

THE HONOURABLE GEORGE BLIGH O'CONNOR

1883 - 1956

A TRIBUTE

THE HONOURABLE C. J. FORD*

George Bligh O'Connor was born to excel. The simple narrative of his life and achievements will bear out the truth of this statement. And so they of Bruce County in the province of Ontario, and the many in the Canadian West who have come from there, may claim him with justifiable pride as another illustrious son.

It was at Walkerton in that County that he was born in the year 1883. He was a grandson of Captain James O'Connor of the Inniskillen Dragoon Guards, who came to Canada and settled in Bruce County. He was the son of Frederick Shepherd O'Connor who for many years practised law in Walkerton, and later became Sheriff of Bruce County. His mother before her marriage was Maria Isabella Hamilton a granddaughter of Honourable George Hamilton, founder of the city of Hamilton, Ontario, and a member of the first parliament of Upper Canada.

We have but scant knowledge of his early boyhood days, and cannot say if he excelled in sports, and only know that he said himself in later year, that he played a poor game of golf. But we are certain that in the realm of the intellectual, and in that of human relations, he found the opportunity for development of an individuality and character that was to make an indelible impression, and exert an influence on his fellowmen during the years of his maturity. After graduation from the High School at Walkerton, he attended Osgoode Hall in Toronto, and emerged from there in 1905 as the Silver Medallist of his class. It was with a merry chuckle that he related to us how he lost the silver medal on his way West that year to practise law. It was not the only material loss, as he often told us in his reminiscent moods, that he suffered during his years of practising law in Edmonton, from 1905 until he became a Justice of the Supreme Court of Alberta in 1941. Those were the years when he worked incessantly and grew and advanced in his profession and in the regard and esteem of all who knew him personally and by reputation.

That is a long period of time when one looks ahead, — but we are now looking back in retrospect. We see the young lawyer fresh from the Eastern Law School without much experience, facing the rigours of the new West in a very young city, Edmonton, with its population of 9,000 persons—many of them pioneers—a city destined to become an important, if not the chief city of the Western plains, and the young lawyer had the capacity to grow in stature of mind and character with the city he had so wisely chosen as the one in which to launch his legal career. His first law partnership was entered into

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with W. A. Griesbach, who became Major-General Griesbach, a member of parliament, and later Senator Griesbach. It is a noteworthy fact that these two partners, who were on opposites of the old Liberal and Conservative parties, and with no written agreement of partnership, got along so harmoniously that the partnership continued throughout the whole of the active public career of Senator Griesbach. In the later years, Gerald O'Connor, a brother of George, was admitted to the partnership and the two carried on in this relation after Senator Griesbach retired until George was appointed to a judgeship of the Supreme Court of Alberta in 1941. Gerald continued to practise law until he was appointed a judge of the Exchequer Court at Ottawa.

It is said by his closest friends that the chief interest of George O'Connor was in the practice of law. This is true and the fruit of his work in this field was his pre-eminence both as a counsellor and at the Bar, where his keen appreciation of the value of evidence, and his ability in eliciting from the witnesses the facts that are essential to win a case, made him successful in many outstanding contests where skill is matched against skill. There must have been in him in those days of struggle for success a sound sense of what is important and what is not, and a strong control of himself under stress and strain to meet "the tide of moving accidents by flood and field".

In his rise to preeminence he was made a King's Counsel as early as 1913 and in 1925 he became President of the Edmonton Bar Association. For three years he was a Bencher of the Law Society of Alberta. After becoming a judge he was a Vice-President for Alberta of the Canadian Bar Association for a year or two. It was on the death of Chief Justice Horace Harvey that he became Chief Justice of Alberta in 1930. He was granted the degree of LL.D. *honoris causa*, by the University of Alberta in 1952.

In the same year that he was created a K.C. he married Margaret Fairlie, daughter of the Rev. John Fairlie of Kingston, Ontario. There is one daughter of the marriage, Mrs. Gerald Farnell, once with the British Embassy at Montevideo, Uruguay, who is said to have inherited her father's humour, and who resides in Edmonton. Those of us most closely associated with the late Chief Justice, as members of his Court, were deeply affected by the sincere friendship and affections of the Chief Justice for his wife and daughter. We have heard his calling Mrs. O'Connor by telephone at each noon adjournment of the Court, and could not fail to sense the kindly regard shown in his voice during their short conversations. One may mention here that he was a member and strong supporter of Christ Church—Anglican, in Edmonton.

