2-18-1936

Volume 9, Issue 4 (1936)

OBITER DICTA

OFFICIAL PUBLICATION OF OSGOODE HALL LAW STUDENTS

VOLUME IX. TORONTO, TUESDAY, FEBRUARY 18, 1936. NO. 4.

THE SYSTEM OF LEGAL EDUCATION IN ENGLAND

By J. L. Stewart, Lincoln's Inn, Barrister-at-Law.

Based though they both may be on the broad general principle that academic and practical training are both necessary elements in a proper preparation for a career at the bar, the English and the Ontario systems of educating prospective barristers are in conception and in application really poles apart. In England, control over calls to the bar has for centuries been vested in four private Societies, the Inns of Court. That cardinal characteristic of the English system, its flexibility, is a survival from the old days when these Inns were truly collegiate in character and when education in the law was assimilated through life in an Inn and constant association with its senior members. To the essentially voluntary character of the whole arrangement, the emphasis on individual initiative, the Inns, with typical conservatism, have continually clung. The Reformist activity of the 19th century and its concomitant rationalism would naturally have more force in a new country such as this where traditions are weaker, and this may explain why we have developed on this Continent a more exactly planned and more coherent system of legal education than that which prevails in England. It should also be remembered in comparing the two systems that in Ontario students are trained to become barristers and solicitors, while in England the two branches of the profession are strictly dissociated. At any rate with the relative worths of the two approaches to the problem of legal education this article is not concerned; it is simply expository in its nature.

It should be remarked at the outset that in England the academic and practical aspects of the training of the young barrister are seldom concurrent: the qualifications for admission to the bar do not, as will be seen, include a period of service in a barrister's chambers and in the typical case such service in chambers follows call to the bar.

The extraordinary lack of rigidity of the English method is nowhere more clearly manifested than on the purely scholastic side of present-day training.

The four Inns of Court, in which, through the Counsel of Legal Education, control of such education is vested, have by no means laid down a set path along which aspirants for a call to the bar must wend a weary way. Apart, indeed, from laying down certain uniform requirements for admission as a student, establishing a minimum period (of approximately three years) of studentship, and setting certain examinations which must be passed before call, the Inns are quite content to leave the student to his own devices. They do, it is true, through the Council referred to, provide lectures on the subjects of their examinations, for the maintenance of which each student on entering his Inn pays a nominal sum; there is not the slightest suggestion of an obligation to attend such lectures, however, and the present writer, not uncommonly, succeeded in being called to the Bar without having any clear idea as to where they were given.

Admission to an Inn as a student now depends upon passing the matriculation examinations of one United Kingdom, or the possession of a degree from any approved University in the Dominions. The candidate must also show himself

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Election Announcement

In view of the fact that the annual elections of the Osgoode Hall Legal and Literary Society must be held in March, according to Section 13 of the Constitution, the attention of law students is drawn to the following sections of the Constitution. It should be noted that students in the present second year are eligible for the offices of President, First Vice-President and Secretary-Treasurer. First year students are eligible for the offices of Second Vice-President and Second Year Representative. These officers are elected by secret ballot on the day appointed by the Executive.

The pertinent sections are as follows:

Section 5.—The Executive shall be composed of the following officers:

(1) The President, a third year class man.
(2) The Vice-President, a third year class lady.
(3) The Second Vice-President, a second year class man.
(4) The Secretary-Treasurer, a third year class man.
(5) A representative of the Second year class.
(6) A representative of the First year class.

Section 11.—The officers of the Society, except the representative of the first year class, shall be elected annually by the vote of all the members thereof except in the case of the representative of the second year class, who shall be elected from and by the then first year class.

Section 12. — A representative shall be elected from and by the first year class not later than the first day of October in the following term.

Section 13.—The annual election shall be held during the month of March and on such date as the Executive shall appoint and announce at least ten days in advance thereof.

Section 14.—The President shall have the management of the annual elections and the Secretary-Treasurer shall act as returning officer.

Section 15. — Nominations shall be in writing, signed by the candidate and two other members of the Society and delivered to the Secretary-Treasurer at least three days before the date set for the elections.

Section 16.—The elections shall be conducted by secret ballot from the hours of 8.45 a.m. and 12.30 p.m. on the day appointed.

DOMINION DISALLOWANCE OF PROVINCIAL LEGISLATION

HISTORICAL DISCUSSION OF FEDERAL POWER

(P. S. MacKenzie).

The Power Commission Act, 1935, passed by the last session of the Ontario Legislature and proclaimed on December 7, 1935, raised a storm of controversy and comment, not only in Ontario, but throughout the Dominion. During the years 1926 to 1931 the Ontario Hydro-Electric Power Commission had entered into agreements for the supply of electrical energy with four power companies, Beauharnois, Ottawa Valey, Gatineau and McLaren-Quebec. These contracts were strenuously attacked during the provincial election of 1934 by the Liberal party, on the ground that the amount of power contracted for was not justified by the demand and that the rates charged were exorbitant beyond reason. The Liberal party after their election endeavoured to rewrite these contracts on what they considered a more equitable basis, but negotiations proving abortive, the Power Commission Act, 1935, was passed. In a long preamble the Act recites in part: ". . . the said Commission has made payments of large sums of money under the said alleged contracts and has illegally charged the cost of the same against certain municipal corporations, and has thereby so increased the cost of power as to threaten industry within the province, and to cause unemployment, . . ." and then in section two states: "The said contracts, . . . are hereby declared to be and always to have been illegal, void and unenforceable as against the Hydro-Electric System of Ontario." The third section provides that no action or other proceeding shall be brought against the commission founded on any contract by this Act declared to be void. The act was not brought into force immediately, but a further attempt was made to negotiate using the act as a threat or perhaps just as a talking point to force the power companies to enter into new and more reasnable agreements with the commission. This proving of no avail, the act was formally proclaimed on December 7, 1935. This action provided front page news for the daily and weekly newspapers, and much has been said for and against the act. Some are of opinion that the credit of the Province of Ontario, especially in foreign markets, has been irreparably damaged, some claim that the legislation is illegal and unconstitutional, and others urge that the Dominion should disallow the act. An application for disallowance has actually been filed with the Deputy-Minister of Justice at Ottawa. It is our purpose here to examine what, if any, authority the Dominion Government may have to disallow the Ontario Power Commission Act of 1935.

By virtue of sections 56 and 90 of the British North America Act the Governor-General in Council may disallow any act of a provincial legislature within one year after the receipt of a copy of that act. There is no question as to the legal position—under the British North America Act the Dominion has an unqualified power to disallow provincial legislation. The only question which may arise is whether or not such disallowance may be contrary to established constitutional practice. To discover the answer to this we have only one recourse and that is to trace the development and exercise of this power of veto to ascertain, if possible, what considerations or prece-

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IS CONSERVATISM DEAD IN CANADA?

