

# ARCHITYPES

Legal Archives Society of Alberta Newsletter

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## Past Legacies: Future Directions

2007 was a significant year for the Law Society of Alberta. Throughout the year there were several events aimed at celebrating the 100<sup>th</sup> Anniversary of the Law Society of Alberta which culminated in a gala dinner on October 4, 2007 simulcast between Edmonton and Calgary.

The theme for the gala dinner was "Past Legacies: Future Directions" and both speakers – Chief Justice Beverley McLachlin and the Honourable Peter Lougheed – personify the past legacies and future directions of Alberta's legal community.

Both speakers talked about the influence of Alberta's legal heritage on their own careers and illustrated through personal stories that the development of a solid legal foundation is significant as a society continues to grow and progress.

Chief Justice McLachlin detailed her childhood growing up in Pincher Creek, Alberta. Through personal anecdotes she showed how that area of the Province had a rich legal culture even though it was quite different from that practiced in downtown Calgary.

Both Peter Lougheed and Chief Justice McLachlin also discussed the legacy of the "Famous Five" and outlined the importance of the 5 women who fought all the way to the Judicial Committee of the Privy Council to gain recognition as "Persons" capable of holding public office. Not only was this



LASA historical display featured in Edmonton,  
October 4, 2007

case significant for Alberta's legal history, but also for the changing social structure of the British Commonwealth.

Peter Lougheed detailed the significant role of lawyers as legislators throughout the history of the province of Alberta. He focused specifically on the role of Premier John Brownlee and the Natural Resources Transfer Agreement of 1930, which gave Alberta full rights over its natural resources, including oil and natural gas. Lougheed put the significance of this negotiation into perspective by asking the audience to imagine Alberta today if it had not had the rights to its natural resources when oil was discovered in Leduc in 1947.

The former Premier then turned to the period in Alberta's history that he is personally familiar with – the period in which he led this province – 1971 to 1985. He spoke in-depth about the issues concerning energy resources and the Constitution. Mr Lougheed suggested that the historical significance of those issues remain important today and for the future of Alberta.

Included in the evening's events was a humorous video starring emcees Allan Shewchuk and Jim Wachowich. Also presented were a scrolling pictorial history of Alberta's legal profession and two excellent historical displays designed by LASA archivist Brenda McCafferty.



LASA historical display featured in Calgary  
October 4, 2007

# Archival Vignettes

## C. STEWART BLANCHARD, K.C. The Great Mimic

by Brenda McCafferty, Archivist

A number of Alberta legal traditions have come and gone over the years. As we say goodbye to 2007, and the year long celebrations for the 100 anniversary of the legal profession in Alberta, we pause to look back at some of the bygone traditions. It seems an appropriate time to highlight a onetime Scottish tradition established in Calgary by Charles Stewart Blanchard.

C.S. Blanchard was born on April 12, 1885 in Winnipeg, Manitoba. He was admitted to the Alberta bar on May 25, 1912 (based on his previous admission to the Manitoba bar in 1908). Between 1926 and 1928 Blanchard lived in New York where he worked in the now demolished Singer Building (once the tallest building in the world). He had intended to apply for admission to the bar of New York State, but circumstances drew him back to Medicine Hat where he joined the law practice with his longtime friend Lorne Laidlaw of Laidlaw, Blanchard & Niblock. Blanchard received his K.C. on January 7, 1930. He remained a lawyer in Medicine Hat until 1939 when he moved to Calgary. Between 1941 and 1952 Blanchard was an agent for the Attorney General, Calgary Judicial District, and it was in this capacity that he led the successful prosecution, assisted by A.L. Smith, in the well known bakeries combine conspiracy trial of 1950-51. In 1950 Blanchard was joined by L.A. Justason of the Attorney General's office. Blanchard finished his career as head of the firm Blanchard, Iredale, Hilland & McDill. He passed away on October 8, 1959.

Described by James Gray, in his book *Talk to My Lawyer*, as one of the brightest, truly Renaissance men of Southern Alberta, Blanchard established the amateur light opera company in Medicine Hat and in 1930 he became the first President of the Medicine Hat Little Theatre Company. Undoubtedly, his cultural inspirations derived from the time he spent in New York and his earlier years growing up in Winnipeg during the vintage years when Winnipeg was undergoing a cultural explosion. Winnipeg was the port of call for the grand opera, light opera and dramatic companies like Gilbert and Sullivan and Blanchard became a devotee of the stage in all its aspects. He was a consummate actor who had a special talent for recognizing a potentially dramatic courtroom situation and playing it for all it was worth. Records of his humorous antics over the years have fortunately survived. Two such contributions transformed to legal lore are described below.

