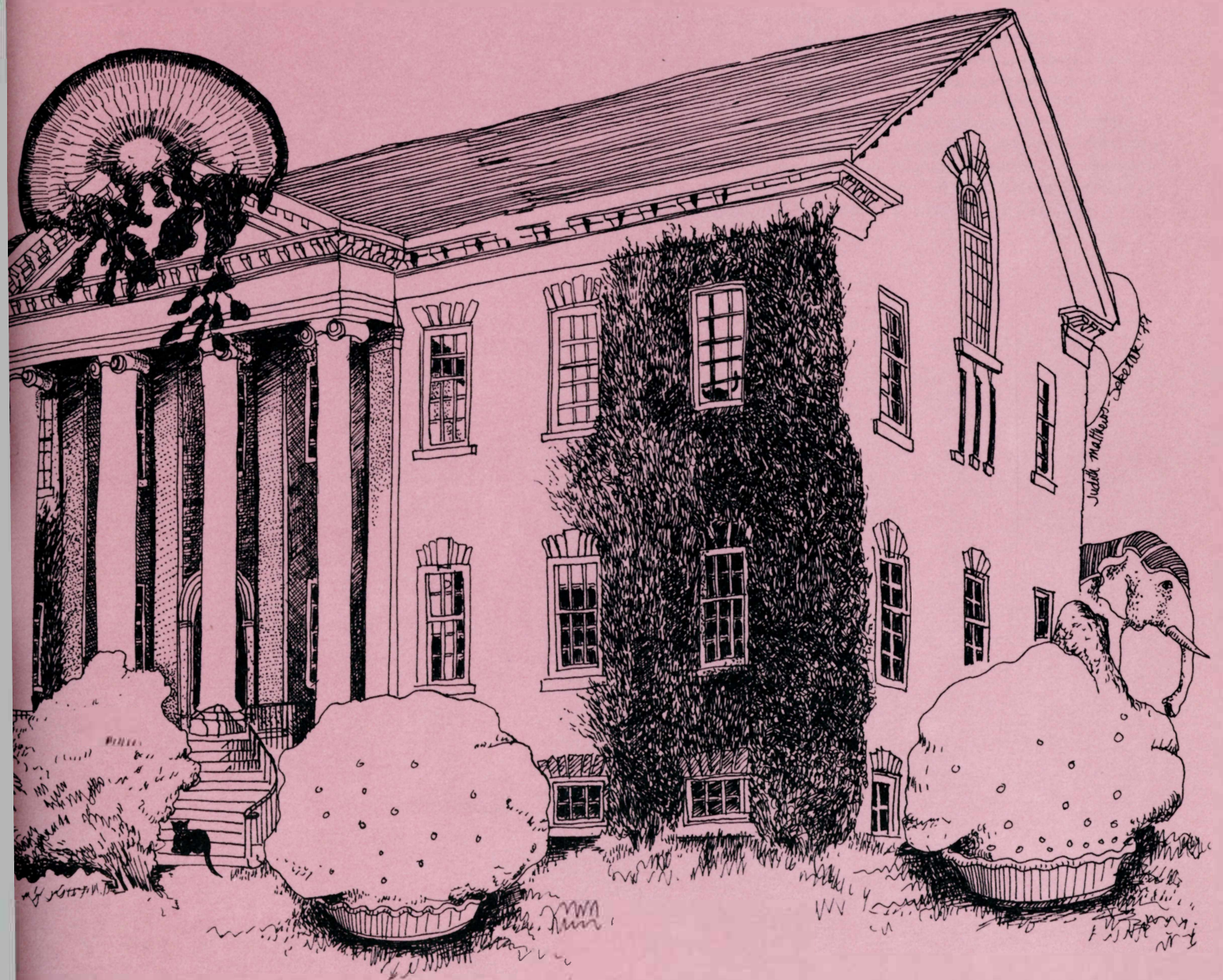


Ansul

DEC 1977



Foreword

In this second special edition of *Ansul*, we continue the series of personal reminiscences and reflections on the Dalhousie Law School and the City of Halifax as presented by a number of graduates and friends of the School. Our contributors record their experiences and impressions from the beginning of this century up to and including the early 1960's. You will be pleased to hear that the formal history of the Law School, currently being prepared by Professor John Willis, should be published during the 1978-79 academic session. When we have completed both the reminiscences and the history, we plan to assemble a comprehensive collection of archival material in preparation for our centennery celebrations in 1983. We invite each of you to share in this undertaking by sending us any of your own photographs and records which would be appropriate for the archives. We feel confident that these three projects — the *Ansul*, the history, and the archives — will help to preserve the heritage of our past and highlight the promise of our future as a unique law school contributing significantly to a diversified Canada.

Ronald St. John Macdonald,
Dean.

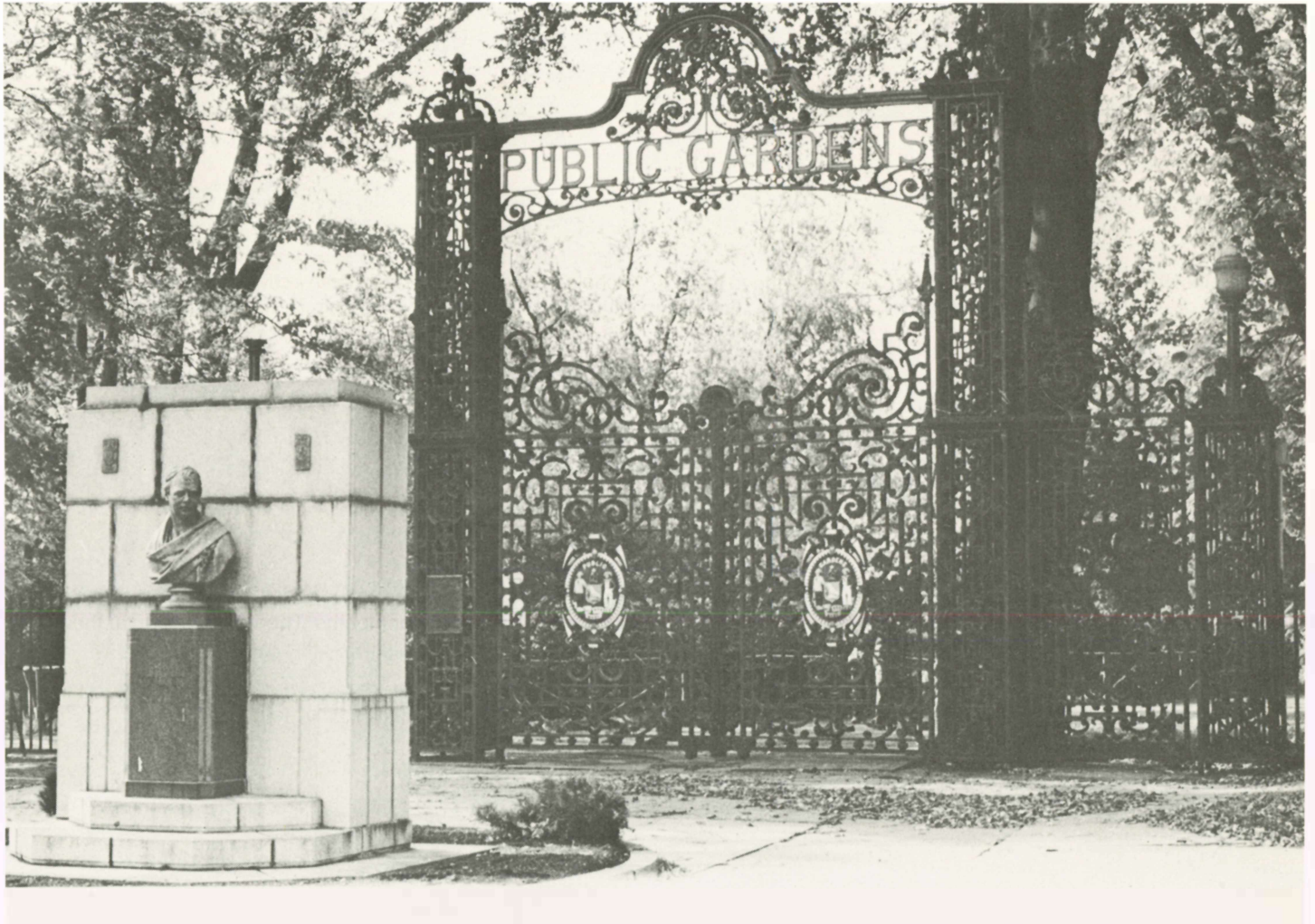
Nova Scotia

*I've travelled the streets of your little towns,
Your village roads I have trod,
I've wandered over your inland farms,
And trampled on the upturned sod.
Your woodlands I've roamed, where the pine and fir,
The maple and birch trees grow;
I have climbed the hills where the lookoffs are,
And walked in the valleys below.
I have followed your rivers, fished in your lakes,
And waded your little brooks;
Along the banks of the singing streams
I have found your beflowered nooks.
In little white boats your harbours I've sailed,
I have played on your sandy shores,
On your sparkling boulders of granite I've stood,
Where the green sea rolls and roars.
By ferry and scow I have crossed the bays
To visit your friendly isles;
I've traversed your mainland time and again,
Stirred by the picturesque miles.
The dykes, the meadows, the orchards I've seen,
The cliffs and the coves on the coast;
I have lived with your grandeur and loveliness,
And the privilege is mine to boast.*

Ethel N. Faulkner.

