

NORTHERN JUSTICE: THE MEMOIRS OF MR. JUSTICE WILLIAM G. MORROW, W.H. Morrow, ed., (Toronto: University of Toronto Press, 1995)

When I came to Edmonton in the early 1960s, Bill Morrow's reputation was that of a "lawyer's lawyer." I was too young to have the good fortune of having a file with him,¹ but my partners, the late Abe Miller, Q.C. and his son, the late Mr. Justice Tevie Miller, spoke in the highest terms of this scion of the Alberta Bar.

Mr. Justice Morrow's biography, prepared by his son, must have been prepared by reference to Morrows diaries, or at least notes because of its very personal nature. It is written in the first person in a very readable narrative form. To have lived a life in the legal profession, such as Morrow was fortunate enough to do, must be the fantasy of most lawyers. He was vulcanized to the law early in life, as his father was a lawyer, and he began studying law at seventeen. In 1939 he graduated and was admitted to the Bar the following year. Morrow, before he would go into practice with his father, laid down two conditions for his principal to be: (1) if he thought he had a good case he would take it all the way regardless of costs or the client's financial position² and (2) if he was not making over \$100 a month in five years, he would leave the practice.³ But this was not the best time to begin a legal career and Bill Morrow joined the navy, feeling guilty in the safe practice of law while his friends were enlisting. For some reason he tried all three services and was recruited by the senior one. There does not seem to be a preferential treatment accorded to the young Morrow, as he drew duty on a minesweeper in the North Atlantic, commanded by a martinet of a captain who fancied himself a precursor to Captain Queeg.⁴ Very early he came upon stupid authority with which he had to deal; something that would be present from time to time in his tenure as a judge.

The reader is taken quickly through the war years and back into the practice of law, which was obviously Morrow's great passion (with the possible exception of those arcane aircraft that plied uncharted routes in The Northwest Territories). It would not be appropriate to repeat the major legal encounters Morrow relates; that is for the reader to relish first hand. It is regrettable that Morrow, who was counsel to the Porter Commission on the conduct of the late (and infamous) Mayor of Edmonton, William Hawrelak, only devotes four pages to what was a fascinating episode of a major scandal in our otherwise usually dull local history. Not shying from telling us that Hawrelak tried to pressure him, he set the reader up for other tidbits from this scandal, but then fell strangely silent. Perhaps his papers will reveal more when everyone involved is gone.

¹ One way of learning for me is from my mistakes and such a file would have been a wealth of knowledge as Morrow would, no doubt in his gentlemanly fashion, have pointed each one out.

² One cannot imagine such a condition in today's legal climate with its myopic obsession on billable hours.

³ Today, most junior lawyers are sold at \$100 an hour.

⁴ From H. Wouk, *The Cane Mutiny* (Toronto: Doubleday, 1954).

The appointment of Morrow to replace Mr. Justice Sissons was universally welcomed by the Bars of both The Territories and Alberta.⁵ Mr. Justice Sissons was not what academics would call a legal scholar, but he certainly was a legal and social activist who could completely ignore the law if it was obvious that his poor natives⁶ were being treated unfairly. His administration of the judicial functions in The Territories brought nothing but praise from the inhabitants.⁷ Sissons was obviously fond of Morrow was often counsel (usually recruited by Sissons) on the major cases. While Sissons could be accused for dispensing "palm-tree justice" Morrow, having legal elegance, coupled Sissons's humanity with the spirit of the law. Mr. Justice Morrow applied the law carefully and thoughtfully, but not with a heavy hand, so that on occasion, if it were necessary, he too, could shut an eye. The reader can explore these instances in the book.

I must admit that I learned much more about aeroplanes named after animals, lost civilizations and lechers⁸ than I ever wanted to know, but it is apparent that Morrow rather enjoyed flying although there is no mention that he could pilot an aircraft. For those who find this interesting, then Morrow's experiences both fun and frightening, will be engrossing.

An area of law that is, to the writer at least, about as interesting as watching paint dry, is land titles. But the case involving the filing by the Indians of a caveat covering all of the Northwest Territories, is certainly gripping. It is not about the nuances of the validity of caveats or priorities in landholding; it is about the struggle between Morrow and stupid authority. He now could draw on his tempering forged during his navy years in his fight with the faceless bureaucrats and not so faceless politicians in Ottawa. This was a case the significance of which I did not really appreciate until I read Morrow's account of it. It is enough to say here that two courts, The Supreme Court of the Northwest Territories and The Federal Court of Canada, were pitted against each other by the then Minister of Justice, Otto Lang, Q.C., and then Minister of Indian and Northern Affairs, Jean Chretien. These two Courts were to be the vehicles by which the Federal government of the day and the Indians of the Territories were to do battle. Morrow's account of this fight (whether it is from the father's notes or the son's editing) is a ringside seat, without any artificial politeness common in legal conflicts. It is well done.

Mr. Justice Morrow, despite his fight with the federal government, was given what we had heard he had been promised, a seat on the Alberta Supreme Court, Appellate Division.⁹ Unfortunately he died within four years of that appointment, and had not

⁵ The Alberta Bar felt slightly cheated that Morrow wasn't appointed here, but rumour had it that he was promised an Alberta judgeship if he took on the very difficult task of following Sissons.

⁶ See J. Sissons, *Judge of the Far North* (Toronto: McClelland & Stewart, 1968).

⁷ Sissons recognized this, as Morrow attributes to him, the thought that "a more modern approach was essential because the people and their problems had become more advanced by the time I replaced him on the bench": W.H. Morrow, ed., *Northern Justice: The Memoirs of Mr. Justice William G. Morrow* (Toronto: University of Toronto Press, 1995) at 201.

⁸ Otters, Aztecs and Lear jets.

⁹ Today known as the Court of Appeal of Alberta.

time enough to sufficiently leave his unique mark on the Alberta court. However, the mark that he left on the far north was so great that those who succeeded Mr. Justice Morrow were bound by both his legacy and his philosophy. Those who were and now are the recipients of this type of dispensation of justice reap the very real legacy of Bill Morrow.

This is a book that should be read by those interested in the application and evolution of justice. It does drag if you are not interested in flying, but the legal experiences related, placed in a very real social context, make it certainly worthwhile. Further, it is a narrative of the life of a most interesting man.

Leonard J. Pollock, Q.C.
Edmonton, Alberta
Faculty of Law