For some time it was an annual tradition for Blanchard to recite his famous lament at Bar gatherings. This classic piece of Scottish humour was recited by Blanchard in a deep Scot

accent. According to Gray, no bar association dinner was considered complete without McGregor's Lament.

### McGregor's Lament

By Stewart Blanchard K.C.

The crops were a failure roun' Medicine Hat  
An' a frown on the broo' o' McGregor there sat  
He'd ploughed an' he'd harrowed, an' cared for his stock  
But the grain withered up an' he lost half his flock.

So when August was waning an' frost filled the air  
McGregor was fuming an' tearing his hair,  
"Got dammit an' tak it, the son o' a butch  
I am thinking this luck is a hell o' a touch"

Wi' quaint heilan curse worrds he cursed up an' doon,  
Then hitched up his Fordie an' drove into toon

Arrived in the City, oor ill-tempered frien'  
Sought solace an' drinks wi' some lads that he kenned.  
an' quickly the clouds were a 'wafted away  
An' McGregor was singing wi' spirits fu' gay.

He sang in the tenor; he sang in the base  
Tho' the notes that he took were aft said oot o' place  
Till at last wi' a hoot, oot they started tae seek  
The hotel de Patsy, just over the creek.

In amorous pastimes the nicht quickly passed,  
To the Club oor friends were returning at last  
An' sea sick looked the party frae whiskey an' beer  
That tae Mac's fertile brain there was born an idea

Since farmin's a failure an' youth will be fules  
What wi' ruining their stomachs an' abusin' their tules  
I'll fix a wee place where for a moderate fee  
A man can rest quiet an' get over a spree.

Sae back to the farm went McGregor fu' lick  
Tae make preparations tae take care for the sick  
He dismantled his mirror and hung in its place  
A Douche bag wi' frills o' the best Brussels lace.

He had bottles o' poisons, syringes an' pills  
O' a nature tae cure a' urethrall ills.  
An' when a' was finished in elegant style  
He awaited his patients wi' satisfied smile

But just when his joy at his scheme was complete  
A shiver passed thru him frae his crown ta his feet  
The smile frae his face seemed tae wither an' shrink  
As a burning sensation he felt in his dink.

“Good faix, hoot awa’ mon, what de’ils work’s this”  
said McGregor as he lifted his kiltie tae piss  
“Mon crackie, Got dammit, noo isn’t this hell  
“The very first patient I’ve git is masel”

C. Stewart Blanchard (whom you may have already guessed was a great mimic of accents), also perpetrated a practical joke on Calgary’s City Solicitor Leonard Brockington, Assistant City Solicitor T.W. Collinge and the entire CPR legal department. Read for yourself this 1930’s newspaper article relating more of his hilarious antics.

## Gas City Lawyer “Spoofs” Police, C.P.R. and City

Complaints from Cockneys, Scotch and Jews  
Traced to Medicine Hat Man

Whole City in  
Uproar for Time

## C.S. Blanchard, K.C., Noted Mimic, Has Good Time at Expense of City

Vicims of one of the most elaborate and carefully prepared practical jokes ever perpetrated, officials of the C.P.R legal department, city police department, Mayor Andy Davison, Assistant City Solicitor T.W. Collinge, officials of the engineers department and the city health department have City Solicitor L.W. Brockington, K.C., to thank for unmasking the humorous one and clearing up a situation which for a time threatened to become serious for all concerned.

It started Saturday morning. The telephone bell in Mr. Brockington’s office tinkled and Mr. Brockington answered.

A voice, which fairly bristled with anger, came over the wire: “Hi want to speak to the city solicitor. This smoke nuisance from C.P.R. trains is a bloomin’ disgrace. ‘Ow can a Henglish gentleman go to work Monday morning looking respectable with hunderwear what all covered in smoke. H’ill sue the city and the C.P.R., and H’ill ‘ave my rights. Hi will.”

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## Library News

by Stacy F. Kaufeld

LASA received a number of books over the last year including Jonathon Swainger’s History of the Alberta Supreme Court which commemorated the



Centennial of the Court. We also received a copy of a book written by Robert J. Sharpe and Patricia McMahon detailing the importance of the Person’s Case. LASA also received a copy of the commemorative book celebrating the centennial of the Law Society of Saskatchewan. Ed Bredin, Q.C. generously donated a number of books from his extensive library which included a number of significant

historical and legal texts.

The major publication LASA added to its library was *Just Works: Lawyers in Alberta, 1907-2007* which commemorates the history of Alberta’s legal heritage. The book focuses on many of the key lawyers and judges that played a significant role in the development of Alberta’s legal structure. Some of the major themes in the book include: Lawyers as Trailblazers; Lawyers as Leaders; Lawyers as Lawyers; Lawyers as Citizens: Economic Law and Justice; Social Law and Justice; Criminal Law and Justice and Legal Institutions and Education.