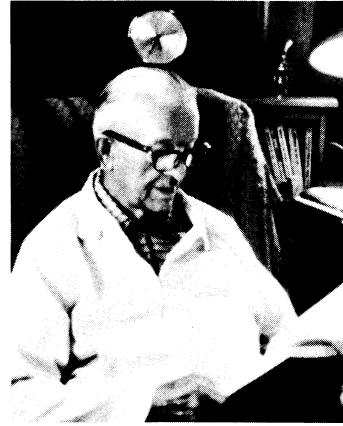
In my day at Dalhousie Law School vol.2

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Lloyd H. Fenerty

was a partner in the firm of Fenerty, Robertson, Prowse, Fraser, Bell & Hatch in Calgary. His reminiscences were received at the Law School shortly before his death on May 29, 1977.



I was born and lived at "Brookdale", on the St. Margaret's Bay Road, where the brook from the chain lakes crosses the road and runs into Chocole Lake. I walked to the arm bridge and took the horse-drawn bus into the city and generally walked home. The arm bridge was a landmark to everyone in Halifax. It was not a bridge over the arm. It was a bridge over a small stream that ran parallel to the Dutch Village Road, on the town side. This little stream ran into the head of the arm. My only surviving niece still lives in a small cottage on Fenerty Road near the old homestead. The Fenerty property extends upwards of a mile west through which the new St. Margaret's Bay Road ran for about one mile. The remains of the old road can still be seen just west and to the right of the present road, west of where the brook crosses the road.

Charles Fenerty, who was, I think, an older cousin of my father's, had a farm and a small saw mill at Upper Sackville. My father and mother used to visit Charles Fenerty several times a year, driving a "surrey with a fringe on top". I accompanied them as a very small boy and on the return trip, at night, I always slept on the floor of the carriage on a rug between their feet.

Charles Fenerty was the inventor of paper manufactured from wood fiber. He never bothered to protect the procedure by letters patent, but my father had in his possession a letter from Charles Fenerty enclosing a sample of such paper, thin blotting paper, yellow-brown in colour. The letter stated that Charles Fenerty thought that he would leave it to others to refine the process for what it was worth. It developed that someone in Europe made the same discovery independently, at about the same time, but this was not known for some years afterwards. What an opportunity that invention would have been to accumulate a fortune!!! However, after Charles Fenerty's death, the Nova Scotia historical society erected a granite monument in honour of his memory at the roadside of his original farm at Upper Sackville and my father had the honour of unveiling it.

When I was attending the Halifax county academy at the turn of the century, around 1898, the Halifax street cars ran on rails, but were drawn by horses, a pair of clydes or percherons. At the corner of Barrington Street and Spring Garden Road, near the old theatre and St. Mary's Cathedral, there is a slight hill going up Spring Garden Road. Street cars coming south on Barrington Street and turning uphill on Spring Garden Road were drawn by a pair of percherons or clydesdale horses. An extra horse was stationed at the corner and was hitched on to each streetcar going up Spring Garden Road, past St. Mary's Cathedral, on one side, and the old cemetery and court house, on the other side. On reaching level ground, the extra horse was detached and returned to the corner of Barrington Street, ready to repeat the performance when the next car was going west.

I graduated from Dalhousie Law School in April 1905 and was admitted to the Bar of the Province of Nova Scotia in October of

that year. I was articled to the late R. E. Harris, of the leading Halifax firm of Harris, Henry and Cahan. I practised in Halifax for seven years, from the autumn of 1905 until June of 1912, when I came west to Calgary to join the late H. P. O. Savary in a three man firm. Mr. Savary, the son of the late Judge Savary of Annapolis, practised with another leading firm in the City of Halifax, Messrs. Borden, Ritchie and Chisholm. Savary came to Calgary in 1908. He and I agreed that a three man firm was the "ideal" size for Calgary. At the present time, the firm has thirty-one members and an overall staff of around seventy. One of my grandsons, as well as my son, who, incidentally, is a Rhodes Scholar and head of the firm, is an active associate. I believe that this was, and still is, the only case of three generations being in active practice in the same law firm in Alberta. When I came to Calgary in 1912, I was accompanied by my wife, a granddaughter of John Doull, who was a wholesale merchant of the firm of Doull and Miller, and by my son and daughter. It took five days to come from Halifax by train.

During my three years at Law School I lived at home, near the head of the Northwest Arm, and was not, so to speak, integrated into the life of the university generally. Life was not as hectic then as it is now. For one thing, we had a chess club, of all things, with quite a few women members. I never heard of a woman chess player before or since, but some of them were excellent. We met once a week in the winter months. Then we had regular theatre entertainment and, later, moving pictures. We even had a nickleodian, price five cents, for a while. Many of the men were members of various clubs and other organizations. My brother was a member of an all-Canadian football club which toured the Old Country and I was active in tennis, cricket, football, baseball, hockey and badminton, which took up quite a bit of time.

Dr. John Forrest was president of the university and Dean Weldon headed the Law School. Dr. Forrest was commonly referred to by the students as "Lord John". Dean Weldon was an imposing figure who made a deep impression on all of us. He was in large measure responsible for the high professional reputation enjoyed by the School and its graduates, many of whom settled in the prairie provinces. He acted as counsel for Canada in several disputes with the United States and often entertained us with details of those disputes. I can well remember one of his remarks about a boundary dispute with the State of Maine. He said to the United States Commissioner sitting on that hearing: "You are a great nation of some sixty million people, conscious of your might. We are a small nation of some fifteen million people, conscious of our rights." Unfortunately, there is no evidence that this or other cogent arguments were successful in swaying the chairman of the commission who, of course, had the casting vote. As in several other boundary awards that might be mentioned, it would appear that the outcome had practically been decided in advance. I should add, perhaps, that at no time did Dean Weldon ever breathe such a suggestion. Weldon was an heroic figure. He deeply impressed us all.

Closely associated with Weldon and also largely responsible for the fine reputation of the Law School was the Honourable Benjamin Russell, a supreme court judge, usually referred to by the students as "Benny". He was small in stature, with a fund of good humour and very popular with the students. He had edited some of the early Nova Scotia law reports and was the author of "Russell on Contracts", which, while used, never replaced Anson in our courses. I think it can safely be said that Benny's claim to fame rests on his record as a teacher in the Law School, where, I think, he was the only paid teacher other than Dean Weldon. There is no doubt however about his universal popularity at Dalhousie. Others who lectured to the law classes were: H. A. Lovett, on company law; Hector McInnes, procedure; Judge Wallace, criminal law; C. H. Cahan, companies; and Dean Weldon, international law: a notable company of leading students and professors of the law. Some years ago, a westerner put this question to Harry Patterson, a Dalhousie law graduate: "How come, if you Dalhousie men are such able lawyers, that you all come west when you graduate?" Patterson replied, "Because we couldn't compete with the former students practising in Halifax!"

In 1913 a University of Calgary was established by statute. It functioned for one year and went out of existence on the outbreak of the first world war. Its operations were confined to a law school of about fifteen to twenty students. The faculty consisted of J. E. A. McLeod, W. Kent Power, and myself, with Mr. McLeod as dean. We were all Dalhousie law graduates. A number of those first year students subsequently became prominent as judges, in public affairs, and in practice. It may be a matter of interest to the present staff at Dalhousie to know that the entire faculty of this first school at Calgary consisted of graduates of Dalhousie Law School, though Dalhousie graduates represented only a small portion of Canadian law graduates in Alberta at that time. This indicates very clearly the rather remarkable reputation that the old law school enjoyed and continues to enjoy throughout Canada.