AN ECONOMIC SURVEY OF AN OLD PARTY

By John R. Anderson

At the present time, eight of the nine Provinces of Canada are controlled by Liberal administrations, holding in most cases large majorities. In fact, there is not a single Conservative ministry extant in Canada to-day. In the field of Federal politics, the same picture presents itself—a powerful ministry and overwhelming majority of Liberals, opposed by only a scattered handful of Conservatives and other opposition parties.

In such surroundings, it is not to be marvelled at that many persons are asking themselves: Is Conservatism dead in Canada? Especially to young men and women. This is an important and urgent question, for two reasons. In the first place, every person by natural inclination (whether he admits it to himself or not) wants to be on a winning side or at least on a side which possesses a reasonable opportunity of success. At the moment, to a superficial observer, the Conservative Party seems to fail dismally in this test. In the second place, a young person is interested, not so much in the glamour of a party's name and the tradition of its past, as in the political and social philosophy for which it stands, and the means by which it would implement its conception of good government. It is here that one is confronted with the question which this article endeavours to answer briefly, namely, is there a philosophy which is ever likely to appeal again to the Canadian electorate? Has it anything vital or useful to offer to the solution of Canadian problems? The writer submits that the answer to each of these questions is decidedly in the affirmative.

This article, let it be noted, is not primarily a discussion of the position and prospects of the **organization** known as the Conservative Party. The latter is, of course, only a vehicle—at times a most imperfect vehicle—by which Conservative doctrines and theories have been translated into legislative action. It may, indeed, be subject to radical change in personnel, in methods, or both. But what we are here considering is a problem which goes deeper into the springs whence political organizations rise—namely, is there any definite, tangible conception of values and of methods, which, when applied to Canadian political issues, forms the indestructible nucleus of a Conservative Party? Nor must the present disposition to abjure a discussion of the immediate outlook of the Conservative organization be taken as an admission of its lack of favourable prospects. Indeed, the contrary is the case. In the first place, the vote against the Conservative Party in the last Dominion election was by no means so overwhelming as the representation in Parliament might lead one to suppose. Due to one of the anomalies of our electoral system, it is estimated that it required three times as many votes to elect one Conservative member as it required to elect one Liberal member. In the second place, every major political sweep, such as that which we have witnessed in the last few years generates an equal and opposite re-action. In the third place, it is a regretable, but undeniable fact that, whenever any political party has been in power over a long period of time, it has been afflicted

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OSGOODE AT-HOME

On Friday, February 28th, in the Ball Room of the Royal York Hotel, the outstanding event of the Osgoode social season will take place.

In past years the "At Home" has always been acclaimed as the party of the year by all those who have attended it, and this year will be no exception. Lawyers and students alike, together with their fair companions, will throng the Ball Room and enjoy themselves as never before. The music will be furnished by Don Romanelli and his orchestra. The Committee, labouring hard and long, has decided to surpass former years, and has maintained the same substantial reduction in price which was put into effect last year. The Committee is much the same as last year and is not resting upon its laurels (for last year's party is still being discussed), but is determined to move on to higher and greater things.

An excellent supper is being served and the food to be consumed will be as elaborate and as abundant as ever.

As usual, the dance will be honoured by the presence of a number of distinguished members of the Bar and of the Bench.

LORD TWEEDSMUIR TO BE CALLED TO BAR AT SPECIAL CONVOCATION

An interesting and unusual event will take place in the great Library of Osgoode Hall on Friday, February 21st, 1936, when His Excellency, the Governor-General of Canada, will be called to the Bar of Ontario, and elected an Honorary Bencher of the Law Society of Upper Canada. The Benchers of the Law Society will meet in Special Convocation at which Lord Tweedsmuir will attend at 12 o'clock noon. Members of the profession are invited to be present on this occasion, at which robes will be worn.

After Convocation, a luncheon will be served in the Bencher's Dining-room to His Excellency and his staff, and which will be attended by the Judges of the Supreme Court of Ontario and the Benchers of the Law Society.

In thus honouring the Law Society and the Ontario Bar, Lord Tweedsmuir himself receives a unique and signal honour, shared only by him, whose representative in Canada Lord Tweedsmuir is. The only other person to whom the Law Society has extended the privilege of Honorary Benchership is His Most Gracious Majesty, King Edward VIII., who was elected to this position and called to the Ontario Bar on August 27, 1919, on the occasion of his visit to Toronto as Prince of Wales. It is peculiarly appropriate that the second person thus honored should stand in such close relationship to the first.

OBITER DICTA desires to add, on behalf of the students of Osgoode Hall Law School, its voice to the welcome so fittingly tendered one who is in his own right, a gentleman, a scholar and a Lawyer.

FEBRUARY LUNCHEON

(G. A. Stiles.)

The Executive has asked Mr. Arthur Slaght, K.C., M.P., to speak at the February luncheon. He has assured us that if he can find a free day he would like to be with us. In anticipation of a most interesting talk from Mr. Slaught, a few words by way of biography should not be amiss.

He was born at Simcoe, Ont., in 1877, and educated in the Public and High Schools there. In 1898 Mr. Slaght graduated from Osgoode Hall and practiced law in Toronto until 1906, when he and his brother formed a partnership in Haileybury, Ontario. During the next ten years he gained much of the experience in criminal and mining work which has made him so well known throughout the Dominion. He has appeared as defence counsel in fourteen murder cases in every one of which he has been successful.

His activity as a lawyer has not been limited to the field of criminal law. He conducted the prosecution of the Plumbers' Combine several years ago and represented the Hepburn Government in the famous Hydro Investigation in 1934. He has also been retained in cases outside the province, in Mexico City, Old Mexico, Nassau, in the West Indies, Los Angeles, San Francisco, British Columbia and Alberta.

Mr. Slaght is a very active member of the Liberal Party. He is now representing the Constituency of Parry Sound in the Federal Legislature and had the honour of replying to the Speech from the Throne.

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Published at Osgoode Hall Law School.

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TORONTO, TUESDAY, FEBRUARY 18, 1936.

EDITORIAL

For the past two weeks the corridors at the City Hall have been thronged with sensation seekers waiting patiently to watch the trial of a man accused of one of the most lurid and revolting crimes ever to have hit the headlines of the Toronto newspapers. But despite the obvious attempts of the city dailies to feature the proceedings as something resembling a Hollywood trial, the consensus of opinion among laymen who have been fortunate enough to get a seat in the crowded court room, is that the examination and cross-examination of the various witnesses has been both dull and uninteresting from a spectator's viewpoint. The witnesses have, in the main, been experts and policemen. Experts are notorious for the boring evidence they usually present and policemen run them a very close second in this regard. Added to this, the presiding judge has relentlessly refused counsel permission to introduce evidence which might in any way upset the decorum of the court room, and thus successfully prevented the recurrence of anything similar to the judicial comic-opera that took place at Flemington, N.J., last year.

