

**A
HISTORY
OF THE
CANADIAN
MARITIME LAW
ASSOCIATION
1951-2001**



John A. Cantello
Montreal

Sincere thanks are expressed for assistance in the preparation of this book to Margaret Nuaru, Gail Harris, Peter J. Cullen, Jim Gould, and George Lackenbauer.

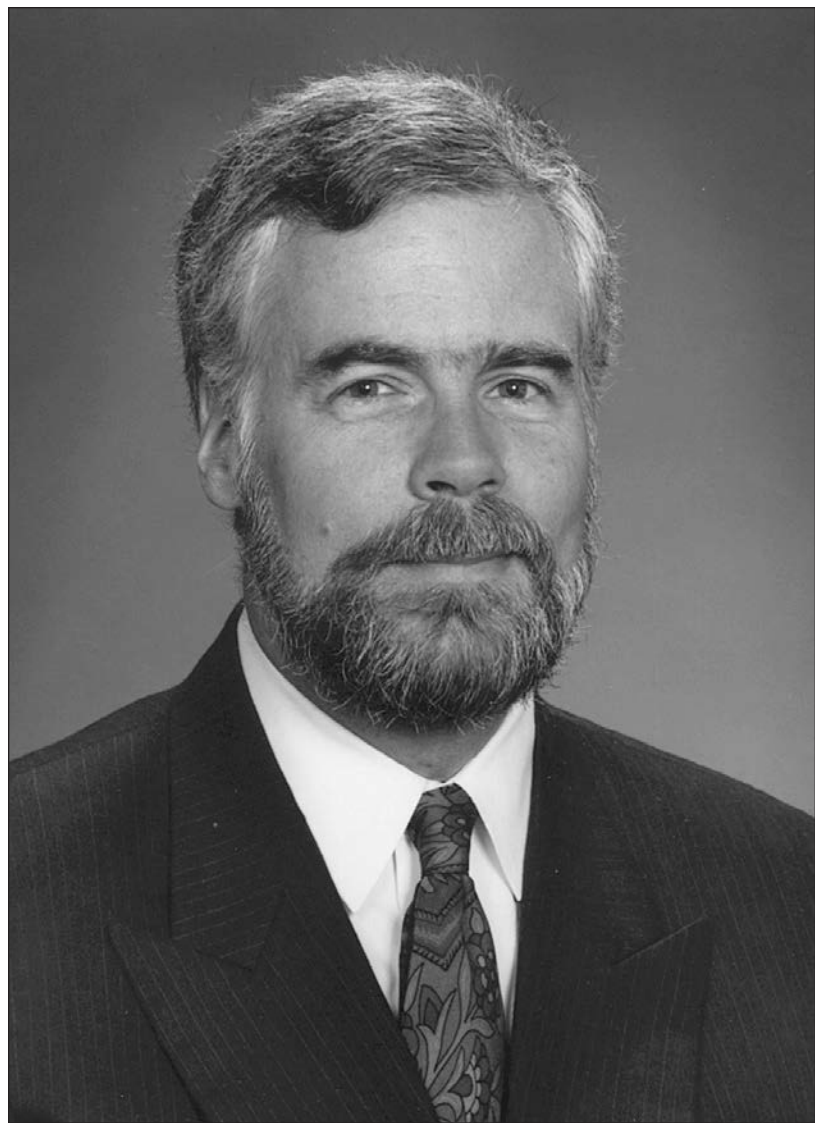
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James E. Gould, Q.C. – President 2000

FOREWORD

James E. Gould, Q.C.

My term as President commenced in July 2000. In February 2001, fifteen CMLA members attended the 37th Comité Maritime International Conference held in Singapore. The CMLA 50th Anniversary celebrations will take place in Montréal in June 2001.

The following history of the CMLA has been prepared by our Secretary-Treasurer, John A. Cantello. While a labour of love on his part, its preparation has taken a great deal of his time and effort for which we are all most grateful and appreciative.

With much to look forward to, this anniversary year should also be one of reflection. I think of our past Presidents and Secretaries, some having passed away, but most, thankfully, still very much alive and continuing to make valuable and valued contributions to the work of the Association.

The CMLA's first President, Charles J. Burchell, K.C., served from 1951 to 1954. He was a fellow Haligonian and a neighbour of mine for a number of years. I remember him fondly. He was truly a great man — a leader, a most respected lawyer and a credit to the CMLA, his profession and his country.

Succeeding Presidents, drawing on the character and quality of the Association's members have all left their marks. I wish to honour the memories and service of those past Presidents who have died and to recognize the great and continuing efforts of those still living. We are all very much indebted to each and every one of them.

Each President has had to rely on the efforts of the Association's Secretary-Treasurer. The CMLA could not function without their wisdom and assistance. I here particularly wish to recognize the valuable contribution, including the completion of this history, made to the CMLA by our present Secretary-Treasurer, John A. Cantello, and also the contributions of his immediate predecessor, the late Bart N. Malott.

Halifax, Nova Scotia
6 March 2001

A HISTORY OF THE CANADIAN MARITIME LAW ASSOCIATION 1951-2001

INTRODUCTION

The Canadian Maritime Law Association (CMLA) was formed and has always been dedicated to promoting uniformity in Maritime Law both in Canada and internationally.

It was to this end that a small group of individuals, mostly representing Trade Associations in Canada, met on Wednesday, December 5th, 1951, at 3PM in the Board Room of the Shipping Federation of Canada Inc, in the Board of Trade building in Montreal to discuss founding a Maritime Law Association in Canada to complement those in the United Kingdom, and the United States of America as well as other countries. Present at that meeting were:

Mr. R.C. Holden, K.C. representing the Canadian Bar Association
Mr. J.A. Parker representing the Canadian Board of Marine Underwriters
Mr. W.J. McNally representing the Canadian Chamber of Commerce
Mr. .C. McDerby representing the Canadian Exporters' Association
Mr. V.S. Northrop representing the Canadian Importers & Traders Association, Inc.
Mr. S.B. Brown representing the Canadian Manufacturers Association, Inc.
Mr. Geo. R. Donovan representing the Dominion Marine Association
Mr. Peter Wright
Mr. A.L. Laws
Mr. E.P. Ree representing the Shipping Federation of Canada, Inc.
Mr. Smathers
Captain R.A. Clarke
and Hon. C.J. Burchell, K.C., Halifax (Chairman, Maritime Law Section, Canadian Bar Association)
Mr. F.S. Symons, Montreal
Mr. Charles E. Hunt, K.C., St. John's, Newfoundland
Mr. Lucien Beauregard, K.C., Montreal

Mr. Walter S. Owen, K.C., Vancouver

Mr. C. Russell McKenzie, K.C., Montreal

Mr. Léon Lalande, Montreal

It will be seen that there were four representatives of the Shipping Federation of Canada and two representing the Dominion Marine Association which gave the Ship Owners good representation. On the other hand, it was good to see that also represented were the Canadian Exporters Association, the Canadian Importers Association and the Canadian Manufacturing Association. The other two constituents mentioned being the Canadian Bar Association and the Canadian Board of Marine Underwriters could be considered as representing neither Hull nor Cargo interests. Messrs. Lucien Beauregard, K.C. and R.C. Holden, K.C. attended and were two of the most prominent marine lawyers of the time, certainly in Montreal, and Mr. C. Russell McKenzie, K.C. was a prominent representative of cargo interests. Mr. F.S. Symons was a leading Average Adjuster with Johnson & Higgins in Montreal. At that time, there was no Association of Average Adjusters of Canada which was formed only in 1967. Mr. Léon Lalande was associated with the Shipping Federation and subsequently with Brisset Bishop (as they are now known) and later took his place on the Bench.

Probably the most influential man of his time in shipping, Mr. A.L. Lawes, President of the Shipping Federation of Canada, proposed that the Honourable C.J. Burchell, K.C. of Halifax be invited to take the Chair and it was also agreed that Mr. Lalande would act as Secretary.

The Honourable C.J. Burchell read the following statement which, as an important part of our history, is produced in full:

“The proposal for the organization of a Canadian Maritime Law Association which was sent out to all persons present today contains much of the information which those called together to organize it should have.

I thought, however, that this information might be supplemented in a short statement by me, as Chairman of the Maritime Law Section of The Canadian Bar Association.

The members of the Maritime Law Section of The Canadian Bar Association who met in session in September had before them for discussion the form of

organization of the British Maritime Law Association, and also of the Maritime Law Association of the United States. Both these organizations command great influence in their respective countries. Both of them are in affiliation with the Comité Maritime International, whose principal object and purpose is the unification of maritime law in all maritime countries.

Their influence is felt, however, not only in their affiliated work with the Comité Maritime International, but also in other work in their own domestic fields of maritime commerce.

The constitution of the American Association provides for individual members of whom at least ninety per cent must be lawyers, and ten per cent non-lawyers, such as underwriters, average adjusters, etc.

The British Association, on the other hand, is constituted largely by the representatives of interested bodies, such as Lloyd's Underwriters Association, the Association of British Chambers of Commerce, the Law Society and a number of similar bodies.

Lawyers are also members of the British Association, but the voting privileges are largely, if not altogether, with the constituent members such as Lloyd's Association, etc.

The members of the Maritime Law Section of The Canadian Bar Association appointed a subcommittee to undertake the work of organization of a Canadian Maritime Law Association, but with instructions to follow the British model and not the American model, and, here let me quote from a recent address given by Mr. Cyril T. Miller, Secretary of the British Maritime Law Association, when explaining the idea of the original founders of the Comité Maritime International, under the inspiration of a Belgian lawyer, Louis Franck, in 1896; he says:

‘...what Louis Franck saw so clearly was that in order to achieve uniformity among the maritime nations in that highly specialized branch of law, the law of the sea and of the trade upon it, there must be

established a body of men who were actively engaged in maritime commerce and were drawn from all the maritime countries. It is by such a body alone that the practical problems which continually arise in maritime commerce can be brought to the light of day and solved; it is then for the lawyers to ensure that the solutions are framed so that they can be absorbed into the substantive law of the maritime countries.'

Probably many of you know the work of the Comité Maritime International since its organization fifty-five years ago, but perhaps I might mention a few matters.

Their first work was to prepare an International Code on Collisions at Sea. This was completed in 1905 and received the approval of a Diplomatic Conference at Brussels and was subsequently ratified by not less than twenty maritime countries.

Perhaps the most important work which the Comité performed in its early years was the Hague Rules of 1921 which were adopted by a Diplomatic Conference at Brussels in 1922 and have now been adopted in all the principal maritime countries in the world.

The most recent great success of the Comité is that of the revision of the York-Antwerp Rules in 1949 which has now, I understand, been accepted very generally throughout the maritime world.

A still more recent success, which, however, was largely the work of the British Maritime Law Association, was in respect of the so-called Gold Clause in the Hague Rules.

The Hague Rules, as implemented by legislation in maritime countries, provided limitation of the shipowner's liability for loss or damage to cargo to £100 per unit and the monetary units should be taken to be the gold value.

This so-called Gold Clause became a very complicated matter because of the variations in the value of gold in different countries.

But the British Maritime Law Association recently solved the problem in large measure by arranging a voluntary agreement between shipowners, underwriters and merchants, whereby the liability was agreed to be compromised at £200 sterling.

This voluntary agreement is probably not enforceable according to law, but it was accepted, not only in the United Kingdom, but in a number of European countries, and has met with success, as the many scores of organizations and companies who have signed it have agreed to be bound by it.

One of the matters under consideration by the Comité for several years and at the present time is the arrest of Government-owned commercial ships and the limitation of liability in respect of such ships. This is a very important subject for discussion for us in Canada.

In the United Kingdom, under the Crown Proceedings Act 1947, an action can be commenced against the Government without fiat or other proceedings in respect of a collision or salvage. No arrest of the ship is authorized but only an action in personam which, of course, is all that is necessary.

In Canada an action can now be commenced against the Government in a collision case, in the case of a Government-owned ship, and the fiat is automatic. If the Crown wins a collision case, under the statute law at present in force in Canada the shipowner whose ship was in default cannot limit his liability but must pay the full amount of the damage. This, I think you will agree, is a shocking state of affairs.

The situation is in part provided for by the Order-in-Council passed in 1941, so that there may be a provision for limitation of liability if any Government Department chooses to register its ships.

On the other hand, if the Government is found to be in default, the Crown cannot limit its liability but must pay full damages.

Even more shocking is the fact that at the present time no action can be brought for salvage of

Canadian Government-owned ships, and I suggest that this is a matter that requires immediate remedy. In that respect Canada is one of the most backward countries in the world.

The arrest in Canada of a ship which is owned by a foreign government is also a matter which requires remedy.

The American Government, some years ago, passed a very fair law which permits arrest of Government-owned ships by American citizens, and also permits the arrest of American ships by citizens of other countries such as Canada, provided the foreign government extends the same privileges in an action by an American citizen in respect of a collision claim against a Canadian ship.

We should have similar legislation in Canada, and one of the principal subjects which has been under discussion at the meetings of the Comité Maritime International is this matter of the arrest of Government-owned ships and an endeavour to make the law uniform throughout the world.

The matter was not of so much importance until recent years when the governments of so many maritime countries are operating Government-owned ships.

I am sure those present will agree with me that if we form a Maritime Law Association in Canada in affiliation with the Comité Maritime International there will be many opportunities for useful work both in the domestic field and in the international field.

I do not think that we should wholly blame the powers that be in Ottawa for the defects in our shipping laws which I have mentioned. I think perhaps some of the blame should be placed on those engaged in commerce in Canada, for not forming long ago a maritime law association which would study our shipping laws and regulations and call any defects to the attention of the Government. There should also be some blame attached to the admiralty lawyers who are members of the Canadian Bar Association for not having formed a section on maritime law until the present year.

I believe that if we now launch the Canadian Maritime Law Association, which would include representatives from practically all associations interested in shipping matters, and if the members of the Admiralty bar in Canada do some research work on some of the legal problems, as it is planned should be done during the coming year, the recommendations of the two organizations will be given serious consideration by the Government at Ottawa.

I was personally a little disturbed because the United Nations have established an organization to study the matter of the unification of maritime law. However, I wrote to my friend, Sir Thomas Barnes, Treasury Solicitor, London, who, before he was appointed to his present position was the Legal Adviser to the Board of Trade, and as you know, the Board of Trade has charge of all maritime matters. I quote from his reply as follows:

‘Dear Mr. Burchell,

I received your letter of the 6th instant about the organization of the Canadian Maritime Law Association.

I delayed answering your letter because I wanted to talk to some of the members of the British Maritime Law Association about your problems. I think I can at once say that everybody welcomes the fact that you have constituted such an Association in Canada and I think that the British Association would also welcome the constitution of similar bodies in Australia and other parts of the Commonwealth. It is also thought by everyone that the basis of your constitution is on the right lines, including as it does representatives of the various interests concerned with maritime affairs.

So far as the two organizations of the United Nations which you mention are concerned, it is true that these bodies have been set up and are starting to func-



Hon. C.J. Burchell, Q.C.
President 1951-1954

tion. They are, however, in their infancy and I think nothing like so expert in maritime matters as are the various Maritime Law Associations and the Comité Maritime International. Presumably the United Nations bodies will not confine themselves exclusively to maritime matters. Our feeling here is that there should be no conflict between the various organizations. Indeed it is the hope that there will be co-operation between the United Nations bodies and the Maritime Associations and that it will be found that the latter Associations can play a most useful part in the field of law which they cover.

With kind regards,

Yours sincerely,

(SGD) T. BARNES”

General discussion followed this proposition in which Messrs. Lawes, Brown, Beauregard, Rees, Parker, Donovan and Wright considered that the foundation of the Canadian Maritime Law Association (CMLA) should take place as proposed by Mr. Burchell.

Mr. Peter Wright introduced a proposed Constitution which was read clause by clause and a number of amendments were made. Mr. R.C. Holden, K.C., then made the following resolution which was seconded by Mr. S.B. Brown and agreed THAT the Canadian Bar Association, the Canadian Manufacturers Association and the Dominion Marine Association and, subject to ratification, the other organizations here invited agree to form the Canadian Maritime Law Association according to the constitution attached to those minutes. (In fact, a copy of the original constitution is included in this book on page 117.) Mr. R.C. Holden, K.C., who is well remembered by the writer, was in a busy mood because he moved the election of the following members who were:

Hon. C.J. Burchell, K.C.
Mr. Peter Wright
Mr. F.S. Symons
Mr. A.L. Lawes
Mr. Charles E. Hunt. K.C.
Mr. Léon Lalande
Mr. Lucien Beauregard, K.C.
Mr. Walter S. Owen, K.C.
Mr. C. Russell McKenzie, K.C.
Mr. R.C. Holden, K.C.

which was agreed. He also made the motion which was agreed that Mr. Justice J.V. Clyne of Vancouver be elected the first Honourary Member of the Association and finally he moved, and it was agreed, that the first Officers should be:

President	Hon. C.J. Burchell, K.C.
Vice-Presidents	Hon. Mr. Justice J.V. Clyne Mr. A.L. Lawes
Honourary Secretary-Treasurer	Mr. Léon Lalande

It was agreed that members of the Executive Committee should be selected by the Nominating Committee composed of Messrs. Holden, Lawes and Lalande to act until the first Annual General Meeting set for Tuesday, May 23rd, 1952. It was also resolved that the level of annual subscription should be \$25.00 for Constituent Members and \$10.00 for Associate Members.

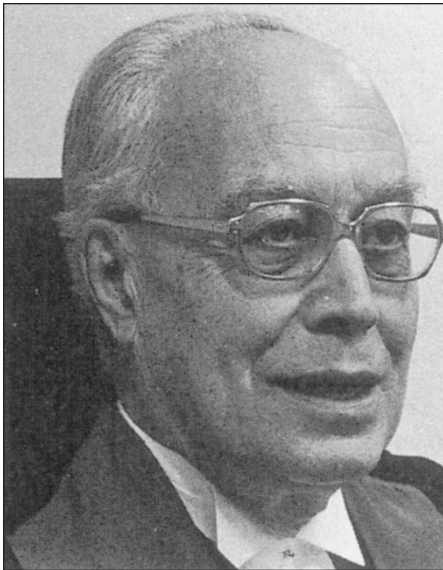
These are rather full details of the inaugural meeting which I believe to be appropriate.

The *modus operandum* intended was to have the business of the Association run on a day to day basis by an Executive Committee comprised entirely of representatives of Constituent Members so that the President was more of a figurehead at that time. This is in stark contrast with the system which has developed over the years and which applies today in that the President is in charge of all aspects of the work of the Association and thus has a heavy workload.

The Association has been extremely fortunate in the character and expertise of the seventeen Presidents. Consequently, we have gathered a photograph of each one and, where possible, their thoughts which are re-produced elsewhere.

The following are brief biographical details of Mr. Léon Lalande of Montreal who was the first Secretary and Treasurer of the Association and was associated with the Secretary's office until 1961.

Léon Lalande was born in Sault Ste-Marie, Ontario, on April 11, 1904 and received his LL.L. degree from Université de Montréal in 1930. Admitted to the Bars of Ontario and Quebec in 1930,



Hon. Leon Lalande
Secretary, 1951-1958
Joint Secretary, 1959-1961

he first practiced in Windsor, Ontario, before establishing himself in Montreal in 1935. He was named Queen's Counsel in 1955 and, several years earlier, had been appointed a Member of the Order of the British Empire. Active in professional circles, he was President of the Quebec Region of the Canadian Bar Association in 1958-59. He was with the firm of Beauregard, Brisset from January 1955 to April 1960. After leaving the firm, Mr. Lalande continued in private practice and in 1964, was elected Batonnier of the Bar of Montreal and of the Province of Quebec. He was named a Judge of the Superior Court on February 20, 1969, and following his retirement from that Bench on April 11, 1979, became an ad hoc judge for the Federal Court of Appeal. He died on February 18, 1990.

THE FIRST DECADE — 1952 TO 1961

As arranged at the inaugural meeting the First Annual General Meeting of the Canadian Maritime Law Association (CMLA) was duly held at the Shipping Federation offices in Montreal on May 23rd, 1952. By that time there were ten Constituent Members, six of whom were represented plus the following four members, Mr. C.J. Burchell, Q.C., Mr. A.L. Lawes, Mr. F.S. Symons and Mr. Léon Lalande. In other words, the meeting was sparse but each attendee had a part to play. Seven more Associate Members were elected and Officers for the following years were as named at the Inaugural General Meeting, but Mr. F.S. Symons became the Honourary Treasurer and Mr. Léon Lalande simply continued as Honourary Secretary. Also elected again were six Representatives of Constituent Members as the Executive Committee and in line with our practices, special Committees were set up on Arbitration, the Naples Conference on the Arrest of Seagoing Ships, and one on Legislation. Annual dues were unchanged.

In the light of our current relationship with the Maritime Law Association of the United States it should be noted that the President, the Honourable C.J. Burchell, Q.C., had attended the Annual Meeting of that Association in New York on May 2nd, 1952 and brought back a warm welcome to the new CMLA.

Also agreed at the Annual General Meeting was that further meetings be held that year in Montreal in the autumn of 1952, to which Mr. Cletus Keating, President of the Maritime Law Association of the United States, be invited and in Vancouver in September, 1952, when the Canadian Bar Association was holding its 34th Annual Meeting.

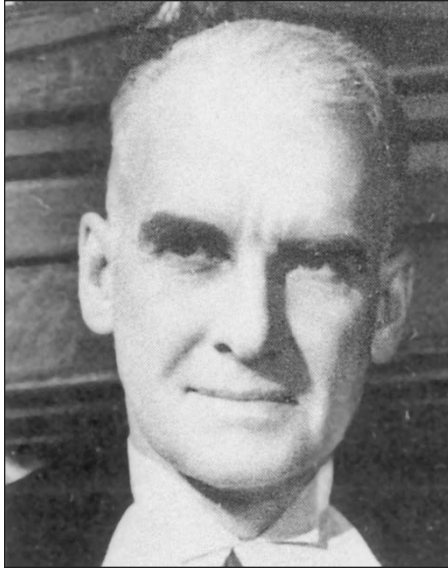
It was stated earlier that the Presidents of the CMLA have a heavy workload and there is no doubt that the individual personalities during their terms of office leave a clear stamp on the Association. Therefore each of the surviving ten Past Presidents, as well as the current President, has been invited to submit a brief article for inclusion in this publication together with a photograph and these will be found here or elsewhere. In the case of the deceased Past Presidents, we have tried to locate a photograph of each for inclusion. This emphasis on individuals is deliberate. The Association has enjoyed a great deal of success and has grown substantially from its origin due completely to the efforts of individuals. The writer is profoundly aware of the generous amounts of time and effort that leading practitioners of maritime law in Canada have given to the Association, including giving a large part of themselves.

Mr. C.J. Burchell, Q.C. was a prominent practicing Barrister in Halifax and in view of this unanimous selection was obviously a very suitable choice as the first President. Mr. Burchell continued as President until the Annual General Meeting in 1954 with the same two Vice-Presidents, Mr. Justice J.V. Clyne and Mr. A.L. Lawes, and Messrs. Lalande and Symons as Secretary and Treasurer respectively. When Mr. Burchell announced his retirement as President at the Annual General Meeting in 1954 he was elected unanimously as Honourary Life President of the Association to mark appreciation for his long and faithful interest in maritime law and the prominent part he had taken in the founding of the CMLA.

Constituent Members fluctuated between ten and eleven over the next decade with a limited number of additional Associate Members being elected at the Annual General Meetings. The majority of the day to day affairs of the Association continued to be handled by the Executive Committee.

At this time, new members, Associate or Constituent, could only be elected at the Annual General Meeting and the numbers were not great. In 1952, there were seven new Associate members, four in 1953 and six in 1954, including William Tetley, Q.C. as mentioned elsewhere. Then there were five in 1955, none in 1956 and five in 1957 including future Presidents, Mr. A.S. Hyndman Q.C. and Mr. D. Brander-Smith, Q.C. There were eight new Associate Members in 1958 which included Mr. W. Baatz of Saguenay Shipping and Mr. Mel Angus, both of whom played a prominent part in the Association's affairs over the next few years. In addition, Mr. Paul Beck arrived from England in 1958 to take over the Canadian Shipowners Mutual Assurance Association and was duly elected Secretary of the CMLA. The following years of 1959, 1960 and 1961 produced a total of only seven new Associate members. The net result was that in 1961, the Association had ten Constituent Members and forty-seven Associate Members, which members had only grown from thirty-six in 1953 and reflected a net loss of one Constituent Member.

