

**Supreme Court
of Canada**



**Cour Suprême
du Canada**

SERMENT D'OFFICE

OATH OF OFFICE

**The Honourable Justice
Beverley McLachlin**

CÉRÉMONIE

CEREMONY

**le 17 avril 1989
à 9 h. 30**

**April 17, 1989
at 0930 hours**

SUPREME COURT OF CANADA

Swearing-In Ceremony

The Honourable Beverley McLachlin

April 17, 1989

1. Oath of Office
2. The Rt. Honourable Brian Dickson
(Chief Justice of Canada)
3. The Hon. Doug Lewis, Q.C.
(Minister of Justice and Attorney General of Canada)
4. The Hon. Bud Smith, Q.C.
(Attorney General of British Columbia)
5. Pat Peacock, Q.C.
(President, Canadian Bar Association)
6. R. Paul Beckmann, Q.C.
(Treasurer, Law Society of British Columbia)
7. The Hon. Beverley McLachlin

DICKSON, CJ: I will ask the Registrar, 1
Mr. Guy Goulard, to read the commissions under the 2
Great Seal of Canada attesting to the appointment of 3
the Honourable Madame Justice McLachlin, puisne 4
judge of the Supreme Court of Canada. 5

Je vais demander au 6
registraire, monsieur Guy Goulard, de lire la 7
commission sous le grand sceau du Canada attestant 8
les nominations de l'honorable madame le juge 9
McLachlin en tant que juge puîné. 10

MR. GOULARD: Elizabeth II, by the grace 11
of God, the United Kingdom, Canada and her other 12
realms and territories, Queen, head of the 13
Commonwealth, defender of the faith, the Honourable 14
Beverley Marian McLachlin, Chief Justice of the 15
Supreme Court of British Columbia, reading: Know you 16
that reposing special trust and confidence in your 17
loyalty, integrity and ability, we, by and with the 18
advice of our Privy Council for Canada, hereby 19
constitute and appoint you, Beverley Marian 20
McLachlin, a puisne judge of the Supreme Court of 21
Canada, to have, hold, exercise and enjoy the said 22
office of the puisne judge of the Supreme Court of 23
Canada unto you, Beverley Marian McLachlin, with all 24
the powers, rights, authority, privileges, profits, 25

emoluments and advantages unto the said office of 1
 right and by-law appertaining during your good 2
 behaviour. 3

Whereof we have caused 4
 these, our letters, to be made patent and the Great 5
 Seal of Canada to be hereunto affixed. Witness, our 6
 right trustee and well-beloved Jeanne Sauvé, a 7
 member of our Privy Council for Canada, Chancellor 8
 and principal Companion of our Order of Canada, 9
 Chancellor and Commander of our Order of Military 10
 merit, upon whom we have conferred our Canadian 11
 Forces decoration, Governor General and Commander-in- 12
 Chief of Canada, in our Government House, in our city 13
 of Ottawa, this 13th day of April in the Year of Our 14
 Lord, one thousand nine hundred and eighty-nine in 15
 the 37th year of our reign. 16

Elizabeth II, par la grâce 17
 de Dieu, reine du Royaume-Uni, du Canada et de ses 18
 autres royaumes et territoires, chef du Commonwealth, 19
 défenseur de la loi. L'honorable Beverley Marian 20
 McLachlin, juge en Chef de la Cour Suprême de la 21
 Colombie-Britannique, salut. 22

En raison de 23
 notre confiance spéciale en votre loyauté, en votre 24
 intégrité et en vos capacités, nous, sur et avec 25

l'avis de notre Conseil privé pour le Canada, vous 1
 constituons et nommons vous, Beverley Marian 2
 McLachlin, un juge puîné de la Cour Suprême du 3
 Canada. 4