This book celebrates a milestone in Alberta history and will not only appeal to the legal community, but will also appeal to anyone interested in Alberta’s history.

If you are interested in purchasing a copy of *Just Works: Lawyers in Alberta, 1907-2007* please contact the Legal Archives Society of Alberta at (403) 244-5510 or via email: [legalarc@legalarchivessociety.ab.ca](mailto:legalarc@legalarchivessociety.ab.ca) or visit LASA’s website at [www.legalarchivessociety.ab.ca](http://www.legalarchivessociety.ab.ca).



# Alberta Lawyer in Germany

The following article is a little unorthodox compared with the articles which normally appear in this newsletter. However, I ask the readers to bare with me as I explain the significance and importance of the Canada Meets Germany – A Forum for Young Leaders to Alberta's legal community.

Before I go into an in-depth discussion of the 2007 study tour, I want to give the reader some background information on the Canada Meets Germany (hereinafter CMG) program.

Briefly, and taken directly from the website at [www.canadameetsgermany.org](http://www.canadameetsgermany.org), the CMG program is an interdisciplinary network for young leaders and future innovators from Canada and Germany. The aim of CMG is to establish a solid and lasting foundation for dialogue between the two countries in order to promote mutual understanding on a societal level.

CMG provides a framework for young, dedicated people from a variety of fields including business, politics, academia, science, culture, and the media to meet and exchange ideas. United by their mutual interest in strengthening Canadian-German relations and contributing towards bilateral exchange, they actively support the network through their own personal activities and project.

The significance with and relationship to Alberta's legal community is that two Alberta lawyers – Selina Lee-Anderson and Christopher Moser – and myself have participated in the CMG program. Though I'm not a lawyer (trained as a historian with a background in German history); I am the Director of the Legal Archives Society of Alberta and I maintain a direct link to Alberta's legal and judicial community.

Although I would like to present a comprehensive overview of the entire study tour, it is simply impractical given the space available. Rather I will focus on the items that I believe will be of most interest to the reader.

On 6 October 2007, 24 participants from across Canada and Germany met in Frankfurt am Main for what would become an interesting and enjoyable study tour with the opportunity to meet many of Germany's top business leaders, politicians, social workers and economists. Along with the program being impressively diverse and interdisciplinary, the participants were equally varied in their professional backgrounds. The group consisted of persons from banking, law, sciences, humanities, academia, politics and government, non-govern



The Canada meets Germany group at the Zollverein in Essen, Germany, October 2007

mental organizations and engineers. The success of the CMG program comes from the wide-ranging backgrounds of its participants.

Our tour began in Frankfurt am Main, the largest city in the German state of Hesse and one of the two financial centres of continental Europe. In addition, it is considered by some to be the driving force behind the European Union's Economic and Monetary Union. Our first day in Frankfurt was spent getting to know the other participants through volunteering at a local shelter, a historic walking tour of Frankfurt and a trip to the Dialogmuseum. This is a unique social experiment based on Martin Buber's "Philosophy of Dialogue" which emphasizes "non-traditional" forms of communication. It was a rare opportunity for 24 unique individuals to learn about oneself and each other without direct verbal communication.

Our second day in Frankfurt was spent attending meetings at the German-Canadian Business Club whose mandate is to strengthen the business ties between Germany and Canada. The head of the Frankfurt chapter of the German-Canadian Business Club is a lawyer named Holger Bürskens who received his LL.M. in 1993 from McGill University. He practices in the areas of trade and commercial law, litigation, transport, logistics, and aviation law. Mr. Brüsken is also an Executive Board Member of the Canadian German Lawyers Association.



The meeting was then followed by a presentation by Prof. Manfred Pohl, the CEO of the Institute for Corporate Culture Affairs (ICCA), which he founded in 2003. The ICCA is an international organization whose mandate is to demonstrate to corporations that their profit margin will not suffer if they make a genuinely conscious effort to go beyond undertaking ethical business practice to improve the culture and society in which they practice said business.

Our second stop on the tour was Essen. It is a beautiful city in the centre of the Ruhr area in North Rhine-Westphalia. Located along the Ruhr River, it was recently selected the European Capital of Culture for 2010 representing the entire Ruhr area. We spent the first day in Essen at Zeche Zollverein, a former coal mine north of Essen. The mine was open in 1847 and finally closed in 1986 and is now registered as a UNESCO World Heritage Site. The Zollverein has taken centre stage for the entire Ruhr region since Essen and the surrounding municipalities were named the European Capital of Culture for 2010 ("Ruhr.2010").

While in Essen we visited one of Germany's largest regional newspapers, the *Westdeutsche Allgemeine Zeitung (WAZ)* as well as its new internet portal, *Der Westen*, and discussed the company and the role of the internet in media. The WAZ Media Group is one of CMG's corporate sponsors, as well as Opel/GM who sponsored five vans for the entire tour.