Each of the Annual General Meetings of the Association from 1952 to 1961 inclusive were held in Montreal, QC and all between the dates of May 1st (1953) and June 1st (1961). At the 1954 Annual General Meeting Mr. C.J. Burchell, Q.C. was replaced as President by the Honourable Arthur Smith of Montreal. Messrs. J.V. Clyne and A.L. Lawes continued for the fourth year as Vice-Presidents but were joined by Mr. Peter Wright of Toronto. The Honourable Arthur Smith the writer remembers as a Judge of the Superior Court in Montreal and he finished off the decade as President of the Association sup-



Hon. Arthur I. Smith
President, 1954-1962

ported by the three Vice-Presidents, J.V. Klyne, A.L. Lawes and Peter Wright. At the start of his term as mentioned, Mr. Léon Lalande was the Secretary who was supported by the Assistant Honourary Secretary, Mr. C.J. Mearns, through 1955 –1957 and by Paul Beck in 1958. Mr. Beck took over as Secretary in 1959 with Mr. Léon Lalande as Honourary Secretary. Also, Mr. Symons was Honourary Treasurer until 1956 when Mr. J.C. Mann replaced him and he held that position for the next six years. Mr. J.C. Mann was an Average Adjuster with Osborn and Lange and it was to take his place that the writer came to Montreal from London in 1962. Mr. Mann kept all the Association's financial records in one small green book which sufficed until 1982. This is such a far cry from the proper Journal, Ledger and other records kept today. Annual dues remained at the relatively modest level of \$ 25.00 for Constituent Members and \$ 10.00 for Associate Members until the year 1967 when they were changed to \$ 50.00 for Constituent Members and \$ 15.00 for Associate Members. Disbursements had been very minor indeed until it was necessary to make a payment as a member of the Comité Maritime International.

In this regard, application had been made for membership following the inaugural Meeting of the Association and the CMLA was advised that it had been referred to the Bureau Permanent of the Comité. In May 1952, a Meeting of the Bureau Permanent admitted the

CMLA to membership and invited the Association to pay an annual contribution of £250. As this proposed contribution exceeded the Association's annual income, the Association was undecided. One notices that this was an invitation rather than a levy. At the Annual General Meeting on May 1st, 1953, it was resolved that the CMLA make a formal application for admission to the Comité in the category calling for an annual contribution of £150. It should be noted that at this time the United Kingdom and the United States were each paying £300. The Comité accepted this suggestion and so Canada became a full member. It is interesting to note also that the contribution of £150 as made in 1956 was equivalent in Canadian dollars to \$ 427.65 and the total expenses for the year were only \$ 572.27.

It was mentioned that Mr. A.L. Lawes was elected the first Chairman of the Executive Committee and he remained in office until 1957 when he was succeeded by Mr. E.P. Rees, representing the Canadian Chamber of Commerce, although he initially also represented the Shipping Federation of Canada. Mr. Rees was in turn succeeded by Mr. J.C. Mann in 1959 until Mr. Peter Wright, Q.C. of Toronto was elevated to that position in 1961.

Reference was made above to a Special Meeting to be held in Montreal by the Association in the fall of 1952. In fact, it was held on November 13, 1952, at 9pm following dinner at the Mount Royal Club. In attendance were seventeen members plus Mr. Cletus Keating and Mr. Henry C. Blackiston, both of New York, being respectively the President and Secretary of the Maritime Law Association of the United States. A minimum of business was transacted at the Meeting but it is worth noting that the B.C. Towboat Owners Association was elected a Constituent Member and among the five Associate Members elected were future Presidents Jean Brisset, Jack Cunningham and L.S. Raycraft and long-time Honourary member George Owen. Most of the evening was taken up by an address by Mr. Keating who brought greetings and stated that his Association's policy was to cooperate with the Canadian Association in all matters of mutual interest in the field of Maritime Law.

Mr. Keating also advised that the United States Association was formed in 1899 with less than fifty members whilst present membership was one thousand of whom approximately nine hundred were lawyers and Judges. The lay membership was limited to ten percent of the total because the American Bar Association would not recognize any legal affiliate whose non-lawyers membership exceeded ten percent of the total. It was also of interest that the United States Association joined the Comité Maritime International in its formation

year of 1899. Mr. Keating explained in more detail the working of the Comité Maritime International and of the work being carried out by his Association. So the foundation was set for the close relationship between the Canadian and American Associations in those early days.

Prior to this event, a Special Meeting was held in Vancouver on September 5, 1952 at which eleven members of the Association were present including the President and Secretary. There was some discussion on the continuing subject of Limitation of Liability and nine more Associate Members were elected. Four of them were from Vancouver, four from Toronto and one from Montreal. It was becoming apparent that more members were needed to strengthen the Association.

It will be recalled that the Canadian Association joined the Comité Maritime International in its early days once it had been agreed that £150 was a sufficient contribution from Canada. In the informal methods of the times it was verbal advice by Mr. Dawson Miller of the United Kingdom P&I Club that the level of contribution was acceptable and an official confirmation of the invitation to join the Comité came from Mr. Cyril Miller on March 29, 1954.

Messrs. A.L. Lawes, Lucien Beauregard and Peter Wright attended the meetings of the Comité Maritime International in Madrid from the 18th to 24th of September, 1955 as delegates from the CMLA. Three subjects were discussed at that Conference these being a draft convention on Limitation of Shipowners Liability, a draft convention on the Liability of Sea Carriers to Passengers and the third a draft convention on Stowaways. The Canadian and American delegates abstained on the latter two subjects but did substantially agree with the proposed convention on Shipowners' Liability. Messrs. Beauregard and Wright attended the Diplomatic Conference in Brussels September 30th to October 10th, 1957 as advisers to the Canadian delegation and Canada signed the International Convention relating to the Limitation of Liability of Seagoing Ships.

At the Annual General Meeting of May 29th, 1959 the Association again appointed Messrs. Lucien Beauregard, A.L. Lawes and Peter Wright to be the official delegates to the CMI Conference in Rijeka, Yugoslavia September 20th to 27th, 1959. The meeting was advised that five subjects would be discussed in Rijeka:

1. A proposal to amend Article 14 of the 1910 Convention of Salvage.
2. A proposal to amend Article 10 of the 1924 Convention on Bills of Lading.

3. The assessment of damages in marine collisions.
4. Bills of Lading and Letters of Indemnity.
5. Shipowners' liability in respect of vessels propelled by means of nuclear power, or employed in the carriage of nuclear materials.

Mr. Peter Wright stated that during the previous twelve months the CMI sent questionnaires to the National Associations on these subjects. The Canadian Association had replied to only one, that one dealing with Article 10 on the Convention on Bills of Lading. As a result, a motion was passed "THAT this Meeting approve the preparation of papers on the projects to come before the CMI meeting at Rijeka; such papers to be submitted to a meeting of the Executive Committee during August". This approach, while seeming to be new at the time, is now our standard practice.

At the Annual Meeting held on May 31st, 1960, an official report of the Rijeka Conference was read and the representatives of the Canadian Board of Marine Underwriters took the opportunity to say that whereas Canada had signed the 1957 Convention of Limitation of Liability no steps had been taken to give effect in Canada to the provisions of the Convention. Consequently, the Secretary was instructed to complain to the Secretary of State for External Affairs, which action strikes a familiar chord.

At the Annual General Meeting on June 6th, 1961, Mr. Burchell resigned his position as Canadian Member of the Bureau Permanent. He was replaced by Lucien Beauregard who was not able to accept and so Mr. Peter Wright assumed that position.

The Annual General Meeting in June, 1961, is considered to be the end of the first 10 years of the Association. They were really quiet years but a very solid foundation was set with the Constituent members clearly in control of the Association. Associate members were enrolled from St. John's, Nfld., to Vancouver, B.C. but all of the Annual General Meetings and Committee Meetings were held in Montreal, although there was that one Special Meeting in Vancouver in September, 1952. The Constitution adopted on formation of the Association had its first amendments at the Annual General Meeting on May 31st, 1960 when the 2nd and 4th paragraphs of Article twelve were amended to provide that at least fourteen days clear notice of a Special General Meeting and the Annual General Meeting shall be given to each member. Also Article 14 was amended to provide that any of the articles of the Constitution may be amended at any Annual

or Special Joint Meeting by a majority of at least two thirds of those voting.

Two Presidents presided during the period, the Honourable C.J. Burchell from 1951 to 1954 and the Honourable Arthur I. Smith, Judge in Admiralty, from 1954 to 1962.

That the Honourable Charles J. Burchell K.C. was an outstanding person is confirmed by the following biographical details provided by his grandson who practises law in Halifax.

“Born in Sydney, Nova Scotia, on July 1, 1876, he was educated at Sydney Academy, Nova Scotia, Dalhousie University, receiving a B.A. in 1897, M.A. in 1899, and L.L.B., L.L.D. (*honoris causa*), at Melbourne University in 1940. He was a lecturer on Admiralty and Shipping, Faculty of Law, Dalhousie Law School, 1919-1939. He got an L.L.D. (*honoris causa*) at Dalhousie University in 1958. He was admitted to the Nova Scotia Barristers’ Society in 1899 and made King’s Counsel in 1909.

He was Chairman of the Committee on Merchant Shipping Legislation at the Conference on the Operation of Dominion Legislation and Merchant Shipping Legislation in London in 1929 when the Statute of Westminster was drafted.

He served as a member of the Canadian Delegation at the Conference of the Institute of Pacific Relations held in Shanghai, China, in 1931, and also the British Commonwealth Relations Conference held in Toronto in 1933. He was appointed High Commissioner to Australia in 1939, High Commissioner to Newfoundland in 1941, and High Commissioner to South Africa in 1945.

He was re-appointed High Commissioner to Newfoundland from 1948 until 1949, during which time he supervised the arrangements for the Province’s entry into Confederation. In April 1949 he was appointed as a member of Her Majesty’s Privy Council. He was the first President of the Canadian Maritime Law Association in 1951. He served as a member of the Maritime Transportation Commission

in 1954, and in 1959 was elected National Chairman of the Canadian Institute on International Affairs.

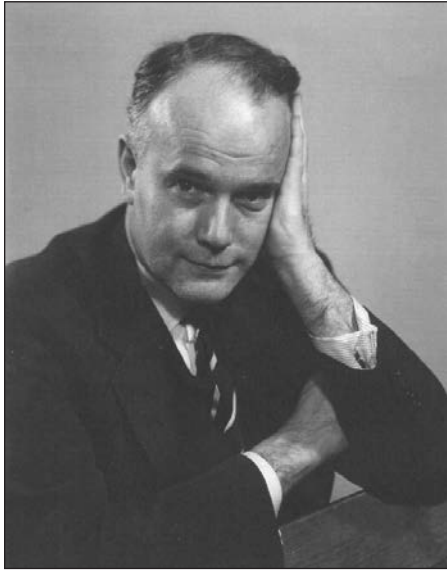
One of the highlights of Mr. Burchell's maritime legal career arose out of his representation of the owners of the Belgian relief ship "Imo" during the inquiry into the Halifax Explosion and during subsequent related proceedings which eventually ended up in the Privy Council."

Unfortunately the following brief biographical details of the Honourable A.I. Smith, the Association's longest serving President, are all that is available. Although one may add that he presided over many important maritime trials in the Superior Court.

Born in Compton on February 15, 1896, son of Reverend Robert Smith and Lucy A. Ives. Studied at Huntingdon Academy and McGill University. Admitted to the Bar in 1923. Named C.R. in 1941. Worked with Honourable J. Arthur Mathewson C.R., F.J. Lavery, C.A. Hale and S.G. Dixon. Professor of Law at McGill Faculty of Commerce. Named Superior Court Judge January 16th, 1968. Died May 14th, 1976. Married Margaret Bain, daughter of Reverend William Bennet, April 23rd, 1930. Son Raymond Ives, Daughter Carol Bennett. Two brothers: Dr. Clifford Smith and Reverend Douglas Smith.

The writer attended parts of some of the trials and remembers a man with silvery hair and clear blue eyes who was indeed judge-like.

THE SECOND DECADE — 1962 TO 1971



**Peter Wright, Q.C.
President, 1962-1964**

Whilst it seemed that this story could be divided conveniently into five separate periods of ten years, in fact, 1962 is a good year to begin again because it was at the 1962 Annual General Meeting held on May 1st in Montreal that Mr. Peter Wright, Q.C. was elected President. He had been a forward looking member, particularly in terms of the relationship with the Comité Maritime International (CMI). Mr. Léon Lalande had been Secretary-Treasurer and/or Honourary Secretary for the whole ten year period.

The writer remembers Peter Wright, the Association's third President, for his urbanity, friendliness and ready wit. At the first Annual Dinner of the Association of Average Adjusters held in Montreal in 1967, Peter was heard to say "now I know why so many of you are known as 'full' members". A fuller appreciation of Mr. Wright is given by his colleague, the Honourable Arthur Stone, in the Third Decade.

The following is a contribution made by the fourth and senior surviving Association President, Mr. A. Stuart Hyndman, Q.C.

"Peter Wright became President in 1963 and I succeeded him the following year. Our Association participated in



**A. Stuart Hyndman, Q.C.
President, 1964-1969**

the 1965 Plenary Conference of CMI in New York, sending fifteen delegates. A draft Convention on Maritime Liens and Mortgages was adopted. The next Plenary Conference was at Tokyo in the spring of 1969, the topics being Combined Transport and Limitation of Liability with respect to Oil Pollution. The CMLA was represented by twelve delegates. In that same year, I was pleased to be named as Canadian representative on the Bureau Permanent of CMI and subsequently as a member of its Executive Committee. In June 1969, the estimable L.S. Reycraft succeeded me as President of the CMLA.”

Re-produced below is the obituary of the fifth President, Mr. S.L. Reycraft, Q.C., who was much loved and it was a severe blow when he died whilst in office in October 1972.

“Llewellyn Switzer Reycraft, Q.C., well known in legal circles, died in Montreal on October 25, 1972 in his 64th year.

Mr. Reycraft was born in Ridgetown, Ontario on August 18, 1909. After obtaining his law degree at the



L.S. Reycraft, Q.C.
President, 1969-1972

University of Manitoba, he was called to the Bar of Manitoba in 1933 and to the Bar of Quebec in 1945.

After practicing in Winnipeg, he joined Park Steamship Company Limited as legal counsel during the war years until 1947 when he became a partner in the firm of Beaugard, Brisset & Reycraft (now Brisset, Reycraft, Bishop & Davidson). He was appointed Queen's Counsel in 1962.

Mr. Reycraft was a specialist in maritime law and at the time of his death was President of the Canadian Maritime Law Association and Shipowners Assurance Management Ltd. He was also Vice-President and Governor of the Royal Canadian Golf Association.

He was President of the Grunt Club in 1966-67, and had been President of the Montreal Amateur Athletic Association, The Province of Quebec Golf Association and the Hampstead Golf Club."

At the Annual General Meeting in 1962, three new Associate Members were elected, J.A. Cantello, Roland Chauvin and Arthur J.

Stone, producing two future Presidents. In addition, Mr. Chauvin was elected as Secretary with Mr. Paul Beck as Assistant Secretary and J.F. Stairs succeeding Mr. J.C. Mann as Treasurer. Later in the meeting it was agreed that Messrs. Beck and Chauvin should be known simply as Joint Secretaries.

At an Executive Committee Meeting held in March 1962, there was somewhat of a change with the past as Messrs. William Tetley, R.C.G. Wilson and Peter Wright were named as delegates to the plenary CMI conference held in Athens in April 1962 with Peter Wright as Chairman of the delegation. There was a very full agenda at that Conference but any report made by the delegates has not been found.

As usual, at the Annual General Meeting, five representatives of Constituent Members were elected to be added to the Officers to form the Executive Committee. Thought was already being given to the next CMI full Conference to be held in Stockholm from June 9th to 15th, 1963, when three subjects were to be discussed, viz.: 1) Liability of Carriers for Passengers' Luggage, 2) Revision of the 1924 Convention on Bills of Lading and 3) Mortgages on Vessels Under Construction. Consequently at an Executive Committee meeting in September 1962 and in accordance with the previous decisions, Committees under the chairmanship of D.C. Brady, William Tetley and J.J. Mahoney were elected to deal with the three subjects.

It is most interesting that so many years ago, Bill Tetley was involved in this subject at this level and in fact had previously already been chairman of another Sub-Committee. Also, at this same Executive Meeting Mr. Harry Bennett was elected to head a new Committee on Membership.

A sign of the way things were changing was that at the Executive Committee following the Annual General Meeting on May 31, 1962, Mr. Peter Wright, having just been elected President of the Association, was elected Chairman of the Executive Committee. Later in 1962, four new Associate Members were elected. Mr. Bennett's proposal that for the first time a brochure be printed dealing with the work of the CMLA was agreed.

The presentation of the Silver Oar in Admiralty to the Federal Court of Canada in honour of the Court's Twenty-Fifth Anniversary in 1996 is well remembered by us all. However, on November 10th, 1962, a similar Silver Oar in Admiralty was presented to the Ontario Admiralty District of the Exchequer Court of Canada. Whilst many people and legal firms who were prominent in the CMLA were respon-

sible for the funding and presentation of this Silver Oar, the CMLA was not directly concerned.

In addition to the legal firms, the Marine Club of Toronto was actively involved in the presentation. A special ceremony was held in Osgoode Hall in Toronto on November 30th, 1962 to which the CMLA was invited and so the CMLA did agree at an Executive Committee Meeting to allocate \$100.00 towards a dinner held following the presentation. At the same Meeting the Honourary Treasurer, Mr. John Stairs, said that annual dues should be increased because they were not covering expenses. This does not appear to be borne out by the figures which show that at this time there was a small but steady increase in the Association's balances. The question of dues was deferred. However, at the next Meeting in March 1963, it was agreed to take no action on subscriptions and Harry Bennett was able to refer to sixteen new members since his appointment as Chairman of the Membership Committee. The Silver Oar in Toronto was actually presented to a Judge, the Honourable D.C. Wells, who applied for membership in the CMLA but by agreement his dues were returned and he was elected as an Honourary member. It was stated earlier that Mr. Peter Wright, Q.C. was a forward looking member and, in fact, it was he, as President, who in March 1963 stated that the Constitution was too rigid so that a Committee of L.S. Reycraft, Roland Chauvin, and Peter Wright was appointed to report on proposed amendments. Even at this time, some members were concerned about providing the cost of a cocktail party to be given at the CMI Conference to be held in New York in 1965.

On May 1st, 1963, it was agreed that the delegates to the Stockholm Conference in June would be Roland Chauvin, Stuart Hyndman and William Tetley with Peter Wright as Chairman. It was also agreed that Roland Chauvin and William Tetley be named to the Bureau Permanent as titular members of the CMI.

The count of new members during the year had now reached twenty-seven.

As he was going to be out of the country, Mr. Peter Wright was succeeded as Chairman of the Executive Committee by Mr. L.S. Reycraft, and then for the only time, the Annual General Meeting for that year was held on October 9th with the largest total to that date of thirty people in attendance.

Since the previous meeting, Paul Beck had returned to England and his place in Canada had been taken by Barry Sterndale-Bennett who assumed the duties of Joint Secretary with Roland Chauvin.

At the time the Association was formed and until 1957 Mr. R.C. Holden, K.C. was Chairman of the Nominating Committee charged with the duty of finding suitable Officers and five or six Constituent Members' Representatives to make up the Executive Committee. Mr. Lucien Beauregard held the position in 1958 and from 1959 to 1965 inclusive the gentleman elected to be Chairman of the Nominating Committee was Jacques Senecal. Typical appointments to the Executive Committee could be quoted from the 1962 General Meeting when the five elected were:

Canadian Board of Marine Underwriters
Canadian Shipowners Association
Dominion Marine Association
Shipping Federation of Canada
Vancouver Chamber of Shipping

During the first four years of this period 1962-1965, the Honourable J.V. Clyne and Mr. A.L. Lawes continued to be appointed as the Association's two Vice-Presidents.

In 1963, a report was made regarding the thoughts of the Committee considering changes to the Constitution, but the proposed amendments were deferred for further consideration to a Committee which continued to be chaired by Roland Chauvin with fellow members W. Baatz, C.C. Goddard and L.S. Reyecraft.

It was excellent to see that in 1963 twenty-six new Associate Members were elected and these included the young Mr. W. David Angus. In a departure from the past, Mr. A.S. Hyndman was elected as a member of the Executive Committee in addition to the Constituent Members' Representative.

One of the significant events of 1964 was that Mr. A.S. Hyndman was elected President with the other Officers remaining the same and in addition to the usual five Constituent Members of the Executive Committee which remained the same through 1964, Mr. W. Baatz was elected a member of the Executive Committee. A very warm note of thanks was given to Mr. Peter Wright who had unquestionably been a tower of strength in the early years of the Association.

There is no doubt the highlight of the year was the CMI Conference held in New York City in September. Already in 1964 the Association was making preparations and especially for the principal subject which was a Convention on Maritime Liens and Mortgages. Mr. P. Beck, on his return to England, had been made an Honourary Member of the CMLA and a special Representative on International

Affairs and in this capacity he had attended the Meeting in Amsterdam in June 1964 where discussion on the Convention on Maritime Liens and Mortgages was in the early stages. Mr. W. (Bill) Baatz was appointed Chairman of the Sub-Committee on this subject for New York.

Somewhat surprisingly, Mr. Roland Chauvin, Chairman of the Constitution Committee, advised that no material amendments to the Constitution should be made at this time.

Following a discussion of the Committee's report on Maritime Liens and Mortgages, delegates to New York were given complete personal discretion as to how they voted.

In these years we see the membership, having reached nine Constituent Members in 1963 and seventy-two Associate Members, does not vary substantially so that by 1969 there were still nine Constituent Members and eighty-three Associate Members.

Also the dues remained at the lowly figures of \$25.00 for Constituent Members and \$10.00 for Associates in 1966. There was an attempt to enable a President to be appointed to lead a delegation to a CMI Conference. This was achieved by Peter Wright at Stockholm in 1963 and by Stuart Hyndman in New York in 1965.

At the Annual General Meeting in 1966, Mr. A.S. Hyndman presented the report of the Executive Committee which had now really become the President's Report which we are used to receiving annually. There was substantial focus in this report on the Eighteenth Conference of the Comité Maritime International in New York in September which fifteen members of the Association attended and as anticipated the only subject discussed was a Convention on Maritime Liens and Mortgages. A Convention was in fact approved but was subject to further changes when it came before a Diplomatic Conference. Mr. Baatz was thanked for his work on this subject on behalf of the CMLA.

At the suggestion of Mr. Peter Wright, the CMLA did host a cocktail party in the Canadian Club in the Waldorf Astoria which was a great success as delegates from twenty-three countries attended. Mr. William Tetley's suggestion that silver maple leaf pins be presented to the wives of the delegates as a goodwill gesture was greatly appreciated. Several ladies still wear these brooches at CMI affairs. The Association was very pleased and honoured by the presence at the reception of the Honourable Mr. Justice and Mrs. William Jackett

and the Honourable Mr. Justice and Mrs. Dalton C. Wells and the Honourable Mr. Justice Arthur I. Smith.

There is only one New York City and the writer well remembers a reception on the opening Sunday on a beautiful day at the Mayor's residence, Gracie Mansion, and the opening ceremonies on Monday in Carnegie Hall. That evening the cocktail party was held at the Waldorf Astoria followed by a late meal. On the Tuesday evening, I was due to be a guest of the prominent New York attorney, Mr. Charles Haight. Unlike our own Conference in 1981 when hospitality was in Members' homes only, many of the Americans hosted parties at various Clubs which were most enjoyable. However, at three o'clock in the morning on Tuesday, my telephone rang and by eleven a.m. I was back in Montreal because the Package Cargo freighter "Fort William" had overturned in Montreal Harbour with the resultant fire and loss of life. It was a great disappointment to miss the balance of the Conference.

Once again, there was a change at the Shipowners Mutual Insurance Association and Mr. Barry Sterndale-Bennett had returned to England to be replaced by Mr. William T. Smith. This was a momentous moment for the Association as Bill Smith assumed the duties of Secretary at the Annual General Meeting of May 31st, 1966 until after the CMI Conference in Montreal in 1981. Mr. Smith's company, Shipowners Mutual Assurance Association, had been elected a Constituent Member just prior to his arrival at the Annual General Meeting on May 6th, 1965.

In 1966, Mr. Mel Angus had become Chairman of the Nominating Committee and in addition to the reappointment of Mr. A.S. Hyndman two new Vice-Presidents were elected, Mr. John Bird, Q.C. of Vancouver and Mr. Donald A. Kerr of Halifax, as well as Mr. W.T. Smith and Mr. John F. Stairs, Q.C. as Secretary and Treasurer respectively. Mr. W. Baatz joined the same five Constituent Member Representatives on the Executive Committee. Eight new Associate Members were elected including Messrs. T.H. Bishop and P.G. Cathcart. Mr. A.L. Lawes, OBE was made an Honourary Member and after many years Mr. R.C. Holden resigned as Representative of the Canadian Bar Association. After considering previous comments, Mr. Roland Chauvin did come forward at the 1966 Annual General Meeting with proposed amendments to the Constitution which were accepted. The main purpose of the amendments was to give more power to act to the Associate Members and were as follows:

- a) That Article 5 of the existing Constitution be amended by adding thereto a paragraph reading as follows:

The Presidents of the Constituent Members shall be honorary members of the Association during their tenure in their respective offices.