A titre de juge puîné de 5
 la Cour Suprême du Canada, vous, Beverley Marian 6
 McLachlin, jouirez désormais à titre inamovible de 7
 tous les pouvoirs, droits, prérogatives, bénéfiques, 8
 émoluments et avantages attachés de droit et de par 9
 la loi auxdites fonctions. En foi de quoi nous avons 10
 fait émettre nos présentes lettres patentes et à 11
 celles fait apposé le Grand Sceau du Canada, témoin 12
 notre très fidèle et bien aimée Jeanne Sauvé, membre 13
 de notre Conseil privé pour le Canada, Chancelier et 14
 compagnon principal de notre Ordre du Canada, 15
 Chancelier et commandeur de notre Ordre du mérite 16
 militaire à qui nous avons décerné notre décoration 17
 des Forces canadiennes, Gouverneur général et 18
 Commandant en chef du Canada dans notre hôtel du 19
 gouvernement, en notre ville d'Ottawa, en ce 13ième 20
 jour d'avril en l'an de grâce 1989, le 37ième de 21
 notre règne. 22

By command, par ordre, 23
 Bernard Valcourt, Régistraire général du Canada, 24
 Registrar General of Canada; Doug Lewis, Attorney 25

General of Canada, Procureur générale du Canada. 1

DICKSON, CJ: I will now ask Madame 2
Justice McLachlin to take the oath of office. Je 3
vais maintenant demander à madame le juge McLachlin 4
de prêter le serment d'office. 5

McLACHLIN, J: I, Beverley Marian 6
McLachlin, do solemnly and sincerely promise and 7
swear that I will duly and faithfully and to the best 8
of my skill and knowledge execute the powers and 9
trusts reposed in me as one of the justices of the 10
Supreme Court of Canada, so help me God. 11

Je, Beverley Marian 12
McLachlin, promet et jure solennellement et 13
sincèrement que je vais exercer bien fidèlement et 14
au mieux de ma capacité et de mes connaissances les 15
pouvoirs et les devoirs qui me sont confiés comme 16
l'un des juges de la Cour Sûpreme du Canada. Ainsi 17
Dieu me soit en aide. 18

DICKSON, CJ: I will now ask Madame 19
Justice McLachlin and Mr. Goulard to sign the 20
Register of Judges of this Court. Je vais maintenant 21
demander à madame le juge McLachlin et monsieur 22
Goulard de signer le registre des juges de la Cour. 23
(Signing of the Register - Signature du Registre) 24

DICKSON, CJ: Madame Justice McLachlin, 25

Mr. Minister, Mr. Attorney General, Mr. Peacock, 1
 members of Madame Justice McLachlin's family, 2
 distinguished guests, ladies and gentlemen: Today we 3
 welcome as a member of the Supreme Court of Canada 4
 Madame Justice Beverley McLachlin. Madame Justice 5
 McLachlin has firm roots in two of our great western 6
 provinces. She was born in Pincher Creek, Alberta, 7
 and studied at the University of Alberta where she 8
 received the degrees of Bachelor of Arts, Master of 9
 Arts in Philosophy, and the degree of LL.B. from that 10
 university's fine Faculty of Law. 11

Justice McLachlin was 12
 first admitted to the Alberta bar in 1969. She 13
 practiced in Edmonton for two years. In 1971, she 14
 was admitted to the British Columbia bar and has been 15
 a prominent member of the legal community in that 16
 province ever since. Justice McLachlin practiced 17
 with the firm of Bull, Housser & Tupper in Vancouver 18
 for three years and was then appointed to the 19
 Faculty of Law at the University of British Columbia 20
 where she attained the rank of associate professor 21
 with tenure. 22

Justice McLachlin's 23
 meteoric rise through the judiciary began eight years 24
 ago this month in April of 1981 when she was 25

appointed a judge of the County Court of Vancouver. 1
In only five months, she was elevated to the Supreme 2
Court of British Columbia. Four years later, in 3
1985, she was named a justice of the British Columbia 4
Court of Appeal. In September of last year, 1988, 5
she returned to the trial bench as Chief Justice of 6
the Supreme Court of British Columbia. 7

