

TALK TO MY LAWYER! by James H. Gray (Edmonton: Hurtig Publishers Ltd., 1987) pp. 214.

The Calgary Bar Historical Society, formed in 1982, commissioned James H. Gray to write a book on the early days of the Bar in Southern Alberta. Any lawyer who has done a modicum of practice in Alberta or has been interested in the legal profession in Western Canada, will know that the gestation and birth of the legal profession in Alberta took place in the Calgary area. Calgary, being the oldest city in Alberta and on the main line of the C.P.R. naturally attracted the population base and its attendant legal professionals. These lawyers left a legacy of colour, competence, combativeness and confusion. The sometimes apocryphal carryings-on of the Alberta Bar, especially in Calgary, have provided wonderful fodder for the press and humorous anthologies. The events which Gray relates are legend in Alberta, not only for their humour and uniqueness, but in illustrating the solid basis on which the principal of the rule of law was established in the early days (despite some false starts) and which have led to a proud and honourable tradition at the Bar equal to any legal community. I do not know of any other work in which these events have been chronicled. This is vintage James Gray. If you have read, or even skimmed, his *Red Lights on the Prairies* or *Booze*, you will be right at home and just as wrapped up in *Talk To My Lawyer!*

This book is not, nor does it even want to be, a scholarly legal treatise, but the research that obviously went into this work shows in the final result. Anyone interested in the legal profession or in the folklore of our province, will find this book fascinating and informative reading. I recall as a young articulated student in Calgary in the early 1960's, hearing stories about the confrontation between the Judiciary and the army. It was really impossible to get any hard details of this first world war incident other than by listening to the stories told second and third hand by members of the Bar. Gray, finally, chronicles this pantomime, and at the same time allows the reader to see something of the personality of Chief Justice Horace Harvey, and his devotion to the rule of law, even when he himself may have had personal reservations.

At long last we can read, with prurient glee, the escapades of Premier Brownlee and Vivian MacMillan. (*MacMillan v. Brownlee*¹ or *Brownlee v. MacMillan*, as it became in the Privy Council.²) Gray takes the reader through the evidence as if it were a soap on television, and, indeed, it may seem far-fetched even for that medium. In addition to the titillation, the legal musings of the various courts involved are included.

At the same time as Brownlee was in the public view, another politician was also in a gonadial furore; Tony McPherson, Minister of Public Works in the UFA government, and his wife entered into a "wife swapping"

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1. [1934] 2 W.W.R. 511, being the trial decision wherein Ives, J. dismisses the action notwithstanding the jury's decision; [1935] 1 W.W.R. 199 wherein the Appellate Division upheld the trial judge at great length and detail; [1937] S.C.R. 318 the Supreme Court of Canada reversed the two lower courts and restored the jury's verdict.
 2. [1940] A.C. 802. The Privy Council upheld the Supreme Court of Canada, but without great detail.

liaison and endeavoured to switch spouses. To facilitate this McPherson needed a divorce and proceeded to do it in the judge's office rather than in open court. The furore that followed when Mrs. McPherson sued to set aside the divorce resulted in legislation limiting the media reporting of certain matrimonial proceedings.³ This scandal has resurfaced as a current legal issue, with the validity of this provision to be tested before the Supreme Court, having been upheld by the Alberta Court of Appeal.⁴

One could not even talk about the Bar of Southern Alberta, or of Canada for that matter, without referring to R.B. Bennett. Gray casts Bennett in a mortal light with very great virtues as well as detailing his petulance and meanness. The Bennett - Lougheed feud is an eye opener, especially when that the circle has now been closed with Lougheed's son, Peter, joining the present-day successor to Bennett's firm, though Gray fails to mention this fact.

The story of a champion of Indian rights was unknown to me and I am grateful to Gray for including it, that of "Queen Mother Morning Star", nee Ruth Gorman. Ms. Gorman's biography is one worth reading and is appropriately summed up by the author:

"you can indeed fight city hall, provided always that you have a non-practising lawyer like Ruth Gorman as convenor of legal affairs!"

Do not think that *Talk To My Lawyer!* is merely a series of vignettes of the past. James Gray succumbs to the charm and "puckishness"⁶ of Mr. Justice Frank Quigley. One of the terrors of the bench, Quigley is far from "past" and any Calgarian worth his salt can relate Quigley stories. Gray must be commissioned to write about the contemporary scene, with the Quigley stories to be matched with yarns about Milt Harradence, Bill McGillivray, to whom the book is dedicated, Bobby Barron, E.J. McCormick, the redoubtable Harold Riley, Arthur Beaumont, Chris Evans and so many more absolutely wonderful lawyers *and* human beings. I shall look forward to reading the sequel by James Gray.

Although the dust jacket does indicate that the stories are from Southern Alberta, the author does include stories from the north as well, and in doing so captures the flavour of the Bar of this province.

The past two years have seen several books on lawyers, one being Alberta oriented, *Frontier Justice*,⁷ which mainly reminisces on major criminal cases in Alberta. Another, *Court Jesters*,⁸ includes many Alberta lawyers, including some mentioned by Gray, but it is merely a collection of funny stories. For information, fun, and not a little excitement and titillation I heartily recommend *Talk To My Lawyer!*

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3. *The Judicature Act* R.S.A. 1980 c. J-1, ss. 30 & 31.

4. *Edmonton Journal v. Alta (A.G.)* (1987) 53 Alta. L.R. (2d) 193.

5. *Talk To My Lawyer*, *op. cit.* p. 185.

6. *Id.* p. 190.

7. Ged Baldwin, University of Alberta Press, 1987.

8. Peter V. MacDonald, Methuen, Toronto, 1985; and its sequel, *More Court Jesters*.