- b) That Article 11 be amended by substituting for the first paragraph thereof the following paragraph:

The Executive Committee shall manage the affairs of the Association and shall consist of not less than 9 and not more than 12 members, elected annually, including the officers of the Association who shall be ex-officio members of the Executive Committee. At least one half of the members of the Executive Committee shall be representatives of Constituent Members of the Association. Five members thereof voting either in person or by mail or by telegraph shall constitute a quorum.

- c) That Article 11 of the existing Constitution be further amended by deleting from the fourth paragraph thereof the first six words namely "with the approval of the Chairman" and by adding thereto the words "whose name has previously been recorded with the Secretary".

A Special Meeting of the Association had to be called in Montreal on March 31st, 1967 as the Canadian Government had asked for briefs on the five subjects to go before the Diplomatic Conference in Brussels in May 1967. The Government was advised to vote in favour of revision of Article 14 of the 1910 International Convention on Assistance and Salvage and also of the draft Convention on Registration of Mortgages on Ships under Construction. The Government was also advised to vote in favour of the International Convention for the Unification of certain rules relating to the carriage of passengers' luggage by sea. Regarding the draft Convention on Maritime Liens and Mortgages, the Association strongly favoured an internationally recognized and effective system relating to the Registration and Ranking of Mortgages but was opposed to various parts of the Convention.

Finally on the Hague Rules, Mr. J. Bird, Q.C. had chaired a Sub-Committee but could find no consensus with respect to Article 1 of the Stockholm draft Convention but advised the Government to vote in favour of all the other Articles.

The Sixteenth Annual General Meeting of the CMLA was held in Montreal on May 31st, 1967. At this Meeting, five new Associate Members were elected one being the first lady, Mrs. Patricia

Hyndman. Also at that Meeting the newly formed Association of Average Adjusters of Canada was elected a Constituent Member.

Two other matters had caused some concern. The CMI was looking for some money and the precise amount was left to the discretion of the Executive Committee but not to exceed \$1,000.00. To meet this, dues were raised for the first time in the history of the Association to \$50.00 for Constituent Members and \$15.00 for Associate Members. The other matter of concern had been that the cost incurred by the cocktail party in New York was too much for the slender financial resources of the Association and a special levy had to be made to make up the difference. The deficit was made up (without an actual levy) by members who contributed a total of \$2,300.00. In fact, generous contributions were made by six leading legal firms, three in Toronto and three in Montreal which paid \$250.00 as well as the same amount from two Constituent Members. The balance came in smaller sums from individual Members.

During the period 1966 through 1968, Mr. S. Hyndman continued as President supported by his Vice-Presidents John Bird and Donald Kerr and with Bill Smith as Secretary and John Stairs continuing as Treasurer until he was replaced by Peter Davidson in the year 1968. Constituent Members continued to be elected Members of the Executive Committee being the same five together with William Baatz and he was joined by A.W. McDermott of Toronto in 1968. Mr. Mel Angus remained Chairman of the Nominating Committee until 1968. In the year 1969, it was Mr. Léon Lalande and in 1970 Mr. K.C. Mackay was given that honour. Also the Canadian Chamber of Shipping became a Constituent Member in 1968 together with nine new Associate Members including David Marler and Clifford Parfett.

In 1968, the annual dues payable to the CMI increased from approximately \$450.00 to \$1,225.00 (Belgian francs 5,600) and it was clear that the dues would have to follow. After some discussion they were set for 1969 as \$150.00 for Constituent Members and \$25.00 for Associate Members.

At the Annual General Meeting on May 1st, 1966 Mr. A.L. Lawes, OBE was made an Honourary Member of the Association and it will be recalled how active Mr. Lawes was at the formation of the Association and in the years thereafter. Unfortunately at a subsequent meeting on October 7th, 1966, it was reported that Mr. Lawes had passed away.

At the Annual General Meeting in Montreal on June 6th, 1969, Mr. L.S. Reycraft, Q.C. was elected President with Mr. John I. Bird,

Q.C. as the sole Vice-President, Bill Smith as Secretary and Treasurer Roland G. Chauvin. Mr. Bill Baatz and J.W. McDonald together with Representatives of six Constituent Associations made up the Executive Committee. Ten individuals were elected Associate Members and three Justices were made Honourary Members, i.e. Peter Wright, Léon Lalande and Ken Mackay. Dues for 1970 remained unchanged and at this time there were nine Constituent Members and seventy-three Associate Members so there was a relatively high turnover. Mr. Stuart Hyndman was the Delegate to the Bureau Permanent of the CMI. Notice was given that a Special Meeting of the Association would be held on October 3rd, 1968 and that the next CMI Conference would be held in Tokyo in 1969 and more than twenty Members had indicated their intention to attend. Four new Associate members joined including Vincent Prager.

A somewhat unusual circumstance occurred at the Annual General Meeting on June 5th, 1970 in that the Honourable Léon Lalande declined to carry out his duties as Chairman of the Nominating Committee. As there was nothing in the Constitution in conflict the Officers and Executive from the previous year were elected for another year, the principals being Mr. L.S. Reycraft, Q.C. President, Mr. J.I. Bird, Q.C. sole Vice-President (due to the fact that after three years in the position Donald Kerr was not re-appointed as Vice-President). Bill Smith and Roland Chauvin continued as Secretary and Treasurer respectively and Mr. Stuart Hyndman, Q.C. represented the Association on the Bureau Permanent.

A leading topic at that time was the possibility of a future for a Deep Sea Canadian Fleet and Mr. H.J. Darling, Chairman of the Water Transport Committee of the Canadian Transport Commissioners had issued a widely read report on the subject. As he had retired from this position, he was elected an Honourary Member. For the first time, it appears Mr. J. Carton was on hand representing the Shipping Federation and congratulations were passed to Bill Tetley on his appointment as Quebec Minister of Revenue. On the other hand, sorrow was expressed at the passing of Mr. Lucien Beauregard, Q.C., a very prominent founding Member. Annual dues had been raised to \$50.00 for Constituent Members and \$15.00 for Associates in 1967, the first increase since the Association was formed. This level was necessarily raised to \$150.00 and \$25.00 in 1969 but then in an unusual event and because there was some surplus, the dues were reduced for the only time in our history to \$100.00 and \$10.00 in 1971.

It was at the twentieth Annual General Meeting held on June 5th, 1971 that the Honourable K.C. MacKay did his job as

Chairman of the Nominating Committee but the appointments were almost the same except that Mr. John R. Cunningham, also of Vancouver, was elected Vice-President, Roland Chauvin the Treasurer had acquired a Q.C. and Bill Baatz was not elected to the Executive Committee because he had moved to Bermuda and was elected an Honourary Member of the Association.

Various meetings of Committees appointed to study the Constitution for the Association had proposed less emphasis on control by the Constituent Members. In general the Association was very stable with little fluctuation in its membership but with increasing pressure on the financial side largely due to the increased contribution required by the CMI. Whilst the Associate Membership had doubled during the period the substantial escalation in numbers lay sometime ahead.

There were just three Presidents during the years 1962 to 1971 and two Secretaries. As will be seen, Mr. L.S. Reycraft, Q.C. was re-elected in 1972 for his third year but unfortunately passed away on October 25th, 1972.



William T. Smith
Secretary, 1966-1981

William Theyre (Bill) Smith

Born : May 8, 1920, Enfield, Middx, England
Educated at Christ Hospital School, Horsham, Surrey, England
Served as officer in Artillery during WWII including North Africa, Italy — Major.
Territorial Army 1945-1965 — Lieutenant-Colonel
Captain of Barnet Rugby Football Club 1947 (Scrum half)
Employed: Thos. R. Miller & Son, London — pre-War then
1945-December 1965
Married: July 25, 1945 to Brenda Kissan
Children: Selina Brenda, May 18, 1949
Theyre Patrick, May 5, 1951
Emigrated to Canada (Montreal) December 1965 under auspices of
Thos. R. Miller & Son
December 1965-1985 — Shipowners Assurance Management Ltd.,
Montreal
1983 — Honourary Member of CMLA
1985-1988 — Resided in Bermuda as President of Thos. R. Miller &
Son (Bermuda) Ltd.
1988 — Retired in Baie d'Urfe, Canada
Died: October 18, 1994

THE THIRD DECADE — 1972 TO 1981

We have shown that Mr. L.S. Reycraft, Q.C. was elected for a fourth term as President at the Annual General Meeting in Montreal on May 18th, 1972, with J.R. Cunningham of Vancouver as Vice-President for the second year and Bill Smith as Secretary. Mr. Reycraft passed away before his term of office was complete and his duties for the balance of the year were substantially carried out by the Past President, Mr. A.S. Hyndman. Dues were to remain constant in 1973 with \$ 100.00 and \$ 10.00 for Constituent and Associate Members respectively but this was subject to any changes in the contributions to the CMI. Mr. Peter Cathcart of Toronto was elected to the Executive Committee together with Representatives of the Canadian Board of Marine Underwriters, the Canadian Chamber of Shipping, the Canadian Manufacturers Association, the Dominion Marine Association and the Shipping Federation of Canada. This would appear to be a truly representative selection of the industry's trade associations.

Mr. A.S. Hyndman, Q.C. remained the Association's Representative to the Bureau Permanent of the CMI and he described at some length the proposed new Constitution for the CMI. The following quotation may have a familiar ring "Mr. Hyndman stated that the CMI had in recent years, found it extremely difficult to define its role, due to proliferation of inter-governmental agencies dealing with matters that had heretofore been the tasks of the CMI, and the apparent loss of initiative by CMI Executives. Younger members were becoming increasingly dissatisfied with the Administration and it was apparent that a broader and more dynamic outlook was necessary for the CMI to survive. This would undoubtedly necessitate a permanent and salaried staff and all members nations must be prepared for substantial increases in their annual dues..."

As this new Constitution was to be discussed in Antwerp on June 6th and 7th, 1972, a delegation was agreed upon from the CMLA led by Mr. Hyndman. It is ironic that members present at the Annual General Meeting congratulated the President on his recovery from recent surgery.

Confirming the CMLA's dissatisfaction at that time with the CMI, annual dues were being withheld until after the Assembly in June.

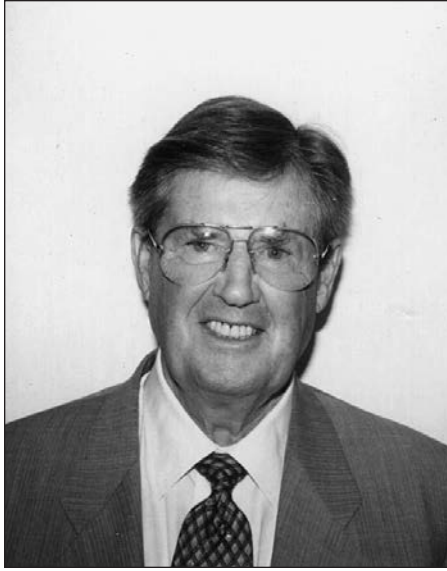
The first item at the Executive Committee Meeting in October, 1972 was information that the new CMI Constitution had been approved in Antwerp and Mr. Jan Ramberg of Sweden had been

named the Chief Legal Officer. As the sum of U.S. \$ 40,000.00 annually would be required to run the CMI in the future, the CMLA contribution would more than double to about \$ 2,800.00. Accordingly a Committee was set up to establish the amount of new dues. In view of the President's bad health and as Mr. Hyndman was, in fact, fulfilling the President's duties, Mr. Hyndman was elected as another Vice-President at the Committee Meeting.

In order to increase the Association's income a Sub-Committee had recommended a system of graduated dues for Constituent Members based on their membership but this was not agreed. Whilst at the 1973 Annual General Meeting, at the suggestion of the Treasurer, dues for 1973 and 1974 were retained at \$ 100.00 for Constituents and \$ 10.00 for Associate Members, it was necessary to make a special assessment of \$ 200.00 for Constituents and \$ 20.00 for Associate Members in order to put the funds in the black. Whilst these difficult matters were being addressed by Mr. R.G. Chauvin, the Treasurer at the time, the Nominating Committee had appointed the first President from Vancouver, Mr. Jack Cunningham and Mr. John Cantello was elected Treasurer. Broad details of Mr. Cunningham's career follow:

Mr. John Ritchie (Jack) Cunningham, Q.C. was born and raised in British Columbia and in World War II served as an Officer in the Canadian Navy on corvettes in the North Atlantic in 1942-1943 and on motor torpedo boats in the English Channel in 1944-1945. He was a graduate of the University of British Columbia and engaged in the practice of law in Vancouver in all respects of Maritime Law from 1948 to 1993. Mr. Cunningham lectured on Maritime Law at the University of British Columbia from 1969 to 1979 and it was during this period that he was President of the CMLA (1973 to 1975). Again he was fortunate to have Mr. Hyndman as his Vice-President who could handle matters when he was not able to come to meetings in Montreal and Toronto.

At that time it was not quite clear if there were any funds in the kitty. Stuart Hyndman was elected Vice-President and Bill Smith continued as Secretary with Peter Cathcart of Toronto and Reynald Langlois of Quebec joining the eight Representatives of Constituent Members on the Executive Committee. At the same meeting Article 11 of the Constitution had been amended to show that a properly constituted Executive Committee could be not less than six members excluding the Officers.



John R. Cunningham, Q.C.
President, 1973-1975

Undoubtedly the highlight of Mr. Cunningham's term of office was the thirtieth Conference of the CMI held in Hamburg April 1st to 5th, 1974. This was a time when the CMI was in a period of change and it was essential that the organization emerge from the Conference with definite signs of progress and strength. The principal subjects of Antwerp were the Hague Rules Revision and an up-date of the York/Antwerp Rules. It was most significant that Mr. Cunningham was elected Chairman of the Working Sessions of the most important Hague Rules Revision. Also, he was elected to continue as Chairman of the International Working Committee after this Conference. We will say some more on this a little later.

It will have been obvious from the things that have been said to date of the tremendous leadership role in the Association taken on by Mr. Hyndman through the second decade of its existence and beyond. On a motion by the President, he was elected an Honourary Member on February 5th, 1973.

Seventeen Members of the Association under the leadership of Mr. J.R. Cunningham attended the Conference in Hamburg which can most certainly be considered a turning point in the history of the CMI. In addition to the sessions on the York/Antwerp Rules Revision,

chaired by Mr. W. Birch Reynardson of Great Britain and the Hague Rules Revision, chaired by Jack Cunningham, there were four other subjects namely Limitation of Liability, Arbitrations, Shipbuilders' Contracts and Combined Transportation. Representatives of twenty-nine nations were in attendance as well as Observers from the People's Republic of China, Algeria and Singapore. The four Chinese Representatives attracted a great deal of attention as it was hoped China would become full members of the CMI. There was also a great deal of curiosity, and so it was exciting when the Canadian Delegates received a notice that the Observers from China would welcome a meeting at an unofficial and informal luncheon. It was mentioned that the Observers did not drink spirits but wine and beer would be quite welcome. The Canadian delegates met and decided they must meet with the people of the Peoples Republic of China and agreed to absorb the cost on a General Average Basis. The writer was most interested to talk to a fellow Average Adjuster from Shanghai who amazingly asked for a copy of the Rules of Practice for the Great Lakes. In general, the luncheon was successful and conversation mostly was of a general nature but it was clear that the Chinese had a tremendous respect for the Canadian Doctor, Norman Bethune.

As Mr. Cunningham was in the chair for the debate on the Revision of the Hague Rules, Mr. Reynald Langlois assumed Chairmanship of the CMLA Sub-Committee. His direction was most energetic and resulted in the largest and most active Sub-Committee that the writer can remember. There was also a spirited discussion in Hamburg on the proposed new Rules. Perhaps the two most strongly debated parts of the Rules resulted in the deletion of the defense to shipowners of error in the management of the ship and the retention of the defenses relating to error in navigation of the ship and with respect to fire. Nearly twenty-seven years later, similar discussions ensued regarding Rules governing the Carriage of Cargo in Singapore in February, 2001.

Another area in which the CMI has been dominant since its inception in 1897 is in the Rules governing the Adjustment of General Average still called the York/Antwerp Rules after early Conferences held in those two cities. In 1974 the CMLA Sub-Committee on this subject was chaired by Mr. A.S. Hyndman. Previous Rules had been established in 1924 and 1950 so it appeared that 1974 was an appropriate time for a further serious revision. In Canada we were keen to have a simplification of certain aspects in keeping with our own simple Rules applying to accidents on the Great Lakes. These amendments included the adoption of the invoice value of cargoes for contribution

purposes and the elimination of the deduction of thirds and sixths new for old. These amendments were attained and a new set of Rules, York/Antwerp Rules 1974, were adopted in Hamburg.

The Hague Rules Revision Committee had also reached agreement with all member countries to ratify the 1968 Hague/Visby Protocol, if they had not already done so, and Canada had not. Representations were made by the CMLA to the then Minister of Transport, the Honourable Jean Marchand, and one of the first meetings was held in Ottawa between Messrs. Stuart Hyndman and Bill Smith and five Representatives of the Ministry of Transport and the Canadian Transport Commission. This could be considered a forerunner to the meetings now held annually in Ottawa. Finally, in Hamburg the Canadian delegates, who included all the Officers, agreed in principle to an increased contribution to the CMI of 150,000 Belgian francs from 125,000. This was still less than the contributions by most of Europe's Maritime Nations as well as Russia, Japan, Great Britain and the U.S.A.

It is not surprising that having our first President from British Columbia, the first Annual General Meeting held outside of Montreal was the twenty-third Annual General Meeting held in Vancouver on May 21st, 1974. Unfortunately not too many Members were able to travel from the East and a total of fourteen members were in attendance. Bearing in mind the increased contribution to CMI and other expenses, the Association's coffers were almost empty and it was necessary to make an assessment of \$ 300.00 for Constituents and \$ 20.00 for Associate Members for 1974 and the dues for 1975 were raised to \$ 400.00 and \$ 30.00 respectively. This was not an auspicious start for the new Treasurer (the Writer), but the dues then remained unchanged until 1982 and the Association's finances were put on a more solid basis. Also in 1974, the Officers and Executive Committee were elected for another year. Among the sixteen new Associate Members elected were Bart Malott, Richard Gaudreau and Guy Vaillancourt.

In looking back, it is surprising to note that it was only in July 1974 that Mr. R.C. Holden, Q.C., who had been so active in 1951 and subsequent years, was elected an Honourary Member.

An international Conference on the Carriage of Passengers' Luggage by Sea was held in Athens from December 2nd to 13th, 1974. As Chairman of the CMLA Sub-Committee Mr. A.S. Hyndman joined the Canadian delegation in Athens. However, in reporting to the Association after the meeting, Mr. Hyndman said that Canada voted

against most of the important clauses of the Convention and he considered Canada would never ratify the Convention.

It was about this time that most of the Minutes of the Executive Committee and Annual General Meetings started to consist principally of Sub-Committee reports, such as is the case today. It is worth listing the Sub-Committees and Chairpersons elected at the Executive Meeting of July 12th, 1974 which were as follows:

Arbitration	Roland G. Chauvin, Q.C.
Combined Transport	W. David Angus
Delivery Orders	Peter G. Cathcart
Gold Clause	S.J. Harrington
Hague Rules	J.R. Cunningham
Limitation of Liability	D. Brander-Smith
Shipbuilding Contracts	A.J. Stone
Unification of Procedures and Documentation at Canadian Ports	J. Carton Pro Tem

Most of these names are still very familiar twenty-seven years later.

Mr. Ken MacKay continued as Chairman of the Nominating Committee and at the Annual General Meeting held in Montreal on May 29th, 1975, Mr. Roland G. Chauvin, Q.C. of Montreal was elected President. The Vice-President, Treasurer and Secretary remained unchanged. At this time, Raynold Langlois of Quebec and David Beard, Q.C. of Toronto were appointed to the Executive Committee along with Representatives of Constituent members of the Canadian Board of Marine Underwriters, Canadian Chamber of Shipping, Canadian Manufacturers Association, Canadian Exporters Association, Dominion Marine Association, Shipping Federation of Canada, Montreal Employers Association and the Association of Average Adjusters of Canada. Mr. J.R. Cunningham was elected an Honourary member of the Association. Among the eight new Associate members elected were Nigel Frawley of Toronto and Marc Nadon of Montreal.

Mr. Roland G. Chauvin, Q.C., was a diligent member and worker in the CMLA and a wonderful ambassador overseas in his work on the Executive Council of the CMI and a various CMI Conferences. Included is a photograph taken at the Conference in Rio de Janeiro in September, 1977.

Roland was born in Tecumseh, Ontario, on January 8th, 1926 and received his LL.L degree from the University of Montreal in 1952

and was admitted to the Bar in 1953. He joined the firm, then known as Beauregard, Brisset, Reycraft & Lalande in 1956 and left them to set up his own firm on December 31st, 1964. The firm at that time had been known as Beauregard, Brisset, Reycraft and Chauvin.

Mr. Chauvin practiced with various Associates until July 1st, 1976 when the firm Chauvin, Marler and Baudry was born.

On March 1st, 1979 Roland and Ed Baudry joined the large firm of Lavery Johnson et al which has undergone various name changes and today is known as Lavery de Billy.

A true friend was lost when Roland Chauvin passed away in April, 1989 within two weeks of the death of his beloved wife, Louise.

A unique event occurred on June 19, 1975 when a proposed seventy-second Meeting of the Executive Committee had to be cancelled because there was not a quorum. Business resumed when the seventy-second Meeting was actually held on July 16th, 1975. It was at this meeting that members were informed that active member Jo Carton had been elected as an Officer of the Order of Canada. At this time there were ten Sub-committees in that Gerald Barry chaired a Sub-Committee on Charter Parties. Trevor Bishop had taken over a Sub-Committee on legal problems with respect to Collisions at Sea and Jo Carton was in the chair on the Liability of Sea Terminals, these in addition to the Sub-Committees mentioned above.

Mr. A.S. Hyndman, Q.C. and Bill Smith attended the CMI Assembly in Brussels in March, 1976 and reported that the late CMI President, Baron Albert Lilar, died the day before the meeting. The Assembly took place as arranged and Professor Francesco Berlingieri of Italy, who had received Canadian support, was elected President by acclamation, and Canada was honoured by the election, for the first time, of a Canadian Mr. A.S. Hyndman, to the Executive Committee of the CMI. This appointment started a long tradition which has lasted until the present time.

The Executive Committee agreed to recommend to Mr. K.C. MacKay that the Officers remain in office for another year.

Accordingly the Annual General Meeting held in Montreal on May 31st, 1976, with forty members in attendance, accepted the nominations of Mr. K.C. Mackay that all the Officers of the Executive Committee be re-elected for another year and Mr. A.J. Stone, Q.C. was added as a second Vice-President. Among the ten new members elected were Marc deMan, Frank Metcalf, Hugh Kindred, Pierre Tourigny, Tom McGloan and Robert Jette. An innovation at this Annual



Roland G. Chauvin, Q.C.
President, 1975-1978
Secretary, 1962-1964
Honorary Treasurer, 1969-1973

General Meeting was that two papers were read on Salvage by Mr. F. O'Gerity, Q.C. and Mr. Donal McAllister with John Cantello in the chair. This was successful but was not repeated in later years. In the course of his long President's address, Mr. Roland Chauvin announced that the next International Conference of the CMI would be held in Rio de Janeiro in September on October of 1977. In April, 1977 Mr. Hyndman was able to report that Australia had been elected as a member of the CMI and would probably be followed by Venezuela. It was also becoming clear that the principal subject for discussion in Rio de Janeiro would be Drilling Vessels and Drilling Rigs.

This brings us to the 26th Annual General Meeting of the Association held in Montreal on May 27th, 1977 attended by thirty-seven members and which showed that the Association was on a level keel with the bank balance growing so that dues could be maintained at the same level. Despite various efforts to increase membership it reflected only a slight increase in Association members to ninety-seven with ten Constituent members. Again Mr. Ken Mackay of the Nominating Committee proposed the same officers and members of the Executive Committee as in 1976 except that a Representative of the Canadian Bar

Association was substituted for the Maritime Employers Association and these were also elected. Among the eight new Associate members was James Gould of Halifax. Whilst there was not a panel of speakers at this Annual General Meeting Mr. T.M. McGloan, Q.C. introduced Captain P. Byrne to address the meeting on Drilling Rigs, Drilling Vessels and their Attendant Vessels. For the first time in 1977, a meeting of the new Executive Committee was held immediately following the Annual General Meeting which proved to be a popular and useful format.

As anticipated the thirty-first International Conference of the Comité Maritime International was held in Rio de Janeiro from September 25th to 30th, 1977. There was a good attendance from twenty-six countries and twenty-two members comprised the Canadian delegation under the leadership of Mr. R. G. Chauvin. The meetings were held at the official hotel, the Hotel Nacional but there was extraordinary friendship and co-operation between the Canadian and the United States delegations who stayed together in the adjacent Hotel Intercontinental. Old friends David Owen of Baltimore and Jim Donovan of New York were the President and Secretary for the U.S. Maritime Law Association respectively. Thanks to this co-operation the two delegations had flown together from New York to Rio.