The group then travelled to Germany's capital city Berlin. With a population of 3.4 million people in Berlin proper, the city is located in the Berlin-Brandenburg metropolitan region in North-eastern Germany. The Berlin metropolitan area is a truly multi-cultural urban centre comprising 4.9 million from 180 different nations.

Our days in Berlin were spent meeting with political leaders from a variety of German political parties at the *Bundestag* where we discussed Germany's and Canada's continued role in the war in Afghanistan, the environment and concerns over the world's reliance on oil and the growing attraction to nuclear energy and, lastly, a brief discussion led by CMG participant Jörg Tremmel, the current Director and Founder of the Foundation for the Rights of Future Generations, on a bill presented to the German *Bundestag* demanding the inclusion of intergenerational justice in the German constitution. Mr. Tremmel opined that it is essential for the German government to "respect the principle of sustainability and to safeguard the interests of future generations."

The group also met with the Déléation Générale du Québec where we discussed identity and issues surrounding separatism. This issue is equally familiar to Germany as there is a similar movement within Bavaria to separate from Germany. Integration of minorities is a major issue in Germany and nowhere is the issue more noticeable than in the Berlin borough of Neukölln. Encompassing approximately 44.93 SQKM, Neukölln has nearly 307,400 inhabitants with one of the largest number of foreigners in Berlin.



Selena Lee-Anderson, Associate, Blake, Cassels Graydon LLP Calgary office and Stacy Kaufeld, Executive Director of the Legal Archives Society of Alberta in Berlin, Germany, October 2007

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The group also visited the Montreal-based company Bombardier Transportation. Bombardier is a global leader for manufacturing rail equipment, including passenger rail vehicles and total transportation systems. The discussion focused on the importance of the mobility of goods and people for social and economic development, as well as the contribution that rail systems are making to climate change efforts. Presently rail transportation accounts for nearly 25% of all CO<sub>2</sub> emissions, but Bombardier is a global leader in developing practical and lasting solutions to deal with the issues of climate change.

The group was excited to meet Karen Helmstaedt, former member of Canada's National Swim Team, who is currently part of the euromaxx team at Deutsche Welle (DW), which is Germany's international broadcaster. Broadcasting since 1953, DW delivers German news and information to approximately 117,000 current television subscribers in Canada. Ms. Helmstaedt joined DW as a news translator and speaker and in 1999 began as a presenter of "Germany Today."

The CMG program is an excellent opportunity for young professionals to network. I wrote this article in order to promote the CMG program to young lawyers who might be interested in participating in the program in the future and law firms interested in becoming program partners. If you are interested, or know somebody who might be interested, please do not hesitate to contact me at the Legal Archives Society of Alberta at 403-244-5510 or via email at [kaufelds@legalarchivessociety.ab.ca](mailto:kaufelds@legalarchivessociety.ab.ca).

# MEMORIES OF AN OLD FASHIONED PRAIRIE LAW OFFICE

Cairns Ross Wilson & Wallbridge  
1946-1952

by Justice William E. Wilson

## Part I - The death of the Tighe & Wilson Firm

*The following is Part I of a IV part feature series written by the Hon. Justice W.E. Wilson, son of the late Justice Ernest B. Wilson. The article pays tribute to Justice Wilson's father, E.B. Wilson and to his principal the late L.Y. Cairns of Edmonton.*

My father practiced law in Edmonton from 1928 until he was appointed to the Supreme Court of Alberta in 1952, with an interruption for service in the army overseas from November 1939 to December 1945. Many of my earliest memories include visits with him to his law office in the McLeod Building in Edmonton, the old Tighe & Wilson office on the 7<sup>th</sup> floor. As I grew up, I laid my own course for a career as a lawyer, and he encouraged me in this.

Mr. Robert Dolphin Tighe, K.C. died in February 1942, while my father was in England, unable to get home. Tighe was a fine old fashioned lawyer, with a towering reputation, particularly as a conveyancer and equity lawyer and Counsel, and as the solicitor for the Mortgage Loans Association and the Trust Company Association. The firm had many good clients of the highest caliber, including the Prudential Insurance Company of America, and the Credit Foncier. Tighe's death was a great blow to my father, who could not return from overseas to look after his interests. As it turned out, those interests were well protected by many sterling friends at the Bar of Alberta, who did all they could to protect his practice in anticipation of his return after hostilities ended. Among those friends were L. Y. Cairns, K.C., H. R. Milner, K.C., and Gordon Allen, K. C., the latter of Calgary, who was Counsel for the Prudential in that City.

