

and June 20

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JUDGES' CHAMBERS
SUPREME COURT OF CANADA
OTTAWA

June Seventh,
1 9 6 2.

The Honourable Mr. Justice V. C. MacDonald,
The Law Courts,
Spring Garden Road,
HALIFAX, Nova Scotia.

Dear Vince:

In the course of referring to the Second Edition of Fleming on the Law of Torts (1961), I am pleased to see that he incorporates in his chapter on "The Duty of Care" the following splendid sentence from your decision in Nova Mink:

"This element of reasonable prevision of expectable harm soon came to be associated with a fictional Reasonable Man whose apprehensions of harm became the touchstone of the existence of duty in the same way as his conduct in the face of such apprehended harm became the standard of conformity to that duty."

This quotation occurs at page 140 but there are further quotations from the same judgment at pp. 144 and 166. You are no doubt familiar with this tribute from Mr. Fleming as I think at least one of the quotations occurs in his First Edition, but I thought you would be glad to know that your views on this subject are engaging the attention of members of this Court as well as that of the learned writer.

I hope to see you before the summer is over.

Yours,

Roland A. Ritchie.

RAR:MEP

A-32



JUDGES' CHAMBERS
SUPREME COURT OF CANADA
OTTAWA

March First,
1 9 6 1.

The Hon. Mr. Justice V. C. MacDonald,
The Law Courts,
Spring Garden Road,
HALIFAX, Nova Scotia.

Dear Vince:

I have to thank you for sending me your "view from the outside". I need hardly say that I have found it of the greatest interest and that it has caused me to marvel once again at how you manage to be so sound and so stimulating at the same time.

I hasten to assure you that there doesn't appear to me to be any danger of your judicial lowliness paralysing your critical faculties as you suggest on page 12. In this regard I have noted well that you refer to your own Court as one which "officially is inferior to the Court whose decision and methods" you are reviewing.

I hope to see you before the summer.

Yours sincerely,

Roland A. Ritchie.

RAR:MEP