

PROCEEDINGS

OF THE

FIRST ANNUAL MEETING

OF THE

CONFERENCE OF COMMISSIONERS

ON

UNIFORMITY OF ^{legislation} LAWS

~~in~~ THROUGHOUT CANADA

HELD AT

MONTREAL

SEPTEMBER 2ND AND 4TH, 1918

**Proceedings of the First Annual Meeting of the
Conference of Commissioners on Uniformity of
Laws Throughout Canada, held at Montreal on
the Second and Fourth Days of September, 1918.**

OFFICERS OF THE CONFERENCE, 1918-9.

President Sir James Aikins, K.C., Winnipeg, Man.
Vice-President Mariner G. Teed, K.C., St. John, N.B.
Treasurer Frank Ford, K.C., Edmonton, Alta.
Corresponding Secretary . Matthew Wilson, K.C., Chatham, Ont.
Recording Secretary ... John D. Falconbridge, 22 Chestnut
Park, Toronto, Ont.

Local Secretaries.

(For the purpose of communication between the commis-
sioners of the different provinces.)

Alberta Frank Ford, K.C., Edmonton.
British Columbia Avar V. Pineo, Parliament Buildings,
Victoria.
Manitoba Herbert J. Symington, K.C., Winnipeg.
New Brunswick J. D. Pollard Lewin, St. John.
Nova Scotia Stuart Jenks, K.C., Halifax.
Ontario John D. Falconbridge, 22 Chestnut
Park, Toronto.
Prince Edward Island .. James D. Stewart, Charlottetown.
Quebec E. Fabre Surveyer, K.C., 160 St. James
Street, Montreal.
Saskatchewan Robert W. Shannon, K.C., Regina.

**Commissioners or Representatives from the Provinces
of Canada for the Purpose of Promoting Uni-
formity of Legislation in the Provinces.**

Alberta:

THE HON. WILFRID GARDNER, K.C., Provincial Secretary,
Edmonton, Alta.
FRANK FORD, K.C., Edmonton, Alta.

British Columbia:

AVARD V. PINCO, Parliament Buildings, Victoria, B.C.
(Commissioner appointed under the authority of the
Statutes of British Columbia, 1913, c. 92).

Manitoba:

ISAAC PITBLADO, K.C., Winnipeg, Man.
WILLIAM J. TUPPER, K.C., Winnipeg, Man.
HERBERT J. SYMINGTON, K.C., Winnipeg, Man.
(Commissioners appointed under the authority of the
Statutes of Manitoba, 1918, c. 99).

New Brunswick:

WILLIAM B. WALLACE, K.C., St. John, N.B.
MARINER G. TEED, K.C., St. John, N.B.
J. D. POLLARD LEWIN, St. John, N.B.
(Commissioners appointed under the authority of the
Statutes of New Brunswick, 1918, c. 5).

Nova Scotia:

HECTOR McINNES, K.C., Halifax, N.S.
STUART JENKS, K.C., Halifax, N.S.

Ontario:

SIR JAMES AIKINS, K.C., Winnipeg, Man. (Honorary
Commissioner.)
MATTHEW WILSON, K.C., Chatham, Ont.
FRANCIS KING, Kingston, Ont.
JOHN D. FALCONBRIDGE, 22 Chestnut Park, Toronto, Ont.
(Commissioners appointed under the authority of the
Statutes of Ontario, 1918, c. 20).

Prince Edward Island:

WILLIAM E. BENTLEY, K.C., Charlottetown, P.E.I.
JAMES D. STEWART, Charlottetown, P.E.I.

Quebec:

EUGENE LAFLEUR, K.C., 107 St. James Street, Montreal,
Que.
E. FABRE SURVEYER, K.C., 160 St. James Street, Montreal,
Que.

Saskatchewan:

THE HON. W. F. A. TURGEON, K.C., Attorney-General,
Regina, Sask.
ROBERT W. SHANNON, K.C., Regina, Sask.
PHILIP E. MACKENZIE, K.C., Saskatoon, Sask.

MEMORANDUM.

It has long been generally recognized that the independent action of the various provincial legislatures has resulted in a diversity of legislation which, especially with regard to commercial law, raises a serious obstacle to commercial intercourse between different parts of the Dominion and is a source of embarrassment to British and foreign merchants doing business in Canada. In the United States, where a similar but perhaps more complicated situation exists, work of great value has been done by the National Conference of Commissioners on Uniform State Laws. For the past 27 years these commissioners have met annually and have drafted various uniform statutes, and the subsequent adoption by many of the state legislatures of these statutes has secured a substantial measure of uniformity on various subjects.

The obvious benefits resulting from the meetings of the state commissioners in the United States suggested the advisability of similar action being taken in Canada, and on the recommendation of the Council of the Canadian Bar Association several of the provinces passed statutes providing for the appointment of commissioners to attend a conference of commissioners from the different provinces for the purpose of promoting uniformity of legislation in the provinces.

The first meeting of the commissioners appointed under these statutes and of representatives from those provinces in which no provision had been made for the formal appointment of commissioners, took place in Montreal on the 2nd day of September, 1918, and at this meeting the Conference of Commissioners on Uniformity of Laws throughout Canada was organized.

