

ON THE FRONT COVER

The Honourable Mr. Justice Lloyd McKenzie

By The Honourable Mr. Justice Martin Taylor

How does the son of a British Columbia Conservative politician of Scottish descent come to be named after a Welsh Liberal prime minister?

Mr. Justice Lloyd George McKenzie attributes it to a "perverse sense of humour" on the part of his father, later to become the Hon. W.A. McKenzie, Minister of Mines and Labour in the Tolmie government (1928-33), British Columbia's last Conservative administration. But his father seldom in fact addressed him by his famous given names, preferring instead the anonymous Irish title of "Mr. Murphy." The reason for this is interesting, but fails the 'threshold test' of relevance.

The McKenzies lived then in Penticton, where W.A. McKenzie had been Chairman of the School Board and later Reeve before he was elected to the Legislature. Lloyd George was 10 when his father was appointed to the cabinet and the family moved to Victoria. Apart from the years in uniform, and thereafter as a member of the first class at the University of British Columbia faculty of law, the younger McKenzie became increasingly woven into the fabric of Victoria life until 1974 when he left under statutory compulsion on appointment to the bench. For 19 years he was a Governor of the University of Victoria, including a term as Chairman, he served as President of the Victoria Bar and was for eight years a Bencher.

For the last 19 years Mr. Justice Lloyd McKenzie has contributed to the bench of the Supreme Court of British Columbia a unique blend of good sense, good humour, mastery of the English language (or 'putting proper words in proper places'), a rare talent for locating kernels of useful information within the clouds of chaff emitted by the forensic threshing machine, and an unflinching ability to raise the spirits of those at the courthouse fortunate enough to find themselves in his company.

Although officially gazetted since 1988 as 'supernumerary', he bears a full judicial workload and will continue to do so until, again under statutory compulsion and for no other good reason, he retires this fall on his 75th birthday.

Heredity and experience both played their proper role in shaping the man. His father, a carpenter by training, carried the folding rule of his calling in his back pocket all his life; when the liner Queen Elizabeth came to British Columbia waters during the Second World War to complete its fitting-out as a troopship, the retired cabinet minister bettered the Churchillian clarion call of the hour by taking his own tools aboard to finish the job. Lloyd McKenzie's tool of choice has been the garden spade, and well-rotted compost his favoured raw material; in successive Gardens of Eden in Saanich and West Vancouver he has tirelessly tilled the soil.

It was W.A. McKenzie's misfortune to be Minister of Mines and Labour at the depth of the Depression when most of the province's mines were going out of business and unemployment reached its historic high, and this is said at an early age to have turned his son's interest firmly away from politics and towards the law.

After two years at Victoria College, he enlisted in the Westminster Regiment, married, went overseas, and served as an infantry officer on the toe, heel and leg of German-occupied Italy. A knowing friend insists he drove a command car through the Italian

theatre without scuffing its white-wall tires. He himself attributes his subsequent good health to the fact that when ordered to take a company out at night with flame-throwers to clear a portion of the Po Valley, thereby illuminating themselves for the benefit of the German gunners, it was found on arrival at ground zero that no one had any matches. There can be no doubt that this, and other less fortunate experiences in that uncomfortable boot, made their contribution to a keen understanding of the human condition, and of the curious ways of fate.

On return to Canada he enrolled in the brand-new Curtis academy of legal learning at U.B.C., became President of the maiden class of 1948, and articulated with J. Howard Harman of the Victoria firm of Harman & Sloan, with which he stayed through several amalgamations, including that which brought him into partnership with William J. McIntyre, Q.C., later of the British Columbia Supreme Court and Court of Appeal, and Supreme Court of Canada. While he served for a number of years as prosecutor for the Municipality of Saanich, Lloyd McKenzie's taste for the practice of law was never restricted to any compass. He appeared for all sorts of clients and causes, in courts civil, criminal, martial and otherwise, equally at home with murder and mayhem, ministerial misconduct, unauthorized hostilities at sea, the British Columbia Electric expropriation, and taxation in the Island Railway Land Belt.

Those lucky enough to have been aboard will never forget the famous foray into the hinterlands of the McKenzie Commission on the British Columbia Railway, his celebrated "Royal Commotion on Locomotion".

Some of the most memorable dicta of McKenzie, J., are probably to be found in the report of this inquiry. "No baffling question was left unasked," he wrote in its introduction of the commission's all-embracing terms of reference. Of the process by which the report was prepared he wrote: "Nothing was sacred, no feelings were spared, spades were so described, and junk was labelled junk". In recording that the commissioners laid no blame on the railway's personnel for its costly charge into the North—undertaken without regard for ambient economic and topographic realities—he attributed the disaster mainly to their politically-designed headgear: "The corporate Balaclava helmet had small eyeholes, and no earholes".

Since it is known that the judge regards his home on the West Vancouver mountain-side as the finest eating place in town and the best holiday resort on earth, and counts as his greatest blessing in life his marriage to Betty, now of half-century standing, there can be no doubt that our loss will be his gain.

But not quite yet, because he has a new task ahead, and it may, indeed, be some considerable time before the Hon. Lloyd George McKenzie is able to take up full-time residence in Eden.

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