But whereas the proceedings have been extremely uninteresting in the eyes of the average court room spectator, from a purely legal standpoint this case has some very interesting angles. Particularly to a law student, the case is a masterpiece in showing how circumstantial evidence can be piled up, slowly but surely, in such a manner that each new fact adds another rung to the ladder of circumstances that may finally lead the accused up to the gallows. And he could also receive there a lesson in defensive tactics by observing counsel for the accused meet every new fact brought to light by the Crown and attempt to either explain it away or discredit it altogether. Therefore it would undoubtedly be desirable that as many students as possible received an opportunity to watch a trial of this sort and learn how it is conducted. But, unfortunately, the exact opposite result has occured.

Instead of being welcomed with open arms by the court officials and given a preference as to admission, it has been the sorry lot of those students who have been interested enough to attempt to witness the proceedings, to be told in no uncertain terms, by the faithful and sometimes overzealous guardians at the doors, that there was no more room and that it would take nothing short of a miracle to produce any more room that day.

That such a situation should exist is more regretable in view of the system of teaching at the present time in force at this institution. Whereas it is all well and good for the law students' training to consist of both an academic and practical side, it is nevertheless an irrefutable fact that a good percentage of those at the present time attending Osgoode Hall have found it physically impossible, through no fault of their own, to obtain a student's position in a law office in this city. That being the case, these unfortunates have been obliged to pick up their practical legal training from an assiduous and constant attendance at the courts. It is therefore, to say the least, depressing, to find that they are on accasions prohibited from partaking of even this form of legal education. It is obvious that such a state of affairs requires an immediate remedy.

True enough crowded court rooms do not exist every day. But our argument is that even if they do exist there is no reason in the world for the students to suffer because of them. As was stated before, the majority of those people attending murder trials are simply sensation seekers attempting to satisfy some sadistic or animal instinct, and if the trial fails to produce the blood and thunder they expected, they like as not spent an enjoyable few hours in the arms of blissful Morpheus. Surely it would not be violating the principle of public trial in any way, if an additional ten or twenty seats in a large court room were set aside for members of the bar and law students.

If this recommendation is feasible, or even if it is not, we feel that some steps should also be taken to prevent the seats already reserved for members of the bar, from being usurped by people who have no right to occupy them. As everyone knows, most court rooms usually have reserved for witnesses, lawyers and students, two front rows of chairs and the unoccupied jury box.

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JANUARY LUNCHEON

The January Luncheon of the Osgoode Hall Legal and Literary Society was held on Thursday, January 13th, 1936, at 1 p.m., in the Oak Room of the Union Station. The guest of honour was Mr. F. D. Kerr, K.C., of Peterborough, and the President, Mr. John Anderson, presided. Well over 150 members of the Society attended the Luncheon. The speaker was introduced by the President, who extended the appreciation of those present to Mr. Kerr for the time and trouble which he was generously giving in order to speak at the Luncheon.

Mr. Kerr remarked that while his official subject was "Methods of Cross-Examination," he doubted whether he would be able to reach it. The speaker suggested to those present that it was an undesirable thing to make the acquisition of a large income the motivating force behind the practice of law. If a large income was the ambition of a law student, it would be far better if law were abandoned, and the student turn his or her attention to some other business.

The speaker stated that it was his hope that all within sound of his voice will be able to truthfully say, after thirty or forty years' practice, that they have practised honourably to the public, to clients and to themselves.

Mr. Kerr suggested that a necessary requisite to the successful practice of law was self-confidence. He stated that it was impossible to succeed in the legal profession unless you believe that you have that within you to do good work in the office and in court.

Students must also have brains, a willingness to learn, character, all of which must be supported by a high sense of honour. He pointed out that while young counsel cannot have the experience of the older members of the Profession, they should enter a court completely familiar with the rules of evidence and practice.

The speaker deplored the modern trend to do away with juries. This tends to keep the public away from the courts, with the result that jurors are not educated in court procedure and that a great deal of their duties are performed by guess work.

Turning his attention to cross-examination, Mr. Kerr gave some very instructive suggestions and illustrated his points by several very amusing anecdotes. He urged the members to be proud of their profession and to always strive to maintain its honour.

The Executive are to be congratulated again for securing Mr. Kerr and the excellent arrangements for the Luncheon.

The large attendance illustrates that the monthly luncheons are a popular feature of the activities of the Legal and Literary Society.

MOOT COURTS HOLD JANUARY SESSION

Five Moot Courts have been held during the past month in which members of all three years have participated. The first court was held on Thursday, January 30th, 1936, at 8 p.m., for the First Year. The following are the facts of the case:

E. J. Fur Co. v. Burns.

The Trial Court has found the facts, viz: The Plaintiffs are dealers in raw furs. Prior to June 17th, 1935, they had done business with a wholesale dealer in furs named John Hampden, who has a peculiar bass voice. On this date a man named Urish Swink telephoned the Plaintiff's office and speaking as if he were John Hampden and imitating his voice, ordered a large stock of furs. He asked that they be delivered to Urish Swink, whom he referred to as "One of our customers."

Suspecting nothing, the Plaintiffs delivered the furs to Swink. A few days later, according to custom, they sent Hampden an account, but learned that he had given no such order. In the meantime Swink had sold the goods to the defendants bona fide purchasers for value, without notice of the fraud.

The Plaintiffs claim to recover the value of the goods supplied to Swink.

The Trial Court decided, following Philip vs. Brook (1919) 2 K.B. 243, that the contract of sale between Swink and the Plaintiffs was not "void ab initio" and entered judgment for the defendants.

The Plaintiffs appeal.

In Court No. 1, T. H. Hamer and J. A. Bradshaw, appeared for the Appellants, and L. B. D'Arcy and J. L. McCallum appeared for the Respondents. The case was heard by Messrs. Sanders, Hancock and Hall, of Second and Third Year.

In Court No. 2, W. L. Moore and J. R. Brimage appeared for the Appellants, with John Weir and D. G. E. Thompson for the Respondents. The case was heard before a court composed of Messrs. Bradshaw, Osborne and Stiles. Mr. F. D. Kerr, K.C., who had previously in the day addressed the Osgoode luncheon, and Mr. A. B. Thompson, a former member of the House of Commons, and head of the Farm Loan Board for Ontario, attended the courts as spectators. All counsel were subjected to a well meaning but devastating onslaught from the Bench and derived some consolation from the fact that the two courts delivered conflicting judgments at the conclusion of the argument.

In the third year Moot Court case, on Constitutional law, tried before "Mr. Justice" Ludwig, judgment was given in favour of the appellant. The argument involved the validity of the Ontario Live Stock and Live Stock Products Act, under which a conviction had been made in the Police Court.