The object of the Conference is to promote uniformity of law throughout Canada, or in such provinces as uniformity may be found practicable, by such means as may appear suitable to that end, and in particular by facilitating, (1) the meeting of the commissioners of the different provinces in conference at least once a year, (2) the consideration by the commissioners of those branches of the law with regard to which it is desirable and practicable to secure uniformity of provincial legislation, and (3) the preparation by the commissioners of model statutes to be recommended for adoption by the provincial legislatures.

The work of the commissioners at their first meeting was necessarily of a tentative and preliminary character, but they

believe that the mere organization of the Conference is an important step which will enable effective work to be done in the future.

The Conference considered several important subjects and, as appears by the report of the proceedings published herewith, made provision for the consideration of these subjects by the commissioners during the ensuing year, in order that adequate preparation might be made for the next meeting of the Conference.

A committee was appointed to consider whether the Sale of Goods Act and the Partnership Act, already adopted by the majority of the provinces, should be recommended for adoption by the others.

A committee was appointed to prepare and submit to the commissioners a set of rules for legislative drafting and report upon the Interpretation Acts of the various provinces.

Committees, consisting each of three commissioners, were also appointed to prepare and submit to the other commissioners model statutes on the following subjects:

- (1) Conditional sales,
- (2) Bulk sales,
- (3) Statutory conditions in fire insurance policies,
- (4) Wills,
- (5) Legitimation *per subsequens matrimonium*.

Statutes have been passed in some of the provinces providing both for contributions by the provinces towards the general expenses of the Conference and for payment by the respective provinces of the travelling and other expenses of their own commissioners. It is hoped that similar statutes will be passed by the other provinces. The commissioners themselves receive no remuneration for their services.

It seems desirable to direct attention to the fact that the appointment of commissioners does not bind any province to accept any conclusions arrived at by the Conference and that such uniformity of legislation as may be secured by the labours of the Conference will depend upon the subsequent voluntary acceptance by the provincial legislatures of the recommendations of the Conference.

PROCEEDINGS.

Monday, 2nd September, 1918.

The following commissioners and representatives from the provinces of Canada met at 3 p.m. at the Ritz Carlton Hotel, Montreal:

<i>Alberta</i>	The Hon. Wilfrid Gariepy, K.C. Frank Ford, K.C.
<i>British Columbia</i>	Avard V. Pineo.
<i>Manitoba</i>	Isaac Pitblado, K.C. William J. Tupper, K.C.
<i>New Brunswick</i>	William B. Wallace, K.C., Mariner G. Teed, K.C., J. D. Pollard Lewin.
<i>Nova Scotia</i>	Hector McInnes, K.C., Stuart Jenks, K.C..
<i>Ontario</i>	Sir James Aikins, K.C., Matthew Wilson, K.C., Francis King, John D. Falconbridge.
<i>Prince Edward Island</i> ..	William E. Bentley, K.C., James D. Stewart.
<i>Quebec</i>	Eugene Lafleur, K.C., E. Fabre Surveyer, K.C.
<i>Saskatchewan</i>	Philip E. Mackenzie, K.C.

Sir James Aikins was elected chairman and Mr. Falconbridge was elected recording secretary.

On the motion of Mr. Falconbridge, seconded by Mr. Wilson, it was resolved,

That the Commissioners appointed by the various provinces to promote uniformity of legislation in the provinces, now assembled for the first time in conference, hereby constitute themselves an organization under the name of the *Conference of Commissioners on Uniformity of Laws throughout Canada*.

The recording secretary read a draft temporary constitution which was considered clause by clause and amended in several respects. It was thereupon moved by Mr. Falconbridge, seconded by Mr. Wilson and resolved,

That the Conference adopt the following temporary constitution:

TEMPORARY CONSTITUTION.

1. The Conference of Commissioners on Uniformity of Laws throughout Canada shall be composed of the Commissioners appointed from time to time by the different provinces of Canada or under the statutory or executive authority of such provinces for the purpose of promoting uniformity of legislation in the provinces.

2. The object of the Conference shall be to promote uniformity of law throughout Canada or in such provinces as uniformity may be found practicable, by such means as may appear suitable to that end, and in particular by facilitating (1) the meeting of the commissioners of the different provinces in conference at least once a year, (2) the consideration by the commissioners of those branches of the law with regard to which it is desirable and practicable to secure uniformity of provincial legislation, and (3) the preparation by the commissioners of model statutes to be recommended for adoption by the various provincial legislatures.

3. The officers of the Conference shall be a president, a vice-president, a treasurer, a corresponding secretary and a recording secretary. It shall not be necessary that the corresponding secretary shall be a commissioner.

4. It shall be the duty of the commissioners from each province to choose one of themselves as local secretary in order to facilitate communication between the commissioners of the different provinces.

5. The president may appoint such committees as he may think proper for the purpose of carrying on the work of the Conference.

On motion of Mr. Ford, seconded by Mr. Gariepy, it was resolved,

That the members of the Committee on Uniform Legislation of the Canadian Bar Association may attend the Conference and participate in the discussion but without the right to vote.