I was an active motorist in Halifax. I started in 1910 with a Maxwell runabout, a little one-seater with no top and no wind-shield. The motor association of Halifax consisted of nine or ten prominent citizens and one struggling young lawyer. The horses took off in all directions when confronted by a car. I well remember when a motorist nearly ran over a supreme court judge, who escaped by leaping into a sight-seeing streetcar that was passing by. He complained to the chief of police, who promptly set out speed traps. Our chief, while a fine policeman, was also aware of the realities of life, and, mindful that five or six prominent citizens were involved, he took care to warn us in advance. But the warning was ineffective and we were all summoned for speeding. The speed limit in the City of Halifax for motor cars was seven and a half miles per hour. I was caught at eight m.p.h. and duly fined One Saturday afternoon my wife and I were driving around Bedford Basin. We had to pass over a railway crossing on the Dartmouth side, where we were held up while workmen replaced the planks between the rails. While I was waiting to get across,

another well-known motorist arrived. He declined to wait, took a run at the bare rails, and blew out both front tires!!

Perhaps my most humorous adventure occurred while I was driving to my office in the St. Paul Building after lunch. At the top of the first hill towards town, on the other side of the arm, I noticed the formidable figure of Sir James Macdonald, retired chief justice of Nova Scotia. He was standing on the side of the road, a formal and majestic figure well over six feet tall and weighing perhaps two hundred and thirty pounds. He was formally attired in frock coat and "stove pipe" top hat, which he wore at all times. He had been in retirement for several years. I stopped my little Maxwell runabout and asked if I could drive him anywhere. "Yes, young man," he replied, "you can drive me through Point Pleasant Park." Cars were not permitted in Point Pleasant Park. After pondering the situation, I decided to drive to the Metropole Building on Hollis Street, where his son James had a law office on the first floor. When I arrived at the office, I excused myself, saying that I had an errand to do, and, fortunately, met Jim Macdonald halfway up the first flight of stairs. He had been telephoned by a spectator who had seen me pick up Sir James, and was on his way to my office, two blocks away, fearing the worst. He enquired in an excited voice, "What have you done with father?" I explained that he was in my car in front of the building. After allowing a discreet time to pass I ventured down to find my car empty and everything quiet.

I heard nothing more about the incident until one day, a month or two later, when I was waiting for a case to finish in the appeal court. The crier came up to me and said, "Mr. Justice Meagher wants you to approach the bench." The judge was in the nearest seat to the door, so I was able to approach him on the aisle. He bent down and whispered, "I hear you kidnapped old Macdonald." I admitted to some involvement, but after retiring to my seat and watching the news communicated to the other judges, who, in turn, smiled at me, I left the room. The judges were Townsend, Graham, Russell, and Meagher. It turned out that a Miss Annie Dence, who ran a grocery store, known as Dences Hill, at the top of the first hill on Quinpool Road, towards the arm, had seen the incident and telephoned Mr. James Macdonald, just as I had entered the Metropole Building; hence the stairway meeting.

My office on the third floor of the St. Paul Building was about twenty-two feet square. I had an office partner, Ira MacKay, who was older than I. When one of us had a client, the other stepped out into the hall or visited the court house, either to file court papers or search titles. MacKay had a wonderful career. He went to Winnipeg, then to the new law school in Saskatchewan, and then to McGill where he ended up as dean of arts and science. At all events, when he went to Winnipeg, I took on the whole office at twenty dollars per month. My landlord, the late George Wright, owned a number of small buildings in Halifax and I collected rents for him from defaulters. I always managed it that my monthly

"Brookdale"

rental was less than my outstanding fees. My instincts for survival served me reasonable well in later years.

A few days ago I was reading a biography of Max Aitken, afterwards Lord Beaverbrook. I came across a statement he made to the effect that when, in company with several prominent Halifax men, he was organizing Royal Securities Ltd., John F. Stairs and R. E. Harris had made certain promises to him in the event that the promotion turned out to be a success. It was indicated that Mr. Stairs lived up to his obligation but that Mr. Harris did not, the obligation being that he, Aitken, would become the President of Royal Securities. I suspect that if the statement is true, I am the only person in the world who knows the reason.

In 1902-03 I was a law student in the Harris office, in charge of the library. Mr. Harris rushed into the library one day and told me to get Palmer's Company Law from Max Aitken, who had borrowed it. Aitken had a small office on Granville Street, a couple of blocks from the St. Paul Building where the Harris offices were located. At that time, Aitken was representing an insurance company as well as assisting Stairs and Harris in the organization of Royal Securities. Aitken was boning up on company law. In fact, I think that Royal Securities was his start and his first success. In any event, I went down to his office and requested the book. He asked who wanted it, and I told him that Mr. Harris wanted it right away. His reply was, "Tell him to go to hell!" I returned to the law library and in due course R. E. rushed in to enquire about the book. I conveyed Aitken's message and that was the last I heard of it. However, on reading in the biography referred to above, a statement to the effect that Max Aitken, as a young man, always regarded himself as on a level with his seniors, the incident came back to my mind.

I have always felt that in Nova Scotia, as in the Highlands of Scotland, "the blood is strong", as witnessed by the fact that today the Premier of Alberta and a Vice-President of Imperial Oil are the sons of a Halifax girl, as well as brothers. Incidentally, A. A. McGillivray, who appears in the Law School hockey team picture sent to the Law School recently, was an outstanding athlete. He practised for years in Alberta, where he was a leading counsel. He then served with distinction on the appeal court in Alberta, and his son, who served his articles with me, is now chief justice of Alberta. The chief justice was one of three supreme court judges, members of my firm, appointed to the bench in Alberta within the last three years.

In reading over this screed, I realize that I have travelled far afield from the old Law School. But perhaps the matters referred to may be of general interest about a period that is now some three-quarters of a century ago.



*Law Students' Dinner,
Queen Hotel, Wednesday, November 19, 1913.*



James E. Porter

*is President of Porter's Limited,
Perth, New Brunswick.*



My first visit to Dalhousie was in the spring of 1915, as leader of the University of the New Brunswick debating team. The subject was the customs tariff. The judges awarded the debate to Dalhousie, but our defeat was alleviated by the hospitality we received during our stay. Several U.N.B. alumni, enrolled at Dalhousie Law School, contributed to our entertainment and altogether I left with a favourable impression. After graduating from U.N.B. in May, 1916, I decided to enter law school. Some of my classmates and legal friends favoured Dalhousie and some Harvard. I sent my credentials — a B.A. with first class honours — to both schools and was accepted by both of them. I spent the summer on my father's farm, considering which school to enter. The deciding factor was that I had taken four law subjects in my Arts course, contracts, torts, crimes, and constitutional law, which would allow me to complete an LL.B at Dalhousie in two years, whereas Harvard would require three. The first world war was creating a demand for manpower, at home and abroad, and I thought that the maxim "time is of the essence" applied. So I decided to go to Dalhousie.

I arrived in Halifax by train in September, 1916. After completing registration, I inquired about living accommodation. As the major seaport for Canada's war effort, Halifax was bulging at the seams. Many families of army, navy, airforce and merchant marine personnel were in the city to be near the members of their families in the services. Miss Natalie Littler, in the Registrar's Office helped me to find living quarters. Rooms within walking distance of the Law School were scarce and expensive. I finally went to Pine Hill where I secured a single room and board at reasonable rates. There was a spirit of camaraderie at Pine Hill and the room and food were fairly good. The main drawback was the distance from the Law School and from downtown. Few students had cars. Buses or street cars were infrequent or non-existent, so "shanksmare" was the usual way of going to classes or downtown.

In my first class, Dean MacRae gave us a warm welcome. His lectures on the history of English law were lengthy and detailed, sometimes a bit boring; however, anyone attentive during his course acquired a good knowledge of the development of the common law of England. I was impressed with the dean's knowledge of Latin. He could rattle off the Latin words without difficulty and he advised the class to learn them. I think that he must have taught Latin at one time.

It took me some time to become familiar with the law library. Other new students had the same problem. I remember J. J. McIsaac from Saskatchewan trying to find a case in the C.B.N.S. reports. He asked an upper class man, who said that that was one of the Cape Breton reports. This information was passed around and McIsaac spent hours looking for the Cape Breton reports, to the amusement of the onlookers.

The only person at the Law School I had known previously was A. D. Campbell from Sydney. Known as "Hump" Campbell, he had been a successful rugby coach at U.N.B. After greeting me warmly, he invited me to come out for rugby practice. I had not planned to play but to put my time on the books. But after viewing one practice, I joined the squad. I had played in the backfield with U.N.B. and Hump selected me as flying quarter. My job was to receive the ball from the receiving quarter and pass it to the half line. We had a fairly successful year. Near the end of the season, while playing our old rivals, the Wanderers, I got a severe tackle. After being helped from the field, I found that I had a cracked ankle. I was confined to Pine Hill, with a cast on my leg and a pair of crutches. Many of the students dropped in to cheer me up. I played a lot of cribbage and two handed bridge. My main problem, when I was able to use the crutches, was transportation to classes. Finally, I managed to secure room and board with the janitor, Mr. and Mrs. Alex Anderson, in the basement of the Forrest Building. The Andersons were very kind to me and it was convenient to travel on crutches to the elevator and then to the lecture rooms and library. While my activities were restricted, I had a lot of time to catch up on the lectures I had missed.