For the appellant, M. L. Rapoport drew the attention of the Court to recent decisions in the western provinces, as well as to significant obiter in several Privy Council decisions. J. R. Anderson, appearing for the Crown, ably contended that the magistrate's conviction should stand. Despite the excellent presentation of the law, he did not convince the Court that the Act in question was properly drafted.

Throughout the evening, a select audience listened attentively to the matters at issue. After the judgment had been given, Mr. Ludwig commended both counsel on their knowledge of the subject and their manner of conducting the case.

THE LAW AND THE POVERTY PROBLEM

SECOND INSTALMENT OF DISCUSSION ON IDEA OF LEGAL CLINICS

(By Peter Wright).

(Continued from January Issue).

"The law knows no distinction between rich and poor," and like Mr. Justice Maule's bigamist, he who is injured today may apply to the Courts with equal ease, be he rich or poor. It is the most cruelly attractive fallacy in the history of justice. For, in practice, there are many serious obstacles in the way of the poor. What are those in the city of Toronto? "To no one will we sell justice" are apt words to be painted on the door of the stamp office in Osgoode Hall, or carved by patiently waiting law students on the counters of the County and the Division Courts of York. To pay $2.10 for a Supreme Court Writ or $3.00 for a County Court Writ, or $6.00 for a Division Court summons may be a proper tax for those who can afford such a luxury, but to charge such sums as well for those who are too poor to pay them is to offer to sell justice at a price. But these initial fees are not all. Tariff "B" of the Rules of Practice catalogues four and a half pages of justice of one kind and another that may be picked up for tantalizing sums, subtly concocted to be beneath the contempt of the rich and above the reach of the poor. Even to be allowed to defend an action costs a dollar. These are the merest preliminaries; even in the best regulated actions further disbursements inevitably follow; filings, examinations, witness fees, and in the event of appeal, the preparation of the material for the Court is extremely costly.

But, except in the Division Courts which will be treated below among matters remedial, it is practically impossible for a layman to conduct his case without assistance, given by a lawyer. The fees of a lawyer, without disbursements, cannot fairly be set below Tariff "A", being the fees taxable between party and party, and in fact they are usually about 50% more. Thus in the Supreme Court, taxed costs exclusive of disbursements for a defaut judgment, would be at least $30.00, and for judgment after trial at least $150 to $190; in the County Court for a default judgment at least $18.00, and for judgment after trial at least $75.00 to $90.00—and these for actions of the simplest type. It is clear that if the lawyers are charging any amount approximate to the above, that it is impossible for a poor man to enlist their services.

What is the position of the lawyer who endeavours to remedy that situation by undertaking litigation for "sweet charity's sake" or on speculation? It is not without its perils. If the case he undertakes is a prominent one and his motives charitable, they will be misunderstood. It will be said that he is trying to make his own reputation at the expense of his client's cause. If he makes it his business to help the afflicted in the moment of their anguish, for a substantial percentage, he will risk disbarment as an "ambulance chaser." In almost any event, he will have to consider the effect on his own interests and his client's cause, of the doctrines of maintenance and champerty.

Thus it may be seen that there exists a serious condition of poverty in Toronto, that this poverty works in turn a denial of justice. It may be, however, that such a denial is found in theory rather than practice, and that there exist agencies already sufficient to cope with the problem. There are agencies, it is true, and an examination of their work may reveal the extent to which the problem is real.

The first great group of present agencies to mitigate for the poor the cost of legal services of all kinds, is that established by statute. There are at least the following enactments:

A. Courts and Boards:
1. The Division Courts Act.
2. The Mechanics' Lien Act.
3. The Workmen's Compensation Act.
4. The Juvenile Courts Act.
5. The Assessment Act.

B. Provisions for Legal Services in Courts:
1. The Criminal Code, providing legal aid on appeals.
2. The Judicature Act, providing no costs to the official guardian where an estate is small.
3. The Surrogate Courts Act, providing where the property is under $401, the registrar shall prepare all papers and administer all oaths for $2.00.
4. The Administration of Justice Expenses Act, providing for payment out of consolidated fund for any person rendering services in connection with a prosecution.

C. Cheap Ways to Use Old Courts:
1. The Master and Servant Act, providing summary proceedings to collect wages.
2. The Canada Shipping Act, providing similar proceedings for seamen on inland waters.
3. The Mortgagors and Purchasers' Relief Act, 1933, providing simple proceedings to stay mortgage actions with low or no fees or costs.

D. Other Aids for the Poor:
1. Costs of Distress Act, restraining the costs of distress.
2. The Execution Act, exempting certain goods from execution.
3. The Landlord and Tenant Act, providing similar exemptions from distress.
4. The Crown Attorney's Act, providing for payment of $1 bail fee, if prisoner is unable.
5. The Custody of Documents Act, providing for cheap deposit of deeds, family documents and receipts.
6. The Bulk Sales Act, providing for a simple, extra-curial cheap form of bankruptcy.

These enactments have, with a few exceptions, the disability that there is no machinery to set them in motion at the bequest of laymen alone, nor do they together form a body of law readily accessible to those who should use them. It requires a lawyer's aid to use them,

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DOMINION DISALLOWANCE

(Continued from Page 1)

dents govern its employ. The procedure under these sections is simple-provincial statutes are forwarded to Ottawa, where they are considered by the Minister of Justice. If it is desired to veto the legislation the minister submits a report to the Governor-General in Council who acts on his recommendation. The anomalous position in which the Minister of Justice is placed will be referred to later, but it is interesting to note here that he is constituted virtually a final court of appeal for all provincial legislation.

To understand the influences which have governed the exercise of this power of disallowance it is essential to bear in mind the course of Canadian constitutional history from 1867 onwards. The fathers of confederation envisaged no such constitution as obtains at the present time. Sir John A. MacDonald looked on the provincial governments created by the British North America Act as little more than municipal institutions concerned only with matters of a purely local or private nature. Therefore he viewed the exercise of the power of disallowance as a natural incident of federal government. In other words there was no question as to the competency of the Dominion Government, either constitutionally or legally, to disallow provincial acts. However in the period immediately after confederation it became the practice (though not necessarily the policy) of the Dominion government to employ the right of veto chiefly in cases which did not come readily within the jurisdiction of the courts. It was considered that this power was included in the British North America Act to cover "unjust, confiscatory, or 'ex post facto' legislation." That the judiciary recognized the validity of this contention is clearly shown in the following excerpt from the judgment of Chief Justice Draper in Re Goodhue; "The governor-general . . . is entrusted with authority, to which a corresponding duty attaches, to disallow any law contrary to reason, or to natural justice, or equity." Sir John A. MacDonald, when Minister of Justice in 1868, submitted a report to the governor-general in council outlining the principles which he considered should govern the exercise of the dominion right to disallow. He recommended the following course to be pursued: "That, on receipt, by your Excellency, of the Acts passed in any province, they be referred to the Minister of Justice for report, and that he, with all convenient speed, do report as to those Acts which he considers free from objection of any kind, and if such report be approved of your Excellency in Council that such approval be forthwith communicated to the provincial government. That he make a separate report, or separate reports, on those acts which he may consider:

1. As being altogether illegal or unconstitutional;
3. In cases of concurrent jurisdiction, as clashing with the legislation of the general parliament;
4. As affecting the interests of the Dominion generally.