Since she was first called 8
to the bar a little more than twenty years ago, 9
Justice McLachlin has established a truly outstanding 10
reputation in her remarkable, many-faceted career. 11
She has distinguished herself as a practicing lawyer, 12
as an academic through both teaching and writing, for 13
the past eight years as one of the brightest stars in 14
the entire Canadian judiciary. She has filled 15
virtually every possible judicial office. Her rise 16
has been so rapid that the only possible criticism I 17
have heard is for some reason she does not seem to 18
be able to keep a job. But we all know the reason 19
for that. She is a remarkable person, a woman of 20
intelligence, integrity, industry, a woman we are 21
simply delighted to welcome to the Supreme Court of 22
Canada. 23

May I say that I am very 24
pleased so many fellow judges and friends are here 25

this morning. I would particularly like to thank 1
Chief Justice Allan McEachern, the Chief Justice of 2
British Columbia, and Mr. Justice Wallace for coming 3
here from Vancouver to celebrate this day with us. I 4
would also like to welcome Justice McLachlin's son, 5
Angus, to Ottawa. Angus, you will be very proud of 6
your mother today. I know you will miss your friends 7
in Vancouver, but I am confident we will have you 8
convinced Ottawa is a fine place to live before many 9
months go by. 10

Justice McLachlin takes 11
the place recently vacated by our senior puisne 12
judge, Justice William McIntyre. On an earlier 13
occasion when a woman was appointed to this Court, 14
her predecessor, and I hardly need add "a man", 15
observed: "I always said that no man will ever fill 16
my shoes." 17

We all greatly miss our 18
colleague, Justice McIntyre, but I know he joins me 19
and the other members of the Court in saying that we 20
have a superb successor in the person of Justice 21
Beverley McLachlin. 22

Aujourd'hui marque la 23
première journée de la session du printemps dans la 24
Cour. On inscrit à notre rôle une série d'affaires 25

importances cruciales autant pour les parties en 1
cause que pour le public canadien en général. 2

La nomination de notre 3
nouvelle collègue pour la sagesse et l'expérience 4
n'ont pas attendu le nombre des années. Elle 5
renouvelait notre sentiment de confiance dans nos 6
capacités de remplir nos tâches. 7

Le juge McLachlin incarne 8
les idéaux de justice d'équité et de compassion si 9
essentiels à notre processus judiciaire. Nul doute 10
qu'elle sera un atout pour cette Cour dans les années 11
à venir et c'est pour moi, un honneur, de me compter 12
parmi ses premiers collègues et d'être son, tout 13
premier, Juge en Chef dans cette Cour. 14

I would like now to call 15
upon the Minister of Justice for Canada, the 16
Honourable Doug Lewis, to address the Court. 17

THE HON. DOUG LEWIS: Madame Justice McLachlin, 18
Lord Chief Justice, My Ladies, My Lords, Mr. Attorney 19
General, President of the Canadian Bar Association, 20
Treasurer of the Law Society of British Columbia, 21
distinguished guests: I say at the outset that the 22
consultation process was a bit like Jules Verne's 23
"Around the World in 80 Days". My Lord Chief 24
Justice was contacted in Vienna. The President of 25

the Canadian Bar was in Beijing, China, on business - 1
I have offered to renew his passport later in the 2
day. Madame Justice McLachlin was on the Great 3
Barrier Reef in Australia. At that point, the Prime 4
Minister and I felt we might have missed a course at 5
law school. 6

This ceremony takes place 7
on the seventh anniversary of the coming into force 8
of the Canadian Charter of Rights and Freedoms and 9
the fourth anniversary of s. 15, the Charter's 10
equality rights section. While it is fitting that 11
this date should mark the swearing-in of the third 12
woman to become a member of the Supreme Court of 13
Canada, its symbolism does not derogate from Madame 14
Justice McLachlin's personal achievements to which I 15
will refer in a minute. 16

To serve on the nation's 17
highest court is the aspiration of many and the 18
achievement of a few. Il n'y a eu que soixante six 19
juges à la Cour Sûpreme depuis sa création jusqu'à 20
son présent. Je vous félicite, madame, et deviendra 21
ainsi, soixante septième juge de cet honorable 22
tribunal, le quatrième juge honoraire originait de la 23
Colombie-Britannique. 24