One of the projects I had to abandon because of my football injury was the C.O.T.C. course given by Colonel Stewart of the Dalhousie medical school. He had a real Scottish accent and a large class of interested students. He was an excellent instructor and kept the attention of all of us. Besides the lectures, and K. R. and O. Manual, we had rifle practice and foot drill. I had taken a similar C.O.T.C. course the previous year at U.N.B., when only seven out of seventy-five had been granted commissions, by a former British army officer. I am confident that Colonel Stewart's class produced more successful candidates.

The Christmas holiday was a welcome respite. I left the crutches at home and returned to Halifax feeling rested and eager to resume classes. And winter passed quickly. World War I was raging in Europe. Russia had collapsed. The United States was on the verge of war and finally declared war. A Union Government was formed in Canada. There were few festivities at Dalhousie. The law students studied diligently and seldom missed classes.

I did not stay for convocation in the spring of 1917. My father had poor health and he turned the operation of his farm over to my brother and me. We planted one hundred acres of potatoes with horses. Tractors were not available, gasoline was rationed, and farm help was scarce. We bought more horses and worked two shifts daily, from daylight to noon till dark. We had an excellent crop. I continued on the farm through 1918 and the spring and summer of 1919. Help was scarce but farm prices were good. In the fall of 1919, potatoes were selling for around five dollars per barrel, which was then considered very high. I decided there were easier ways than farming to make a living and planned to return to law school.

I arrived back in Halifax in September, 1919, registered, and paid the full tuition for the entire year. Shortly before exam time, in the spring, I received a bill for the year's tuition, with a note that payment was required before sitting the examinations. I found my receipt, dated September, and showed it. Miss Littler allowed as how it was unusual to pay such a large amount at the beginning of the year. I had a good rooming house, including breakfast, within easy walking distance of the Forrest Building, with Mrs. Pineo. She had three students. I had a single room on top floor. Joe MacQuarrie and Art Goode had a double room below me. We soon became friends.

My three summers on the farm had put me in good physical condition. Joe MacQuarrie and Art Goode were on the Dal rugby team. They urged me to come out to practice. When Hump Campbell asked me to join the squad, I agreed to do so if I could play fullback. I had had enough of flying quarter. He agreed. So I again donned a Dal outfit. The rugby team that fall had at least six graduates of other universities who had considerable rugby experience, including Gus MacGillivery, captain of the team, and Angus L. Macdonald, from St. Francis Xavier; Joe MacQuarrie from Acadia; and Bill Ernst from Kings. In our first game, with the Wanderers, we rolled up about three times the score of our opponents. In the intercollegiate league, graduates of any university were barred from playing. So, in the second game with the Wanderers, our coach used the team slated to play in the intercollegiate series. It was a close contest, with Dal the winner. The Dal intercollegiate team played off with Acadia that fall for the trophy and won by a wide margin. I remember attending a dinner for the team at the close of the season. I don't recall the menu but there were plenty of refreshments. It was a dark rainy night. I got home before midnight. Some time before daylight Joe and Art arrived. One had fallen into a trench and the other had jumped in to help him out. They were covered with mud but suffered no ill effects, except the need to have their clothes dry cleaned.

The visit of Edward, Prince of Wales, to Halifax in the fall of 1919 was a memorable occasion. He visited Dalhousie University as part of his city tour. It was a beautiful fall day when he was escorted across the campus. He was youthful, smartly dressed, and very good looking. He made a favourable impression on the students, particularly the co-eds. Our esteem increased when the Prince requested a holiday, which was granted.

The classes that fall were swollen with returned veterans, some to resume interrupted courses, others to start new courses. Our class was eager to graduate as soon as possible. There was a determination to work hard to acquire all the knowledge available and to get started in the profession without further delay. Competition was very keen. I decided not to go home to Andover, New Brunswick, for Christmas. It was a two day train journey each way. So I stayed in Halifax where I spent most of my time going over my notes and cases.

In my final year I became more familiar with the characteristics of our lecturers. Dean MacRae had his material well prepared and delivered it in an unhurried manner. There was no problem in taking notes. He would occasionally test the class on its knowledge of latin; but he was always ready to discuss any problem with a student. The more I had to do with him, the more esteem I had for him. Mr. Justice Russell — "Benny" — was a small man who spoke quickly. One had to be alert to take notes. He referred to the many cases he had tried as examples either of good law or bad law. His favourite expression, which he used in almost every lecture, was that "half a loaf is better than no bread at all." I always enjoyed his classes. I remember the dinner he gave for the 1920 law graduates. It was a formal affair with appropriate toasts and an excellent menu. As far as I can remember, it was the only formal dinner given to me during my time at Dalhousie. J. MacGregor Stewart was another lecturer who impressed me. He took a practical view of any cases discussed in class and also of the problems encountered by a young lawyer. Although handicapped physically, he had a keen interest in athletics and seldom missed a Dalhousie football game. George Patterson, county court judge from Pictou, lectured on evidence. He had to travel from New Glasgow to Halifax to meet his class, which in itself showed his devotion to the Law School. He frequently discussed cases from his own court to illustrate the rules of evidence. He had a friendly manner and I liked his lectures.

The winter months passed quickly. There was very little organized social life for the law students. To get some exercise, I turned out for basketball practices. I had played on the U.N.B. team and enjoyed the game. We had a law team in an intra-mural league, playing our games in the Y.M.C.A. Our team won all its games until the night the street cars were stalled by a power failure. The opposing team insisted on starting on schedule. Bill Ernst was the captain and he took the floor with only four players. By the time the rest of us arrived, our team was so far behind we could not catch up.

As spring approached, the tempo of our studies increased. Every member of our class was determined to graduate. In fact, nine students did graduate that May, and three others received degrees in absentia, making a total of twelve LL.B. degrees conferred. There were a few social events before convocation. We said our farewells to our friends and classmates. I saw a few of them at the 1935 general reunion; but, alas, I never saw most of them again.

I spent the summer of 1920 preparing for the New Brunswick bar exams in the fall. My efforts at Dalhousie were rewarded when I received the highest marks of those admitted to the New Brunswick bar that fall. I looked around for a place to practice but, failing to find anything appealing, I decided to follow Horace Greeley's advice to go west. I went to Sackatchewan. Eventually I

got in touch with W. R. Kinsman, a Dalhousie graduate a few years my senior. He had been in a four member firm. The senior member was appointed to the bench. The other two brothers formed their own firm. Kinsman suggested that I come into his office to carry on a two member firm. I agreed. Regina, the legal and political centre of the province, appealed to me as a good place to live and work. I had to take an examination in Saskatchewan statutes and pay an admission fee of \$500.00 before being admitted.

The firm of Kinsman and Porter occupied the third floor of the Western Trust Building in Regina, more space than we really needed, on the promise of enough work for the trust company to pay the rent. We had the account of the Colonial Trust and Mortgage Company for Saskatchewan and various Regina clients. In addition, I usually spent one day a week in Stoughton, Sask., and Kinsman made out-of-town trips elsewhere. At that time, 1922, Regina had a population of around 35,000. There were about two-hundred lawyers in the city. Competition for legal services was keen. The provincial department of justice had a large staff and there was a lot of agency work for lawyers throughout the province.

In the early 1920's, the prairie provinces were very prosperous. The farmers had received the government ceiling price of \$3.25 per bushel for all the wheat they could produce. Beef and pork prices were good, land values were increasing, and the regional economy flourished. By the mid-twenties there was a slow-down. Prices for farm products declined sharply, more foreclosures took place, and some of the younger lawyers were leaving Regina for towns in Saskatchewan or taking civil service positions in Regina or Ottawa.

During the summer months, I made several trips to my home in New Brunswick. My father and older brother suggested that I

return to join a family firm engaged in a thriving potato business. In the summer of 1925 my brother made me an attractive offer. My parents urged me to accept. It was a difficult decision to make. I had been admitted to the Bars of New Brunswick and Saskatchewan and I enjoyed my work in the profession. However, after five years of practice, I was barely making a living and the economic outlook was not promising. Business offered me considerably more money and the prospects were good. From a social stand-point I was happy living in Regina. I had made a large number of friends. Nevertheless, I accepted the offer and started with the Porter Company in 1926. I found my legal training helpful throughout my business career. The potato business was very speculative, especially in exporting seed potatoes to expanding markets in South America, Europe, and South Africa. In 1956, Canada Packers purchased the physical assets of Porter's Limited, warehouses, equipment, real estate, and all inventories. We invested the proceeds in securities, which I have been managing since that time. I have completed fifty years with Porter's Limited, twenty-five years as president. Thirty of those years were involved with marketing potatoes and twenty with investing in securities.