And in such report he give his reasons for his opinions."

It can be readily seen that the government of the day did not hesitate at disallowing provincial acts which were plainly ultra vires. The Minister of Justice was in effect constituted the highest court of constitutional reference in the Dominion. One example will serve to illustrate the length to which this doctrine was extended. In 1878 a British Columbia statute which imposed a tax on a toll road was disallowed because it was held to interfere with the exclusive power of the Dominion to legislate in relation to the regulation of trade and commerce. The liberal exercise of the right of veto corresponds with the general attitude of government and judiciary to provincial legislation. But with the Privy Council decisions in Hodge v. The Queen and subsequent cases a distinct reversal of opinion as to the extent of provincial competence is indicated. The province as a governmental unit becomes increasingly more important, indicating a marked tendency toward a decentralized rather than a centralized system of government. As a natural corollary thereof Dominion interference with provincial legislation was strenuously objected to on the ground that it was not in conformity with the general trend of constitutional development. It is also relevant to note that from confederation to 1896 the Conservatives were almost continuously in power. Conservative governments have shown a greater inclination to exercise this power of disallowance than have the Liberals, but one would not be justified in saying that one party has uniformly stood for disallowance and the other for non-interference.

The first clear indication of the new trend was observed when Edward Blake was Minister of Justice. He took the position that unless the provincial act interferred with matters of particular interest to the Dominion as a whole the question of ultra vires legislation should be left to the courts. In 1896 a Liberal government was elected and from that time on the changed point of view is accepted. In 1897, while Sir Oliver Mowat was Minister of Justice, he was called on to pass on an act of the New Brunswick legislature. In presenting his report he said in part: "The undersigned is further induced to refrain from recommending the disallowance of the act because the objections to which he has referred, in so far as they relate to the question of the authority of the legislature, are objections which should be considered judicially, and because the courts would be bound in the construction of the act to reject any interpreta-

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FIRST MOCK PARLIAMENT HOLDS SUCCESSFUL SESSIONS

What is hoped to be the first in an annual series of Mock Parliaments was held on Wednesday, January 15, 1936, with a second session on Wednesday, February 5th. This Mock Parliament was an outstanding success and we must give due credit to Mr. Donald Grant, Mr. John Graham and the Executives of all the Political Clubs at Osgoode Hall for the splendid way in which the Parliament was organized and carried through. The sessions were held in Convocation Hall of Osgoode Hall and represented one of the few activities in which all Osgoode students gathered in a Law School activity.

In the first Session, the floor of the House was crowded with members of the Society, who participated as "Members." The gallery was filled to capacity with members of the public who attended as spectators. Over 120 students took part in the Parliament and sat as members of the House. A government was formed by the Liberal Club and had approximately 60 members present. The Opposition was formed by the Conservative Club and the C.C.F. Club, together with six or seven independent Members, totalling in all an Opposition of over 70. Mr. Donald Grant acted as Prime Minister, and the members of his Cabinet were as follows: L. A. Deziel, W. S. McPherson, A. R. Jackson, W. P. Gregory, A. Acker, D. F. Hall, M. F. Hall, M. H. Ramsay, R. J. Dunn, D. R. Walkinshaw and J. K. Blair.

Mr. John Graham acted as Leader of the Opposition.

The First Session opened at 7.45 p.m. when the Hon. G. N. Gordon, K.C., was elected as Speaker, and Mr. Paul Dufresne was elected Deputy Speaker. The first few minutes of the Session were devoted to the formalities of conducting the Speaker to the Chair. The Speaker then called the House to order and delivered a few instructive and well received remarks to the Members of the House. The Speaker then asked leave to retire and Mr. Paul Dufresne was conducted to the Chair.

The Deputy Speaker read the Speech from the Throne, the adopting of which was moved by Mr. J. M. Godfrey, and which was seconded by Mr. T. P. Flahiff in English and in French. The debate upon the Speech from the Throne occupied the whole of the first Session. Mr. R. A. Bell introduced an amendment to the Speech from the Throne and after an interesting and lively debate, this amendment was carried by the combined forces of the Conservative and C.C.F. Members to overthrow the Government.

The evening was marked by many interesting speeches, delivered with difficulty in the face of much enthusiastic heckling. At eleven o'clock, the vote was taken and the House was adjourned "sine die," after which the Members retired for refreshments.

Those who were responsible in any way for the organization of the Mock Parliament are to be commended for their work. It was very successful and should be a regular activity in every subsequent academic year at Osgoode.

PROBLEM OF POVERTY

(Continued from Page 3)

just as, to a much greater degree, it requires a lawyer's aid to defend a layman successfully, under the tested and closely-knit statutes designed to protect the rights of property. But the most important of these listed statutes are designed to correct evils which flourished and still flourish in countries where legal aid is most popular. These are the Division Courts Act, the Mechanics' Lien Act and the Master and Servant Act, the Workmen's Compensation Act; and, lastly, the Deserted Wives' and Children's Maintenance Act, administered under the Juvenile Courts Act. It is to these problems—a small debt Court, security for wage-earners, compensation for workmen, and the solution of domestic difficulties, that the reformers both in England and America addressed themselves. It has also been the experience of active Legal Aid Bureaus that these are among the problems most frequently arising in practice. But it is doubtful if these statues, beneficent though they be, contain a satisfactory solution of the problems they purport to solve. There is, for example, the Division Courts Act establishing, it is true, a comparatively cheap, simple and direct Court presided over by competent and humane judges and designed to provide an expeditious means for the collection of small debts. But already such a statute is enshrined in 700 pages of commentary and from the start, it has exacted higher initiatory fees than any other Ontario Court. All fees must be paid in advance and even in actions under $10, these amount to $3.25. If the action is for a larger amount the deposit is betwen $4 and $10. So that it is impossible for a pauper to use the Court, and extremely difficult for a wage-earner. In ordinary disputes, however, between parties of average intelligence, and within its jurisdictional limits, it is possible and often preferable to proceed without a lawyer. Thus it may be seen that the Court is essentially a creditor's debt-collecting Court, well equipped to hear the defences of poor people, but not to entertain their complaints, nor can it indeed treat their claims for tort above $120, for debt above $200, or for any action involving title to land, even if they were able to pay its penny-in-the-slot fees.

As to the other statutes, the Mechanics' Lien Act does provide, for wage-earners in the building trades a very real protection, but its scope is thus limited. The Workman's Compensation Act provides a complete code of protection for the workman injured at his trade, but its scope is also limited.

