

## THE WASHINGTON BAR CONFERENCE

EDITOR'S NOTE:—The Editor regrets that due to lack of space, the following article by Mr. B. R. Guss had to be reduced. We apologize both to Mr. Guss and to our readers.

As one must be expected in dealing with events that took place at Washington—one must turn first to Arthur N. Carter, K. C., the immediate past-president of the Canadian Bar Association. He delivered upward of twelve speeches, introductions and addresses and all were framed in fine taste and delivered with fine feeling. He proved to be wise and effective. Mrs. Carter, on her part, was charming and dignified.

Another New Brunswicker who distinguished himself was Horace Porter, K.C., who was elected president of the Conference of Commissioners on the Uniformity of Legislation. This group deals with the elimination of many differences both in Substantive and Procedural Law existing between Provinces and as its name suggests attempts to have uniform Statutes in every Province. Recently dealt with were the following Acts: The Vital Statistics Act, the Interstate Succession Act, Assignment of Book Debts Act, Bulk Sales Act, Commorientes Act and the Defamation Act.

M. Gerald Teed, K.C., as Vice-Chairman of the Taxation Section now its new Chairman, presided over the Taxation Section with great ability; subjects studied and discussed were: Husband and wife under the new Income Tax Act relating particularly to Partnerships, Community Property and Gifts; Definition of the term "Income"; Appeal procedure under the Income Tax Act; The new 15% tax on Distribution of corporate surpluses.

The section on the Administration of Civil Justice gives consideration to the effect upon the Public of certain Statutes which no longer have the support of public opinion; for instance The Lord's Day Act, The Canada Temperance Act and the Criminal Code sections relating to lotteries and gaming. Very keen discussions take place on these subjects and the principal of Repeal or Amendment of Legislation in keeping with changing Public Opinion has been adopted.

Consideration was also given to appointment of Judges only after consulting with the Bench and the Bar. Of vital importance too was the resolution, originating in this Section which resulted earlier, in the allowance of expenses incurred by lawyers attending Bar Meetings, as a deduction in the calculation of taxable income. The most important resolution of this Section "Strongly urged the Federal and Provincial Governments to enact legislation permitting actions against the Crown without necessity of a fiat." At the Commercial Section it was decided to investigate the role of Commercial Arbitration in Canada. Consideration was given to the revision of fees under the Bills of Exchange Act and to the difference in Provincial Practice on

Agency Allowances in Commercial Matters. This Section is considering a uniform code of Commercial Law for the American Hemisphere—thus aiding in the breaking down of barriers in International Trade on the Continent.

The Conference of Government Bodies consists of representatives officially chosen by each of the ten Provincial Law Societies it is like a Federation of Law Societies and this group concerns itself with such as: The Uniform Standards of admission to Law Societies and an Incorporated Council of Law Reports.

The Section on Industrial Relations gives consideration to Collective bargaining, conciliation boards and other means of creating an atmosphere conducive to Industrial Peace in Canada.

The Insurance Section gives thought and consideration to the revision of Insurance Law throughout the provinces of Canada. It is hoped some day to have simple language to indicate to simple people the nature of the contract into which people enter. It has been recommended that a special course be prepared on Insurance Law and that it be taught in all Law Schools.

The Section on Legal Education and Training is confronted with the perennial problem of whether students should be taught the practical things or theory. In talking to lawyers about this, the prevailing feeling seems to be that the young lawyers should be taught to do the things which a client expects done when he engages a lawyer.

The Junior Bar Section was ably presided over by Stanley Biggs and listened to a brilliant lecture by Dr. Paul Gerin-Lajoie on "Amendments to the Canadian Constitution," and to H. Courtney Kingstone of the Legal Branch of the Secretary-General of the United States who spoke on the position and role of the United Nations Lawyer. W. C. Morris, Jr., Chairman of American Junior Bar Conference spoke most interestingly on a very important subject: Public Relations.

The writer as head of a special committee on the Junior Bar, appointed by A. N. Carter, K. C., proposed an extension of the age limit from 5 years practice to 7 years practice, for Junior Bar members. This was acceptable to the Junior Bar and was adopted by the Association.

Hugh O'Donnell, K.C., delivered an address on "The Board of Transport Commissioners in Canada and Corporate Fiscal requirements as a basis for Rate-making in Transportation and Communication Utilities."

The Section on the International Organization for maintenance of Peace considered a Declaration on Human Right, and the fundamental freedoms.

D. Gordon Gowling, K.C., the new President of the Canadian Bar Association delivered an address on The Making of Law and The Part that Lawyers Play in this Process.

Roger Letourneau, K.C., Chairman of Section on Comparative Law had an interesting joint breakfast meeting with The Comparative Law Division of The American Section on International and Comparative Law. The Honourable Hume Wrong, Canadian Ambassador to Washington spoke at a joint luncheon with the Junior Bar Conference.