Among my father's effects in the Court House when he died was a file containing some old correspondence that he had kept from those days when he was overseas, communicating with Cairns, particularly about the fate of his practice in Edmonton. My father kept, and I have retained, some of the correspondence from those days. Some of it, principally those letters dealing with the closing out of the Tighe & Wilson practice, contains commentary on local times and personalities.

The Canada Permanent Trust Company and Mrs. Tighe were the Executors of the Tighe estate. Cairns had many dealings with them trying to preserve something for my father.

In a letter dated 14 March 1942 to my father, shortly after the death of Mr. Tighe, Cairns reports on the winding up of the partnership. My father must have asked him to look after his interests. The first paragraph sets the difficulty arising from distance and war:

Your letter of February 7 only reached me this morning. This business of corresponding with regard to matters of importance when the mails are so slow is almost hopeless, and realizing this I have accordingly just been going ahead and acting as I thought you would have wanted me to act had you been here. The purpose of this letter is simply to bring you up to date.

Following my last letter to you Ray Milner returned to the City. It had been my intention to enlist the help of Ray in any event because I knew his assistance would be invaluable, particularly insofar as the Prudential are concerned. When Ray got back he called to see me and we had a very long talk about the whole situation. ....It also turned out that he is in a position to be of more assistance even than I had thought in relation to the retention of the good clients.

...continued page 8



**Ernest Brown Wilson, 1904-1958**  
Supreme Court of Alberta Trial Division,  
Edmonton, 1952-1958

# Archival Vignettes Continued...

## Smokey Underwear

The city solicitor placated the irate gentleman somewhat, but a moment later Assitant City Solicitor T.W. Collings was made the recipient of anther attack. From there the gentleman who gave his name as 'Erny Smith, called up officials of the C.P.R. legal department, the engineers department and the health department and police department, and within a short time an investigation concerning the "smoke nuisance" was underway all over the city.

While the legal department of the city was trying to untangle this case, the telephone again rang and a voice, who stated that he was Louis Rhinehart, demanded to know why he had been stopped from selling second hand tires. He had a pawnbrokers license, and if a man wanted to pawn his tires and failed to call for them within the allotted time, he had a perfect right to sell them.

"If you call my assistant, Mr. Collinge, he will look up the law for you," Mr. Brockington suggested.

"Why should I?; why should I?" Mr. Rhinehart answered excitedly. "If you don't know the law, should I know it?" With my pawn broker's license I should be able to sell anything, don't you? I'll sue the city; I'll sue the mayor; I'll sue you--"

With two lawsuits on the horizon and Mr. Collinge still trying to placate the irate Englishman on the other telephone, Mr. Brockington started to get worried.

Just then Mayor Davison entered. "What about this smoke nuisance, Mr. Brockington?" he said.

"What's the law on second-hand tires? Should the city give a donation to the new pipe band?"

"Wait a minute," replied Mr. Brockington. "I know all about the smoky underwear and the second-hand tires, but the pipe band donation is a new one."

## The Poor Scotch

"Well" said the mayor, "I had just got through listening to the smoky underwear story and the

second-hand tires when the telephone rang and a voice in broad Dorio asked for a subscription for the new pipe band. The gentleman advised me that it would cost \$500 to outfit the band -- all the Scotsmen in town had been canvassed and the committee had succeeded in raising \$25 toward the total amount. They want the city to make a donation."

The city solicitor puffed furiously at a long black cigar.

"Wait a minute," he said. "I'm beginning to smell a rat. First a Cockney, then a Jew, then a Scotsman. That's too many in one morning and there's something about this thing that tells me that famous legal gentlemen from Medicine Hat is in the city."

## "Villain" Unmasked

Reaching for the telephone Mr. Brockington called the Palliser hotel and inquired if C.S. Blanchard, K.C., of Medicine Hat was registered. The clerk informed him that Mr. Blanchard was registered and Mr. Brockington hung up the receiver.

"There's the answer," he said softly. "Blanchard's the cleverest mimick in Western Canada. We've been spoofed to a fare-ye-well. It's just an April fool joke."

Later in the day the city solicitor called upon the Medicine Hat legal light and Mr. Blanchard, under mild pressure, coyly admitted that he had enjoyed a little fun at the expense of the City of Calgary and the C.P.R. legal department.

Sadly, towards the end of his life, Blanchard suffered from circulatory irregularities and as a result of his illness his legs were amputated. His attendance at Calgary Bar Association events came suddenly to a halt. Many senior lawyers today still remember him and his presence at dinners was, for many years, sorely missed. ❖

The letter then goes on to discuss several schemes that Milner and Cairns discussed. Their purpose was to hold the practice while the good clients received satisfactory assurances that their work was in good hands until Dad returned. There were difficulties arranging this. They considered several alternatives, including enlisting the help of lawyers who might be suitable, and hit on a plan to have a middle-aged Edmonton lawyer, Mr. "A", whom they thought would suit both my father and the clients whose business he would continue to handle, buy out the Tighe interests and conduct the practice with a view to continuing in partnership with my father on his return after the war. They worked on this scheme, the problem being to arrive at a price for the Tighe interest, that the Edmonton lawyer could meet. Cairns promised to keep father informed, as matters developed, by cable if possible. At this time my father was in the hospital in England recovering from a leg injury suffered during a bombing raid in London<sup>1</sup>.