Mr. R.G. Chauvin enjoyed a particularly high profile at the Conference because of his special ability to converse equally well in French and English. There were three subjects discussed at the Conference, these being:

Charterparty Definitions

Off-shore Mobile Craft

Draft International Convention for the Unification of Certain Jurisdiction, Choice of Law and Recognition and enforcement of Judgements in Matters of Collision.

The writer has a better recollection of the first two subjects in that Mr. Chauvin led the CMLA Sub-Committee on Charter Party Definitions and Tom McGloan the Sub-Committee on Off-shore Mobile Craft. A precise list of Charterparty definitions was agreed and referred to the General Council of British Shipping and BIMCO for action. The draft Convention on Off-shore Mobile Craft which also was agreed was referred to IMCO to see whether a diplomatic Conference should be held for its adoption. This did not happen and nearly twenty-four years later the subject is one sponsored strongly by the CMLA which is represented on the International Working Committee, but the subject has not taken many steps forward.

The other enduring memories of Rio are the fantastic countryside and views including the twenty-two sandy beaches which can be seen from the top of Sugar Loaf Mountain. The principal beaches are Cocacabana and Ipanema and they are as beautiful as their reputation suggests. Overall, Rio is a really fun city although Bill Tetley will remember his consternation when his running shoes and hotel key were stolen on the beach while he was jogging only a few yards away.

The first Annual General Meeting held in Toronto was at the Royal York Hotel on May 26th, 1978. There were twenty-six members in attendance. The President, Mr. R.G. Chauvin was able to report on Rio in his Annual Report but it was a busy time because the Association had also sponsored an International Conference on New Directions in Maritime Law which was held in Halifax January 20th to 21st, 1978. It is not surprising that there was a blizzard somewhat to the consternation of Mr. David Owen, President of the U.S.M.L.A. and some other Americans who were most welcome. The Conference was very successful having been run primarily by Edgar Gold and Frank Metcalf.

Not long after that in March, 1978 a Diplomatic Conference was held in Hamburg in order to review the International Law of the Carriage of Goods by Sea. Mr. Raynold Langlois was Chairman of the CMLA Sub-Committee of Revision of the Hague Rules and he attended one of the three weeks which this Convention lasted, as Adviser to the Canadian Government, which was all the time the Government was prepared to cover in terms of expenses. However, Mr. Jo Carton attended for another week as an Observer as he was in Hamburg and Mr. W. Tetley the third week again as Adviser to the Canadian Government. The draft Convention had been prepared by UNCITRAL and after its adoption became what are known as the Hamburg Rules but these have by no means taken over from the Hague Rules.

Mr. F. O. Gerity, Q.C. had become Chairman of the Nominating Committee and he nominated Arthur J. Stone, Q.C. as President with A.S. Hyndman and R.G. Chauvin as Vice-Presidents and W.T. Smith and John Cantello as Secretary and Treasurer respectively. Raynold Langlois and David Beard, Q.C. remained on the Executive Committee with six Representatives of Constituent Members. There was some concern expressed at the meeting that Constituent Members had presented briefs to the Government on the Hamburg Rules which differed from those of the CMLA. It was sad to report that the Canadian Manufacturers Association had resigned and the Chamber of Shipping had been wound up so that the number of Constituent Members was reduced to eight. On the other hand, it was encouraging that twenty-nine new Associate members were elected

including Ken MacInnis, Doug McRae, Jr., John Murphy, Alfred Popp, Wylie Spicer and George Strathy. At the meeting, Mr. R.G. Chauvin, Q.C. was elected as an Honourary member.

The Honourable Mr. Justice Arthur J. Stone
Federal Court of Canada, Federal Court of Appeal
(President 1978-1981) writes:

“The highlight of my term as President was the May 1981 CMI Montreal Conference. The work of those organizing the Conference at the local level was very considerable. Credit for the outstanding job must go to the organizing committee in Montreal which was led by Jo Carton, O.C. We were all very pleased that the Conference went off as it did. Indeed, delegates from abroad still remark on the choice of venue and the manner in which the Conference was organized and conducted. Much of the foundation work for the 1989 International Convention on Salvage was done at CMI Montreal.

CMI Montreal was a positive experience in other ways as well. The hard work that was invested in the Conference reflected well upon the Association as a mature organization and led members to re-examine the Association’s potential as an agent for change both at the national and international level. It also had the cheerful effect of adding to the Association’s coffers, enabling it to devote more time and energy to developing a broader range of activities for the benefit of its members. The challenge of building upon the Association’s achievements over its first thirty years was taken up in earnest after CMI Montreal. This has resulted in a stronger and more effective organization. My colleagues on the Court are particularly pleased with the ongoing CMLA/Federal Court maritime law seminars. Moreover, the presentation by the CMLA at the time of the Court’s 25th Anniversary in June 1996 of the Silver Oar of the Admiralty again illustrated the close relationship that has grown in recent years between the Court and the community it serves.

I was introduced to the CMLA by Peter Wright, O.B.E., C.D., Q.C., after joining his law firm in Toronto in 1958. Peter began practicing law during



Honourable Arthur J. Stone
President, 1978-1981

the 1930's. He took time away from practice to serve with the Intelligence Corps in the Second World War. Peter was already widely known in maritime law circles at the time when I joined him. He was a founding member of the Association in 1951. From 1962 to 1964, Peter held the office of President, and was the Association's permanent representative to the CMI's Bureau Permanent until his appointment to the Supreme Court of Ontario in 1969. Peter assisted in organizing a splendid reception in the Canadian Club at the Waldorf Astoria on September 13, 1965 during the CMI New York Conference. His wit and charm are legendary. I am grateful for this opportunity to reflect upon his many contributions to our Association.

People, corporations and associations with an interest in the Canadian maritime industry by their membership in the CMLA are able to pool their talents and resources with a view to assisting the development of maritime law and policy at home and abroad. I count it as a rare privilege to have served as one of its Presidents. My successors have brought, and are con-

tinuing to bring, renewed vigour and imagination to the affairs of the CMLA. By their efforts the Association is respected around the maritime world for its leadership in improving maritime law.”

Mr. R.G. Chauvin had been able to mention in his remarks the question of the possibility that the next CMI Conference could be held in Montreal. In fact, he said that if an invitation was extended by the CMI then the CMLA would accept but careful thought would first need to be given to the question of the time and effort required for such a major event.

The Executive Committee meeting held as usual in Montreal on September 12th, 1978 was an important one. It was great that the Canadian International Freight Forwarders Association had agreed through Dennis King to become Constituent Members. The number of Associate members was now at one hundred and seventeen and the Secretary was able to report that the CMLA had received an official invitation to host the next CMI Conference. Accordingly a special Sub-Committee was set up chaired by Mr. Jo Carton with power to co-opt and with a request for a report by March, 1979.

There was still strong feeling that the Constitution should be reviewed so a Sub-Committee was set up with Mr. A.S. Hyndman as Chairman and agreement reached that a majority of the Committee should be Representatives of Constituent Members.

Executive Committee meetings in late 1978 and early 1979 were busy ones concerned with the work of the various Sub-Committees and also in discussing the feasibility of hosting the next CMI Conference. At the meeting on January 18th, 1979, the Committee agreed to invite such a Conference in Montreal between September 13th and 18th, 1981 with a few provisos.

Also at that meeting an application for membership from the Company of Master Mariners of Canada was received so the number of Constituent Members was returned to ten.

At the assembly of the CMI in Antwerp in March, 1979, Mr. A.S. Hyndman was re-elected to the Executive Committee.

There was agreement that the 1979 Annual General Meeting be held in Vancouver in May preceding the Seminar on Tug, Tow and Pilotage co-sponsored by the CMLA. However, in fact the meeting was held in Montreal on June 28th, 1979 at which time it was reported that the Seminar in Vancouver had been most successful and had not cost the CMLA anything. Mr. Jean Brisset had taken over as Chairman of

the Nominating Committee and he proposed the same slate of Officers and Executive Committee members as in 1978 with the addition of Mr. J.R. Cunningham of Vancouver, Raynold Langlois of Quebec and David Beard of Toronto as Executive Committee members. No doubt to the surprise of some members the Constitution Sub-Committee reported that no major amendments were required. The two minor amendments were agreed in that the stipulation that the Head Office should be in Montreal be changed to state "such place in Canada as the Executive Committee shall from time to time determine". This may have had something to do with the political climate in the Province of Quebec. Secondly new members could be accepted by the Executive Committee rather than at a meeting of all members. Mr. Victor deMarco was one of the three new Associate members elected.

At a brief Executive Committee meeting held following the Annual General Meeting, the following were the Special Committees and Chairpersons.

Protocols to the International Convention on Bills of Lading & Limitation of Shipowners Liability	Mr. S.J. Harrington
Expert Evidence	Mr. G.R. Strathy
Time Bars	Mr. Frank Metcalf
Towage	Mr. P.G. Bernard
Hamburg Rules 1978	Mr. D.L.D. Beard, Q.C.
Canadian Maritime Code	Mr. G. Barry Drilling
Vessels & Drilling Rigs	Mr. T.L. McGloan, Q.C.

Whilst the usual affairs of the CMLA needed to be carried on, once the possibility of Montreal hosting a CMI Conference became a probability then most of the Executive's energies were turned to that end. The CMI Conference was in fact held in Montreal in May, 1981 and was such a significant event in the history of the CMLA that we will devote a special chapter to the Conference.

A successful Annual General Meeting was held in Halifax on May 28th, 1980 with more than forty people in attendance and the same Officers were re-elected for another year. Representatives of eight Constituent Members were elected to the Executive Committee and they were joined by Edgar Gold of Halifax and Bill Tetley of Montreal as well as David Beard of Toronto and Jack Cunningham from Vancouver. It was at this meeting that Bill Tetley suggested for the first time that we have a separate category of membership for students. The matter was referred to the Executive Committee for consideration, but in fact it was many years before this action was taken.

Associate membership had reached a high total of one hundred and seventeen, but this figure continued to grow and among new members elected were Johanne Gauthier and Brian Gallery following the Annual General Meeting in 1980.

Then amongst those elected at the Executive Meeting in Montreal on January, 14th, 1981 were Jack Buchan, John Joy and William Moreira. Graham Day was among those elected at the Meeting of March 19th, 1981.

It will be appropriate to look at the Annual General Meeting held in Montreal on June 30th, 1981, after we have considered the CMI Conference in Montreal.

THE XXXIIND CONFERENCE OF THE CMI HELD IN MONTREAL MAY 24TH – 29TH, 1981.

The President of the CMLA at the time of the Conference was Mr. A.J. Stone, Q.C. now the Honourable Mr. Justice Arthur Stone, a supernumerary Judge of the Federal Court of Appeal. Along with other past Presidents, Mr. Justice Stone was invited to submit a photograph and a brief summary of his term of office which, in his case, was 1978 to 1981.

As stated previously, the possibility of the next Conference of the CMI being held in Montreal was first mooted between R.G. Chauvin, J.A. Cantello and Henri Voet in Rio de Janeiro in September, 1977. Once it became clear through our member on the CMI Executive, Mr. A.S. Hyndman, that the suggestion was being viewed favourably, a Special Feasibility Committee was set up under the chairmanship of Jo Carton, O.C., assisted by the Secretary, Bill Smith.

Mr. Carton made his first report to the Executive Committee at its meeting on November 28th, 1978 at which time he advised the Château Champlain Hotel was being considered as Conference Headquarters but in general suggested that subject to satisfactory financial arrangements the CMLA should invite the CMI to hold an International Conference in Montreal in September, 1981. In his next report, on January 8th, 1979, the Chairman of the Feasibility Committee was still convinced that the Conference could be hosted by the CMLA but he wanted to have some form of financial sponsorship or guarantee for a total of about \$ 200,000.00 to provide comfort in the event that the Executive Committee agreed to extend an official invitation to the CMI for a week in 1981.

Following the Assembly of the CMI in March, 1979, Mr. Hyndman was able to report that a suggestion for the Conference in Montreal was met by unanimous approval and acclamation so that the Secretary was instructed in April, 1979 to proceed with the preparation of a preliminary budget.

The official invitation having been given to the CMI and their acceptance having been received, the Feasibility Committee was now turned into an Organizational Committee with Mr. J. Carton, O.C. as Chairman. He invited the officers and others to join his Committee including significantly Mr. Bart Malott as Accountant and Mr. Bill Smith as Coordinating Director. In addition, there were A.J. Stone, Q.C., A.S. Hyndman Q.C., Roland G. Chauvin, Q.C., J.A. Cantello, Marc Nadon, D.R. King, B. O'N. Gallery, W.D. Angus, D.F.H. Marler, E.

Baudry and R. Cypihot. All of these gentlemen made significant practical contributions and attended Sub-Committee meetings now held almost monthly right through until and after the Conference had been completed. A concerted effort was made to obtain financial backing and other CMLA members were involved in the successful conclusion.

Approaches were also made to three levels of Government, i.e., Federal, Provincial and the City of Montreal, seeking support. The Federal Government was approached through the Ministry of Transport and all three levels of Government were supportive, although it appeared that each would prefer to sponsor a specific event rather than giving general financial help.

Diligent efforts paid off and at the Annual General Meeting held on May 29th, 1980, the President was able to report that money or financial guarantees had been received from:

Canada Steamship Lines Limited
Canadian National Railway Limited
Canadian Pacific Limited
Dominion Marine Association
Federal Commerce & Navigation Limited
MacMillan Bloedel
Saguenay Shipping Limited
Texaco Canada Inc.

It was understood that in the event of the Conference showing a loss the Guarantors would make up this difference. On the other hand, if there was a surplus, then funds would be returned. By the time of the Annual General Meeting in 1980, specific duties had been allocated as follows:

J. Carton, O.C.	Chairman
Bart Malott	Treasurer
Dennis King	Transportation
Brian O'N. Gallery	Publicity
David Marler	Entertainment
R. Cypihot	Conference
Ed Baudry	Staff
Marc Nadon	Accommodation

The other members of the Organizing Committee provided general support. Robert Simpson and Raynauld Langlois had been added to the Committee.

The CMI had indicated that as they considered the work of revising the Salvage Convention urgent, they wanted the Conference

to be no later than May, 1981, and so it was that the actual dates became May 24th to 29th, 1981. It was also agreed that the Hotel Bonaventure would be Conference Headquarters.

In preparing his preliminary budget, Bill Smith had estimated a Conference fee of \$ 400.00 with \$ 100.00 for accompanying persons and in anticipation of four hundred to five hundred attendees, it appeared that the Conference would be self-supporting. The registration fees actually became \$ 450.00 and \$ 125.00 after March 15th, 1981.

There were a myriad of details to be ironed out. For example, a new Association logo needed to be devised for the Conference and a number of designs were prepared by Mrs. S. Hyndman (Mona), and the slight variation of the chosen design graces our regular Members Directory and other correspondence, etc. It is interesting that the prominent "Canada" remains whereas the name Comité Maritime International has been replaced by Droit Maritime Law, the Scales of Justice have been enlarged and 1981 replaced by 1951. Finally, two maple leaves are added. The main design is unchanged along with the blue waters and the bold "Canada".

The Hotel Bonaventure, which at that time included one of the largest Conference rooms in Canada, proved to be a very suitable Headquarters. The response to invitations to the various National Associations was very good and, in fact, a total of four hundred and sixteen delegates attended from thirty-one countries with nine Observers for a total of about eight hundred persons including accompanying people. The largest delegation came from the United States of America which sent one hundred and five delegates, followed by the host country Canada which had eighty delegates present. Also there were thirty one from the United Kingdom, then known as Great Britain, twenty six from West Germany and fifteen from France. It was good that China and the USSR also sent delegates.

The Conference opened officially on Sunday, May 24th, 1981, with registration at the Bonaventure and a cocktail reception at the Château Champlain Hotel sponsored by the Government of Quebec. Mr. David Payne acted as host representing the Provincial Government.

The first session of the Conference was held on Monday, May 25th with Representatives of all three levels of Government in attendance and a *vin d'honneur* was provided by the Shipping Federation of Canada. In the afternoon, the first debates commenced on Salvage and the Carriage of Hazardous and Noxious Substances.

It was the wish of the Organizing Committee that each attending person be invited for dinner in a Canadian home. Mr. David Marler was shown as being in charge of entertainment but he worked closely with Mr. David Angus in ensuring that every person received such an invitation. Apart from the welcoming aspect, the idea was that delegates from all around the world should participate for at least one evening in the Canadian lifestyle. Private clubs and restaurants were not used as all events were in private homes. This was a very popular part of the program.

On Tuesday, May 26th, after the debates had continued, a special cultural evening of entertainment was provided at the Théâtre Maisonneuve in Place des Arts. A varied program including a group of very young violinists, jazz music, The Canadian Brass and folk dancing by the Ballet Royal Canadien was enjoyed at this black tie event. Rounding out the evening was an excellent champagne and canape reception provided by the City of Montreal and hosted in person by the Mayor, Mr. Jean Drapeau.

In addition to arranging the specific events of Monday and Tuesday evenings the Entertainment Committee, working with the Transportation Committee, had organized many events for the accompanying persons including city bus and walking tours of Montreal. Also as is customary, while the drafting groups were meeting on Wednesday, May 27th, trips were organized to James Bay, the St. Lawrence Seaway, Quebec and Ottawa.

The plenary sessions continued on Salvage and HNS on Thursday and that evening the Maritime Law Association of the United States organized a reception at the Hélène de Champlain restaurant adjacent to the 1967 Expo site and close to the old domed Pavilion of the United States.

The conference concluded with the adoption of a Salvage Convention on Friday, May 29th and an agreement on the Carriage of Hazardous and Noxious Substances. That evening the final event was held in the Bonaventure Hotel. This was an exceptional gourmet meal provided by the Federal Government of Canada and ended with dancing in an atmosphere of very high spirits.

The general opinion was that the Conference was a great success and many letters of thanks and congratulations were received subsequently. Substantial arrangements of transportation from the airport and around the city were made by the Transportation Committee. Also the Accommodation Committee had ensured that everyone had a satisfactory hotel. Ed Baudry had taken a group of fif-

teen sons and daughters of members, provided them with uniform dress, and they had acted as Assistants to anyone who needed them, and as first-class Ambassadors for the CMLA.

At all its Conferences, the CMI pays for some of the administration and similar expenses. Otherwise the total cost of the Conference in the dollars of twenty years ago was \$190,000.00 and produced a profit of slightly more than \$52,000.00.

At the Annual General Meeting held in Montreal on June 30th, 1981 a full summary of the CMI Conference was given by the President and there was the final report of the Organizing Committee. Mr. Jo Carton and Mr. Bart Malott had worked tirelessly and done a wonderful job in organizing the Conference so after words of appreciation they were both elected as Titulary Members of the Comité Maritime International and Mr. Brisset, who had continued as Chairman of the Nominating Committee and Mr. A. Stone, retiring President, were both elected Honourary members of the CMLA.

The President elected was Mr. William Tetley, Q.C. with Jo Carton, A.J. Stone and A.S. Hyndman as Vice-Presidents and a most important change was the appointment of Mr. Bart Malott as Secretary, no longer on an Honourary basis. John Cantello continued as Treasurer. It was good news that the Canadian Manufacturing Association had rejoined as a Constituent Member and they were one of eight Constituent Members' Representatives elected to the Executive Committee along with Messrs. David Brander-Smith, Edgar Gold, T. MacGloan, Bill Smith and R.G. Chauvin.

Also at this meeting there were continuing requests for changes to the Constitution and in the running of the Association which was a subject of a report by Dr. Edgar Gold.

The retiring Secretary, Mr. William T. Smith, had served the Association with great dedication and considerable efficiency for fifteen years. A dinner was held in his honour and a suitable presentation was made by the Honourable Arthur Stone. After being at the centre of things for so many years and despite being made an Honourary Member, Bill stepped quietly away and did not attend another CMLA meeting.

At an Executive Committee meeting held on June 30th, 1981 in Montreal only six members were present. Twelve new Associate members were elected and, following Professor E. Gold's report recommending various changes in the affairs of the Association, Mr. R.G. Chauvin, Q.C. was re-elected Chairman of a special committee to look

into the matter, other members being David Angus, Ed Baudry, Jo Carton, John Cantello, Dennis King, Capt. Kothawala, Bart Malott and Bill Smith.

It is of interest to note the sub-committees and chairpersons appointed on August 31st, 1981.

Recognition and Enforcement of Judgments	W. Wylie Spicer
Maritime Liens & Mortgages	Prof. W. Tetley, Q.C.
Limitation of Liability	David Brander-Smith
Pollution	T.L. McGloan, Q.C.
Multimodal	Prof. Edgar Gold
Salvage	A.J. Stone, Q.C.
Hazardous & Noxious Substances	V. Prager
Federal Court Act	N.H. Frawley

Also of interest is that it was at this meeting that Mr. Jo Carton suggested that an Executive Committee meeting be held in Ottawa during the month of February 1982 after which a reception would be held to entertain Government Officials, Senior Public Servants and other dignitaries in the Ottawa region. At that time, the Association had eighteen members in the Ottawa area. It was also in 1981 that it was proposed that a membership list should be compiled, including the wording of the CMLA Constitution, and sent to all members. It should be remembered that for the first time the Association had substantial money in its coffers following the CMI Conference. Among those elected as Associate members on October 26th, 1981, were Peter Cullen and William Sharpe.

The Executive Committee meeting of March 1st, 1982 in Montreal was important because the Chauvin Committee on the Gold report made its recommendations which were agreed and the President and Secretary were empowered to draft the necessary resolutions to amend the Constitution at the next Annual General Meeting. Mr. John O'Connor was among those elected as an Associate member at the one hundredth Meeting of the Executive Committee and R.G. Chauvin was nominated to be the Association's representative on the Executive Council of the CMI.

On April 29th, 1982 at an Executive Committee meeting, among the fifteen new members elected was Elizabeth N. Heneghan. Mr. Arthur Stone, for the first time, suggested two types of Honourary Members so that distinguished persons such as the Minister of Justice could be elected as an Honourary Member and someone who had served the Association well would be an Honourary Life Member.

Congratulations were given to Mr. R.G. Chauvin, Q.C. who had been elected a member of the Executive Council of the CMI after the expiry of Mr. Hyndman's term of office.

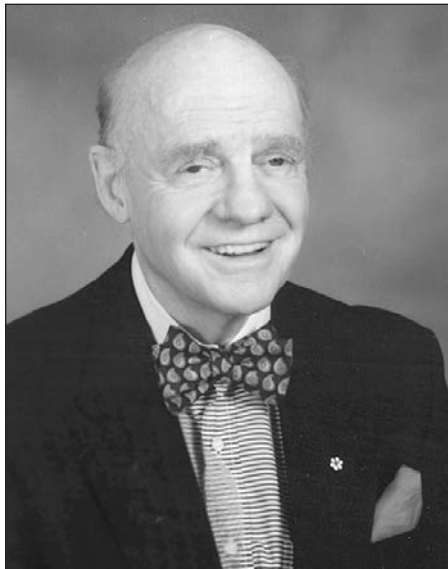
It may be recalled that dues for membership, after some ups and downs, were set at \$400.00 for Constituent Members and \$30.00 for Associate members in 1975. These figures remained unchanged until 1982 during which time finances were stabilized and cash in the bank increased from about one thousand dollars to something over sixteen thousand dollars before the infusion was received from the Conference.

THE FOURTH DECADE — 1982 TO 1991

Much has been said about the great good-fortune of the Association in the characters of those who served as its Presidents. This is true of all the Presidents but the fourth decade did feature four exceptional and distinctive personalities in William Tetley, Q.C., Jean Brisset, Q.C., David Brander-Smith, Q.C., and the Honourable W.D. Angus, Q.C. Reminiscences by three of the four past Presidents follow but unfortunately Jean Brisset passed away on January 11th, 1991 so included is a brief biography. However, those who knew Jean will not soon forget his charming manner which showed in everything he did.

William Tetley, Q.C. (President 1981-1984) writes:

“My first experiences with the Canadian Maritime Law Association were in 1953 or 1954, when I heard of what seemed like a very august and secretive organization and thought I might like to join. I had been practicing law since 1952 and from the beginning had been firing out Admiralty writs in all directions and so was well-known to the Montreal maritime legal community, which consisted almost exclusively of Lucien Beauregard Q.C., Clement



**William Tetley, Q.C.
President, 1981-1984**

Holden Q.C., and Russel McKenzie Q.C. Eventually, I learned that Léon Lalande, the secretary of Montreal Shipping, was also the secretary of the CMLA and after he had overcome his surprise at my impertinence in wanting to join, he invited me to the third annual meeting of the Association, which was held on June 1, 1954 at the Shipping Federation in the Board of Trade Building on St. Sacrement Street in Montreal. The Hon. C.J. Burchell, Q.C., from Halifax, the first President of the CMLA, presided and the following were elected members: Harry Bennett, John J. Mahoney, A.J. Meagher, J.A. Parker, Jacques Senecal Q.C. and William Tetley. Mr. Justice A.I. Smith of the Superior and Admiralty Courts was then elected President to replace Hon. Burchell. Judge Smith was President from 1954 to 1962. It was a distinguished, but friendly group and a jovial meeting.