The Section on the Administration of Criminal Justice gave considerable thought to the problem of Drunken Driving, Motor Manslaughter, and the dangers of minimum penalties. The section recommends that the question of blood tests and other scientific tests to discover the state of intoxication of a driver should be investigated by scientific agencies. Evidence of such tests should be admissible without the necessity of proof that the accused had agreed to have the test taken. J. Paul Barry is a member of this section.

H. E. Swift, K.C. of Winnipeg, spoke on Public Relations with particular attention to the Legal Aid; and also on the reimbursement of funds to clients who had lost them through defaulting lawyers.

R. M. Chitty, K.C. reported progress for the Public Relations Committee. The question of suitable publicity to disseminate information on the work of The Canadian Bar Association is a pressing need.

The Honourable Stuart F. Garson, Canadian Minister of Justice addressing a joint meeting spoke of the part played by the Commonwealth in International Affairs. At this function the Honourable J. Howard McGrath, Attorney-General of The United States referred to the great Role that lawyers play in safe-guarding Civil Liberties. He spoke strongly against Communist Propaganda: Our best answer is this kind of actual demonstration that Democracy works, that Democracy provides for its people security, equality and freedom.

Among the distinguished guests from other Bars were: Sir Norman Birkett a great favorite of the Canadian and American Bars who was the living embodiment of all that is highest and best in forensic skill. He proved his points with his own address. Sir Geoffrey Russell Vick, another great favorite from England who also extended greetings from The English Bar.

Maitre Andre Toulouse of the French Bar, who delivered an address of great interest and stated that the foundations of peace were liberty and justice; and liberty and justice were available through The Law: that is where lawyers must play their part.

At the same session a former New Brunswicker was also an able guest speaker: Senator J. W. deB. Farris who spoke of the opportunities and responsibilities that face lawyers today. He referred to the Courts as the foundation of our Judicial System and urged that we do all in our power to preserve them. He suggested that our system of justice be extended to The International Level.

The problem of setting up Medico-Legal Societies was treated by Edson L. Haines, K.C., who stated that the first group has been organized in Toronto. Of interest to lawyers was a discussion on the problems of obtaining medical evidence in malpractice suits. It is hoped that this problem will be solved through the organization of Medico-Legal Societies across Canada.

At a Joint tax session, M. Gerald Teed, K.C., delivered an address on: "A Canadian Lawyer looks at the Internal Revenue Code."

At a joint luncheon of the Food and Drug Sections, the Honourable Paul Martin, K.C., M.P., delivered an impressive address of which all Canadians present were rightly proud. The Honourable Mr. Martin pointed out that Canada as the third greatest International Trader, is greatly concerned that there should be no needless legislative barriers to the flow of food and drugs from country to country.

Other Canadians participating in the joint sections with the Americans were the Honourable Mr. Justice Walter F. Schroeder of the Ontario Supreme Court, who spoke on: "The Courts and Comparative Negligence." Gordon N. Shaver K. C., who spoke on: "Pitfalls in Insurance Policies." D. Parke Jamieson, M. B. E. K. C., who spoke on: "Apprenticeship Training in Canadian Provinces." W. S. Owen, K.C., "Preferred Methods of Dealing with Canadian Business of United States Corporations." The Honourable James C. McRuer, Chief Justice of the High Court of Ontario: "The Trial of Criminal Causes, Involving Security."

An address of importance at this time in the world's history was that of the Honourable Louis A. Johnson, United States Secretary of Defence. He spoke of Korea and challenged the free nations to be prepared to sacrifice in order to remain free. General J. A. Clark, K.C., made known in apt phrases the bestowal of an honorary membership in the Association. At the same meeting Leonard W. Brockington, K.C., the Demosthenes of our day, added new laurels to his illustrious record.

Progress was reported by John T. Hackett, K.C. and the Honourable C. P. MacTague, K.C. on the Legal Survey, which has been conducted across Canada. This survey is of vast importance to the Legal Profession, as has been proven in other countries where similar surveys have taken place. Much is hoped of benefit to the profession when the report is finally presented and implemented.

The standard of excellence of the Canadian Bar Review remains a matter for pride and the Editor, George V. V. Nichols, B.A., B.C.L., presented a fine and philosophical report on the principals which have guided him in this publication. The Bar is indeed fortunate in its choice of Editor.

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One of the greatest forward steps taken by the Canadian Bar Association was the establishment of a Committee on LEGAL AID. Your writer has assumed the Chairmanship of the National Committee.

It may be seen from the number of subjects studied and considered that The Canadian Bar Association has something of value and interest for every lawyer. About half the lawyers in New Brunswick are members of the Canadian Bar Association. Is there hope that the other half could be encouraged to join?

When lawyers foregather they talk about the infinite matters which affect all citizens in their daily lives and therefore a meeting of The Canadian Bar Association is an important event in the history of our Country. When both Bars meet there is a co-mingling of the best minds for the benefit of the entire North American Continent.

by B. R. Guss,  
Saint John, N. B.