The next letter from Cairns is dated 5 May 1942. The first paragraph sets the scene:

You have probably been wondering why you have not heard from me before in connection with your affairs but the fact of the matter is that a great many things have been happening, and this time I wanted to delay my report until the situation had really crystallized particularly in so far as the Prudential is concerned. You will know what I mean from what I say later on, but the crystallization only took place in the last couple of days. I think now can make my final report, and I will take the matter up from where I left off on March 14 when I wrote you at a good deal of length.

At that time I was negotiating with "A" and he was going into the question of the purchase price of Tighe's interest. It took quite a little while to bring matters to a head in this connection.... However "A" made all the enquiries he wanted to make and then he came to see me and told me that he was ready to do

business. He said that he had now discussed the matter fully with the Tighe estate and the Tighe estate was willing to sell their interest in the partnership, apart of course from tangible assets such as furniture, books, but including the files and goodwill, for the sum of \$500.00. "A" said he had considered the situation very carefully and had decided that he was willing to pay this amount but he said he had also decided that if he bought from the Tighe estate he also wanted to buy from you so that he would take the business over cleanly and without any strings. Calculating the Tighe interests at a value of \$500.00 he figured yours would be worth \$250.00. He said he was willing to pay you \$250.00 and take over the whole business but that he was not prepared to give any undertaking that he would keep a place for you or that he would do anything to preserve your interest in the partnership. He said that if he took over the business it would quite probably result in his forming a new partnership immediately, and the implication was that if he did this there would be no place for you in any event....

I of course immediately told "A" that this was not what I had in mind at all, that what I was trying to do was to preserve a law practice for you when you got back from overseas, and that it was to my mind ridiculous to suggest that you would sell out the prospect of having a practice to come back to for the sake of \$250.00. "A" quite saw my viewpoint but made it clear that the basis which he had outlined to me was the only basis on which he was willing to deal."

Cairns then took the matter under advisement with Ray Milner. They canvassed the law list and could not find another suitable person to approach.

Finally, Ray suggested to me what he had suggested almost immediately after Mr. Wallbridge

**(Footnote)**

<sup>1</sup> Among the nursing staff in the hospital where Dad was confined was a nurse who became a very good friend and who in later years married an Edmonton lawyer, and became Mrs. Molly Whittaker.



death (*Cairns longtime partner, J. E. Wallbridge, K.C. had died on 27 February 1942*) and what I rejected at that time, namely, that I buy out Tighe's interest and preserve your interest pending your return. This of course was a difficult suggestion from my standpoint, because of the fact that there are three of us in the firm, myself, Ross, and Jimmy Wallbridge, but as we seemed to have reached an impasse I told him I would take it under consideration, and I talked it over with the other boys and finally came to the conclusion that if I found that there was really anything to buy, that is to say, that the clients would stay, I would pay out the Tighe interest or have the firm do so, with the understanding that when you came back you would either be taken in to our own firm or, if this did not seem possible under the circumstances, that the Tighe & Wilson clients which were turned over would be returned to you so that you would have the nucleus of a practice and, for that matter, a very good nucleus.

The letter then goes on at length to detail the steps that were taken to try to ensure that the valued client business would be held in trust for my father's return. Cairns spent some time at this, and found that he could not ensure the retention of two or three valued clients of the Tighe firm, and one of my father's valued clients had already retained Cairns to do their work for the duration, with the understanding that they would go back to my father on his return from the war.

After a good deal of discussion Ray and I decided that the only thing for me to do was to take over the Tighe & Wilson files, or such of them as were willing to come. We also agreed that I should not be asked to pay for anything but the Prudential, and the final result was that we agreed that assuming I got the Prudential at the end of the year there would be a check made with a view to seeing just how valuable this business was to me and I would then pay the Tighe estate some amount which he and I agreed on as being reasonable.

In the result, the bulk of the work, and the files came to Cairns, who continued the work in this caretaker fashion for the rest of the war. My father came home in December 1945, and by January 1946 he had accepted an offer to join Cairns Ross and Wallbridge in partnership, an arrangement that continued until he was appointed to the Bench in 1952. Several good clients were lost in 1942, including Credit Foncier and the Bank of Nova Scotia. In 1942 Cairns was acting for the Dominion Bank, and he took the position that he could not accept a retainer from the Bank of Nova Scotia because of that. Fancy that, in this day and age!