Shortly after my joining the CMLA, a committee was formed under the chairmanship of Russell McKenzie to prepare amendments to COGWA, the Canadian equivalent to the Hague Rules. I was named to the Committee as was Francis Gerrity, a distinguished Royal Canadian Navy veteran, who had commanded his own corvette during World War II. He had then studied law but was very frustrated to find himself on the same level with the likes of me. It was agreed that Gerrity would prepare a draft report addressed to the Government and to submit it in advance to Russell and to me. We received the 50 page report at the last minute and unfortunately there was a fatal error buried in the middle. Russell was furious, because there was no time to do a revision.

Gerrity told us not to worry. "Jackett, the Deputy Minister of Justice, will never spot it." We drove together in Russell's Cadillac to Ottawa and soon were in Wilbur R. Jackett's office, where he found the error in no time and slammed the report shut. Russell was even more furious and we left the government building in silence, walking to Russell's car, for the drive back to Montreal. "Get into the car, kid", shouted Russell and as I jumped in, Russell sped off, leaving Gerrity on the sidewalk.

Peter Wright Q.C. of Toronto was President from 1962 to 1964 and convinced the members to attend CMI Conferences and to take part in CMI affairs. I therefore went to Greece in 1962, and Roland Chauvin, Stuart Hyndman and I went to Stockholm in 1963. These were heady times, because the Hague/Visby Rules were adopted that year at Stockholm and there were only three or four of us on the Canadian delegation. I, in particular, opposed the Muncaster Castle amendment, although it was the apple of the P & I Club's eye. (It was eventually thrown out, in any event, at the Diplomatic Conference in Brussels in 1968, when the Hague/Visby Rules were adopted to the general satisfaction of almost everyone, including the Clubs.)

In 1964, Peter Wright resigned and came to me and noted that although I was senior to Stuart Hyndman, he believed that Stuart would be more acceptable as the next President to the powers that be (the Constituent Members, being shipowners and P and I Club representatives). I had other fish to fry — I was finishing a book — and I also had my eye on politics, and so I was delighted. I was named Titulary Member of the CMI as a consolation and Stuart proved to be an excellent President and represented us especially well at the CMI meeting in New York in 1965.

One of the crowning moments at the New York Conference was the CMLA cocktail party at the Waldorf Astoria Hotel, which party Stuart had organized. A friend of mine in the jewelry business had a surfeit of sterling silver maple leaf pins and we gave one to each lady present. A number of ladies at the Conference failed to attend the party and for weeks we received letters asking for one. We were obliged to scurry around to get more and to mail them off around the world. Margaret Healy of New York, wife of Nick Healy, still wears hers at CMI functions, as does my wife Roslyn.

In 1981, the CMLA organized the very successful Montreal Conference of the CMI under the presidency of Arthur Stone Q.C. It was the best conference of the CMI I have ever attended and its success

was in great part due to the organization and work of Jo Carton and his partner Bart Malott. They managed to have a surplus left over after the Conference which was preserved for a rainy day, by the next two or three Presidents, but was unfortunately dissipated thereafter.

After the Conference, I was named President of the Association and was able to open up the membership, in fact doubled it, despite a slump in the number of members after the euphoria of the Conference. We established a series of open meetings in Halifax, Montreal, Toronto and Vancouver and published the first membership address book. We also started the now annual visits to Ottawa to see the Minister of Transport and top civil servants. Bart Malott had become secretary-treasurer after the 1981 Conference and his energy was instrumental in all the reforms. We also gave more authority to the ordinary members as opposed to the Constituent Members. Edgar Gold was the person who pushed the change at a memorable meeting, standing up to Jo Carton, a formidable adversary.

The CMLA has gone on to much greater things, particularly in the Executive's constant surveillance of Federal Government maritime legislation, but the openness and the participation of ordinary members may have been partially lost. Perhaps our website, which shows we are in the avant-garde, will be the answer. For my part, activity in the CMLA and the CMI has been essential to my involvement in maritime law. Best wishes and thanks to all concerned."

Jean Brisset, Q.C. (President 1981-1987)

The following is an abridged obituary:

Mr. Brisset Q.C. passed away in his residence on January 11th, 1991, after a lengthy illness bravely borne.

He had been a Senior Partner in the law firm Brisset Bishop in Montreal. He had had more than forty years of practice in Admiralty and in the field of Maritime Law and was appointed Counsel to The Shipping Federation of Canada in the early 1950s and was a director of Fednav Limited.



**John Brisset, Q.C.
President, 1984-1987**

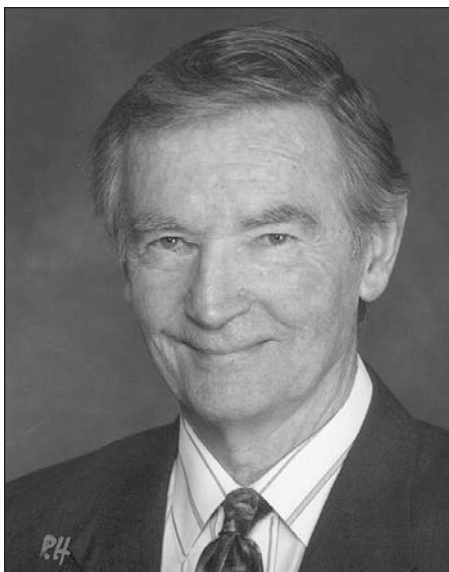
He was a previous President of the CMLA, a Titulary Member of the Comité Maritime International and an Associate Member of the Association of Average Adjusters of Canada of which he was the Chairman in 1980-81, as well as an Associate Member of the Association of Average Adjusters of the United States.

David Brander-Smith, Q.C. (President 1987-1989) writes:

“When I became President I was anxious to give the Association a more Canadian focus. I therefore appointed, for the first time, Regional Vice-Presidents, and held executive meetings in Halifax, Toronto and Vancouver, as well as in Montreal.

Another “first” was the appointment of the Past President as the Chairman of the Nominating Committee.

I asked David Angus to arrange a dinner with Chief Justice Isaac where five members of our executive expressed our concern about the lack of judges on his court with maritime backgrounds. He asked us to organize a seminar to “educate the judges”, which resulted in the tradition of judges’ seminars.



David Brander-Smith, Q.C.
President, 1987-1989

I made submissions to the House of Commons Committee on the Transportation Safety Board bill with Guy Vaillancourt, Chair of the CMLA Committee on that subject.

Bill Tetley and I attended the annual meeting of CMI in Brussels on April 23, 1987. Although we knew that the executive was putting forward a full slate of directors, we let it be known that I would make a motion that Bill be appointed as a director. This would have required an election. The CMI had never had a motion from the floor, or an election for a director. To avoid breaking that tradition they elevated a director to become still another vice-president, and accepted Bill as a director. He suggested a number of administrative changes which were later adopted.

I will always be grateful for the unstinting assistance of my executive, and in particular for the thoughtful and sound advice I received from our then Secretary, Bart Malott.”

Hon. W. David Angus, Q.C. (President 1989-1992) writes:

“I genuinely treasure the host of happy memories I retain of my term as President of the Canadian Maritime Law Association. These were exciting, stimulating and action-packed years for our Association and it was a true privilege to be “in the chair” as we moved forward with a series of bold new initiatives. We were driven by our goal of energizing and raising the profile of the CMLA, broadening the membership base in all maritime regions of Canada and focussing our work agenda on projects of substance and useful to our Constituent Members. We were motivated as well by the dynamic change and globalization taking place all around us and by the realization that our “parent” body, the Comité Maritime International (CMI), required urgent and profound reform if it were to survive beyond its Centenary with more than a modicum of credibility or usefulness in its quest for uniform and efficient international maritime law.



**Honourable W. David Angus, Q.C.
President, 1989-1992**

I was fortunate to be the leader of an outstanding and enthusiastic team. Together, we challenged several worn out “sacred cows”, broke a lot of new ground, established new relationships, enhanced existing alliances and strove to embrace the “new reality” characterized by communication and openness. My alter ego from start to finish was our extraordinary Secretary-Treasurer, the late Bart Malott. Although Bart always had a wry smile on his face and a twinkle in his eye, he was an exacting task master who kept us focussed and in constant motion. Each and every Member of the Executive Committee was actively engaged and committed to the realization of our strategic goals. When my term ended we had 26 active sub-committees.

This was the period when distinguished Canadian Bill O’Neil became Secretary-General of IMO, leading us to make him an Honourary Life Member of the CMLA and to fête him at a special luncheon. Bill, together with Alfred Popp (the first Government official to become a regular participant in the CMLA Executive Committee), made it possible for us to establish a strong, productive and on-going liaison with the IMO.

In like manner, we consolidated a constructive relationship with the Canadian Government, characterized by co-operation rather than confrontation. The joint meetings with Transport Canada officials became annual affairs and who can ever forget the great work done by Ran Quail and Jerry Rysanek in making those meetings so productive? During this period, the Federal Government came to recognize the CMLA as a force to reckon with as evidenced by its agreement to enact a federal Canadian Marine Insurance Act and to move forward with a host of other maritime legislation which had long languished on bureaucrats’ desks. At the Rideau Club luncheon following the 1991 Joint Meeting, three Cabinet Ministers and the President of the St. Lawrence Seaway Authority were in attendance. At both the 1990 and 1992 luncheon, two Ministers and the SLSA President joined us, so we really had Ottawa’s attention!

Also in Ottawa, we started a discreet and on-going dialogue with the Federal Court. Chief Justice Julius Isaac was the catalyst for this unique development which subsequently led to our Association putting on seminars for Federal Court Judges and to the CMLA playing a special and prominent role in the Federal Court's 25th Anniversary celebrations, featuring our presentation to the Court of a Silver Oar of the Admiralty.

A key highlight of my Presidency was the CMI Conference in Paris in June 1990. It was there that the CMLA appeared in force, well prepared, well-organized and focussed on the result we wished to achieve. We held daily breakfast meetings with the USMLA delegation to co-ordinate policy positions; we caused the Canadian Embassy to host a memorable reception for the CMLA delegation and some 60 of our designated guests. Canadian flags and pins were displayed prominently by our delegates and a real spirit of "team" and "camaraderie" prevailed. We were widely congratulated by other delegations. This was especially gratifying since we arrived at the Conference in "bad odour", having roundly criticized the CMI Executive about the weakness of the Agenda they had set for the Conference over a two-month period. A special session on "Tanker Safety" was added due to the CMLA's pressure.

During the Paris Conference, we learned that Professor Francesco Berlingieri (who had been President for ages) would be stepping down at the April 1991 CMI Assembly. Bill Tetley advised our Executive that with our full support, he would be prepared to seek the CMI Presidency on a "reform" platform designed to modernize the CMI and make it more effective, democratic and accountable to its Members. We enthusiastically endorsed Bill's plan and platform, encouraged him to formalize his candidacy and established a Campaign Steering Committee comprised of Johanne Gauthier, Edgar Gold, Alfred Popp, John Cantello, Bart Malott and myself, as Chairman. We wrote to the Presidents of all national MLA's seeking support for Bill and I went to Europe to drum up sup-

port from the key CMI players. It was at this point we received a vivid object lesson about the CMI “Real Politik” — apparently another candidate (Allan Philip of Denmark) had, (there being no formal nomination process for the office of the CMI President set forth in the CMI Constitution) already been “designated” by the CMI “Old Guard” as Prof. Berlingieri’s successor. When I visited a prominent CMI Vice-President to plead Bill’s case, he crustily observed “My dear David, I am the CMI. There will be no contested election! I’ll see to it!” Even though Bill’s candidacy attracted support from some 20 CMI Member Associations, it developed that all or most of the traditionally powerful Associations (eg. U.K., U.S.S.R., Italy, France, Greece, Denmark, Ireland, Norway, The Netherlands and the U.S.A.) had seemingly “at a much earlier date” committed their support to Allan Philip. Subsequently, in Genoa, Bill withdrew and an “honourable” compromise was struck. Bill would become a Vice-President and Allan’s Deputy with responsibility for directing the CMI’s work Agenda and bringing in certain “modest” reforms. This was all a sobering experience for the CMLA, but the dye was cast. The persistent winds of change were beginning to blow from Canada towards Antwerp. By the time delegates convened in Antwerp in 1997 for the CMI’s Centenary Conference, the main Agenda item would be CMI Reform with Canada leading the charge.

I could go on and on with enthusiasm but I have already gone far beyond the limits set out by John Cantello when he so kindly invited me to write a retrospective of my Presidency. Let me just say in conclusion that I feel very fortunate indeed to have been permitted to preside over this proud and vibrant organization for three wonderful years. I especially cherish the privilege I was afforded to work with so many energetic and talented individuals on the CMLA Executive and the opportunity I had to meet such a vast array of friendly and interesting people both here in Canada, in the U.S.A. and abroad whilst representing the CMLA at a myriad of conferences, seminars, colloquia, assemblies, meetings, dinners, lunches and junkets of one kind or another. My heartfelt thanks.”

It was at the Annual General Meeting held in Montreal on May 11th, 1992 that the most important amendments to the original Constitution of the Association were made and so these are reproduced in full.

Amendments to the Constitution of the Canadian Maritime Law Association

1. THAT Article 3 of the Constitution be amended by replacing its second paragraph with the following:

“(2) Members: Any person, association, society or body corporate resident in Canada, interested in the objects of the Association and whose application may be accepted by the Executive Committee. Each Member shall be entitled to vote at the Meetings of the Association and of any of the Association’s committees of which he is a member.”

2. THAT Article 4 of the Constitution be amended by replacing it with the following:

“The approval of a majority of the members of the Executive Committee present and voting thereon (at a validly constituted meeting) shall be required for any report or recommendation of the Association to be submitted to the Comité Maritime International or to any government body or other institution, provided that, in the case of reports other than those of an informative nature only, and when time allows, copies of such reports shall be sent to all Members of the Association so as to enable them to make their views known to the Executive Committee before the latter delivers thereon.”

3. THAT Article 6 of the Constitution be amended by replacing it with the following:

“There shall be a President, three Vice-Presidents, a Secretary and a Treasurer. The immediate Past President of the Association shall also be an officer. The

same person may hold the offices of Secretary and Treasurer. The persons eligible as officers shall be the representatives of the Constituent Members, the Members, and the Honorary Members. The officers, excepting the Immediate Past President, shall be elected at the Annual General Meeting of the Association to serve for one year or until their successors have been elected.”

4. THAT Article 11 of the Constitution be amended by substituting its first paragraph with the following:

“The Executive Committee shall manage the affairs of the Association and shall consist of not less than six and not more than twelve members, elected annually, excluding the officers of the Association, who shall also be members of the Executive Committee. At least one third of the members of the Executive Committee shall be representatives of Constituent Members of the Association. However, representatives of the remaining Constituent Members shall be entitled to attend, without voting rights, the meetings of the Executive Committee. Five members of the Executive Committee voting in person shall constitute a quorum.”

5. THAT Article 11 be further amended by adding after its fifth paragraph a new paragraph reading as follows:

“The Chairman of the Nominating Committee shall be invited to all meetings of the Executive Committee without the right to vote thereat in that capacity. He shall, within six months of his appointment, inform the Executive Committee of the other members appointed by him to his Committee, who shall be no less than two and no more than four.”

6. THAT Article 12 of the Constitution be amended by adding thereto two paragraphs reading as follows:

“The agenda of the Annual General Meeting shall include the election of a chairman of the Nominating Committee, who will remain in office until after the next Annual General Meeting.

The notice of the Annual General Meeting shall be accompanied by a copy of the Report of the Nominating Committee to be submitted at the Meeting, and shall contain a statement that other nominations may be made by the Members at the Meeting.”

7. THAT Article 14 of the Constitution be amended by deleting therefrom the word “Constituent” and by adding therein the word “thereon” after the word “voting”.

The Constitution was also amended to include the two types of Honourary members proposed by Mr. A.J. Stone, Q.C. The Association of Marine Surveyors of British Columbia were elected Constituent Members following the Association of Marine Underwriters of British Columbia who had been elected at a previous meeting. Mr. J. Brisset, Q.C. was still Chairman of the Nominating Committee and those elected in 1982 were William Tetley as President and Jo Carton, R.G. Chauvin and T.L. McGloan as Vice-Presidents. For the first time since the early days of the Association the duties of Secretary and Treasurer were amalgamated and Mr. Bart Malott was elected to fill that position. There were now six Associate members on the Executive Committee being David Angus, David Brander Smith, Nigel Frawley, Edgar Gold, Sean Harrington and Guy Vaillancourt. They were joined by Representatives of six Constituent Members. It should be noted that no meeting of the Executive Committee was held in Ottawa in 1982.

Bill Tetley proved to be an extremely energetic President and instituted a number of changes amongst which were the holding of Open Meetings during the year in Montreal, Toronto, Vancouver, Quebec City, Saint John, N.B. and Halifax, N.S. The President took part in all of these meetings and this also was part of a conscious effort to increase the number of members with special emphasis on non-lawyers. One result was that there were new members elected at every meeting. It was also at this time that the total of Associates exceeded two hundred and among those elected in August, 1982 were Doug Schmitt and Rui Fernandes and later in November, 1982 Jerry

Rysanek and Michael Bird. Despite all this activity, attendance at Executive Committee meetings averaged about ten to twelve.

The Thirty-second Annual General Meeting was held in Montreal on May 17th, 1983. The President stated that he thought the President's term of office should be limited to two years. However, he was re-elected to a third term with David Angus, Jean Brisset and Roland Chauvin as Vice-Presidents. There was a slightly different balance in that five Associate members were elected to the Executive Committee along with Representatives of seven Constituent Associations.

This was a time of high interest rates and substantial funds were held by the Association, principally due to the CMI Conference, so that the Treasurer held a record total funds of \$84,059.50. The Association had 239 members in total including two Honourary members, thirteen Honourary Life members, ten Constituent Members and two hundred and fourteen Associates. Messrs. Jo Carton and Bill Smith were elected Honourary members for their sterling work on the CMI Conference and general services to the Association.

Another indication of the increasing activity of the Association was a total of fifteen Sub-Committees all dealing with various aspects of Maritime Law and in a very sensible innovation, Committee chairpersons were now invited to attend all Executive Committee meetings although they were not entitled to vote. Executive Committee Meetings totaled five during the year, virtually all of which were still held in Montreal and were followed by Open Meetings, where possible, which continued to be a real feature of the Association's work. It is noteworthy that four Open Meetings were planned for the month of November 1983 in Halifax, Toronto, Vancouver and Montreal. Attendance averaged between thirty and fifty persons. At the Open Meeting in Toronto on November 8th, 1983, the Honourable A.J. Stone was presented with an Eskimo carving in recognition of his work with the Association and his appointment to the Federal Court of Canada, Federal Court of Appeal.

At this time also Mr. Jo Carton attended the Tenth Annual meeting of the Maritime Law Association of Australia and New Zealand in Sydney. A good idea was an invitation by Constituent Members to appoint alternate Representatives when meetings were being held in other cities. Due to the fact that there was another Seminar on New Directions in Maritime Law at Dalhousie University, the Annual General Meeting was held in Halifax on May 17th, 1984 and Mr. Elliott Nixon of New York attended and brought greetings from the

U.S.M.L.A. and advised the meeting that Bill Tetley had been made an Honourary Life member of that Association. In all, sixteen Sub-Committee reports were given. Unfortunately the Treasurer reported a deficit attributed to falling interest rates and it was the beginning of a period of difficulty in making income cover expenses. Despite continually recruiting new members, Constituent Members remained at ten and Associate members were at two hundred and fourteen. In other words, the experience was somewhat similar to what we see today which is that many members recruited do not stay for the long haul.

Mr. A.S. Hyndman was now Chairman of the Nominating Committee and Jean Brisset Q.C. was elected President with Vice-Presidents David Angus, David Brander-Smith, Nigel Frawley, Robert Jette and Dennis King. Bart Malott remained as Secretary and Treasurer and eight Associate members were elected to the Executive Committee including the first lady member, Ms. Johanne Gauthier, as well as Representatives from seven Constituent Members. It was agreed that Mr. R.G. Chauvin, as a member of the Executive Council of the CMI, should also be invited to attend meetings.

This precedent has been observed until the present time.

Bill Tetley was elected an Honourary Life member of the CMLA.

Jean Brisset, Q.C. had been a keen supporter and worker in the CMLA and had chaired its Nominating Committee for many years. References were made much earlier to Mr. Lucien Beauregard who had been Mr. Brisset's Senior Partner and had been very active in the formation of the CMLA

Soon after the appointment of the new Executive Committee attention was turned to the next proposed CMI Conference to be held in Lisbon from 19th to 25th May, 1985. An interesting development in June 1984 was the first french language translation by Mr. Brisset of the Constitution of the CMLA which was checked by Johanne Gauthier before inclusion in the Members Directory the production of which was on a regular bi-annual basis.

At the Executive meeting in August 1984, John Cantello accepted an appointment as chairman of the Sub-Committee on Marine Insurance and he stated that he would include Pierre Coté and Doug McRae because this was the first step towards the creation of a Federal Marine Insurance Act.

Also for the first time in August 1984, Mr. John L. Joy attended an Executive Committee meeting. He reported on a meeting amongst

young lawyers in Newfoundland and stated another one would be held shortly. In part, enthusiasm was generated by the terrible Ocean Ranger tragedy. Mr. R.G. Chauvin was not able to accept the nomination for a second three-year term as a member of the Executive Council of the CMI. It was agreed, therefore, that Bill Tetley should be the nominee of the CMLA. It was encouraging that at this meeting of the Executive Committee, the Canadian Bankers Association was elected a Constituent Member.

Whilst all Constituent Members' Representatives were receiving copies of Minutes and, together with all Sub-Committee chairpersons, an invitation to attend Executive Committee meetings, the normal turnout was still only about ten to twelve. Mr. Brisset continued the policy set up by previous President Tetley in that he attended an Open Meeting in Vancouver on January 17th, 1985 at which again there were roughly fifty members and friends present. It was announced with much pleasure that Professor Edgar Gold had won the prestigious 1984 Albert Lilar Award presented in memory of the previous President of the CMI for the best book of the year which was the first of many honours to be won by Edgar. This award had also been won previously by Bill Tetley so that in two of the first three awards, the winners were Canadian.

Thought was being given to attendance at the next Conference of the CMI due to be held in Lisbon in May 1985. In this connection, a special meeting of the Executive Committee was held in Montreal on May 6th, 1985 when it was agreed that our delegation of about thirty members would be led of course by the President, Jean Brisset.

Regarding the subjects on the agenda, Johanne Gauthier was named Chairman of the Waybills discussion, Professor Bill Tetley headed the Liens and Mortgages and Jean Brisset the Arrest of Ships discussion. As John Murphy could not attend in Lisbon, the discussion on Ship Collision Damages was headed by Trevor Bishop.

The Annual General Meeting held in Montreal on June 14th, 1985 dealt substantially with the successes of the Lisbon Conference and reported that our total membership had now reached 292, including fifteen Constituent Members and 261 Associate Members. Jean Brisset was elected President for another term with five Vice-Presidents as before, except that Edgar Gold took the place of Dennis King. There were eight Associate Members elected to the Executive Committee together with the Representatives of six Constituent Members. There was much appreciation of the fact that there were

four new Constituent Members, viz. Canadian Bankers Association, the Chamber of Shipping of British Columbia, the Eastern Canadian Tug Owners Association and Versatile Corporation. It was hoped that the Thirty Fifth Annual General Meeting could be held in Vancouver in June 1986, together with the Annual General Meeting of the Average Adjusters Association, a Maritime Law Seminar and EXPO 1986. Following the Annual General Meeting the balance of 1985 saw three more Executive Committee Meetings which were mostly concerned with the reports of progress of the many sub-committees.

Due to a serious operation, Jean Brisset was unable to attend the Executive Committee Meeting on April 8th, 1986 which was chaired by Edgar Gold. Also, Bill Tetley represented the Association at the CMI Assembly in Antwerp. However, Jean was back in the chair for the meeting of May 21st, 1986 at which time a surprising figure of \$5,000.00 was contributed to the CMI charitable trust which had just been set up. It should be recalled that the Association still had a healthy balance from the CMI Conference held in Montreal.

The 1986 Annual General Meeting was indeed held in the Hotel Georgia in Vancouver on June 4th, 1986. Approximately sixty members and friends were in attendance and the occasion was a memorable one. The membership was constant although still creeping towards a target total of three hundred. The 1986 total was 294 reflecting a drop in Constituent Members to thirteen and a slight increase in Associate members. It had been a satisfactory year and the Officers and Executive Committee members were re-elected with Jean Brisset continuing as President. The dinner at the Vancouver Club which followed the Annual General Meeting was probably one of the most successful social occasions for the Association. The dinner was jointly organized by the CMLA and the Association of Average Adjusters and a substantial delegation attended from the East. We were indeed fortunate in having two noted after-dinner speakers in Geoffrey Hudson, an Average Adjuster from London our own Bill Tetley. This was a fitting introduction to the Seminar on Maritime Law, which mostly concerned Tug and Towing. Also, attendance at EXPO 1986 was an enjoyable experience.

