

THE HONOURABLE FRANK FORD

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It is given to few men to be both a brilliant advocate and an able judge in a legal career of three score years. Such a man is the Honourable Frank Ford, who retired recently as a Justice of the Appellate Division of the Supreme Court of Alberta after an outstanding success in three Provinces in Canada, each of which appointed him as one of Her Majesty's Counsel. Born to James and Catherine Ford of Toronto, he attended in turn the Toronto Public Schools, Ontario Academy and Osgoode Hall. He read law with the famous D'Alton McCarthy, was called to the Bar of Ontario, and practised law in Toronto. In 1906 he was appointed Deputy Attorney General of the Province of Saskatchewan. He was called to the Bar of Alberta in 1910. Shortly after coming to Edmonton he became a lecturer at the University in the Faculty of Law, his main subject being Conflict of Laws. In 1923 he was given the rank of professor and on his retirement in 1926 he was retained on the faculty as an honorary professor. As a Bencher of the Law Society and chairman of its education committee, he played an important part in the establishment of the Law School as it has existed since 1921. He was a Chancellor of the University of Alberta.

In 1926 he entered upon a distinguished career as a Judge of the Supreme Court of Alberta, and in 1936 as a Judge of the Appellate Division of that Court. Space will not permit an account of the many important decisions in which he participated. It is only possible to mention a few.

His dissent in *R. v. Ambler*¹ on the question of how far a trial judge must go in making it clear that in "charging himself" in a criminal case that he knows and has in mind the law as to corroboration of an accomplice may be said to be generally accepted. At least the modification of the view of the majority in that case made in his reasons for judgment in *R. v. Joseph*² cannot be questioned.

*Jacques v. Hopkins and Hopkins*³ dealing with gifts and the foundation of equitable estoppel has been recently referred to as a leading exposition of the law.

His judgment in *Watt v. Adams Bros. Harness Mfg. Co.*,⁴ written for the Appellate Division while still a member of the Trial Division, dealing with the duties of landlords in respect of dangerous premises, is to be found referred to more than once in *Williams' Landlord and Tenant*.

In *R. v. Fane Robinson Ltd.*⁵ in which it was held that corporations are liable to conviction for crimes involving *mens rea* he launched out more boldly than did Finlay J. in *R. v. Cory Bros. & Co. Ltd.*, and it is interesting to note that it was not until three years later that the English Courts finally settled the law as the Alberta Appellate Division had done and did so on almost identical

reasoning in *R. v. I.C.R. Haulage Ltd.*⁷ and *Director of Public Prosecutions v. Kent & Sussex Contractors*.⁸

*Foster v. Kerr*⁹ and *Arcand v. Kaup*¹⁰ settled the law relating to joint tortfeasors and the principle of contribution.

In *Will v. Bank of Montreal*¹² he broke fresh ground by following a judgment of the House of Lords who commented unfavourably on an opposite decision of the Privy Council.

He is known to have had the "pride of the author" in his written judgments. This doubtless led to that conciseness of diction and clarity of expression which characterize many of his reported reasons.

An outstanding characteristic was his deep sympathy for every prisoner, and his insistence that justice should not only be done, but be seen to be done. On appeals from sentence, unless the prisoner had a lengthy record of conviction, he invariably favoured reduction of sentence.

In conclusion, I repeat the words I said to the Bar when Mr. Justice Ford announced his retirement: "He is one of the ablest and most experienced judges of this or any other court."

¹[1938] 2 W.W.R. 225, 70 C.C.C. 306.

²[1939] 2 W.W.R. 69, 72 C.C.C. 28.

³[1931] 2 W.W.R. 277, 25 Alta. L.R. 372.

⁴[1927] 3 W.W.R. 580, 23 Alta. L.R. 94.

⁵[1941] 2 W.W.R. 235, 76 C.C.C. 196.

⁶[1927] 1 K.B. 810.

⁷[1944] 1 K.B. 551.

⁸[1949] 1 K.B. 146.

⁹[1940] 1 W.W.R. 385, [1940] 2 D.L.R. 47.

¹⁰[1939] 1 W.W.R. 615, [1939] 2 D.L.R. 456.

¹¹(1954), 11 W.W.R. (N.S.) 494, [1954] 2 D.L.R. 702.

¹²[1931] 2 W.W.R. 364, [1931] 3 D.L.R. 526.



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