The 5 May 1942 letter continues:

I believe this report brings matters pretty well up to date, and for the purposes of record I hereby confirm, on behalf of all the members of our firm, that so far as any and all of the clients which we took over from Tighe & Wilson are concerned unless it is possible for us to make an arrangement for you to enter our firm on your return these clients are all to be turned back to you.

Cairns goes on to say he thinks the Prudential connection will be valuable then, and in the future will form a good basis for earnings at the end of hostilities: This turned out to be accurate. In the years following the war the Prudential business was very good as the post war housing boom and CMHC lending became very lucrative, and the firm thrived on it and the other good clients retained in this way. In that letter Cairns also elaborates on the discussions with "A", not wanting to create the impression that "A" was not co-operative or was selfish, as he believed that he was only being businesslike with the respect to an arrangements that could be seen to be full of uncertainties. He explained that he could understand this point of view.



First page of letter to  
E.B. Wilson from  
L.Y. Cairns, May 5, 1942

This was the arrangement that was carried through. Most of the old Tighe & Wilson files were sent over to our home on 90<sup>th</sup> avenue in North Garneau and were stored there in wooden boxes for years, even after my father came home, with no effort to sort them out, until they were destroyed when Dad went to the Bench.

These letters are appendices to this note. The "Ray" referred to in Cairns' letter, is H. R. Milner, K.C. Glover and Denley were both Prudential employees in Western Canada. Bagley and McManus was a local Edmonton real estate company, who had an office in the Edmonton Market square, across from the main post office. For some time my grandfather maintained an office in their building, which was an old brick residence. "Cook" was T. G. Cook, of Imperial Lumber Limited, who had been a client of my father's for some time before the war. The Imperial Lumber Company Limited remained a client after the war, and was still an important client of the firm when I articulated there in 1956.

My father's secretary at the Tighe & Wilson firm was Jessie Mae Moses. She had been there for years, and had an intimate knowledge of the partnership business. A letter she wrote to my father on 31 May 1942 is in his file. It is a long letter written to tell Dad some of the things happening since Tighe died. She had been asked by Cairns to come to work for him. She had some hesitation about that, but did so. It worked out very well, and she was still there when my father returned to practice, and then continued to work for him until his appointment. The letter is interesting in its comments about many Edmonton lawyers, and about the state of secretarial assistance at that time. She was earning \$86.65 per month, and her salary was frozen because of wage and price controls. In addition to being an excellent secretary she also kept the Tighe & Wilson books. She says:

I have been three weeks in the new office and I am glad I did not get a chance to write to you until I had really worked there because I had formed a wrong opinion of Mr. Cairns. I was glad you had said he was temperamental as that gave me a chance to say this. When he came over to the old office he seemed so strange and as I said, even after I had mentioned about your telling me you supposed I had seen your cables he never offered to show them to me.

And later:

Yes, Kane, Auxier and Cairns are all fine. I have changed my opinion completely about Cairns since going over there as he is so nice around the office, and Stan Ross and young Wallbridge have been very nice to me....One thing I like about the new office is that things get done, and letters are answered - not left for weeks and not answered. I am afraid that Mr. Tighe's passing has let many know that he carried too big a load....

Miss Moses' letter also contains a number of other references to prominent Edmonton lawyers, among them Mr. Peter Greszczuk, who had been working with the Tighe & Wilson firm before the war. He was a close friend of my father's, and at that time had not yet changed the spelling of his last name.

Miss Moses wrote six pages on onionskin paper, front and back, and notes at the end of the letter that she intends to send it airmail even though that will cost \$0.30, as she does not want to contemplate her long letter going down into the Atlantic ocean.

Among father's papers is a letter written by Cairns to my father during the war, dated in 1944, in which he mentions having just returned on a Saturday from St. Paul after attending to a trial there for "your old client, Cook". He describes the rigours of a country practice, in addition to the problems of getting to this trial. The power generator in St. Paul had gone out of service while he was there, disrupting business in the town and shutting down the water supply. Cairns did not drive a car, and gas rationing might have prohibited the use of one at that time in any event. He remarks on the discomfort of the trip generally, and the fact that he had been able to catch a ride home to Edmonton at the end of the week, on Saturday, on the hog freight! There has been some marginal improvements in the situation in St. Paul since those days in 1943!