In 1986 for the first time a new Committee was formed in order to liaise with various Canadian Government Departments in Ottawa. Elected were David Angus, Johanne Gauthier and William Tetley who were asked to appoint their own Chairman and add other members, if required. It will be seen how this beginning developed into regular meetings in Ottawa with Government officials in the Spring of each year which became extremely important in the devel-

opment of a very close relationship between the Association and appropriate Government Departments.

In general, this period continued to be largely in the hands of the distinguished Secretary-Treasurer, Mr. Bart Malott, with a heavy emphasis on meetings in Montreal. As usual, the next five Executive Committee Meetings held between September 25th, 1986 and May 12th, 1987 were all held in Montreal mostly in the offices of the Shipping Federation and the number in attendance still was around ten to twelve.

The 36th Annual General Meeting was again held at the University Club in Montreal on June 5th, 1987 with forty-five members and guests in attendance. Despite having a good surplus in the bank, the Association was having a problem in keeping its expenses in line with revenue and with losses each year the total had fallen from the peak of \$81,000.00 to \$59,000.00 so that the regular members' dues were increased from \$40.00 to \$50.00 leaving the Constituent Members' fees at \$400.00. It was encouraging that the total membership had at last reached three hundred with a total of three hundred and six including fourteen Constituent Members and two hundred seventy-seven regular members.

Mr. Jean Brisset had completed three successful years as President and his place was taken by David Brander-Smith of Vancouver supported by David Angus, Nigel Frawley, Edgar Gold, John Joy and Barry Oland as Vice-Presidents. As before eight Associate members were elected with Representatives of eight Constituent members. However, an additional nomination was made from the floor when Marc Nadon was added as an Executive Committee member. Mr. Stuart Hyndman retired as President of the Nominating Committee and was replaced by Mr. Jo Carton.

The number of Sub-Committees had continued to grow so that at the Executive Committee Meeting held immediately following the Annual General Meeting, the following Sub-Committees and chairpersons were confirmed:

Arbitration	Mr. Sean J. Harrington
Carriage by Sea of Dangerous, Hazardous & Noxious Substances	Mr. Vincent Prager
Carriage of Goods Documentation	Ms. J. Gauthier
Collision Damages	Mr. Trevor H. Bishop
Constitutional Questions	Mr. W.M. Sharpe

Federal Court Act & Federal Court Rules	Mr. Nigel H. Frawley
Implementation of International Conventions	Mr. A.H.E. Popp
International Terminal Operators	Mr. Alain Pilotte
Limitation of Liability	Mr. A. Barry Oland
Marine Insurance	Mr. J.A. Cantello
Marine Mortgages	Mr. George H. McGinnis
Maritime Liens, Mortgages & Arrest of Ships	Prof. W. Tetley, Q.C.
New Canada Customs Act	Mr. Dennis Knig
Official Enquiries into Marine Casualties	Mr. Guy Vaillancourt
Pollution	Mr. Marc Nadon
Salvage	Prof. Edgar Gold
Service —	
Ex Juris Convention	Mr. W.M. Sharpe
Special Liaison Committee	Ms. J. Gauthier
Towage	Mr. J.R. Cunningham

The Vice-Presidents elected included at least one from each of the four main regions which are the Maritimes, Quebec, Ontario and the West Coast and at this time there was a strong feeling that more Open Meetings and Executive Committee Meetings should be held in other parts of the country than in Montreal. This wish was immediately put into effect because the next Executive Committee Meeting was held in Halifax on September 25th, 1987 and was novel in that the Meeting was adjourned at 10:15 a.m. so that an Open Meeting could be held and re-convened at 12:15 p.m. to be completed. Ms. Danièle Dion was one of two new members elected at that meeting.

The next Executive Committee Meeting was held in Toronto on December 1st, 1987, to be close to the time that the Annual General Meeting of the Canadian Board of Marine Underwriters was held as well as an Open Meeting of the Association. In fact due to a strike of Air Canada there was not a quorum present, but a useful meeting was held and the Canadian Ferry Operators and Marine Atlantic Inc. were welcomed as new Constituent Members. The next Executive Committee Meeting held back in Montreal on March 18th, 1988 was a busy one. During this period there had been a further attempt to obtain agreement to the adoption of the Hamburg Rules, but after much debate the Association's position was that it still supported the Hague/Visby Rules.

A report was given that on March 17th, 1988 the Committee appointed of Ms. Johanne Gauthier Chairperson, David Angus and Bill Tetley together with the President and Secretary-Treasurer had met with Mr. Ran Quail, Assistant Deputy Minister Marine and Commissioner of the Coast Guard. Also in attendance were six other Government officials including Alfred Popp, Jerry Rysanek and Marc Gauthier. After the meeting, a lunch was held at the Rideau Club when the others were joined by the Honourable John C. Crosbie, Minister of Transport and Mr. William O'Neil, President of the Saint Lawrence Seaway Authority (later Secretary-General of IMO). A number of subjects had been discussed and it was obvious that this first meeting was most valuable.

The Thirty Seventh Annual General Meeting was again held in Montreal on June 10th, 1988, with forty members in attendance. The President was able to report that at the Assembly held in Brussels on April 22nd, 1998, Professor W. Tetley was elected a member of the CMI Executive. This made him the third Canadian to fill such a position although there was a gap between his appointment and the retirement of Roland Chauvin.

Membership in the Association was very stable and despite another financial loss during the year, the dues were not changed. David Brander-Smith and the five Vice-Presidents were re-elected together with eight regular members and Representatives of four Constituent members. There was continuing concern in two areas in that Executive and Open Meetings should be spread more evenly across Canada and that greater effort should be made to enlarge and inform the membership. In regard to the first of these much was achieved in having Executive Committee Meetings in 1988 in Montreal and in Florida in conjunction with the Annual Fall Meeting of the USMLA and in 1989 in January in Toronto to coincide with the Marine Club dinner; and in April 1989 in Ottawa at the same time as the first full Meeting between the Executive Committee and Government officials. Lastly, the Annual General Meeting of 1989 was held on June 1st, in Halifax, in conjunction with the latest "New Directions in Maritime Law" symposium at Dalhousie University. It was hoped the Regional Vice-Presidents would also arrange Open Meetings during the period in their own areas. Regarding membership, a new Sub-Committee to be chaired by David Marler called "Marketing" was set up and a decision was taken to produce an attractive brochure for distribution to prospective new members.

Apart from these significant developments the fact that the Association was gathering momentum was confirmed by the atten-

dance of nineteen members at the Executive Committee Meeting in Montreal on August 25th, 1988.

As stated, on January 20th, 1989 the Executive Committee Meeting was held in Toronto on the same day as the Marine Club Dinner which has become standard ever since. It was at this meeting that it was agreed that Presidents would be appointed for a two-year term only, there would be a First Vice-President who would know at least six months in advance that he was going to become the President. The announcement was made that the next CMI Conference would be held in the Grand Hotel in Paris from July 1st to 6th, 1990. Also, as stated, the first meeting between members of the Executive Committee and Senior Members of Transport Canada as well as other Government officials met in Ottawa, the date being April 11th, 1989. This successful meeting was followed by a luncheon at the Rideau Club which has also become traditional.

The Thirty-Eighth Annual General Meeting was held in Halifax on June 1st, 1989 with more than sixty members in attendance and was noteworthy because amongst many distinguished guests were Mr. Richard Palmer, President of the MLA of the United States and Mr. Francis O'Brien, past President of the USMLA. Unfortunately there had been another financial loss during the year and individual membership fees were raised from \$50.00 to \$60.00. Mr. Jo Carton and his Committee had recommended that Mr. W.D. Angus, Q.C. be the new President with Edgar Gold as Senior Vice-President and Nigel Frawley, James Gould, John Joy and Barry Oland as Vice-Presidents. Eight Associate Members were elected together with four Representatives of Constituent Members.

A new procedure was proposed and adopted so that in the future the Chairman of the Nominating Committee would be the immediate Past President with such other members as he chose to co-opt. A presentation was made to Mr. Brander-Smith as retiring President and he was made an Honourary Life member. Another innovation was that in view of the significance of the recent Exxon Valdez catastrophe, Mr. Michael Turner, Deputy Commissioner of the Canadian Coast Guard was a guest speaker on Canada's state of preparedness in the event of a large oil spill. Among the new members elected at the Executive Committee Meeting following the Annual General Meeting was Chris Giaschi.

The first Executive Committee Meeting under the presidency of David Angus was held in his offices on July 7th, 1989 and again there were twelve members in attendance. The meeting is memorable

because it was announced that Mr. William O'Neill had been elected Secretary-General of IMO and consequently he was elected an Honourary Member of the Association.

Another Executive Committee Meeting was held in Montreal on August 27th, 1989 as the agenda for the CMI Conference to be held in Paris had been received and was thought to be unsuitable and it was hoped to change some items by lobbying the President of the CMI. At this meeting, Mr. Alfred Popp accepted his appointment as Chairman of a Liaison Committee with IMO which has since proved to be a most useful part of this Association's work.

Despite the wish to hold Executive Committee Meetings in other parts of the country, a third meeting was held in Montreal on October 19th, 1989 at which nineteen members were present reflecting a busy program and the excellent lunches provided by Stikeman Elliott. Membership was going well because the total was up to 325 with twelve Constituent Members and two hundred ninety eight Associate Members. The next two Executive Committee Meetings followed the new format established in that one was in Toronto on January 19th, 1990 and the next in Ottawa on April 11th, 1990. Also at these meetings all Sub-Committee chairmen were invited to attend.

Fifty-one members attended the Thirty-Ninth Annual General Meeting held in Montreal on June 8th, 1990. Funds had dropped further to approximately \$41,000.00 due in part to travel expenses being paid. Unfortunately two distinguished Honourary Members had died during the year, the Honourable Léon Lalonde, Q.C., and the Honourable J.V. Clyne. Things were going along smoothly and so the same Officers and Committee were elected for another year. The relatively new Association of Maritime Arbitrators of Canada was elected as a Constituent Member.

By this time, Mr. Bart Malott had completed nine years as Secretary-Treasurer and he mentioned that during that period the overall membership of the Association had risen from 194 to 320. Almost all of this increase was in regular members whose numbers had increased from 170 to 293. It has been demonstrated that this progression was steady during each of the years, but at this time, there were only eleven Constituent Members. Due to continuing financial losses dues were raised to \$75.00 for Associate members leaving Constituent Members' fees at \$400.00.

At the Executive Committee Meeting following the Annual General Meeting on June 8th, a Management Committee was appointed for the CMI Conference in Paris of David Angus, Edgar Gold and

Alfred Popp, as well as five spokespersons: Johanne Gauthier, William Tetley, John Cantello, John Joy and Sean Harrington plus Bart Malott.

The next meeting on July 27th, 1990 included the reports on the Paris Conference. The meeting started on a sad note because Mr. Jo Carton had passed away. His contribution to the Association almost from its inception had been considerable and his part in organizing the 1981 Conference in Montreal had been most important. Georges Robichon was the new Representative of the Shipping Federation.

The President reported that the CMI Conference in Paris had been extremely successful and the Canadian Delegation had excelled at all times. This was attributed to the fact that we attended very well prepared. Each morning delegates met for an hour, from eight to nine a.m., which was also very useful.

The Canadian Ambassador to France, his Excellency M. Claude Charland hosted a superb reception at the Canadian Embassy on June 26th. All Canadian delegates and companions attended and, in addition, there were sixty guests including the leaders of most National delegations. The result was indeed a memorable evening and we were all invited back for lunch on June 29th in order to celebrate Canada Day. Again this was a magnificent occasion. Mr. William O'Neil, Secretary-General of IMO attended the Opening Meeting and at the close of the Conference Professor Francesco Berlingieri gave the news he would resign in April 1991.

There was talk at this time of celebrating the Fortieth Anniversary of the Association but this did not happen.

Mr. William Tetley advised at a meeting of the Executive Committee in Montreal that he had decided to run for the Presidency of the CMI if members of the CMLA would support him. He was asked to leave the room and when he returned he heard a motion to the effect that his candidacy would be enthusiastically supported by the CMLA and a Committee would be appointed to help him. The motion was agreed and Johanne Gauthier, Edgar Gold, Alfred Popp and John Cantello were appointed as his Supporting Committee.

The 149th meeting of the Executive Committee was held in Vancouver on October 23rd, 1990, with thirteen members present. The Executive Committee Meeting was followed by a successful Open Meeting organized by Barry Oland.

It now emerged that there were four candidates for the Presidency of the CMI and they were Allan Philip, William Tetley, Jan

Ramberg and Etienne Gutt. The CMLA Committee assisted by Mr. Josee Alcantara of Spain had worked diligently to promote Bill Tetley but it appeared that the Executive Council of the CMI did not want to have what they considered would be a divisive election. Discussion was still continuing about holding a Black Tie dinner to commemorate the Association's Fortieth Anniversary.

There were fifteen members present at the next Executive Committee Meeting held on January 18th, 1991 in Toronto. It was sad to report that Mr. Jean Brisset, Q.C., had passed away on January 11th and many tributes to his hard work for the Association were recorded. In connection with the CMI appointments it had been arranged that our President, David Angus, would meet with Mr. William Birch-Reynardson at the end of the month.

It was also announced that the long awaited Brander-Smith report on the "Public Review Panel on Tanker Safety and Marine Spills Response Capability" had been released on November 2nd, 1990. There is no doubt that this was a very thorough work and it was issued to Industry by the Government with a Discussion Paper.

The Association was beginning to get into the swing of annual discussions with Government Officials each spring. On March 27th, 1991, an excellent meeting was held under the chairmanship of Ran Quail who had become Deputy Minister of Transport and the Minister of Transport attended the lunch. Following the meeting between Mr. David Angus and Mr. William Birch-Reynardson, Bill Tetley had withdrawn his candidacy for President of the CMI and he would become a Vice-President. The President-elect was Mr. Allan Philip of Denmark.

After several years of hard work it was good news when the Minister, the Honourable Douglas Lewis, announced that the Canadian Marine Insurance Act had received the approval of Cabinet who had instructed the Department of Justice to draft the Bill. It was also announced that a new Bill of Lading Act was under discussion and Johanne Gauthier agreed to head a Committee on the matter.

It can be considered that the Annual General Meeting held in Montreal on June 6th, 1991, was the close of the fourth decade in the history of the Association. It was indeed unfortunate that in addition to the death of Mr. Jean Brisset an Honourary member, the Honourable R.A. Ritchie, had passed away in Ottawa also in January 1991. Recognition was made of the twenty-fifth Anniversary of the Association of Average Adjusters of Canada of which six prominent CMLA members had been Chairman. At that time the Association's Chairman was Robert Simpson who was a very active

member of the CMLA. In 1991, the Association had a total of three hundred and ten members made up of two Honourary, nine Honourary Life, thirteen Constituent and two hundred and eighty-six regular members.

The composition of the Executive Committee was still evolving and the following new Section 12 of the Constitution was agreed:

Section 12 of the Constitution now reads as follows:

“The Executive Committee shall manage the affairs of the Association and shall consist of not less than twelve and not more than twenty-four members, elected annually, excluding the officers of the Association, who shall also be members of the Executive Committee. At least one quarter of the members of the Executive Committee shall be representatives of the Constituent Members of the Association.”

As stated before, a general policy had been set that each President would serve for two years and would know well in advance when his appointment would be commencing. Nevertheless in 1991 the Chairman of the Nominating Committee, David Brander-Smith, and his Committee members considered that Mr. David Angus had done such an excellent job that he should be appointed for a third term supported by Vice-Presidents Professor Edgar Gold and Ms. Johanne Gauthier. The four Regional Vice-Presidents were Peter Cathcart, Sean Harrington, John Joy and Barry Oland who, together with the Secretary-Treasurer Bart Malott, the five Constituent Representatives and eight regular members made up the Executive Committee.

There was still concern about a diminishing bank balance, but the question of dues was deferred until the Executive Committee Meeting following the Annual General Meeting. At the 152nd Meeting of the Executive Committee held in Montreal on June 6th, 1991, a sign of the times was that there were nineteen members plus two guests present. Whilst the question of dues was considered as instructed no decision was made but a Committee of six was set up to discuss the matter in depth. It was at this meeting that it was finally decided not to celebrate our fortieth Anniversary but to leave celebrations until our fiftieth Anniversary in 2001. For comparison purposes, it is interesting to reproduce the twenty-one Sub-Committees and their Chairpersons as they stood in June 1991:

Appointment of Sub-Committee Chairpersons

Carriage by Sea of Dangerous, Hazardous & Noxious Substances	Mr. Vincent Prager
Constitutional Questions	Mr. William M. Sharpe
Free Trade as it applies to Maritime Matters	Mr. Peter G. Cathcart, Q.C.
Federal Court Act and Rules Revision Committee	Mr. Nigel H. Frawley
International Terminal Operators	Mr. Alain Pilotte
Liaison with I.M.O.	Mr. Alfred H.E. Popp, Q.C.
Limitation of Liability	Mr. A. Barry Oland
Marine Insurance	Mr. John A. Cantello
Revision of York Antwerp Rules 1974	Mr. John A. Cantello
Maritime Liens, Mortgages & Arrest of Ships	Mr. Sean J. Harrington
Liability for Carriage of Passengers by Water	Mr. Sean J. Harrington
Proposed Federal Law on Contributory Negligence	Mr. Sean J. Harrington
Substance Abuse	Mr. Peter J. Cullen
Liaison with Government	Mr. W.D. Angus, Q.C.
Marine Pollution	Prof. Edgar Gold
Salvage	Mr. John L. Joy
Proposed New Bill of Lading Act	Ms. Johanne Gauthier
Carriage of Goods by Sea Documentation	Prof. William Tetley, Q.C.
Taxation of International Shipping Corporations	Mr. George R. Strathy
C.M.L.A. Constitution, Membership, etc.	Mr. David F.H. Marler
Official Enquiries into Marine Casualties	Mr. Guy Vaillancourt

To conclude the matter of dues which had been causing concern, a feature of the debate being the increasing contribution to CMI, the Sub-Committee made its recommendations to the Meeting held on July 25th, 1991, which was that they did not agree with the creation of a special category of Corporate Membership but did raise the annual dues from \$400.00 to \$500.00 for Constituent members and from \$75.00 to \$90.00 for regular members. Nigel Frawley had attended a function in Ottawa in connection with the twentieth Anniversary of the Federal Court of Canada and had offered our congratulations.

At this time, it was announced that Mr. David Taylor of London had been appointed to chair an International Sub-Committee of the York-Antwerp Rules 1974, as amended in 1990. It was also at this Meeting that it was agreed that the Annual Meeting in 1992 would be held in Halifax so that a joint dinner could be held with the Association of Average Adjusters.

The Meeting heard with regret that Mr. Bart Malott would have to retire as Secretary-Treasurer in 1992. Dues for 1992 were finally agreed in Montreal on October 18th, 1991 at \$500.00 for Constituent members and \$95.00 for regular members in an endeavour to stop the annual drain on the Association's funds. Barry Oland could not attend this meeting but many items were discussed in a Conference Telephone Call with him and decisions were made to start a new West Coast Committee and to produce an attractive brochure to encourage new members. Among four new members elected was Cecily Strickland.

The burgeoning days of the Executive Committee were continued when twenty-one members were present in Toronto on January 7th, 1992 despite bad weather. The President, David Angus, was obviously stimulating considerable interest. The successful meeting was followed by an equally successful Open Meeting in Toronto.

Prior to the meeting with Government Officials in Ottawa on March 25th, the President hosted a successful dinner party the night before with the new Chief Justice of the Federal Court, the Honourable Julius Isaac. In addition to a previous decision that normally Presidents should serve for two years only it was suggested that terms as Vice-Presidents and Executive members should be limited to three years. This was accepted in principle but as guidelines only. Twelve new members were elected including Georges Robichon.



Bart N. Malott
Secretary-Treasurer, 1982-1992

Bart N. Malott

Born: September 2, 1913 in Southern Ontario.

Graduated from University of Toronto with a Bachelor of Commerce degree.

Army Service in World War II — Rose to rank of Major in the Service Corps.

Subsequently served with the Army and Canadian Legion and attained the rank of full Colonel.

War time wedding to Ann Gauthier in 1943. On return from the war was the first General Manager of Federal Commerce and Navigation in Toronto and later in Montreal. Associated with March Shipping Limited and owned Transworld Shipping Limited.

Prominent member of Thistle Curling Club, the Horticultural Society of the Town of Mount Royal, Mariners House and other organizations.

Honourary member of the CMLA in 1992.

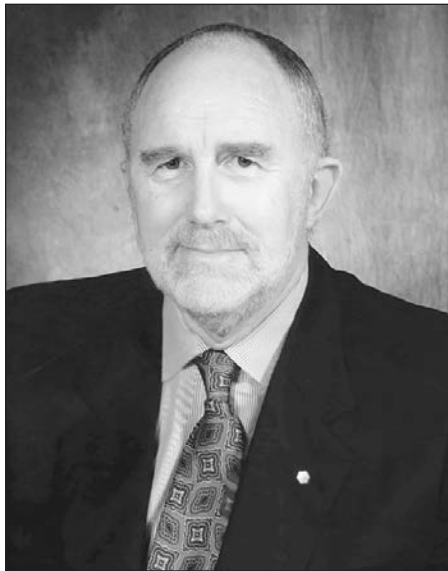
Died in Montreal January 17, 1999

THE PRESENT DECADE — 1992 TO 2001

Once again, the Association was very well served indeed by the four Presidents who served in the 1990s. These were Dr. Edgar Gold of Halifax, Johanne Gauthier of Montreal, Nigel Frawley of Toronto and Barry Oland of Vancouver. Reminiscences by each of them follow. The decade closes and the new millennium starts under the equally talented James Gould, Q.C. of Halifax who wrote the Foreword.

Dr. Edgar Gold, C.M., Q.C. (President 1992-1994) writes:

“When I became President in 1992 it was exactly 20 years after I had joined the CMLA. During a CBA Maritime Law Section meeting in 1972 at Dalhousie Law School, where I was then a final-year law student, the late L.S. Reycraft, of Montreal, who was then CMLA President, encouraged me to join. However, the following President, Jack Cunningham, Q.C., of Vancouver, was most influential in my becoming more involved in the Association. I was doing doctoral work in the United Kingdom during Jack’s presidency and he appointed me to represent



**Dr. Edgar Gold, C.M., Q.C.
President, 1992-1994**

the CMLA at a CMI meeting in Brussels and subsequently, in 1974, asked me to join the Canadian delegation to the XXXth CMI conference in Hamburg.

The Hamburg conference was extremely interesting as, due to Jack Cunningham's efforts, China sent a delegation to the CMI for the very first time. This was an important initiative that must be remembered (as it is by the Chinese!). Since then I have been involved in and committed to the Association. During the next years there were many important changes in the development of the CMLA. The Association was somewhat stagnant as it was not attracting many new members and it was seen to be too Montreal and P&I club oriented. I was honoured to be a member of the first "policy and planning" committee consisting of the late Roland Chauvin, of Montreal (President 1975-79) and our indefatigable Secretary-Treasurer, John Cantello. We made a number of recommendations and, after much discussion, some critical changes were made in how the Association was to operate. In my view, these were very important changes and I am very proud to have been part of that process.

An important highlight during the following years was, of course, the XXXIInd CMI Conference, hosted by the CMLA in Montreal in 1981. By all accounts it is still considered to be one of the best CMI Conferences ever held. Due to the superb organization of the CMLA's Montreal membership (chaired by the late Jo Carton), the conference resulted in a substantial financial advantage, which has kept the Association well "in the black" ever since. The subsequent years were exciting and interesting ones as our presidents, Bill Tetley, C.M., Q.C., the late Jean Brisset, Q.C. and David Brander-Smith, Q.C. ensured that our Association became more credible nationally and internationally. At that stage, I had also been on the Executive Committee for some years and was very much a part of this interesting development. However, when David Angus, Q.C. became President in 1989 a number of further, critically important changes were made. David believed that the Association needed to work closer with the Canadian

Government generally, and Transport Canada specifically. He received strong support from his Executive Committee and those links between the CMLA and Transport Canada/ Canadian Coast Guard were the result. Furthermore, during this time we also developed the links that exist between the Association and the Federal Court of Canada. This was developed by the close working relationship developed between David Angus, Chief Justice Julius Issac (as he then was) and our former President, Justice Arthur Stone. Once again, I was an enthusiastic supporter of these initiatives and, in general, especially enjoyed my close working relationship with “our Senator” – David Angus!