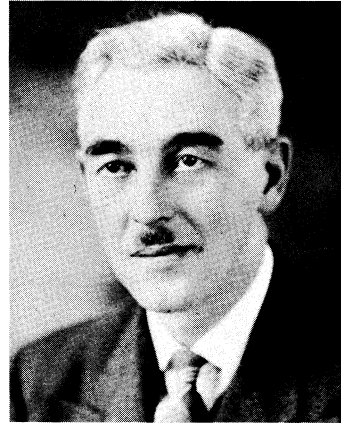
Mrs. Porter and I attended the Dalhousie general reunion in 1939. This was the first time that I had been back since 1920, and I was surprised at the growth of the Studley Campus. We thoroughly enjoyed the opportunity to meet old friends and former classmates. This reunion was well organized and most successful. Our next visit was in 1970, to attend my fiftieth graduation anniversary. There were only four survivors of the twelve graduates of 1920. I believe that I was the only one in attendance on that occasion. I was much impressed with the new law building. The current classes have so much more, in terms of building, facilities, library, and faculty, than we had. I hope that they have half as much incentive.

Staff and Students, 1926.
Front row: Horace E. Read, Angus L. Macdonald,
John E. Read, Eldon James (Harvard Law School),
A. S. MacKenzie (President of Dalhousie University).



Frank Rowe

is a retired Chairman of the Nova Scotia Workmen's Compensation Board



As I look back over more than half a century, one of the things that never ceases to amaze me is how a boy, whose early years were spent in a small village where I am sure no one had ever sought the services of a lawyer, and where, indeed, lawyers were not held in too high repute, could form the desire to be one. But however the idea germinated, it was encouraged by the most wonderful person I ever knew outside my education conscious parents — the village school master. So with completion of my final two years of schooling at the Methodist College in St. John's Newfoundland, enabling me to enter any maritime university as a sophomore, I was admonished to keep going, but on my own, with the definite suggestion that the highest of all callings was in the service of the church. However, I was not destined for sainthood and, as the family moved to Sydney about that time, I obtained employment at the steel plant, where my education definitely continued but not, alas, along literary lines. Saving money for a distant purpose is not the easiest task for one in his 'teens', and, when this project extended from months into years, I was about to abandon the whole thing when I was rescued by a representative from Mt. Allison.

Those were the days when, during the summer, the various universities, sent their emissaries forth to drum up students, a far cry from today when students or, in some cases, perhaps, reasonable facsimiles, come knocking at the college door. I tried to dismiss this Allisonian, a gentleman I later came to admire very much, with the statement that if I managed to go anywhere it would be to Dalhousie Law School, whereupon I heard for the first time of the arrangement then existing between Dalhousie and the other maritime universities under which one could take certain subjects as credits on an arts course as well as in law, enabling one to complete the latter course in two years. This, with the promise of a job which would give me a monetary credit equal to the charge for a room in the residence, made it clear that, on a one year basis, I could hardly lose. So, I went to Mt. A., stayed to complete the arts course, working during summer holidays at the Sydney steel plant, and entered Dalhousie Law School in the autumn of 1920.

If, so far, this all sounds entirely biographical, I apologize and defend it as being within the ambit of my assignment only to the extent that this and perhaps later remarks portray the conditions existent at that time. And, if I may, without too far departing from my subject, I would like here to pay tribute to those horny-handed men of toil with whom I worked. My work was with them because I found I could make more money wielding a shovel than pushing a pen. They could very well have belittled my ambitions as being highly presumptuous. Instead, they gave me every encouragement.

I was fortunate enough to obtain a room in the Birchdale, which had then recently been acquired by the university to be used as a men's residence. It was a lovely old building in a delightful setting. Because, during its days as a hotel, it catered to the more

permanent rather than transient type of guest, the rooms were for the most part fairly large and many of them had workable fireplaces. There was one in the room I shared with Dick Palmer, who had been a classmate at Mt. A., a grand fellow, if ever there was one, and for the two years we were constant and inseparable companions. We got all our meals in the residence and my recollection is that the food was good and plentiful. At what was, presumably, the reception desk in hotel days, we could buy cigarettes, tobacco, candy, and a few other sundries, and for five cents we could go to the basement and help ourselves to a scuttle of coal. An open fire added considerably to the comfort of the room on a cold fall or winter evening. It also attracted a number of callers from other rooms not blessed with such a facility and No. 22 became the gathering place for one of our principle social activities, a game of penny-ante on Saturday night.

We studied fairly consistently through the week but Saturday was our time to howl. The usual routine was go to a show — vaudeville at one of the theatres on Sackville St. or at the Academy of Music, later the Majestic Theatre, now shaping up as the Maritime Centre. At the Academy, legitimate theatre was still in vogue, albeit in its declining days. There was a second gallery with a cognomen to which we attached no approbium, but which today might be considered as having racial overtones. By arriving early, seats could be found there. The price was twenty-five cents. With the acute hearing and sharp eyesight of youth, we could get from this vantage point all the advantages of the higher priced seats. Sometimes, prior to the first intermission, we would notice vacancies in the main floor or balcony below us and by careful timing could saunter in and occupy them after having mingled with the between-act smokers in the lobby. If anybody in authority ever noticed this, they took no action but, generally, we were happy with our spot in the heavens. Edna Preston was leading lady and the female attraction of the time. Following the show, a cup of cocoa and cinnamon toast at a small restaurant just up Spring Garden Road, costing another ten cents, and we were ready for the open fire and the card game which frequently went on till the early morning hours. Even with bad luck we would seldom lose more than ten or fifteen cents and would consider that for a total expenditure of approximately half a dollar we had had a very satisfying evening. We took turns buying the coal but sometimes — now shamefully admitted — there was nobody around to collect and we had short memories. *De minimus non curat lex.*

The participants in this ritual, which I am sure present day students would regard as something less than hilarious, were, in addition to my roommate and myself, some combination of Dwight Mitton who had entered Dalhousie from Mt. A. in 1919, George Nowlan and Don Grant, affiliates from Acadia 1920, Colin Chisolm, St. F.X., and Alf Fulton, who came direct from Guysborough, together with one or two others of the "lesser breeds without the law" who roomed nearby. Fulton reversed the general course of events. He took his law degree and then went on to Mt. A. for his Arts. He also found a wife there. He was a very

thorough type of student, did nothing by halves and, as a sideline, taught himself typewriting, by touch, not the one-finger pecking method, and, I believe, shorthand. After a short stay in Guysborough, following graduation from Mt. A., he went to the United States with a view to practising there, but didn't like what he saw and returned to Toronto. A bit of a pioneer for that day and age, he put his legal talents to work in industry, carving out for himself a highly successful career. Dwight Mitton is still an active and prominent member of the New Brunswick Bar, practising in Moncton. As he was in the year ahead of me, I had access to a lot of his notes and particularly to his precis of cases. I had great faith in his ability to extract the real meat from any judgment he read and that saved me considerable effort. His writing was fairly legible but his spelling was often questionable, a fact which I sometimes called to his attention only to be pleasantly dismissed with some such remark as that I was damn fussy and that he never expected to be asked to spell for a judge or jury.

Then there was George Nowlan, a big heart in a big frame. We were on different sides of the political fence and had many a lusty argument on the issues of the day, never with rancor. George was too good natured for that and earned a popularity which he maintained in his later, successful political career. He and Don Grant moved to outside quarters in our final year but we continued to see a lot of each other.

During my last year I was one of three librarians, Alvin Chipman, who, after graduation, entered his father's law firm in Yarmouth, was "Chief". I forgot who was third. My recollection is that I received fifty dollars for the year. The duties were not onerous. We had to see that all books were, after use, put back in their proper place and to keep track of any, by permission, taken out. The hours on duty were arranged by agreement. One big advantage was that since we had to be there anyway we might as well put in the time reading our cases. I missed very few and we were given many. I can think of fourteen lecturers over the two years including the full time staff of Dean MacRae, John Read, and Sid Smith, and seemingly each gave us our "home work" as if none of the others existed. The case method of teaching with a vengeance! The Dean dictated his notes, certainly in History of English Law, and while this might have been conducive to writer's cramp, at the end we had a choicely worded mini-textbook on the subject. We were most fortunate in the calibre of our teachers both permanent and voluntary.