As a Justice of the Trial Division he accomplished an immense amount of work. In addition to his trial duties he was the Judge to whom appeals were taken for adjustments of debts of farmers under the Farmer's Creditors Arrangement Act of the Dominion. These appeals came from the District Court Judge who made the adjustment of the debts of the farmer in the first instance. It is a fair appraisal of Mr. Justice O'Connor's work in dealing with these appeals that he reached a result, in by far the majority of cases, satisfactory to both creditor and debtor, without any unnecessary delay. As one who looked on and appreciated to some extent what this work entailed my admira-

tion was compelled for the one, who could do so much work so satisfactorily and in so doing render so great a public service.

There is also another field of even wider public importance in which he rendered that excellent service that bears out what has already been said. It was as Chairman of the Wartime Labor Relations Board, to be followed as Chairman of the Canadian Labor Relations Board that succeeded the former Board. The success of the former Board under his chairmanship explains his succeeding to the new chairmanship. It was said in the reasons for his new appointment that in the reports of the work of the earlier Board in wartime "As Chairman he did so much to settle disputes and prevent strikes in essential industry throughout the conflict, and that since the end of the war he had headed conciliation committees appointed by the Government of Alberta to settle strikes in the iron and coal mining industries, and that he had won praise from both labor and management for his good judgment, knowledge and impartiality and his ability to bring disputing parties together".

His appointment as Chairman of the Wartime Labor Relations Board, to which reference has been made, came as a surprise to Easterners, but he was immediately identified as the Judge O'Connor who played such an important role in a Western coal strike early in the preceding winter. Although criticized somewhat in respect of this settlement, Mr. Justice O'Connor made no reply, but went on to be the Chairman of the new Board, and in that position continued in the same steady and reliable way to render efficient service in the public welfare.

So far little has been said of his Judgeship, 1941 to 1945, as a trial judge of the Supreme Court of Alberta, and from 1945 to 1950 as a member of the Appeal Court, and from then to his death on January 13th, 1957, as Chief Justice of Alberta. It was during this period that the writer made his acquaintance; at first with some wholesome fear, but later with a gradual disappearance of the fear, driven out by the warmth of his genial personality, and wholesome wit and humour, that flowed so naturally and without rancour and that never left the distaste of bitterness. I came to marvel at his patience, and humble, but yet dignified bearing, and his understanding of legal problems and his ability to find a solution in almost a minimum of time. In criminal matters he was obdurate that law and order be upheld and that crime be punished sufficiently, but with due regard to the rehabilitation of the offender as a citizen. In civil matters justice was his motto, and he was able to achieve his purpose, at times ingeniously, within the ambit of the law. His ability to discover and apply the right principle of the common law or of equity to the case in hand, marked him as a practical judge of depth of learning and understanding. His attitude towards the associate justices of his court was always one of patience and co-operation, and an inspiration to them to do their best. He was a sustaining power on the Court. His own judgments were in the great majority of cases correct. It is true that he has said of himself "my decisions on the bench have been reversed as often as those of any judge", but taken literally, and not as one of his many sallies of wit, the statement is not true. I would say that the word "upheld" should, if the truth were to be sought.

be substituted for "reversed". I can recall many where that would be so. One that comes to mind readily is his decision that the "Debt Adjustment Act", so long on the Statute books, was ultra vires of the Legislature of the province of Alberta. He was held to be right both by the Supreme Court at Ottawa and the Privy Council.

In this article little emphasis has been placed upon the life of the late Chief Justice as a citizen, as the writer does not know of his contacts with the life of the throbbing capital city of our province, but it must be clear that no one could rise as he did in his profession, and in the public esteem, without uncounted acts of kindness so characteristic of him, and of service in his community and to the public at large. There is a statement made by him when he was acting as Chairman of the Wartime Labor Relations Board, in a dispute between the Ford Company and its employees, that is worthy of repetition:

"I would like to emphasize that the important matter in this case is the spirit to be shown by the two parties. It is not merely a matter of living up to the letter of a settlement, but it is necessary also to live up to the spirit of a settlement in an effort to get along in friendly harmony."

I would characterize this statement as containing the keynote of his own relations with others — the spirit of friendly harmony. The story of his life in all its relations, public and private, was one of seeking for harmony, and in that he excelled, as he did in the excellence of his work. so much so that he was in the last years of his life, when he fought so valiantly against ill health — never faltering until the end — very much loved as the Chief Justice of his province.