When I succeeded David Angus in 1992 I attempted to further develop the initiatives that had been put in place by David and his predecessors. The Association’s relationship with Transport Canada/ Canadian Coast Guard and the Federal Court was further developed. I was appointed as chair of the Advisory Committee to the Canadian Coast Guard – a position that has been also been held by subsequent CMLA presidents. Furthermore, I was also able to consolidate the CMLA’s senior officers’ succession system in order to provide the Association with the continuity it needed. As a result, the Nominating Committee, chaired by the Immediate Past President, after surveying the membership, would nominate the President as well as the Vice-President, who could succeed the President. That would provide six years of continuity. In addition, the positions of four regional Vice-Presidents (Atlantic, Quebec, Ontario and British Columbia) were also firmly established. During my tenure the warm relationship between the CMLA and MLA of the United States that had already existed for many years, was also further strengthened. There was now a much closer working relationship between the two associations and CMLA and USMA members participated frequently in the various meetings and functions of both associations. In fact, a number of USMLA members actually joined the CMLA. Much of this work has been carried on and developed further by our subsequent presidents,

my successor, Johanne Gauthier of Montreal, followed by Nigel Frawley of Toronto, and, most recently, James Gould, Q.C. of Halifax. It is especially gratifying to note that the CMLA is now attracting a new generation of members who have seen that the Association is capable of furthering the interests and aims of the maritime sector whilst, at the same time, providing effective assistance and advice to the Canadian Government.

Special highlights of my years in the CMLA have, of course, been the CMI meetings, especially the international conferences in Montreal, Lisbon (where I was awarded the Lilar Prize), Paris, Sydney and Antwerp. It is notable that the CMLA has been able to achieve representation on the CMI Executive Council for almost 25 years. Furthermore, our representatives, the late Roland Chauvin, William Tetley, and David Angus, have made significant contributions whilst with the CMI. Many of us have also been involved in other CMI initiatives, such as international working groups, committees, symposia and contact groups. Nigel Frawley is the present chair of the CMI Nominating Committee. I was fortunate in representing the CMI at the IMO on a number of occasions. All this has reflected well on the CMLA, which at its half-century mark, has not only achieved international credibility but is firmly poised to achieve greater things in its second half-century.”

Johanne Gauthier (President 1994-1996) writes:

“It is difficult to choose which events I consider to be the highlights of my presidency as my best and most cherished memories are of the wonderful people with whom I worked during those two years, of their enthusiasm and their willingness to work so hard for the benefit of the maritime community. I can certainly say that having the privilege of leading the Canadian delegation at the CMI Conference in Sydney in October 1994 was a source of pride and joy. Because of the tremendous work, good preparation and panache of our team, Canada played an important role in the development and adoption of



Johanne Gauthier
President, 1994-1996

the Guidelines on Oil Pollution Damages and in the revision of the York/Antwerp Rules.

My participation as the CMLA representative on the Marine Advisory Board and as their elected chair was also an enriching personal experience and a challenge. Participating in the development of strategic policies is in itself exciting, but we went through the particularly difficult process of trying to reduce CCG costs at the same time as we were asked to develop a cost recovery program which would require the industry to pay millions. To meet this challenge we had to use all of the skills one develops working with the CMLA. That is to say maintaining an objective approach which takes into account the interests of all the members while promoting uniformity. This is what I tried to do on the Marine Advisory Board and what I believe the CMLA was able to do during the two years I was entrusted with the helm.”



Nigel H. Frawley
President, 1996-1998

Nigel H. Frawley (President 1996-1998) writes:

“I was President of the CMLA from June 7, 1996 to June 12, 1998. The highlights of my term of office were:

1. presenting a Silver Oar of the Admiralty from the CMLA to the Federal Court of Canada on its 25th Anniversary (i.e. 120 years since the establishment of the Exchequer Court of Canada) on June 21, 1996;
2. heading the CMLA delegation to the CMI Centenary Conference and Assembly in Antwerp in June 1997;
3. establishing an annual bursary at Dalhousie for worthy students interested in marine law topics;
4. an appearance before the House of Commons Standing Committee on Transportation to make submissions on proposed Bill C-58 (later S-4), an Act to amend the

Canada Shipping Act, so as to implement the provisions of the 1976 Convention on the Limitation of Liability of Marine Claims and its 1996 Protocol; and

5. encouraging the establishment of our Website which has since become the envy of the CMI and many other Maritime Law Associations.

My term also included a substantial work product. In its rush to clean house by the start of the new Millennium, the Government embarked upon an ambitious plan of enacting and reforming existing marine legislation, a sadly neglected area. Unfortunately, it also coincided with the effects of the massive governmental re-structuring, down-sizing and budget-cutting in the mid 1990's. Its toll was certainly felt by us as we busy practitioners found ourselves spending even more of our time, energy and money than usual in assisting officials from the



Presentation of Silver Oar to the Federal Court of Canada in Ottawa, June 21, 1996: James Gould, Q.C., Hon. W. David Angus, Q.C., Nigel Frawley, Johanne Gauthier, Gordon Bisaro.

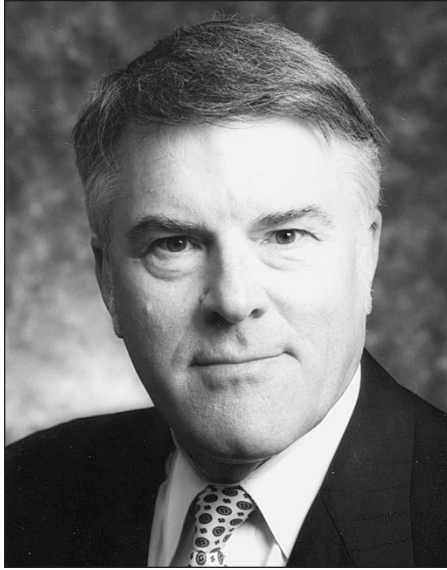
Departments of Transport, Fisheries and Oceans, and Justice in the drafting of new legislation and participating in the reform of the old. For the benefit of future generations, our agenda included work on the new Marine Liabilities Act, Canada Marine Act and Oceans Act. We also laboured on overall reform of the Canada Shipping Act, amendments to the Fisheries Act, a proposed Carriage of Passengers by Water Act, a Bill giving effect to the United Nations Fisheries Act and a Bill amending the Transportation Safety Board Accident Investigations Act. We also assisted the Federal Court of Canada with a wholesale reform of their rules of procedure, culminating in the Federal Court Rules, 1998.

As well, during my term we decided to press for well-needed administrative reforms within the CMI. A small group of us put together a submission which I presented at the Antwerp Centenary Conference. The CMI Executive Council responded favourably and it is gratifying to see that most of the reforms we sought are being implemented. I am particularly proud of this. I was also surprised and somewhat humbled by my subsequent appointment as Chairman of the CMI Nominating Committee, a first for Canada.

I thoroughly enjoyed my time as President of the CMLA and regard it as a great honour and high water mark during my many years as an Admiralty lawyer. I was impressed then, and I continue to be, with the hard work and dedication of the Executive Committees and various sub-committees of the Association. I thank them all for easing the burden during my time in office.”

A. Barry Oland (President 1998 – 2000) writes:

“From June 12, 1998 to July 23, 2000, I had the privilege of serving as the sixteenth President of the Canadian Maritime Law Association, and the third from the West Coast. As a resident of Vancouver, I have been asked if the travel and time commitments were worth the time and effort. The answer from me has always been a resounding ‘yes’.



A. Barry Oland
President, 1998-2000

There were many individual highlights during my term as President, but the following are the memories which remain with me: firstly, working for two years with a group of talented maritime lawyers and sharing their Canadian vision of where our maritime laws should proceed. Secondly, the opportunity of working with dedicated officials of the Government of Canada in the development of significant new Canadian maritime legislation. Thirdly, representing the CMLA at functions with the Federal Court of Canada, Comité Maritime International, Average Adjusters of Canada, and at foreign meetings. Lastly, perhaps the highlight, representing the CMLA at the 100th Anniversary of the United States Maritime Law Association in New York, where the CMLA hosted a reception at the United Nations on May 5, 1999, in honour of our MLA friends from the United States.”

The memorable forty-first Annual General Meeting held in Halifax on June 5th, 1992 which attracted more than sixty members is the start of our fifth and current decade. An important part of the

arrangements was the joint dinner held with the Association of Average Adjusters which was most successful.

The President heard from the Honourable Julius Issac, Chief Justice of the Federal Court, that they would like the Association to organize a Seminar for the Judges. The arrangements were placed in the capable hands of Nigel Frawley. Membership had reached a record high of three hundred and forty largely because of the increase in regular members to three hundred and sixteen. A further eleven new members were elected at this meeting.

It was with some emotion that the exceptionally fruitful term of office of the President, David Angus, came to an end. The Nominating Committee under its chairman David Brander-Smith named Professor Edgar Gold as the new President with Ms. Joanne Gauthier as Vice-President. Nigel Frawley, Sean Harrington, John Joy and Barry Oland were the Regional Vice-Presidents and John Cantello took over the duties of Secretary and Treasurer. Ten members, many of them new nominations, made up the balance of the Executive Committee together with Representatives from six Constituent members.

In recognition of outstanding meritorious services to the Association, both David Angus and Bart Malott were presented with commemorative plaques and elected Honourary Life Members of the Association at the Halifax meeting.

The CMI had indicated that it would start work on a new project on Off-Shore Craft. It was decided to appoint an appropriate Sub-Committee and John Joy agreed to serve as Chairman. This important subject is still being worked on.

The Executive Committee Meeting held in Montreal on August 14th, 1992 was the first presided over by Edgar Gold with John Cantello as Secretary. Unfortunately almost the first duty was to mourn the passing of our colleague Manek Kothawala. The President advised that in addition to attending a General Assembly of the CMI in Genoa, he had also visited the newly-formed Maritime Law Association of Singapore which paid us the ultimate compliment of adopting the CMLA's Constitution *verbatim*.

There were four other items discussed at this meeting which had long-range implications of the Association. First, it was agreed to set up a special Sub-Committee which would have more time to consider policy than the Executive Committee, to which the new Sub-Committee would report. To meet this need the Sub-Committee was called the Long Range Planning Committee and we were happy to

appoint the immediate Past President, Mr. David Angus as Chairman. The Sub-Committee would look into the question of donations by legal firms and others to a Special Fund to restore the Association's finances.

Secondly, Mr. Barry Oland had produced a brochure which included an application form for membership in the CMLA. This colourful brochure has proved to be popular and is still being used.

Thirdly, Mr. Nigel Frawley advised he was meeting in Toronto with Justice Arthur Stone regarding the organization of the Judges' Seminar to be held in Ottawa in March 1993. This event proved to be so successful that since then we have been holding them every second year.

Fourthly, Ms. Joanne Gauthier, who had taken over chairmanship of the Marine Insurance Sub-Committee when John Cantello became Secretary was able to report that the French translation was proceeding well and the Act should pass through the House of Commons late in 1992.

There were twenty-three members present at the next Executive Committee Meeting held on October 23rd, 1992 when for the first time attention turned to the proposed CMI Conference in Sydney, Australia. It was agreed that Mr. David Angus and his Long Range Planning Committee would organize the delegates.

At both the meetings in 1993 in Toronto on January 15th and in Ottawa on April 1st, we had twenty-two members in attendance. Most of the time was consumed by Sub-Committee reports. Sub-Committee Chairpersons were asked to submit written reports before each meeting when an effort would be made to be selective in order to keep the agendas to a reasonable length. In between the two meetings, the First Judges' Seminar for Judges of the Federal Court of Canada and members of the Admiralty Bar was held on March 12th, 1993 in the Canadian Room of the Chateau Laurier Hotel. A complete program was provided commencing at 9:30 am with opening remarks from the Chief Justice and continuing with contributions from our members and from the Bench until the conclusion at five o'clock when a reception was held. Despite a fierce blizzard which became a feature of all our Seminars, sixty people attended including sixteen Judges. A large binder of the whole proceedings was given to each person in attendance and was also available for purchase.

Another very good meeting was held with Government Officials in Ottawa on April 1st, 1993, followed by lunch in the Rideau Club and an Executive Committee meeting there.

On June 4th, 1993, the Annual General Meeting was again held in Montreal with fifty-seven members in attendance. The Treasurer was disappointed as there was a fall in funds from \$ 28,472 due to a deficit for the year of \$ 6,545. This clearly could not go on so steps would be taken to raise our income. One unfortunate factor was the substantial increase in the CMI dues because of the current rate of exchange. As Chairman of the Long Range Planning Committee Mr. David Angus said that an attempt would be made to raise the sum of \$ 50,000.

In large part the success of the meetings in Ottawa were attributed to the chairmanship of Mr. Ran Quail, Head of the Coast Guard. Mr. Quail had moved to The Ministry of Public Works and in recognition of our relationship he was elected an Honourary Member. It was hoped that we would continue to have the same success with his Deputy, Mr. Michael Turner. At this meeting Ms. Joanne Gauthier was delighted to report that the new Federal Marine Insurance Act received Royal Assent on May 6th, 1993. Also on the same date the new Carriage of Goods by Water Act received Royal Assent. A great deal of work by our members preceded the adoption of the Acts so we were all gratified.

Mr. David Angus as Chairman of the Nominating Committee had proposed that Edgar Gold continue as President with Joanne Gauthier as Vice-President. The four Vice-Presidents and the Secretary-Treasurer were re-elected. The Executive Committee was completed by six Constituent Members' Representatives and ten regular members. Dues were maintained at the same level.

At the Executive Committee meeting following the Annual General Meeting ten new members were elected and Chairpersons were appointed to head twenty-seven Sub-Committees.

An important step to many members was the agreement that the Constitution would be amended in order to create a new category of member, i.e., full-time students. Membership for the students would cost \$ 35.00 per year.

Once again at an Executive Committee meeting held on October 19th, 1993 there were twenty-one members in attendance who were pleased to learn that the Canadian Petroleum Products Institute had applied to become Constituent Members. Also we were pleased that Nigel Frawley and Joanne Gauthier had been accepted as Titulary Members of the CMI. Edgar Gold advised that he had visited Australia where he was pleased to deliver the Boulton lecture at the Brisbane meeting of The Maritime Law Association of Australia and New

Zealand from which he brought greetings. At this time our member of the CMI Council, William Tetley, gave details of the Conference to be held in Sydney, Australia in October 1994 including that the three main subjects would be Assessment of Liability for Pollution Damage, Off Shore Mobile Craft and Revision of the York/Antwerp Rules which had been substantially drawn-up in Hamburg in 1974. Sub-Committees were preparing for each of these items.

Our first student member was elected following agreement to the amendment of the Constitution to confirm this new category.

At our usual Toronto Executive Committee meeting held on January 21st, 1994 the question of the important Sub-Committee on Fisheries was settled by having Joint Chairmen, William Moreira on the East Coast and Gordon Bisaro on the West Coast. Gordon Bisaro and Michael Bird both of Vancouver were two new members of the Executive Committee who were making valuable recommendations. Among ten new members elected at this meeting were Dr. Peter Ehlermann of Hamburg who has since attended an Annual General Meeting in Canada and joined our delegation for the CMI meeting in Singapore. Mr. Peter Wright of Vancouver was elected along with his organization the Vancouver Maritime Arbitrators Association, as Constituent Members. Diana Torrens was one of two new student members elected.

The Long Range Planning Committee was close to starting its collection of funds for the Association. Barry Oland had taken a leading part in this program which would start by seeking donations from legal firms with Maritime departments.

Elections for members of the CMI Council were being sought and William Tetley, a Vice-President of the CMI, had introduced David Angus at a recent Assembly. It was resolved by acclamation that David Angus should be a candidate for membership on the CMI Executive Committee.

It has been mentioned that it was becoming traditional for the President and other senior members of the Association to have a private dinner with the Chief Justice of the Federal Court on the evening before the meeting with Government Officials in Ottawa. In 1994 this was held on April 7th and at a dinner the night before the Judges present showed their appreciation of the Seminar held for them in March 1993 and asked for a further Seminar to be held in 1995. In order to help cover the cost, the Court presented a cheque for \$ 5,000.00.

Among nine new members elected was Gordon Hearn of Toronto. Barry Oland announced that a target of \$ 20,000 from legal firms would be reached. A change of direction occurred in that the new fund would be called the Education and Development Fund and it was agreed, after discussion, that no expenditures would be made except in these special areas.

Once again on June 8th, 1994, the Annual General Meeting was held in Vancouver. It is pleasing to report that sixty-two members and eighteen guests were in attendance which may have been a record total to that date. John Cantello was in hospital so it was great that Bart Malott acted as Secretary. Mr. Chester Hooper brought greetings as President of the United States Law Association.

During the preceding months, Open Meetings had been held in Vancouver, Toronto, Halifax and Montreal which were all successful.

The Annual General Meeting was a very full one and included many reports. The Treasurer was able to report a total membership in 1994 of two hundred and ninety-one including two hundred and sixty regular and fifteen Constituent Members. Although there was a further financial loss in the year 1993, it was an improvement over the previous year and dues remained constant at \$ 95.00 for regular members and \$ 500.00 for Constituent Members. Professor Edgar Gold had completed two excellent years as President so the incoming President was Joanne Gauthier with Nigel Frawley as her Vice-President. George Strathy (Central), Peter Cullen (Quebec), Jim Gould (East) and Peter Bernard (West) were the Regional Vice-Presidents supported by ten regular members and six Representatives of the Constituent Members on the Executive Committee. John Cantello was re-elected as Secretary-Treasurer.

At the usual Executive Committee Meeting which followed the Annual General Meeting, twenty-three members were in attendance and among seven new members elected was the Honourable John Crosbie P.C. Q.C.

Many members' attention was focused on the upcoming CMI Conference to be held in Sydney, Australia in October, 1994. A substantial delegation of twenty-seven members, mostly with accompanying persons, traveled from Canada to what was undoubtedly a very different continent. The delegation was led by the new President, Joanne Gauthier, who ensured that everything was carried out in a most efficient manner. There were three main subjects covered in Sydney. Nigel Frawley and John Joy were co-chairmen of Offshore Mobile Craft. There was a lively debate but the Conference was not

ready to propose a Convention and the question was referred to an International Committee chaired by Richard Shaw but having substantial Canadian content.

Sean Harrington led the delegation in the debate on the York/Antwerp Rules and he was made a member of the Drafting Committee. The new Rules, York/Antwerp Rules 1994, were substantially in accordance with Canadian opinion.

John O'Connor spoke for the Association on Guidelines on Oil Pollution Damage. In addition, William Tetley occupied the chair at a special CMI Session on Classification Societies and Barry Oland led the Association's presentation on Limitation of Liability.

A splendid program was run by the organization Committee in Sydney and after the Conference most of us had the opportunity to explore that fascinating country further.

At the General Assembly at the conclusion of the Conference, David Angus was elected to a three-year term as a Council member of the CMI and Sean Harrington, John Joy and Vincent Prager were elected Titulary members.

Reports on the CMI Conference were well received at the Executive Committee Meeting held in Montreal on November 14th, 1994. It was also at this meeting that a short silence was observed to mark the passing of our late, long-serving and excellent Secretary William T. Smith and also long-time member Donal McAllister, both of whom died in the month of October, 1994.

On January 20th, 1995, it was pleasant that we had a record twenty-seven members in Toronto. The first step in the Special Fund, that is to say, donations from Legal Firms, had been completed and a total of \$ 22,200.00 received. The donations came in basically equal amounts from the four main regions of the Association. It was decided not to proceed further at that time.

A continuing item for discussion during this period was a question of reform on regulations governing the Carriage of Goods by Sea but no real progress was made.

It was decided that the next Judges' Seminar would be held in Ottawa in December, 1995 and the Chief Justice of the Federal Court had again provided \$ 5,000.00 towards the Seminar. On April 20th, 1995, we had twenty-eight members in attendance at the meeting with Government Officials and the Executive Committee Meeting which

followed. Ten new members were elected including future CBMU President Patricia Bodkin of Toronto.

It was pleasant to return to Halifax for the Forty-Fourth Annual General Meeting held there on June 1st, 1995. The event was organized by William Moreira and the previous evening Mr. and Mrs. Jim Gould hosted a lovely cocktail party in their home.

A special guest at the meeting was Mr. Philippe Boisson, Secretary of the French Maritime Law Association who was taking part in the latest Seminar on New Directions in Maritime Law, 1995.

In 1994 a record amount had been received in dues and so there was a small surplus for the year. This has applied to each of the years since. Membership for the year had increased to 323 with 290 regular members and sixteen Constituent Members. To maintain the financial position dues were increased for 1996 from \$ 95.00 to \$ 105.00 for Regular Members but remained the same for Constituent and Student Members.

The Nominating Committee did not feel many changes were needed so Johanne Gauthier remained President for another year supported by Nigel Frawley as Vice-President and the same four Regional Vice-Presidents except that for the Central Region William Sharpe replaced George Strathy. The Secretary-Treasurer and the other Executive Committee members did not change. Chester P. Hooper, President of the U.S. Maritime Law Association attended the Annual General Meeting and the Executive Committee Meeting which followed.

A return to earlier practice was made when meetings of the Executive Committee were held in Montreal on August 21st and November 6th, 1995. Both meetings were largely taken up with Sub-Committee reports. Notice was given that in June, 1996, the Federal Court of Canada would celebrate its Twenty-Fifth Anniversary. Consideration would be given to presenting the Court with a Silver Oar to commemorate the occasion.

On October 4th, 1995, Johanne Gauthier chaired a most useful and instructive meeting in Montreal. The Honourable Mr. Justice Huggessen explained the proposed extensive changes to the Federal Court Rules of Procedure for nearly an hour and then accepted questions and discussion from the forty-three members present. The whole meeting was absorbing and was videotaped for distribution to the other regions in Canada.

As requested by the Members of the Federal Court the Second Seminar for Judges of the Federal Court and members of the

Admiralty Bar was held in the Sheraton Hotel in Ottawa on December 1st, 1995. Again a severe blizzard coincided with the opening of the Seminar at 9:15 a.m. Opening remarks were made by the Chief Justice, the Honourable Julius S. Isaac, and the organizer of the Seminar, Mr. Peter Cullen, Regional Vice-President Quebec.

Despite the weather, the Seminar was well-attended and was very successful. Following a similar pattern to the one held in March, 1993, most of the contributions were by CMLA members but with input from various Justices also. The luncheon address was given by the Honourable Mr. Justice Richard E. Cooper of the Federal Court of Australia and his remarks were most intriguing. Again, the Seminar ended with a reception.

By the time of the Annual General Meeting in Toronto held on January 19th, 1996, Nigel Frawley had the question of a Silver Oar for presentation to the Federal Court substantially in hand. It was intended that it would be paid for by donations from members of our Association and would necessarily be crafted in London, England.

The Meetings with Government Officials in Ottawa were proving to be extremely valuable and popular. As an indication, twenty-six Executive Committee members attended on March 27th, 1996 including the Chairman of the CBMU (then Gerry Giroux) whom it had been customary to invite.

Much thought was given at this time to the question of adopting ties and pins, particularly by Edgar Gold and James Gould, but in the fullness of time nothing was done. It was announced that Garrard, London Silversmiths, could cast the new Federal Court Coat of Arms and the new cost of the Silver Oar was \$ 8,000.00, which was raised by contributions from members.

The Annual General Meeting in 1996 reverted to Montreal and was held at the University Club on June 7th. A record amount had been received from members' dues so no change was made in the amount of annual dues following a small surplus. Total membership had reached 338, including 295 regular members and sixteen Constituent Members. During the year 1994/1995 Open Meetings had been held in Montreal, Vancouver, Toronto and St. John's. The meeting in St. John's in May had been particularly interesting because it included visits to the Institute of Marine Dynamics and the Hibernia site. Johanne Gauthier, having served two years, was succeeded as President by Nigel Frawley with Barry Oland as his Vice-President. The four Regional Vice-Presidents and the Secretary-Treasurer remained unchanged from the previous year but there were substantial changes

in the ten regular members and six Constituent Representatives who completed the Executive Committee. After acclamation, Johanne Gauthier was elected an Honourary Life Member. The meeting concluded with an address by Mr. James Moseley, President of the Maritime Law Association of the United States.

At the Executive Committee Meeting which followed Susan Kowan and David Holdern were elected as new members.

The Sub-Committees had been reduced to twenty-one and they were as follows:

Carriage of Goods	Johanne Gauthier
Classification Societies	Victor de Marco
Constitutional Questions	Chris Giaschi
Contributory Negligence	Sean Harrington
Federal Court Act and Rules Revision	William Sharpe
Fisheries	William Moreira, Gordon Bisaro
Government Liaison	Johanne Gauthier, Nigel Frawley
Hazardous & Noxious Substances	Vincent Prager
IMO Liaison	Alfred Popp
Official Inquiries	Peter Bernard
Limitation of Liability	Barry Oland
Long Range Planning	David Angus
Marine Advisory Board	Johanne Gauthier
Pollution	John O'Connor
Offshore Craft	John Joy, William Sharpe
Ship Registration, Mortgages & Liens	William Tetley
UNCLOS	Peter Cullen
Uniformity and Canadian Maritime Law	Wylie Spicer
West Coast	Peter Bernard
Compulsory Insurance	Jean Gregoire
Wreck Removal	Sean Harrington

On August 19th, 1996 at a Meeting of the Executive Committee it was reported that twelve members of the Association had attended the successful presentation ceremony of the Silver Oar of the Admiralty in Ottawa to commemorate the twenty-fifth Anniversary of the Federal Court of Canada. Also in attendance were the Chief Justice and all the Judges of the Federal Court, a Judge of the Supreme Court of Canada, the Chief Justice of the Federal Court of Australia and the Chief Judge of the United States Court of Appeals 2nd Circuit. The actual presentation was made by David Angus,

Johanne Gauthier, Nigel Frawley, Jim Gould and Gordon Bisaro representing various regions of Canada. The photograph elsewhere records the presentation actually made in the Supreme Court of Canada building and there was a full day of activities commencing with an Ecumenical Service at the Basilica.