Judge George Patterson of the county court used to come in from New Glasgow every second week to lecture on evidence. I often wondered if he had had a school-teacher background because he conducted his classes in the typical school master way. He gave us a great many references and quizzed us on them, often to the discomfort of someone who had been negligent or had been content with what could be gleaned from a head note. Unlike some of the visiting lecturers he quickly got to know us

individually. That precluded the possibility of some one answering "present" for an absentee when roll was called, as it was at the beginning of each lecture, in order to assist a friend who might otherwise run afoul of the rule requiring certain attendance at classes. However, I believe the judge had a soft spot for the errant, as well as a sense of humour. I distinctly recall his final lecture. He expressed his pleasure working with us, wished us well in all our exams and in our future and, leaving the room, asked Mr. Connolly to take the register to the office for him. There were three or four fellows, Mr. Connolly being one of them, who had a distinct interest in that book. Strangely, all were within the pale. Mr. Connolly, by the way, was Joe Connolly, genial Halifax native, with all the charm of his Irish extraction.

The students of my day came from all across Canada and from Newfoundland, which was still ardently British and proud of its status as Britain's Oldest Colony. There was only one female, Marjorie MacDougall, who became the wife of Dr. Bruce Archibald of Glace Bay. Two came from the West Indies, one of whom, as far as I know, did not finish the course. The other, Alvin Hamilton, from Barbados, set up a practice in Sydney, where there were a fair number of his fellow Islanders. Unfortunately, he died at an early age. From British Columbia came a young man named George MacLeod. He had started a career in the newspaper world, worked for a time as a reporter for one of the Vancouver papers and then came east to join one of the big Toronto dailies in the same capacity. He seemed to me to be a natural for journalism, a top reporter, and I often wondered why he turned to law. He constantly spoke of Dalhousie law graduates who had risen to the top in western Canada and, I believe, their achievements gave rise to his desire to attend an institution that had such a reputation. I mention him, not only because we became very good friends and did a lot of plugging for exams together, but principally to illustrate the type of current events that excited interest at that time. In a humble farmer-labourer home in Antigonish County strange things began to occur. Fires broke out in unexpected places, pieces of furniture moved and all sorts of things happened under unexplained circumstances. A prominent scientist with university or some such learned connection came all the way from the United States to investigate and, through his newspaper connections, MacLeod was engaged to go to Antigonish and report what was going on to one of the New York papers. So daily he picked out a story on his typewriter for transmission to the paper in question, which usually began somewhat as follows: "When seen today in the kitchen of her home Mary Ellen was wearing, etc." Mary Ellen was the teen age daughter in the home, to whose poltergeistic tendencies the happenings allegedly occurred and MacLeod was never nearer Antigonish than passing by train through Truro. He never actually said he was. He got his information from a Halifax reporter who was on the spot. Thus, in those pre-radio, pre-television days, the big city as well as ourselves may have received some of the news second hand, but it made for more tranquil reading than the bombing, wars, riots and hijackings of today.

Memory suggests one other reference, viz., to the one and only Mock Parliament held in my time. It was run on conventional lines. Issues were discussed seriously but there was still room for some levity such as the introduction of a measure to provide free and better beer or some form of freer associaton with the fair sex, maybe a faint forerunner of things to come. But generally things were taken seriously. There was, in addition to the two old time parties, a splinter party, the name of which I've forgotten. L. D. Currie, later cabinet minister and still later chief justice of Nova Scotia, was, if not the leader, certainly a vocal participant in this group. I knew Lauchie before coming to Dalhousie. He had laboured in the depths of a coal mine in Glace Bay during the time I was "steelmaking" in Sydney. Naturally we, supported by one or two others, shared the same views on certain matters. We were soundly denounced as extreme radicals for demanding such things as more showers in the wash houses for miners, better ventilation and, horror of horrors, the eight hour day.

In this parliament, my room mate, Dick Palmer, was on the Liberal side. Dick often confessed to me that the big fear facing him as a would-be barrister was public speaking. When he was tagged to speak on some subject the Liberals were espousing, he was a bit reluctant but we got together, outlined a few ideas and wrote out something which he was not actually to memorize but to become familiar with so that with the help of a few notes or headings on a slip of paper he could get by. When the appointed time came he was getting along splendidly until the inevitable heckling or interruptions came from across the House. He parried a few successfully but finally something stumped him. He halted a moment and then said that he found it difficult to answer in English but with the forbearance of the questioner he would reply in his mother tongue. He proceeded to reel off a peroration in what certainly sounded like French. It took me a few seconds to recognize it as a selection from some French author that a professor at Mt. A. had required us, for literary not political purposes, to commit to memory in one of his French classes. Quick thinking on Dick's part! Maybe Dean MacRae might have done someone a favor when he required us to memorize certain writs in Latin.

In the same parliament, John "Buddy" Mahoney, later a minister in the Rhodes Government and a real orator, was speaking and doing it so well that friend and foe were involuntarily interested in what he was saying. Suddenly the voice of the irresponsible George Nowlan, of the same party, was heard — "Atta boy Buddy, that's the stuff that makes the grass grow". The spell was broken and it took a few seconds for the speaker to restore order. To the regret of all who knew him, Buddy lost his life in a car accident while still a young man.

There were twenty-eight graduating in 1922. With one or two exceptions, all, so far as I know, looked forward to getting into practice somehow, somewhere. What else was there to do! In this spirit, those from other provinces returned home. A few Nova

Scotians had connections that gave them an opening here. A few struck out for the greener fields of Upper Canada or the west. Bill Dunlop is still counsel for a prominent Halifax firm and spends his time between Halifax and Floride. Retired county court Judge K. L. Crowell resides in Bridgetown, and Fred Jones in Chester. Varien Green, a westerner, is still active, I understand, in California. I have no informaton on any others and, as far as I know, these are all that are still with us.

Breaking into the practice of law in the nineteen twenties was a tough proposition for anyone who did not have some connection or patron. The general pattern outside Halifax was that of a one man practice or at most of a two man partnership. The field was pretty well covered and breaking in, all on one's own, was not easy. Those who had the fortitude to do so deserve a lot of credit. In this connection, I think of J. G. Hackett, Q.C. Jim set up practice in North Sydney following his graduation in 1923. He was a home town boy, favourably known, and by hard work, a humane consideration for his clients, and above all his absolute integrity, built up a good practice to become the dean of the profession in Cape Breton. Always a good churchman, on coming to Halifax he set up the proper connections and through them met an attractive young lady who he promptly decided should become Mrs. Hackett. Fifty years together, recently celebrated, have proven the wisdom of his choice.

In 1922 we had just come through the great upheaval of the first World War and were looking forward to a normalcy that was never to come. We had prohibition, which didn't prohibit but which spawned the rum runner and his accomplice the bootlegger, that breed of lawbreakers who, strange as it may seem, didn't regard themselves a such. They kept the lawyers, or some of them, busy and times generally were not too bad.

Then, the other side of the coin, came the depression, when times were really hard for everyone including the legal fraternity; little to do and difficult to collect for what was done. The lucky person then was one who had a salary which invariably was reduced but still left some measure of security. Prosperity was always "just around the corner" but that corner was turned only after another war more devastating than the first. The men who "played" at parliament in the twenties were now dealing in real life with the problems arising from these conditions. They had distinguished careers and mention of anything more than their names would be superfluous on my part. When I came to enter the provincial public service in the mid thirties Angus L. Macdonald was premier of the province. I tried never to miss listening to him if I knew he was to speak in the House. With still a trace of his soft Cape Breton Scotch accent, he was a master in the art of public speaking, a gift that, seemingly, is lost today, replaced, perhaps necessarily, by the reading of something often prepared by somebody else. The attorney general, the minister to whom I first reported, was J. H. MacQuarrie. His and the premier's final year at the Law School coincided with my first. Ron Fielding, a

*Halifax
Before the First World War.*



classmate, was a member of the government and, later, came another classmate, previously mentioned, L. D. Currie. Thinking of those with whom I worked closely, there was Alex MacKinnon, also a soft spoken Cape Bretoner, who was in turn cabinet minister, county court judge and chief justice; and R. A. Donahoe, able and genial.

Serving in the ranks, Charlie Beazley was already well into what was to be a long and useful career. Younger recruits, such as the late John A. Y. Macdonald, Henry Muggah, Innis MacLeod,

products of greatly improved physical surroundings at Dalhousie, but exemplifying the best traditions nurtured in the musty old Forrest Building, were later additions.

In conclusion, I am grateful to that old schoolteacher who started me, and to the professor who got me back, on the trail that led to Dalhousie Law School. Through hard times and good times, and there were both, the way led to a friendly association with those mentioned and others, a reward sufficient in itself.

M. Grace Wambolt

practises law in Halifax.



