

Lords of the Western Bench: A Biographical History of the Supreme and District Courts of Alberta, 1876-1990. LOUIS KNAFLA and RICHARD KLUMPENHOUWER. Calgary: Legal Archives Society of Alberta, 1997. Hardcover, 229 p. ISBN 0-9681939-0-0. \$43 including shipping.

In their introduction to *Lords of the Western Bench: A Biographical History of the Supreme and District Courts of Alberta, 1876-1990*, authors Louis Knafla and Richard Klumpenhouwer maintain that, in our society, judges are “too often seen as anonymous lawmakers [*actually, law interpreters*]” with their human characteristics hidden. For this there is good reason. Although the notion that justice is blind is rejected by all who recognize the imperfections of society and the fallibility of human beings, we nonetheless do believe that justice should be seen to be blind, and that the judiciary should strive towards this ideal. Hence, of all societal leaders, none have come to obviate their persona to the extent of our judges.

Undertaking to at least partially rectify this shortcoming in Alberta are the Archivist for the Legal Archives Society of Alberta (Klumpenhouwer) and one of western Canada’s leading legal historians (Knafla), whose own biographical sketches unfortunately do not appear anywhere in the publication. Although the subtitle of their compendium suggests that the authors may themselves have assumed an impersonal perspective of judges (biographies are of people, not courts), they have disclosed much information about the federally appointed men and women who have sat in legal judgement over civil and criminal matters in what is now Alberta since 1876. These include the appellate, supreme, and district court judges, but do not include police magistrates or justices of the peace.

What emerges in *Lords of the Western Bench* are sketches of some 189 people, with emphasis on their legal careers, their positions on contentious legal matters, the more significant cases subject to their judgement, and what these cases have come to mean to the legal history of the province and, in a few instances, the country. In some of the accounts, personality traits are revealed which allow readers to view the judges as real people, capable of error and prone to feuding with colleagues. On occasion, judgements were seemingly rendered on compulsion rather than interpretation. Within the legal community, these characteristics, real or imagined, were frequently recognized and commented upon. However, to the rest of us, they have, for the most part, remained hidden. Even today, with the press so prone to take public issue with legal decisions, the judges themselves invariably refrain from retaliating, adhering instead to their ethical code of silence once a verdict has been rendered.

The justices featured in *Lords of the Western Bench* include such well known luminaries as David Lynch Scott and Charles Rouleau, who rendered many precedent-setting verdicts during the territorial period, in particular with cases

involving aboriginals. There is also Horace Harvey who sat as Chief Justice for Alberta for thirty-nine years. Others, such as James Macleod, Arthur Sifton, and John Sissons, saw their careers in public life expand beyond the judiciary. Regrettably, several of the more significant judges, such as George O'Connor, Neil Primrose, and William Simmons, receive only brief coverage.

Although it was not the purpose of the authors to go into detail about specific cases, they have tantalizingly given enough information about some of the more significant cases to make us want more. The trial leading to the last legal execution in Alberta (Robert Raymond Cook, 1960) is an example, as is the trial of Premier John Brownlee for seduction during the mid-1930s. The Cook case can now be more fully digested in Jack Pecover's *The Work of Justice* (1996). The very sensational Brownlee scandal is the subject of a review soon to be released by Justice John McClung. Certain judges, such as William Morrow and John Sissons, have already published (auto)biographies.

It would probably have been appropriate if certain other significant cases, both historically and legally, could have been brought to light within the biographical construct of this compendium. Followers of Alberta's legal history will automatically think of notable murder trials involving natives such as Swift Runner (Cree, Tawatinaw, 1880), Charcoal (Blood, Fort Macleod, 1896) and Pay-ii-uu (Cree, Lesser Slave Lake, 1899), in which Justices Richardson and Rouleau rendered verdicts confirming the predominance of Euro-Canadian law over the first nations of western Canada. The latter case, for murder of a whitego (windigo), ended with Rouleau's ominous warning, in the wake of the initial signing of Treaty Number Eight, that "The sentence you got this time was a short one [*two months*], but if such a thing occurs again the penalty will not be so light. The arm of the law is long and if you or your people will break the law, the arm will reach out for you and gather you in, even though you be at the north pole" (reported in the *Edmonton Bulletin*, 14 August 1899). The trials of the Inuit Uluksuk and Sinnisiak for cannibalism (Coppermine, 1912) were surely significant enough to be mentioned as well. For sheer legal bungling by police and the prosecution, the trial of Dan Lough at Grande Prairie for the biggest unsolved mass murder in Alberta's history (six people, 1918) surely should have warranted some acknowledgement via Justice Simmons, who heard the case in 1920.

Despite shortcomings, legal historians of western Canada will find *Lords of the Western Bench* a useful guide. Most of the information is presented in a straightforward, unopinionated manner, some of it taken from the *Dictionary of Canadian Biography*. Unfortunately, outside the introduction, the authors have not cited the sources for much of their information, although specific cases are referred to throughout. It would be nice, for example, to know where to go to learn more about Rouleauville and its founder's attempt to establish a francophone community in southern Alberta, or of Hugh Richardson's arrest and confinement of his son-in-law.

This book does not deal with archival principles or methodologies. Photos of most, but not all of the judges are included, as well as a few rare shots of courtroom scenes. The bibliography is succinct and select but does not include relevant material held by the Provincial Archives of Alberta subject to the province's Freedom of Information and Protection of Privacy legislation. The only reference works listed are *The Canadian Gazette* and *The Dictionary of Canadian Biography*. A section of the book lists all of the supreme court judges by name for specific periods of time, but not by locality or region, which would be useful. A list of district court judges is also included and stipulates districts up to 1935, but not after.

The authors maintain that a second edition of *Lords of the Western Bench* will soon be on its way, which "will provide a much more complete account of all the judges['] biographical information, the judges' leading decisions, and the law espoused therein than is contained in this volume." This may beg the question why this volume was released in the first place. Nonetheless, it is recommended for all legal historians of western Canada and some generalists too. The completion of the second edition may be delayed, for Rick Klumpenhouwer has now left the legal archival community and entered the medical one with his recent appointment as Records Manager for the Calgary Regional Health Authority. He joins Elizabeth Denham as Information and Privacy Coordinator and Donna Kynaston as Archivist. The lawyers' loss will surely be the doctors' gain. Will we see a compendium of Alberta's chief physicians on the shelves soon?

David Leonard
Alberta Historic Sites

Making Vancouver: Class, Status and Social Boundaries, 1863-1913.
ROBERT A.J. McDONALD. Vancouver: UBC Press, 1996. xx, 316 p. ISBN 0-7748-0555-2.

As *Archivaria* Book Review Editor, I ended up assigning myself the task of reviewing this work, as it is always a pleasure for me to read anything about the history of my home town, and Robert McDonald, a history professor at the University of British Columbia (UBC), does not disappoint. *Making Vancouver* is a complex and very detailed study of Vancouver in the first fifty years of its life, and in its use of primary sources nicely complements similar works, picking up where other authors (such as Margaret Ormsby and Patricia Roy) left off.

Although McDonald takes a scholarly approach to his subject, he makes clear in his introduction that he is focusing on "average people in local settings" (p. xiii), instead of political elites or national themes. Vancouver's early history