The Deserted Wives' and Children's Maintenance Act and the other acts administered by the Family Court, provide in both civil and criminal matters, free procedure for solving domestic difficulties. But the power of the Court on its civil side is restricted to orders of $20 per week for maintenance and it has, of course, no jurisdiction in matrimonial causes proper, in which class of case the poor are left to a procedure as costly for all practical purposes as that obtaining before the Divorce Act (Ontario) 1930.

In addition to these scattered statutory agencies there are a number of other agencies operating to ease the burden on the poor. In the Criminal Courts the practice of appointing in Court counsel to defend poor prisoners has always existed, but its limitations were graphically sketched by Magistrate Jones in presenting a report on Public Defenders and Legal Aid to the Canadian Bar Association in 1929. It provides only the appearance of a fair defence and little more than a conscientious judge considers it his duty to supply. In civil matters, the Bar itself and of its own motion, plays no small part. Individual members of the profession have given generously of their time and skill and in fact there can be but few if any members of the profession in Toronto who have not rendered for one reason or another many services to those whose circumstances would admit of no fee. It is, and has been, one of the commonest incidents of the life of a professional man.

(To be Continued).

LEGAL EDUCATION IN ENGLAND

(Continued from Page 1)

a "gentleman of respectability" and must declare that he is not, or at any rate will cease to be a solicitor, notary public, accountant, consulting engineer or engaged, to paraphrase Kipling, in other "lesser occupations beneath the law."

After he has been admitted, the student is faced with the problem of "keeping" twelve terms before he can be called. The Legal year in England, be it said, is divided into four terms, and it is because of a survival from the old days when the student lived in his Inn that keeping a term is largely a gastronomic feat; it involves the consumption of six, or in the case of members of certain universities, three dinners in the Inn during a dining term of approximately a month within each legal term. The dinners, sad to relate, are generally poor but the wines are not bad, the company can be pleasant and it is interesting as one of the motley crew of students at the foot of the hall, to discuss the leading cases of the day or gossip about the legal luminaries gathered around the benchers, at the high table, or the barristers at their tables in the middle of the hall.

Man cannot live or be called to the bar on bread alone, however, and the student is also confronted with two examinations conducted by the Council of Legal Education of the Inns of Court.

The first of these, the preliminary examination, consists of four papers, one on each of the following subjects: (1) Roman Law, (2) Constitutional Law (English and Colonial) and Legal History, (3) Criminal Law and Procedure, and (4) Contract and Tort. The second and final examination, in which the standard incidentally is a good deal higher, involves five papers: (1) Common Law, (2) Equity, (3) Evidence and Civil Procedure, (4) a general paper on the subjects of (1), (2) and (3), and (5) Real Property and Conveyancing, (with Hindu and Mohammedan or Roman-Dutch Law as alternatives for this paper); it may be noted too that on the Common Law and Equity papers one or two special subjects to which about half the paper is devoted are generally prescribed, as for example, Damages, Mistake, Company Law, Trusts and Partnership.

These examinations are held on three occasions each year. The preliminary examinations may be attempted at any time after admission to an Inn and all four papers need not be written at the same time. The final examination may, except with special leave, not be attempted until the student has kept six terms. All the subjects of this latter examination moreover must be written at the same time, and failure in any subject, but (5) involves writing the whole examination again; a failure solely in (5) can be redeemed simply by passing on that paper at a subsequent examination. Credit will not be given unless in exceptional circumstances for passing the final examination, unless the preliminary has been completed, but there is no reason except the strain involved why the preliminary and final examinations should not be attempted at the same time. Failures are regarded philosophically and there appears to be nothing to prevent unsuccessful candidates attempting any examination any number of times.

That there is no prescribed or rigid method of preparation for these examinations has already been indicated. Provided a particular candidate has a satisfactory knowledge of the law as evidenced by his examination papers, the Council of Legal Education is not unduly concerned as to how or where he attained it.

The Council does, of course, as has already been intimated, provide lectures in London on the subjects of its examinations. These lectures are delivered by members of the legal faculties of various universities or by practising baristers: Sir William Holdsworth, for example, journeys twice a week from Oxford in order to lecture on Equity. The lectures reflect, of course, the English bias in favour of using decided cases simply as illustrations of theories and principles of the law, the emphasis being on the latter, rather than building up such theories and principles from a great welter of confused and confusing decisions. They are not intended, moreover, to cover the whole ground of the examinations, a truly impossible feat, nor are the questions on the papers restricted to the ground which the lectures have covered.

Of these lectures, students of the Inns are recommended to avail themselves, and in fact a certain proportion of those resident in London do attend some or others of them.

In many instances, however, students become members of an Inn and keep their terms while still at a University and attendance at lectures in London in such cases is generally impossible. In the case of those who actually read law at the University, it is quite usual to write the bar examinations while still at the University or immediately on graduating. Those who have not so read law frequently devote the period immediately after graduation to intensive work at the law either at home or in London; such students are able to complete their bar examinations in a year, eighteen months or some such period. Neither class of student finds it a real handicap, so far as the writer is aware, not to have attended the lectures sponsored by the Council in London.

No review of the methods of preparation for the bar examinations would be complete without a reference to the "crammer." This individual, having made an intensive study of the curricula and examinations of the past, undertakes to teach whoever wishes to pay his fee the necessary minimum required to negotiate those of the future. The more successful of them have developed into large concerns with highly organized staffs of quite competent teachers and feed their pupils large doses of condensed law for as many as eight hours a day. The element of chance in examinations is reduced as much as possible by the development of the art of "spotting" questions to a high pitch of perfection and by giving test papers before an examination and formulating ideal answers thereto. The system is able to perpetuate itself because each student agrees not to transmit his notes or data to outsiders.

While in certain instances students engage in practical work in Chambers prior to call, it is generally, as suggested, immediately after admission to the Bar that a period of pupillage in Chambers begins. This apprenticeship, it may be observed, is by no means obligatory, but is almost always served inasmuch as only through contact with an established barrister and the ordinary course of his activity can the novitiate obtain any clear grasp of the problems of pleading, forensic practice and professional etiquette with which he will shortly be faced on his own account. By most commentators indeed this aspect of the barrister's training is regarded as much more important than the academic. There is consequently a wide-spread feeling amongst students that the bar examinations are of little value in themselves, but are simply an unfortunate obstacle to be surmounted as expeditiously as possi-

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IS CONSERVATISM DEAD IN CANADA?

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with an incredible tendency in the direction of nepotism. In this respect, the Conservative Party in power has never been beyond reproach. Its present experience in the Opposition will undoubtedly hasten the process, long since overdue, of bringing into the vanguard many of its promising younger leaders. And by the same token, a Liberal Party so completely successful will begin the slow, but seemingly inevitable process of internal degeneration.