I believe that my decision to become a lawyer was sparked, at least in part, by the fact that during my high school days one of the main topics for debate was the question of equal suffrage. The Halifax Local Council of Women and other womens' societies were pressing for the enfranchisement of women. When in 1918 the legislature of Nova Scotia granted equal suffrage to women in provincial elections and Parliament granted women the right to vote in federal elections, it seemed that women could at least enter the professions on a equal basis with men.

Catherine Cleverdon, in her book entitled "The Women's Suffrage Movement in Canada" (1950), states that "it may perhaps be deemed symbolic of Nova Scotia's general attitude towards feminism in any form to note that the only Petition to the Legislature of Nova Scotia in 1917 which concerned women at all was from 40 Barristers and Solicitors of the Supreme Court of Nova Scotia praying that women be not enabled to practice law in the Province." In spite of the forty petitioners, the legislature of Nova Scotia enacted legislation, in 1917, permitting women to study and practice law in the province on the same terms as men.

In the fall of 1920 I entered Dalhousie in a five year, affiliated course in arts and law. I had no doubt about what I wanted to do with my life. I wanted to qualify as a lawyer and to practice law. I did not want to be a nurse, an office secretary, or teacher, the main occupations open to women.

We had class dances in the gymnasium, a wood building on the Studley campus. The girls went in groups and there were "Paul Jones" dances to help the boys and girls get acquainted. There were sleigh drives and bean suppers in winter, skating on Chocolate Lake, and, when the Arm froze up, we skated there. I remember snowshoeing in the park on winter nights. In the summer and fall, the Arm was alive with canoes and row boats. There were boats for hire at the North West Arm Rowing Club, the Jubilee Club, and the Waegwaltic Club. Several ferries ran across the Arm to the Dingle and to Purcell's Cove. Barges anchored in the Arm sold soft drinks, candy, and ice cream. There was a venetian night each summer. All the small boats were decorated with lanterns and the boating clubs put on diving events and other water sports. There was little pollution and we swam without fear of infection. The Arm was the centre of recreation.

At the old Academy of Music, later the Majestic Theatre, on Barrington Street, at the foot of Spring Garden Road, one could see the Boston English Opera Company in La Boheme, Rigoletto and other operas. This company returned for several seasons. The Sidney Toler Theatre Company came here from Boston each winter for many years, and when an English theatre company came to Canada it usually started at Halifax where it gave performances enroute to Montreal and Toronto. I remember seeing Sir John Martin Harvey as Sidney Carten in "The Tale of Two Cities". On the Studley Campus, entertainment was provided in the old gymnasium by the Dalhousie Glee and Dramatic Club.

There was a football game almost every Saturday. The city was peaceful and it was safe. There was no need to lock the doors at night and there was no vandalism in the public gardens.

In the fall of 1922, when I went to enroll at the Law School, I encountered Donald MacRae, the dean, at the registration desk. He looked at me doubtfully and then asked why I wished to study law. I replied that my reasons were the same as those of the men applicants: I wanted to earn my living as a lawyer. When he found that I could not be dissuaded, he nodded to the clerk entering the names of applicants but, in an aside, clearly meant for me, he remarked that "no woman would make salt for her porridge as a lawyer."

There were three full time professors, Donald MacRae, then dean, John E. Read, and Sidney E. Smith. There were several practicing lawyers who donated their services as lecturers. They came to the School to lecture in the late afternoon, after they had finished a day's work at their offices. I remember Dean MacRae as a scholarly gentleman who endeavoured to make "History of English Law" an interesting subject. He also taught torts that year, and there he had a far easier task in arousing student interest. John E. Read was an excellent lecturer. He taught us property and procedure. He was a veteran of the first world war and went from Dalhousie Law School to the department of external affairs. Later he became a judge of the world court at The Hague. He kept in touch with his students for years after he left Dalhousie. Sidney Smith was a recent graduate of Harvard Law School and his teaching followed the case method used at Harvard. He was full of enthusiasm and his lectures were never dull. After Dean MacRae left for Osgoode Hall, John Read became dean, and Angus L. Macdonald joined the staff.

In my time, the Law School occupied the north-east corner of the Forrest Building, three lecture rooms on the first floor with a library room above. A portion of the hall on the first floor was partitioned off for the use of the staff. There was only one secretary, Trixie Smith. On the wall above her desk was a large clock to which students and professors referred for lecture times. Sid Smith used to refer to the secretary as "little Miss Smith under the clock". She was very efficient and dedicated. On her retirement, Dalhousie recognized her service to the university by offering her an honorary degree.

Prior to 1922 only three women had graduated from the Law School: Frances Fish, a native of New Brunswick, Emelyn MacKenzie, and Caroline McInnes, both Nova Scotians. Frances Fish was admitted to the Bar of Nova Scotia on September 10, 1918, and Emelyn MacKenzie and Caroline McInnes on May 15, 1919. The fourth woman to be admitted was Florence Seymour Bell of Montreal. She had graduated from the McGill law school but could not then be admitted to the Bar of Quebec. Mrs. Bell's admission was on October 7, 1921. Quebec did not permit women to be called to the Bar until 1942. During my first year at

the Law School there was only one other female student, Olive Maddin of Sydney, who was in second year. There were about sixty students in the entire School.

As the only woman in my class, I soon got used to hearing the professors calling the class to order by saying, "Miss Wambolt and gentlemen"; or "gentlemen and, ah, yes!, Miss Wambolt"; or just "gentlemen". Which did not bother me. In my second year, Olive Maddin and I were joined by three more women, Roma Stewart and Mary MacIntyre, both from Prince Edward Island, and Gertrude Mills from Halifax. This was an all time high and represented almost ten per cent of the students. While I sensed a bit of skepticism on the part of the lecturers, most of them made us very welcome. Dean John E. Read certainly had no "hang-up" in regard to women in the legal profession. I believe that Olive Maddin and I were good students, deeply interested in the law, with definite intentions of earning our living as lawyers.

The men had a smoking and card room in the basement of the Forrest Building. The women had an unattractive cloakroom on the first floor furnished with a few uncomfortable chairs and a long table with two drawers where one could leave lecture notes and books. This room was used by the women in law, medicine, dentistry, and pharmacy. The medical school students I met there were Margaret Chase, Roberta Bond (Nichols), Anna Murray, and Eva Mader (Macdonald). The women dental students at that time included Hazel Thompson (Hall) and Angela Magee. These women all practised their professions after receiving their degrees. On graduation day the women marched first, followed by the men. It was the only advantage given us.

Prior to 1923, students who were not Halifax residents had to find their own living quarters. Pine Hill College had a residence and some of the men were lucky enough to secure accommodations there. There was no central room registry as there is today. What a blessing when, in 1923, Sheriff Hall was opened as a residence for women!! It was made possible by a gift of \$300,000.00 by Mrs. E. B. Eddy. The first warden of Sheriff Hall was Miss Margaret Lowe, a disciplinarian respected and loved by the students. There was one society, The Delta Gamma Society, to which all women students belonged. The meetings were interesting and well attended. They were held in the homes of the Halifax students. After Sheriff Hall was built we met there.

In 1920 many of the students were veterans of the 1914-18 war. One of these was Bill Jones, who was in my sophomore class. I remember him as a quiet-spoken student who had lost an eye at Vimy Ridge. He rose to fame in the Second World War when he joined the British armed forces and became the "Major William M. Jones" who was air-lifted into Yugoslavia. He was a great hero of that nation and a personal friend of Marshal Tito.

I could not have been treated better by the male students in the Law School. They went out of their way to be both courteous and

helpful. In my final year, I was elected vice-president of the law society. There were eighteen in my graduating class. Included among them was Raymond Gushue who won the University Medal and returned to his native Newfoundland to practice. He served as a representative of Newfoundland at various world fishery conferences and as a member of the Gordon Royal Commission. He later became the first president of Memorial University in St. John's. Other members of our class were Rod Kerr of Louisburg, known in the School as "the mighty atom" — scholastically and athletically — who became a justice of the Federal Court of Canada; and Russell Snodgrass of New Brunswick, a veteran of the First World War who went to Harvard and obtained an S.J.D. Degree. After practicing law in New York City, he became general counsel for the Reconstruction Finance Corporation in Washington and later a vice-president of the Baltimore and Ohio Railway. Leonard Fraser from Pictou County became a member of the Nova Scotia legislature and leader of the opposition Conservative Party. George Morrison from Sydney became a Judge of the County Court. Everett Moseley, after practicing in Dartmouth, became a deputy minister of municipal affairs. Howard Glube of Halifax went to New York City. Horace Dickey, a veteran of World War 1, after practicing in Kentville, became a Provincial Court Judge. W. A. D. Gunn of Sydney also became a Provincial Court Judge. Carl P. Bethune became the first full time solicitor for the City of Halifax. All of the 1925 graduates practiced law with the exception of Douglas Adams who went into his family's business in Lunenburg.

