Pollock, Master of the Rolls, who is the Worshipful Master of the Grocers' Company, will receive.)

July 25—Visit to Sulgrave Manor. (A visit to Sulgrave Manor, the ancient home of the Washington family, is being arranged. The number of visitors will be limited to 500. It is expected that this visit will primarily appeal to members of the American Bar Association.)

Visit to Clevedon. (A visit to Clevedon, the seat of Lord Astor, has been arranged. The number of visitors will be limited to 500.)

Evening. Specially reserved for important function. Further announcements later.

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Owing to pressure upon our space the third part of Dean Pound's instructive monograph on "The Theory of Judicial Decision" could not be published in this issue of the REVIEW. It will appear in the September number.