But these considerations will not satisfy the majority of the younger generation, who are voting for the first or second time and deciding on their future political alignments. For them there must be some **reason** why a party should exist; the supreme value is not the organization known as the party, but the political thought which it translates and represents. In the recognition and classification of its own political philosophy, the Conservative Party in Canada has generally lagged behind its opponents, much to its own loss. The Liberal Party, aided by high-sounding euphemisms, to which its creeds are particularly adapted, has recently been making a strong appeal to the youth of the nation. The Conservative Party has tended altogether too much to regard itself as purely opportunistic — which confessedly it has been. Nevertheless, underneath its policies generally there is a definite set of values, a definite method of approach, which will be of great value in the solution of Canada's national problems, and which is well worthy of the study and loyalty of any student of social conditions.

In our desire to arrive at an understanding of the basic forces of Conservatism, there can be no better starting point than the little book on the subject by Lord Hugh Cecil. The three component elements which he stresses as fundamentals are natural Conservatism, or distrust of the unknown and love of the familiar; Toryism, or the reverence for religion and authority; and Imperialism, or a feeling for the greatness of the Empire and that unity which makes its greatness. And in Canada, at least, might be added, as a predominant characteristic, empiricism, as opposed to the nineteenth century, theoretical economic doctrines which form still, in reality, the inspiration and nucleus of Liberalism. A long historical process has brought these elements together and welded them into a single creed which is the basis of the Conservatism of modern times. These general characteristics of Conservatism in England are equally true of Conservatism in Canada. As a result of different history, of different circumstances, they have developed to some extent differently in their application to our particular needs. With historic Toryism, for instance, we in Canada have little concern. But with its manifestation as a support for religion and established authority, we are in as full agreement, as proud of our heritage, and as zealous for the application of these principles in our national life, as the staunchest adherent of these creeds in the Mother Country.

Foremost of the basic principles on which we build is that of natural Conservatism. Nor in a world where far-reaching social reform appears to be indicated by the maladjustments of our economic system, and where reformers wax impatient for the more rapid amelioration of our social injustices must this principle be neglected or despised. In our younger years, we are inclined to be impatient of the past and present—visionary of the future. But as experience grows, we realize the difficulties of comprehensive reform; we become "reconciled to the inevitability of gradualness." And this is the wiser course! We cannot experiment with men and women as we can with inanimate elements in a laboratory —hence the analogy of economic theory to a science is at best an inaccurate and misleading one. Mere destruction without substitution is chaos and anarchy and ruin. Experience has taught us that the capabilities of the human intellect do not extend to the fabrication all at one time, or in one generation, of a social system to replace that which has accumulated over the centuries, and to which, with its mixture of good and evil, we have fallen heir. We are heirs—and also trustees. What greater incrimination of any generation than that, following the will-o'-the-wisp of their own abstract speculation, they have destroyed forever that which was committed to their charge. To preserve this heritage against rash and ill-thought-out destruction is the mission of natural Conservatism.

On the other hand, this salutary distrust of the unknown and untried must not degenerate into a lethargy in facing the great social problems with which we are confronted. Conservatism has a double aspect. And Lord Tennyson has expressed in a couple of much-quoted, but ever-meaningful lines, the other—the progressive—aspect of Conservatism.

"That man is the true Conservative
That daps the mouldered branch away."

The branch must be mouldered, but when it is decayed, it must be promptly shorn away to preserve the larger living organism of which it was a part. The tree must be preserved. Translating our analogy into the realm of political science, when the result of the operation of our economic system is injustice to any group or class, the government must intervene to ameliorate that particular condition, and, if necessary, to regulate our productive or distributive machinery in order to achieve a more equitable result.

The Conservative Party in Canada has never gone as far in this direction as in the writer's opinion might be desirable, yet it has been by no means second to any other party holding office in Canada in the recognition of these responsibilities. A comparison of the volume of social legislation introduced by the late Conservative Government of Ontario with that introduced by the Liberal Government of Quebec over the same period (or, although the comparison is not so valuable, because its tenure of office has as yet been brief, with the social legislation—if any—introduced by the present Government of Ontario)—such a comparison redounds to the decided advantage of the Conservative Party. And no government has undertaken more radical incursions into the rights of uncontrolled business, into the privileges of secrecy of earnings and wage payments, and the so-called sanctity of contractual freedom — no government has broken in upon these rights and privileges in the interests of public welfare generally as has the late Conservative administration at Ottawa. The investigations of the Price Spreads Commission, the wide powers of control and re-adjustment in the Natural Products Marketing Act and the Farmers' Creditors' Arrangement Act are examples in point. These Acts, or the principles which lie behind them, are foreign to the underlying philosophy of Liberalism which is still inspired, though only secondarily, and therefore the more insidiously, with the ideal of "laissez faire."

In this attitude lies a grave danger at the present moment. We are undoubtedly recovering from the world economic depression. This is due, in part, to the general world recovery which regularly follows the low ebb in the trade cycle, in part, it may be fairly claimed, by the care with which Canadian energies were nurtured by the late Government at Ottawa, and in part, perhaps, to the feeling of optimism which generally accompanies every change of government. During the depths of the depression, it was recognized that our then difficulties were accentuated, and to no small extent caused by the wild orgy of expansion in which we had previously indulged. In the event that our country and the world is in for the exotic and unmindful glamour of another boom, we must not be forgetful of the lesson of the past five years. This is the time—and not a time of trade depression—when methods of control must be inaugurated. Whether Liberalism will recognize this need is a matter on which we cannot yet pass judgment.

The same principles of control are manifest in the Conservative attitude to the vexed question of tariff policy. It is true that in actual practice, the difference between the tariff policies pursued by the two major parties while in office is by no means so imposing as their political campaigns might lead one to suppose. It is also true that neither party has as yet achieved any degree of scientific accuracy in determining the tariff requirements of individual industries—a field of administration in which further development is imperative. Yet there **is** a fundamental difference in attitude — a Liberal distrust of tariff barriers of all kinds as being in conflict with their cherished dream of "laissez faire"—a Conservative faith in the efficacy of a policy of tariff protection on grounds which even most of its adherents cannot justify theoretically. It is submitted that a national tariff policy for Canada is merely one aspect of national planning in the field of international trade; one aspect of that growing recognition of the function of the state in curbing the results to which unrestricted competition will inevitably lead. In the field of domestic industry, perfectly free competition results in wages below a living level, hours out of keeping with the strength of the human body, price discriminations, etc. Hence we are developing a body of law to curb these results and restricting competition as far as is necessary to achieve this end. In the field of foreign trade, absolute freedom of competition leads to extreme national specialization. In an ideal world, this is an ideal policy. In the existing world of wars and rumours of war, of crop failures and currency and exchange fluctuations, this policy is too precarious on which to stake the livelihood of a state. Hence a nation must plan to develop its manufacturing, its agriculture, its industry generally, not to the degree of self-sufficiency, but at least to achieve that degree of balanced economy which will make sudden necessary re-adjustments less painful. This is the theoretical justification for the policy of protection of Canadian industry for which the Conservative Party in Canada stands.