At 5 p.m. the Conference adjourned until 8.30 p.m.

EVENING SESSION.

September 2nd, 1918.

On motion of Mr. Wilson, seconded by Mr. Teed, it was resolved that the following section be added to the temporary constitution,

6. The president may from time to time fill vacancies in the offices of the Conference or in any committee as they may occur between meetings of the Conference by reason of death or resignation or otherwise.

The officers for the ensuing year were elected as follows:

President Sir James Aikins.
Vice-President Mr. Teed.
Treasurer Mr. Ford.
Corresponding Secretary Mr. Wilson.
Recording Secretary Mr. Falconbridge.

On motion of Mr. Ford, seconded by Mr. Mackenzie, it was resolved,

That a committee be appointed to prepare a permanent constitution and by-laws to be submitted to the next meeting of the Conference.

The president subsequently appointed the following as members of the committee:

Mr. Wilson, Mr. Teed, Mr. Pitblado, Mr. Falconbridge.

It was moved by Mr. Falconbridge, as follows:

Whereas the Partnership Act, 1890, and the Sale of Goods Act, 1893, by which the law of partnership and the law of sale of goods respectively were codified in England, have been adopted, subject to necessary verbal modification, in Alberta, British Columbia, Manitoba, Nova Scotia, and Saskatchewan, as well as in many parts of the British Dominions outside of Canada;

And whereas the general adoption of the said Acts will have the effect of securing on the two subjects of partnership and sale of goods that uniformity of provincial legislation which is intended to be promoted by the appointment of provincial commissioners;

Therefore the Conference of Commissioners on Uniformity of Laws throughout Canada expresses the opinion that it is desirable that the said Acts should be adopted in those provinces in which they have not yet been adopted, and hereby authorizes and recommends the commissioners from such provinces, in the name of the Conference, to urge the legislatures of the provinces which they represent to adopt the said the Partnership Act and the Sale of Goods Act.

In the discussion which ensued, it appeared that the commissioners from New Brunswick and Prince Edward Island were not prepared to vote in favour of the motion without further consideration, and it was thereupon moved by Mr. King, seconded by Mr. Teed, and resolved,

That the commissioners from Ontario, New Brunswick and Prince Edward Island, be a Committee to consider the Sale of Goods Act and the Partnership Act and to report thereon at the next meeting of the Conference.

On motion of Mr. Ford, seconded by Mr. Lewin, it was resolved,

That the commissioners from Manitoba be requested to prepare and to submit to the commissioners from the other provinces a model Bulk Sales Act and subsequently to report thereon to the Conference.

On motion of Mr. Pitblado, seconded by Mr. Tupper, it was resolved,

That the commissioners from Alberta be requested to prepare and to submit to the commissioners from the other provinces a model Wills Act and subsequently to report thereon to the Conference.

The commissioners from Ontario were appointed a committee to supervise the editing of the record of proceedings for publication.

On motion of Mr. Pitblado, seconded by Mr. Ford, it was resolved,

That the commissioners from New Brunswick be requested to prepare and to submit to the commissioners from the other provinces a model statute on the subject of legitimation *per subsequens matrimonium* and subsequently to report thereon to the Conference.

At 11 p.m. the Conference adjourned until Wednesday, the 4th of September, at 9 a.m.

SECOND DAY.

Wednesday, September 4th, 1918.

In addition to the commissioners and representatives present at the first day's meeting, the following representatives were present:

New Brunswick..The Hon. J. B. M. Baxter, K.C.

Saskatchewan....The Hon. W. F. A. Turgeon, K.C.

 | | Mr. Robert W. Shannon, K.C.

On motion of Mr. Pitblado, seconded by Mr. Pineo, it was resolved,

That the commissioners from Saskatchewan be requested to prepare and to submit to the commissioners from the other provinces a model statute on the subject of conditions in fire insurance policies and subsequently to report thereon to the Conference.

At 10 a.m. the Conference adjourned until 5 p.m.

AFTERNOON SESSION.

Wednesday, September 4th, 1918.

Mr. Pineo having drawn attention to the advisability of having uniform rules for drafting statutes, similar to those which have been prepared for the National Conference of Commissioners on Uniform State Laws, it was moved by Mr. Pitblado, seconded by Mr. Tupper, and resolved,

That the commissioners from British Columbia be requested to prepare and to submit to the commissioners from the other provinces a set of general rules or suggestions for use in the drafting of uniform statutes, and to report to the next meeting of the Conference with regard to such rules or suggestions and with regard to the Interpretation Acts of the various provinces.

It was decided to take no action for the present with regard to the subject of succession duties, but to leave to the discretion of the president the appointment of a committee in the event of the Committee on Uniformity of Law of the Canadian Bar Association requesting the Conference to deal with the subject.

It was decided that the report of the proceedings of the Conference should be published as an addendum to the report of the proceedings of the Canadian Bar Association, if an arrangement to this effect could be made with the Association, as well as in pamphlet form.

On motion of Mr. King, seconded by Mr. Pineo, it was resolved that the determination of the time and place of the next meeting should be left to the discretion of the president.

At 6 p.m. the Conference adjourned.