Another letter is one Cairns wrote to my father on 31 January 1940, on the eve of my mother's departure for England to join him. In that way he hoped to ensure its early delivery. Three wives of officers of the 49<sup>th</sup> Battalion, The Edmonton Regiment, were allowed to go to England to spend time with their husbands, as the so called "Phoney War" had been going on for months, and things were quiet. The Blitz had not yet begun. Cairns sent a letter with some cheerful news, and to congratulate my father on his being appointed a King's Counsel by the Social Credit government of the day. He comments on the local scene, after noting that the address for a soldier serving overseas is so long that a correspondent runs out of steam before even getting to the body of the letter. He also goes on:

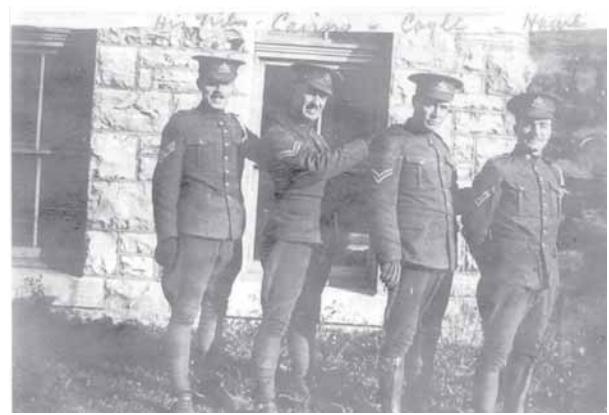
As a matter of fact, the barristers on the home front have suffered a good many more casualties than you fellows overseas have. Doubtless you have heard from (Mrs. Wilson) that Stuart Fraser is in the hospital with a heart attack and three broken ribs; Dixon Craig is in the hospital with a heart attack; Andrew Smith has had a stroke; Malcolm MacLeod is in the hospital for x-ray examination; Judge Shepherd has had a disabled gall bladder and as a matter of fact I have a slight headache today myself. I hope that we are very much in your thoughts and that you are duly appreciating the brave fight we are putting up over here.

You are regularly mentioned at our meetings of the Legal Discussion Club and all the boys wish you the very best of everything.

He also comments on the large Honours list put forward by the Social Credit government of Aberhardt at that time, as follows:

I heard rumours that you were going to be appointed but my understanding was that you were to be distinguished by a special list. Instead of that, however, there were sixteen others named with you, and taking into consideration the thirty or so others who were appointed last June everything considered I think Abie (Aberhardt) has done pretty well for one year.

So far as the Edmonton list is concerned, however, they are all good fellows, and I was glad to see them distinguished. I imagine that before Abie goes out of office he will probably confer the silk on the other members of the profession, and then I understand a new order is to be installed, that of King's Counsel with Bar. If the Bar is of the proper kind I imagine that this form of distinction would appeal to some of the members more than the old one.



L.Y. Cairns, himself a vet of the First World War (seen second from the left) is depicted alongside fellow Edmonton lawyer Harold Hawe (on far right).

Cairns had been in the First War, and understood the value of mail to men at war.<sup>2</sup> His letters to my father continued, even if there was no business to discuss.

In this letter as well Cairns says that he heartily approves of Mother's trip to England at this time, and says that he and his wife will stand in *loco parentis* to my sister and myself during her absence. Mr. & Mrs. Cairns lived just a few blocks away from us on 88<sup>th</sup> Avenue in the north Garneau area. My sister and I had been left in the care of Elaine Austin, a school teacher in Edmonton and a friend of my parents.<sup>3</sup> ❖

#### (Footnotes)

<sup>2</sup> Cairns had volunteered for overseas service and saw action in France, where he was gassed. His good friend, Joseph McKenzie, father of Mr. Justice John McKenzie of the Court of Queen's Bench was a good friend who signed up with him. Mr. Justice McKenzie has made available to me a photo of Cairns, McKenzie and Harold Hawe, K.C., later an Edmonton lawyer, together in uniform about 1917. Hawe, and Edmonton lawyer, had served in the Mounted Police early in his career. The photo shows McKenzie with sergeant's stripes, and Cairns as a Corporal. John McKenzie tells me that he understands that his father and Cairns both came home and were mustered out as privates. Hawe achieved the rank of Lieutenant. The photo is attached.

<sup>3</sup> Miss Austin later married George B. McLellan, who was at that time overseas in the Army, on leave of absence from the RCMP, and who later became Commissioner of the RCMP after the war, and in a still later career, the first Ombudsman for Alberta. McLellan was a very close friend of my father.

# Mark Your Calendar

● LASA's 2008 Historical Dinner will be held on October 1 at the Fairmont Hotel Macdonald in Edmonton and on October 2 at the Fairmont Palliser Hotel in Calgary. Speaker to be announced shortly. For further information please contact the Legal Archives Society of Alberta

● Members are reminded to check out the Archives Society of Alberta website at: [www.archivesalberta.org](http://www.archivesalberta.org). Archival descriptions to LASA's textual holdings and our scanned / digitized photograph collection are available for keyword searching on the ANA and Alberta Insights databases.

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