In all of these respects, Conservatism in Canada is based on prin-

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DOMINION DISALLOWANCE

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tion which would have the effect of taxing property beyond the jurisdiction of the Legislature." That disallowance was neverthless considered the proper remedy in certain cases is amply illustrated in the following excerpt from a report presented in 1900: "The undersigned considers it impossible to admit consistently with the general interests of Canada, the principle of interference with Dominion policy by the discriminating taxation on the part of a province in a matter within Dominion jurisdiction, and he apprehends that disallowance is the appropriate remedy in such a case." As the Dominion became more liberal in its attitude to this question the provinces became more insistent in their demand that the power be not exercised at any time for any reason. However no Dominion Minister has as yet conceded this proposition. One of them in commenting on this in a report, said: "The undersigned desires to add, however, that he cannot agree with the contention of the British Columbia government that the fact that there is no appeal from the decision of your excellency in council in matters of disallowance affords a reason for refraining from exercising the jurisdiction which is plainly conferred."

During this period it also became customary to refuse to disallow legislation even though it was of an "unjust or confiscatory" nature. If the legislation was intra vires of the province, then unless "some special Dominion interest or policy was attacked or hindered by the provincial legislation" the Minister of Justice would refuse to interfere. Sir Allen Aylesworth in reporting on a statute declared categorically: "that the British North America Act did not intend that the power of disallowance should be used to annul provincial legislation even when the federal government considered such legislation unjust or oppressive or in conflict with recognized legal principles, so long as such legislation was within the power of the provincial legislation to enact it."

Hon. C. H. Doherty, Conservative Minister of Justice, after the defeat of the Liberal government in 1911, adopted the views of his predecessors in office, but in reporting on one statute he stated that the power of disallowance would be exercised to prevent "irreparable injustice or undue interference with private rights or property through the operation of local statutes intra vires of the legislature." There have been two comparatively recent cases of disallowance—the gypsum case in Nova Scotia, and the Alberta Railway bonds case, which were vetoed on the ground they were inequitable. The Alberta case raised much the same questions as does the Power Commission Act, 1935-public credit and investors rights. Sir Lomer Gouin in disallowing the Nova Scotia act said: "Its purpose and effect is to take away from private persons property and rights acquired by them upon the strength of the judgment of the highest court in Canada, in affirmation of the judgment of the highest court of the province, and vest the property in one who by the judgment of the said courts originally had no right or title thereto . . . the act in question is so extraordinary and so opposed to principles of right and justice that it clearly falls within the category of legislation with respect to which it has been customary to invoke the power of disallowance."

This statement would appear at first sight to be retrograde in character, but it must be remembered that the act of disallowance was not disputed by the province in this case. Both these cases arose some ten or more years ago and must be considered in the light of subsequent development.

Will the Dominion government disallow the Ontario Power Commission Act of 1935? I submit that it is extremely unlikely. I have endeavoured to trace briefly the course of various policies of the Dominion government as regards the power of veto. I submit that in view of the policy of non-exercises which has obtained with few exceptions for many years, that it might well be argued that the exercise of this power of disallowance would now be contrary to constitutional convention. The analogy to the power of the Imperial government to disallow Dominion legislation is striking. I submit that no one would attempt to argue, especially since the act of Westminster that the Imperial government could exercise that power constitutionally.

I submit further that disallowance is extremely unlikely for political reasons, Prime Minister Mackenzie King indicated in the recent Dominion election campaign that he would not interfere. Premier Hepburn threatens to dissolve the Ontario Legislature and appeal to the electorate if the statute is vetoed. Both of these governments are Liberal, and it seems improbable that the King government would disallow an act which is of such consequence to the Liberal government in Ontario.

LEGAL EDUCATION

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ble and with a minimum of effort in order that the real problems of a career at the bar may be tackled.

The actual time spent as a pupil in Chambers varies with the capabilities and means of the student, but is generally six months or a year; most barristers exact a substantial fee for the privilege of serving them in this manner. The pupil is faced of course with the initial problem of determining what sort of Chambers to enter inasmuch as the practice of the average English barrister is almost invariably specialized and confined to either the Chancery or Common Law "side" of the High Court. That student is indeed fortunate who works for a time in both types of Chambers in that he may decide after experience in either side as to which he will follow himself. In the average case a pupil will enter one particular type through natural inclination or sheer indifference; once he has begun on that side however, he is likely to remain there for his associations and knowledge will be increasingly connected therewith.

As to the sort of work which the pupil is permitted to do in Chambers, this can safely be left to the imagination of Ontario law students. Analysis of briefs which come in, preparation of pleadings, reading of points of law, accompaniment of his Chief to the various Courts, occasional bits of devilling; all these may and will fall to his lot in varying degrees dependent on the magnitude of the particular practice and the number of young barristers associated with the particular chambers. The pupil is of course responsible only to himself for the amount of work he does and for what he makes of his opportunities. It need hardly be suggested, however, that the period of pupillage will be an extremely busy one inasmuch as the young barrister cannot fail to be aware that in a very short time he will be out in the cold, cold world entirely on his own.

Conservatism in Canada

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ciples which are sound and which, while not the only ones of benefit, have a definite contribution to make to the welfare of the Dominion of Canada. To sum these up again, they are:

(1) Natural Conservatism, or a salutary distrust of sudden and complete change;
(2) A very strong Imperial feeling expressing itself in a desire to develop the Empire as an economic as well as a political unity;
(3) A practical and modern approach to the problems of governmental intervention in our economic life, both in the field of social legislation and tariff policy.

The efficacy of these principles will again be recognized by the Canadian people. They have a role to play in the advancement of Canadian welfare. In proportion as the Conservative party is faithful in expressing these principles, it will find new and continued life in the Dominion of Canada.

EDITORIAL.

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Too many times, particularly if the case is one basking in the full glare of newspaper publicity, these seats are monopolized by individuals who think torts is a game of cards, and the students again find themselves out in the cold of the City Hall corridors.

This awkward state of affairs could very easily be cured by providing every law student, and for that matter every member of the bar, with an identification card, without which he would be unable to obtain admission into the court room by the barristers' door. A card of this sort, identifying its holder with the Upper Canada Law Society, could be put to many a useful purpose by its owner, and it is surprising that some insignia of that kind has not been introduced before this time. But even if the sole use to which a registration card like this could be put were the one already suggested, it seems to us that the problem is so pressing and immediate to those officeless students in our midst, that this reason alone would justify the Law Society in going to the insignificant expense such a project would entail.