Chris Giaschi was chairing a sub-committee on Communications which he reported was strongly in favour of a CMLA web site. It was later agreed that Chris Giaschi and Rui Fernandes would run the web site for the first year.

Over twenty members were present at the Executive Committee Meetings in Montreal on October 28th, 1996 and in Toronto on January 17th, 1997. It was at this time that William Moreira kindly agreed to write the Minutes because the Secretary's sight was not up to the job. Previously Minutes had been prepared by Peter Cullen and William Sharpe. On January 17th, Mr. Richard Shaw of the British Maritime Law Association was a special guest. For the first time, a meeting of an International Committee of the CMI had been held in Canada on Offshore Mobile Craft. Mr. Shaw was the Chairman and the Committee included Nigel Frawley and Edgar Gold as members. Plans were being made at this time for the Centenary Conference of the CMI in Antwerp in June 1997 and the third Judges Seminar proposed for November 1997 to be organized by Sean Harrington.

After the very successful Meeting with Government Officials in Ottawa on April 3rd, 1997 and lunch at the Rideau Club, two new Constituent Members, the Association of Maritime Underwriters of British Columbia and Terminal Systems Inc., plus ten regular and two student members were elected. It was agreed at the meeting that in order to commemorate the CMI's Centenary a Bursary of \$ 1,000.00, to be called the Canadian Maritime Law Association Bursary, would be awarded annually to a graduate student of Maritime Law at Dalhousie University. In addition the winning student would receive free membership in the CMLA.

On May 30th, 1997, the Annual General Meeting was held for the first time in several years in Toronto at the Badminton and Racquet Club. We were pleased to have as guests Mr. James Moseley, President of the USMLA and Marcus Schmucki, President of the CBMU, as well as new member Tom Wagner from New Orleans. A surplus of nearly \$5,000.00 was better news in the finance department. Twenty-two members of the CMLA were to attend the CMI Centenary Conference in Antwerp in June 1997. One important item to be discussed was the future of the CMI and a very full report of recommen-

dations had been prepared by Barry Oland and David Angus. The principal items for the Conference and our spokesmen were Nigel Frawley and Edgar Gold on OffShore Craft, Alfred Popp and Barry Oland (as rapporteur) on the proposed Marine Liability Convention, and Johanne Gauthier on EDI.

Affairs were going smoothly so that all the Officers and most of the Committee members were re-elected for another term although there were grave concerns about the health of Gordon Bisaro.

An unusual event was the holding of an Executive Committee Meeting in St. John's, Nfld. on September 8th, 1997 and in fact only ten members managed to attend. The reason for the location was that Richard Shaw was again visiting for a meeting of the International Working Committee of the CMI on OffShore Craft. A very interesting couple of days of meetings were held but there was sadness in that it was announced that Gordon Bisaro, a comparatively young and very active member of the Executive Committee from Vancouver, had passed away. Chris Giaschi took a place for the first time as a member of the Executive Committee and among new members elected were Sonia Simard of the Shipping Federation and James Moseley, President of the USMLA. Meetings in Newfoundland are most rewarding and it would be good to meet there more often.

The two previous Seminars held in Ottawa for Judges of the Federal Court of Canada and members of the Admiralty Bar were very successful and so a third was requested and was ably organized by Sean Harrington on Friday, November 28th, 1997 in the Château Laurier. As before there was a very strong blizzard that morning and many people attended only with great difficulty. Nevertheless in attendance were twenty-seven Judges, twenty-two Federal court staff and forty-nine CMLA members and guests. A full program from 9:15 a.m. to 5:15 p.m. was held and we were delighted that the luncheon speaker was Mr. Patrick Griggs, President of the CMI. The affair concluded with an excellent reception where the participants had an opportunity to get to know each other better. The opportunity was taken to hold an Executive Committee Meeting in Ottawa on November 27th, 1997.

The climate of Canada in the winter is not a kind one but it was hard to remember a meeting having been postponed due to the weather. However, because of the horrendous ice storm in Montreal, the Executive Committee Meeting arranged for January 12th had to be cancelled and put forward to February 6th, 1998. We were very happy that our old friend Bart Malott joined us for this meeting. The first recipient of the annual CMLA Bursary by an outstanding student at

Dalhousie was awarded to Mirsada Stasevic who was also made a student member, the dues being waived.

As had become customary, on April 2nd, 1998, the Executive Committee Meeting was held in Ottawa following another very successful meeting with Government Officials and luncheon with them at the Rideau Club.

On June 12th, 1998, we returned to Montreal for the Annual General Meeting. During its life, the Association had acquired a number of members who resided outside Canada. After much discussion, the Constitution was amended at this Meeting to add a fourth category of member, i.e. Non-Resident Members, who would be entitled to work on Committees and attend all Meetings of the Association but would not be entitled to vote. The Association continues to have a number of most valuable members in such places as Germany, Slovenia, Croatia, Norway and, of course, the United States. Two such valuable members are past chairmen of the USMLA, Mr. Howard McCormack and his predecessor Mr. James Moseley, who were both present. The present President of the USMLA, Mr. William Dorsey III, is now a valued member.

In May 1998, Nigel Frawley, President of the CMLA had attended the Meeting of the USMLA in New York where he was presented with a magnificent scroll containing the USMLA resolution of appreciation and friendship with the CMLA. This framed scroll now hangs in the Association's offices.

Whilst there had always been a close friendship between the two Associations on the North American Continent, this seemed to have flowered especially between Nigel Frawley and Jim Moseley and Mr. Moseley was presented with a plaque from the CMLA recording his long friendship and membership in the CMLA.

The Association had enjoyed a surplus of more than \$7,000.00 in 1997 so the dues remained unaltered. Mr. Nigel Frawley had completed a very successful two years as President and he was succeeded by Barry Oland of Vancouver with Sean Harrington as Vice-President. Peter Bernard (West), Peter Cullen (Quebec), William Moreira (East) and William Sharpe (Central) were appointed as the Regional Vice-Presidents together with ten regular members and six Representatives of Constituent Members.

As is usual with the change of Presidents, there was a substantial turnover in the members. Nigel Frawley was presented with a plaque marking his Presidency, which had become a feature since the

retirement of David Angus in 1992. Mr. Frawley was also made an Honorary Life Member.

Also since 1992, there had been a smooth transition with each President serving a two-year term and being succeeded by the Vice-President who had served a similar term. This smooth progression was interrupted when it was disclosed at the Executive Committee Meeting in Montreal on October 5th, 1998 that Vice-President Sean Harrington had been posted to his firm's London office and was expected to remain there until April 2001. It was agreed that Jim Gould would assume the office of Vice-President and Sean Harrington was appointed to a special new office of Vice-President International. In fact, he was able to attend several meetings in Europe representing the Association. Mr. Sean Hanrahan of St. John's was among the new members elected and it was announced that our good friend Jerry Rysanek of Transport Canada had been appointed Director International Marine Policy and Liability effective August 19th, 1998.

Following the problem with the meeting in Montreal arranged for January 12th, 1998 there were weather problems which affected the Executive Meeting in Toronto on January 15th, 1999. It is doubtful that Montreal would have been bothered by the quantity of snow which had paralysed Toronto. Consequently there was another small Executive Committee Meeting including two guests who had been working on papers for the Association, Peter Darling and Peter Pamel, and Peter Jones representing the new Constituent member, the Canadian International Freight Forwarders Association. There was much concern at this time about the new United States Carriage of Goods by Sea Act being supported by the USMLA. It appeared to our members that the United States was proposing to take unilateral action on regulating the Law of the Carriage of Goods. Howard McCormack was to have given the point of view of the USMLA but he was stalled by the weather. Nevertheless it was agreed to voice our considerable concern to the USMLA and the Canadian Government.

The usual number of twenty-two members were present for the Meeting with Government Officials on April 14th, 1999 in Ottawa and substantial attention was given to the proposed new U.S. Carriage of Goods by Sea Act.

At the Executive Committee meeting held afterwards, three other items were also on the table: 1) in May 1999, the USMLA would celebrate its centenary and the CMLA proposed to host a cocktail party in New York City for their Executive Committee and past Presidents; 2) the CMI Conference was to be held in Singapore in

February 2001 and Jim Gould was appointed to chair a Committee to prepare for the Conference; 3) later in 2001, the CMLA would celebrate its Fiftieth Anniversary and Peter Cullen was appointed to chair a Committee to arrange the celebrations. It was noted with great regret that Mr. Bart Malott, who was the Association's Secretary-Treasurer from 1981 to 1992, had passed away on January 27th, 1999 at the age of 85. This was a severe blow to the writer who had taken over Mr. Malott's duties in June 1992 when Bart was struggling to continue at the age of 78 years.

On June 11th, 1999, the Annual General Meeting was again held in Vancouver with a good attendance of members and Constituent Representatives. The affairs of the Association were proceeding smoothly. There being a surplus of \$5,471.00 the dues remained unchanged and so did the Officers and members of the Executive Committee.

In the preceding month on Monday, May 3rd, 1999, the Association hosted a cocktail party for the Executive Committee Members and past Presidents of the Maritime Law Association of the United States in the United Nations building in New York. The party was extremely popular and well attended and attendees included seven of ten living past USMLA Presidents and eight of ten living CMLA past Presidents. A magnificent MacAskill coloured photograph of an American contending vessel, the "Gertrude L. Thebaud," ahead in a 1931 race with Canada's famous "Bluenose" was presented to the USMLA, (a race which the "Bluenose" eventually won). Mr. Barry Oland arranged for silver maple leaf pins to be presented to the ladies attending. The cost as is customary with this Association was substantially borne by contributions from the members, a large number of whom were present. The following day saw the beginning of several days of celebrations by the USMLA with a cocktail party on May 4th in the Boathouse in Central Park.

At the Executive Meeting in Toronto on January 21st, 2000, which attracted twenty-five members, it was announced that Elizabeth Heneghan, a member of the Committee, had been sworn in as a Justice of the Federal Court of Canada, Trial Division, on December 9th, 1999. She wished to continue on the Executive and this was agreed. In preparation for the Conference in Singapore and the continued drive for New Rules for the Carriage of Goods by Sea, the CMI hosted a Symposium on Transport Law in London in late January 2000. The Association was represented there by Barry Oland, Rui Fernandes and Sean Harrington. There was much further discussion on the proposed new USA COGSA and by resolution the CMLA

expressed its position and agreed to write to the USMLA and the Canadian Government to this effect. There were twenty-two members present at the Executive Committee Meeting in Ottawa on April 27th, 2000 and at the meeting with the Government Officials, and these included Howard McCormack, President of the USMLA. We were pleased to approve nine new regular members.

It was convenient for everyone to hold the fourth Seminar for Judges of the Federal Court on the following day April 28th at the Crown Plaza Hotel. The event was organized by Mr. Rui Fernandes who unfortunately could not be present due to an important trial in Toronto. A full day was enjoyed by all, including luncheon and an evening reception. The weather was warm and sunny.

The Forty-Ninth Annual General Meeting was quite special in that it was held on Sunday morning, April 23rd, 2000 in Halifax so that members could enjoy the Tall Ships docked virtually all around the meeting place, the Nova Scotian Hotel, and scheduled to sail the following morning. Sixty members and guests attended including Mr. William Dorsey III, President of the USMLA, together with Ray Hayden, Jim Moseley and Howard McCormack. Undoubtedly a first, the Presidents of the Grunt Club (Mr. Peter Rozum) and the Marine Club (Mr. Gordon Hearn) attended, and we welcomed member Dr. Peter Ehlermann of Hamburg, Germany.

A full meeting of reports and discussions was held. It was announced that total membership was at three hundred and two including two hundred and sixty-nine regular members and nineteen Constituent members, just one less than the peak of twenty Constituent members. Barry Oland had completed two busy years as President and in appreciation he was presented with a plaque and made an Honourary Life member.

Elected as President to take us into the new millennium was Mr. James Gould, Q.C., of Halifax. Sean Harrington had returned to Montreal so he was able to resume as Vice-President. There were substantial changes in the membership of the Executive Committee and the four Regional Vice-Presidents elected were Michael Bird (West), James Thomson (Central), Jeremy Bolger (Quebec) and William Moreira (East). John Cantello continued as Secretary-Treasurer. Ten new members were elected at the subsequent Executive Committee Meeting which included welcoming back Laurie Brean of Halifax and adding Addy Buna of Toronto and Vernon Pahl of Vancouver who was serving on one of the Tall Ships in port. The following is a list of Committees and chairpersons taking us into the new millennium.

Arrest of Ships Committee	Douglas Schmitt
CMI Issues of Transport Law	Barry Oland
CMLA 50 th Anniversary Committee	Peter Cullen
Canada Marine Act Committee	Vincent Prager
Canada Shipping Act Reform Committee	Michael Bird and William Sharpe
Carriage of Goods and Documentation	Rui Fernandes
Carriage of Passengers Committee	John Bromley
Classification Societies Committee	Victor deMarco
Communications Committee	John Murphy
Constitutional Questions Committee	Chris Giaschi
Contributory Negligence Committee	Peter Darling
Customs, Immigration and Stowaways	John Murphy
Federal Court Act and Rules Committee	Jeremy Bolger
Finance Committee	John Cantello
Fisheries Committee	Will Moreira and Brad Caldwell
Hazardous and Noxious Substances	Vincent Prager
IMO Liaison Committee	Alfred Popp
Law of the Sea Convention Committee	Peter Cullen
Long Range Planning Committee	Nigel Frawley
Marine Liability Act Committee	James Thomson
Marine Pollution Committee	John O'Connor
Membership Committee	Sean Harrington
Nominating Committee	Barry Oland
Oceans Strategy Committee	John Murphy, Georges Robichon and Gary Wharton
Official Inquiries Committee	Jack Buchan
Offshore Craft Committee	William Sharpe and John Joy
Piracy Committee	John Joy
Singapore 2001 Planning Committee	Barry Oland and Sean Harrington
Transportation Tribunal Committee	Will Moreira and Jack Buchan
Underwater Cultural Heritage Committee	Gordon Hearn
Wreck Removal Committee	Sean Harrington
York-Antwerp Rules and General Average	Sean Harrington

Also, here follows a list of the Officers and Members of the Executive Committee elected to serve for the year 2000-2001.

President	James Gould, Q.C., Halifax
Vice-President	Sean Harrington, Montreal
Past President	Barry Oland, Vancouver
Secretary-Treasurer	John Cantello, Montreal
Vice-President West	Michael Bird, Vancouver
Vice-President Central	James Thomson, Toronto
Vice-President Quebec	Jeremy Bolger, Montreal
Vice-President East	William Moreira, Q.C., Halifax

Executive Committee Members:

Peter J. Cullen, Montreal
Richard Desgagnés, Montreal
Danièle Dion, Montreal
Rui Fernandes, Toronto
Christopher Giaschi, Vancouver
Hon. Elizabeth Heneghan, Ottawa
Norman Letalik, Toronto
John Murphy, Q.C., Halifax
John O'Connor, Quebec City
Douglas Schmitt, Vancouver

Constituent Members' Representatives:

Canadian Board of Marine Underwriters
Canadian Shipowners' Association
Shipping Federation of Canada
Chamber of Shipping of BC
Canadian International Freight Forwarders Association
Association of Maritime Arbitrators of Canada
Company of Master Mariners of Canada

Whilst so many of the members were in Halifax we were entertained royally on Saturday evening, July 22nd by Metcalf & Company who organized an excellent cocktail party in the Heritage House which contains their offices. Following the Annual General and Executive Committee Meetings on Sunday, July 23rd, we were all entertained at another very fine party in the Maritime Museum by all the legal firms with maritime departments in Halifax.

A strong supporter of the Association since its first days has been the Shipping Federation of Canada and the Federation has always been most ably represented on our Executive Committees including such Representatives as Jo Carton and Georges Robichon. At the Meeting on October 2nd, 2000, Anne Legars was approved as a member to continue this fine tradition and she is supported regularly by the Federation's President Mr. Gilles Bélanger.

It is fitting that at the first Meeting held in 2001 on January 19th, we had a record number of thirty-one people attending our one hundred and ninety-seventh Executive Committee Meeting. It was a lively Meeting covering many subjects. We were pleased to elect William R. Dorsey III, President of the USMLA as a member of our Association. There was discussion about the seventeen delegates who were expected to attend the CMI Conference in Singapore in February. These included Dr. Peter Ehlermann of Germany who wished to take part in the Canadian delegation. Also we agreed that if desired, we would host another CMI Conference in 2005 in Vancouver. The third Dalhousie Bursary was awarded to Mr. Mark Covan. At this time, the Association has three hundred and eleven members and we agreed to expand our website.

At the time of writing the final Meeting held was as stated on January 19th, 2001. In accordance with what has now become a long-standing tradition, a Meeting has been arranged in Ottawa for April 2nd, 2001 for the annual meeting between the CMLA Executive members and Government Officials from Transport Canada and the Department of Fisheries & Oceans. The Minister of Transport has been invited to address us over lunch. A private dinner will be held between Officers of the CMLA and Justices from the Federal Court of Canada. One can anticipate a request for a fifth Seminar for Judges of the Federal Court and Admiralty Bar Members.

Then as far as we can look ahead the next event will be the special celebration of our Fiftieth Anniversary built around the Annual General Meeting. These events will be held in Montreal on June 15th and 16th, 2001. The Fiftieth Annual General Meeting will be held on Friday, June 15th, at the University Club followed by a luncheon where Bill Tetley and Stuart Hyndman will be our guest speakers. That evening there will be a cocktail reception on King Edward Pier in the Old Port. On Saturday, June 16th, there will be papers presented in the morning at the McGill University Faculty Club on the history of the admiralty court in Canada and on global warming and its effect on Canada's shipping lanes, particularly the Arctic. This will be followed by a light lunch and that evening there will be a gala black tie dinner dance in the Old Bonsecours Market building on St. Paul Street in Old Montreal, not far from the Board of Trade building where the Association was first formed. It is hoped that as many of our friends as possible in Canada and elsewhere will attend.

This will be a good note on which to commence the second fifty years of the Canadian Maritime Law Association leading to our centenary. The Association has grown in membership and influence at

home and abroad immensely. It has the ear of the Federal and Provincial Governments and has a strong voice in the affairs of the Comité Maritime International. It should be noted that David Angus could not be re-elected at this time to the CMI Council but he has been retained to continue to advise on financial matters. Recently elected to the CMI Council at the Assembly held in Singapore was Past President Johanne Gauthier. It was also a singular honour that Nigel Frawley was elected last year to the position of Chairman of the Nominating Committee of the CMI.

The Association is therefore strong in membership, unity and financial resources in order to tackle any problem that the future may hold.





John Cantello
Secretary-Treasurer, 1992-2001
Honourary Treasurer, 1973-1982

John A. Cantello

Born in Bath, Somerset England, June 23, 1924.

In July 1940 moved to London and started work with a Marine Insurance Broker at Lloyd's.

1943 — 1947 served in the 3rd Kings Own Hussars in Italy and the Middle East.

In January 1948 joined an Average Adjuster in London. Emigrated to Canada 1962 with Osborn and Lange and has been there ever since.

Joined CMLA in 1962 and served as Honourary Treasurer from 1973 to 1982.

Elected Secretary/Treasurer in 1992

President of the Association of Average Adjusters of Canada in 1971 and 1989.

Honourary Member of the Association of Average Adjusters of the United States.

ORIGINAL CONSTITUTION OF THE CANADIAN MARITIME LAW ASSOCIATION

(adopted December 5th, 1951)

Name

1. The name of the Association is "THE CANADIAN MARITIME LAW ASSOCIATION". Its head office is in Montreal.

Objects

2. The objects and purposes for which the Association is hereby constituted are:-
 - (a) To promote the study and the advancement of maritime law and its administration in Canada;
 - (b) To promote and to consider with other associations proposals for the unification of the maritime law and practice of different nations;
 - (c) To afford opportunities for the discussion and consideration of matters of interest to members of the Association and to undertake or to assist in the preparation and promotion of agreements and arrangements in respect of such matters;
 - (d) To do all such other lawful things as are incidental to or conducive to the attainment of the above objects or of any of them.

Membership

3. There shall be two classes of regular membership:
 - (1) Constituent Members: any association, society or body corporate, interested in the objects of the Association and who may be elected as such at a General Meeting of the Association by a majority of those present and voting. Each body elected as aforesaid shall be entitled to nominate from time to time one representative (with power to appoint an alternate) to attend the General Meetings of the Association and to vote thereat;
 - (2) Associate Members: any person, association, society or body corporate resident in Canada, interested in the objects of the Association and who may be elected as such at a General Meeting of the Association.

4. The officers of the Association and the representatives of the constituent members only shall be entitled to vote at any General Meeting of the Association.

Honorary Members

5. The Association may elect as an honorary member any person who may render special services in the advancement of the objects of the Association. Honorary members shall not pay any subscriptions and shall not have the privilege of voting, unless any such honorary member shall be an officer of the Association.

Officers

6. There shall be a President, one or more Vice-Presidents, a Secretary and a Treasurer. The same person may hold the offices of Secretary and Treasurer. They shall be elected either from the representatives of the constituent members or from the associate and honorary members at the Annual General Meeting of the Association to serve for one year and until their successors have been elected.

President

7. The President shall preside at all meetings of the Association. He shall have power to call special General Meetings of the Association and meetings of the Executive Committee.

The President shall be an ex-officio member of all committees.

Vice-Presidents

8. The Vice-Presidents shall perform such duties as may be assigned to each of them by the President or by the Executive Committee and a Vice-President shall discharge the duties of the President whenever, in the discretion of the Executive Committee, the disability or absence of the President makes such appointment advisable.

Secretary

9. The Secretary shall keep a record of the proceedings of all meetings of the Association. He shall notify the officers and all members of committees of their election or appointment and shall issue notices of all meetings. He shall keep a roll of the members of the Association. He shall do and prepare such other matters as the Executive Committee may from time to time require.

Treasurer

10. The Treasurer shall collect and disburse all funds of the Association and shall keep proper accounts in books belonging to the Association.

Executive Committee

11. The Executive Committee shall manage the affairs of the Association and shall consist of not more than six associate or honorary members or representatives of constituent members elected annually and the officers of the Association who shall be ex-officio members of the Executive Committee. Five members thereof voting either in person or by mail or telegraph shall constitute a quorum.

Members of the Executive Committee may vote on any matter coming before the Committee by mail or telegraph.

The Chairman of the Executive Committee shall be such one of their number as the Committee may elect from time to time.

With the approval of the Chairman any member of the Executive Committee can be represented at any meeting thereof by an alternate.

The Executive Committee, either on their own initiative or at the suggestion of any member in writing, may consider and report to a General Meeting of the Association such matters as in the opinion of the Committee concern the objects of the Association.

The Executive Committee shall appoint from their number or otherwise as they see fit (and if they see fit with power to co-opt) such committees as may be deemed necessary to accomplish the objects of the Association. Such committees shall report in writing to the Executive Committee and their terms of office shall expire at the next Annual General Meeting of the Association.

The Executive Committee may authorize any committee or one or more representatives of constituent members, associate members or honorary members of the Association to represent the Association and to present its views at any National or International Conference or other meeting at which it is considered that the objects of the Association call for such representation.

The Executive Committee shall fill all vacancies between Annual General Meetings in all elected offices and on the Executive

Committee, such appointees to hold office until the next Annual General Meeting.

All disbursements of funds of the Association must be approved by the Executive Committee.

General Meetings

12. Special General Meetings shall be held at such time and place as the President or the Executive Committee may determine and the representatives of three constituent members shall constitute a quorum.

At least thirty days clear notice of a Special General Meeting shall be given to each member.

The Annual General Meeting shall be held in May of each year at such place as the President, with the concurrence of the Executive Committee, shall designate, provided that the President with such concurrence may designate some other date. The representatives of three constituent members shall constitute a quorum.

At least thirty days clear notice of the Annual General Meeting shall be given to each member.

If at any meeting neither the President nor a Vice-President be present, the members present shall choose some member present to be Chairman of the meeting.

Subscriptions

13. The fiscal year of the Association shall be the calendar year. The annual subscriptions for the ensuing year for constituent and associate members shall be fixed at the Annual General Meeting of members.

All subscriptions shall be due at the commencement of the year in respect of which they are payable.

Amendments

14. These Articles may be amended at any Annual or Special General Meeting of the Association by a vote of at least two-thirds of those voting, provided that thirty days notice of any proposed amendment shall be given in writing to the members of the Association.