Her appointment has been 25

acclaimed for many reasons: a good, all-round 1
experience in the practice of law in small 2
communities and large metropolitan areas in Alberta 3
and British Columbia; a strong academic background, 4
including the publication of leading texts and 5
scholarly articles on a variety of subjects; judicial 6
experience at the county, supreme, and appeal levels 7
of court, and as Chief Justice of one of the 8
nation's busiest trial courts; the capacity to bring 9
to this Court and to work in both official languages; 10
and the admiration and high regard of the legal 11
profession and your judicial colleagues in British 12
Columbia. You bring to the Supreme Court of Canada 13
the determination, courage and initiative, for which 14
your new colleagues are already well known, which 15
will help you meet the challenges of the future, 16
joining with them in the vital work of the Court on 17
behalf of the people of Canada. 18

The ability of the Court 19
to chart the course of the law is of the utmost 20
importance in this time of change. The Supreme 21
Court of Canada is uniquely placed to influence the 22
law in this country. The Court has the power to 23
select cases of national importance that it will 24
hear. It has the ability to exercise a creative role 25

in the development of the law that will affect 1
Canadian society now and in the 21st century. 2

Many commentators have 3
remarked on what they regard as the particular 4
strength of the Supreme Court at this point in its 5
history. Canada is fortunate that this should be so, 6
for we live in a period of change which is remarkable 7
for its swiftness and its persuasiveness. 8

Ces changements ne sont 9
pas uniquement vu à la Charte, nous fait mieux 10
connaître nos droits et nous encourage à les 11
affirmer. Ces changements ont été davantage 12
engendrés par une diversité de facteurs telles que 13
l'importante prise par l'inflation, la révolution 14
technologique, l'abilité de notre société, la 15
production de notre assemblée législative. 16

Canadians need assurance 17
that law and justice are co-extensive, that everyone 18
is indeed equal before the law, and even the least of 19
us, among many, may assert his or her rights openly 20
and easily before the courts. We look to this Court 21
for that reassurance and place our trust in its wisdom 22
with confidence. 23

To you, My Lady, to your 24
son and to your family, I offer congratulations and 25

best wishes on behalf of the Prime Minister and the 1
Government of Canada as you commence this latest stage 2
in a truly remarkable career. 3

DICKSON, CJ: Thank you, Mr. Minister. 4

I would now call upon the 5
Attorney General for British Columbia, the Honourable 6
Bud Smith, to address the Court. 7

THE HON. BUD SMITH: My Lord Chief Justice, 8
Madame Justice McLachlin, My Ladies, My Lords, the 9
Honourable Attorney General of Canada, my colleagues 10
at the bar, distinguished guests, ladies and 11
gentlemen: Two months ago today, My Lord Chief 12
Justice, you presided in this courtroom on the 13
occasion of the retirement of Mr. Justice William 14
McIntyre. In a most deserved tribute to His Lordship 15
and supportive wife, you commented on the good 16
fortune of British Columbia at reclaiming them in 17
their retirement. British Columbia is indeed proud to 18
have that honour. 19

This is another proud day 20
for British Columbia, but more important, it is a 21
great and significant day for Canada. In the 22
expectation that some thirty years from now our 23
province will again play a reclaiming role from the 24
distinguished bench at the front of this room, we are 25

most happy that all of Canada during the interim 1
period of time will have available the qualities of 2
scholarship and humanity that have led to the meteoric 3
rise of Madame Justice McLachlin within the judicial 4
framework of our country. 5

Madame Justice McLachlin's 6
career has been most ably outlined by My Lord, the 7
Chief Justice. Her background is Western Canada. It 8
combines birth and education on the prairies with a 9
professional career in the distinct Pacific region of 10
west British Columbia, a province with the third 11
largest population of the provinces of Canada. 12

With a start and schooling 13
on the prairies and the opportunity to mature and 14
bloom in British Columbia, Justice McLachlin has taken 15
full opportunity to successfully build upon those 16
early years of her life. As a practitioner, professor 17
and jurist, she has excelled at all her undertakings. 18
But allow me to expand for a moment on the qualities 19
of scholarship and humanity that I have mentioned, 20
for they surely lie at the root of the success story 21
that is portrayed before us today. 22

Madame Justice McLachlin's 23
scholarship is evidenced in many judicial decisions 24
she has rendered. "Incisive", "practical" and 25

"contemporary" are applicable adjectives that come 1
quickly to mind. She has shown full respect for the 2
jurisprudence of the past, coupled with the ability to 3
apply that jurisprudence with appropriate clarity to 4
the issues, not of yesterday, but of today, and often 5
with an appreciation of our society as it will be 6
tomorrow. That you have gained a colleague, My Lord 7
Chief Justice, My Ladies and My Lords, with a fervent 8
love for and knowledge of the law, there is no 9
question or doubt. 10

The Court has gained much 11
more than academic excellence. In describing the 12
"humanity" of My Lady, patience, understanding, 13
warmth, courtesy and an abiding dedication to 14
fairness come to mind. To be a good judge, it is of 15
considerable help, I am humbly sure, to have a 16
reasonable grasp of the law, but the humanity of the 17
body and the sole is surely the preemptive 18
characteristic of all. With that ingredient, Madame 19
Justice McLachlin comes with abundance. That is why 20
this is a great day for Canada, because with the 21
significance that the Charter of Rights and Freedoms 22
has for all Canadians and the interpretation to be 23
put upon it by this Court, a respective jurist today 24
joins this honoured court to play her part, not only 25

in contributing to that interpretation, but more 1
generally in enhancing the fabric of Canadian society. 2

As I close these brief 3
remarks, I wish to address a word or two to Angus 4
McLachlin. I am sure, Angus, that today you are most 5
proud of your mother and you have every right to be. 6
I know she has been and will be a loyal and devoted 7
mother to you, and you will take great pride, I am 8
sure, in sharing her talents and gifts with all of 9
Canada. 10

With the great legacies 11
left behind on this Court by British Columbians who 12
have served here with distinction, Sir Lymon Duff, Mr. 13
Justice Locke, Mr. Justice William McIntyre, and with 14
full knowledge, Madame Justice McLachlin, that you 15
will make the same significant contribution as those 16
who have gone before you from our great province, I, 17
on behalf of the premier, the government, and the 18
people of British Columbia, extend to you our warmest 19
congratulations and every good wish. 20

DICKSON, CJ: Thank you, Mr. Attorney 21
General. 22

I now call upon Mr. Pat 23
Peacock, President of the Canadian Bar Association, to 24
address the Court. 25

MR. PEACOCK: My Lord, the Chief Justice 1
of Canada, My Ladies and My Lords of the Supreme 2
Court, My Lady Madame Justice McLachlin, Mr. Minister, 3
Mr. Attorney General, Mr. Treasurer, Angus, 4
distinguished guests, fellow members of the bar and 5
ladies and gentlemen: Since I became the President of 6
the Canadian Bar, I have, as a result of commitments 7
on my time and hectic travel schedule, been unable to 8
personally attend previous ceremonies of the Court in 9
the past year. In particular, I was unable to attend 10
the swearing-in ceremony for Mr. Justice Cory and Mr. 11
Justice Gonthier, but I understand my vice-president, 12
Mr. Jennings, attended on my behalf and conducted 13
himself beyond reproach. 14

J'aimerais débiter mes 15
propos, ce matin, par des félicitations personnelles 16
et mes meilleurs voeux à vous, M. le juge Cory, ainsi 17
qu'à M. le juge Gonthier, pour vos récentes 18
nominations à la Cour Suprême. 19

It is a particular personal 20
pleasure for me to have the opportunity to attend in 21
person to provide my congratulations and those of the 22
Canadian Bar Association to you, Madame Justice 23
McLachlin, on this special occasion. My association 24
with you, Beverley McLachlin, dates back twenty-four 25