Each year we staged a mock parliament, as the School still does. I remember one session in 1924 when a bill to abolish capital punishment was introduced and passed. However, a bill which I introduced, as minister of domestic relations, calling for a tax on bachelors, was strongly opposed and soundly defeated. The predominately male atmosphere prevailed.

All five women graduated. Olive Maddin in 1924 went into her father's law office in Sydney. She was the daughter of the well known defence lawyer, J. W. Maddin. K. C. I graduated in 1925, and Roma Stewart, Mary MacIntyre and Gertrude Mills in 1926. Roma and Mary returned to their native Prince Edward Island, where Roma was the first woman to be admitted to the Bar of the province. Gertrude Mills went off to New York where many other law graduates had gone before her.

One served as an articled clerk, usually three months between the first and second years of the course, three months between the second and third years, and three months after graduation. I had filed articles with a large Halifax law firm where fifteen clerks in all had been accepted. Three of the fifteen, for no known reasons, were given work to do and the rest of us were neglected. No remuneration was paid and we expected none. I went down to the office several times in each of the two summers prior to my graduation and was told that there was nothing for me to do, but that when there was something they would call me. No call ever

came. I suppose that they had no place for the students; my only criticism is that they should not have accepted our articles. All that I learned of office routine, bookkeeping, and the usual matters dealt with under articles, I learned from Bob Yeoman. On July 10th, 1925 I was admitted to the Bar.

When I contacted the Halifax firms, I found that none were anxious to employ me. They greeted me in a friendly fashion and gave various reasons for not offering me a job. In May 1925, I received a phone call from Dean John Read saying that I should get in touch with the firm of Yeoman and Matheson as they were looking for a recent graduate. I lost no time in so doing and was accepted. Robert F. Yeoman, the senior partner, had taught bankruptcy to my class. The junior partner was Alexander Matheson, a veteran who had returned to college and graduated in 1924. I was to be paid sixty dollars per month until I was admitted to the Bar and thereafter one hundred dollars a month.

In 1929 I became a partner with Robert F. Yeoman under the firm name of Yeoman and Wambolt. Gordon Graham joined us later. After the outbreak of World War II, Gordon Graham joined the armed forces and went overseas. In 1940 Robert F. Yeoman, K. C., died and I took over the practice. I can remember fees of ten dollars for a will, twenty-five dollars for a title search, five dollars for a deed, one hundred dollars, and one hundred and fifty dollars for incorporating a company, and so on. This sounds weird today.

One of the problems for a woman lawyer at the law courts was the lack of a robing room and washroom. The men had their own facilities adjacent to the court rooms. I had the choice of a public washroom on the ground floor, open to the general public of both sexes, or of getting a key from the registry of deeds to a room on

the ground floor used by the female clerical staff of the court house. This latter room was not available when I worked in the library in the evenings. I had to resort to robing in the law library behind the more remote book shelves. Here I had a mirror hung and a hook placed to hold my wearing apparel. It was a bit embarrassing when people would come around to find a book while I was dressing or undressing.

I also found that, when I arrived somewhere to represent a client, there was frequently surprise over the fact that the lawyer was a woman. Once, when I called on a female real estate agent in connection with a sale to a client, the agent, thinking that I was the stenographer from the law firm, was most offensive until she learned her mistake. In those days a woman lawyer was "news". I received much free publicity, ranging from my first appearance in the city court to my first case in the supreme court.

I recently looked at the 1925 graduation number of the Dalhousie Gazette and was impressed by the modesty of the appeal for funds by the university president, Dr. A. Stanley MacKenzie. He was then trying to raise money to build a permanent gymnasium. It was to be a memorial to the Dalhousians who had served in the Great War. Dr MacKenzie asked each new graduate (and all past alumni) to donate one dollar in 1925, two dollars in 1926, increasing their contributions each year by one dollar — to the limit of \$25.00!! What a contrast with the fund-raising efforts of today's mad world.

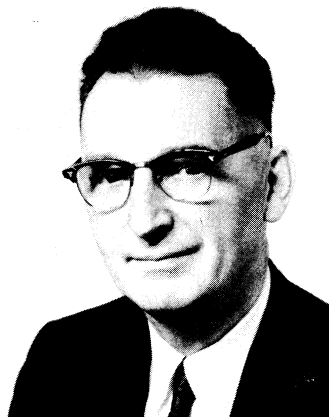
I take pride in the fact that I was the first woman elected to the council of the Nova Scotia Barristers' Society. I greatly enjoyed my years at Dalhousie Law School and thereafter as a practicing lawyer.

Barrington Street, 1907.



Everett Moseley

practises law in Dartmouth, Nova Scotia.



To those persons who now attend, have attended or may hereafter attend the palaces that are now Dalhousie, how does one describe the premises in the Forrest Building occupied fifty years ago by the Dalhousie Law School? If successful in describing them how does one explain a nostalgic affection for those premises and a complete lack of envy for present day students?

Note that there are two adjectives that I have not used. Firstly I have not said "fortunate" persons who now attend. They are no more fortunate as far as concerns premises, staff and equipment, than those of us who attended fifty years ago. I am not at all certain that they are not less fortunate than the earlier students. They learn no easier, no more and no better than their predecessors; and more importantly, they miss a lot of fun.

Secondly, I have not said "inadequate" premises of fifty years ago. They were not inadequate — simply less elaborate and less roomy. We learned the principles of the law quite well, thank you, and that presumably is the purpose of a law school. A few years ago I passed some mud huts in which live Navajo Indians in Arizona or near Arizona. That afternoon I met a girl who lived in one of them. She was clean, neat, tidy and pleasant. When I referred (probably discourteously) to the size of her home she said "That's how you have a happy family and a lot of fun! That philosophy aptly describes the Law School of my time even if it was far from being a mud hut.

The Forrest Building was occupied by the faculties of Law, Medicine and Dentistry — all the students and all the staff of those faculties. In the north end of the building Law had three classrooms, a library on the top floor and a smoke filled students room in the basement. I am confident that none of us would have traded that room for the huge building given over to the students of today. Nor, I am sure, would Arts and Science students of fifty years ago, exchange for the Students Union Building, the old Murray Homestead on the Studley campus — homey, pleasant, comfortable; just as its name implies, the former home of the Murray family.

Within those three classrooms there were long wooden benches. On the back of each bench (except of course the rear one) was affixed a table on which worked the students who sat in the next row behind. They were not especially comfortable which of course had one virtue — students could not go to sleep in them; I have to except one or two who, we felt, could probably have slept on the Hindu's bed of spikes. (Already I have ignored one of the admonitions I learned in the Law School — check your sources and quotations; I hope it is the Hindu). I liked best the seat next the wall because it gave me something on which to lean when I felt lazy, which seemed to be most of the time. What was most striking about the desks, and to a less extent the seats, was the fantastic display of carving far exceeding in beauty anything left us by the Greeks, for it included the initials and sometimes the

names of many who had distinguished careers in Canada. I must agree that it also included those of persons who had no such careers. For example, the lawyer with whom I articulated, having spent an hour or so in the Law School, told me that even if I should get my name only on the sands of time, at least I had ensured a more permanent place for it; I think he said he had found me there at least twenty-five times, which wasn't an unusual number. The "place" turned out to be no more permanent than the sands of time — the desks and seats have long since disappeared.

Well, we learned, worked and studied adequately at those desks, with all the beautiful carving. We also did cross-word puzzles, played "X and O", drew pictures, read newspapers and books, wrote letters and studied for the next class when the lecture was dull and uninteresting. We justified the cross-word puzzles by explaining that we were improving our vocabularies — an explanation that may be described by the word "hypocrisy" and a number of other words that I did not learn from a cross-word puzzle.

In the basement room the students had absolutely no supervision. What may therefore be amazing to some people is that they committed no vandalism, even by carving furniture if that's vandalism; and they broke only one law, the Liquor Control Act. Occasionally I used to feel that there must be a competition between certain law students and certain medicine students over who could be the heaviest drinkers. Many students played cards — contract or poker mostly. Some even played for money. But most of us hardly knew what money looked like; so those neither drank, smoked nor played cards for money. Jobs for the summer?? What were they? Most of us couldn't even get the smell of one afar off. Fortunately the fees for tuition were not prohibitive; I think I paid \$185. a year for tuition, plus some incidentals. Perhaps this amount is not disproportionate compared with modern fees and modern incomes.

Recently I was invited, for the first time since my graduation, to a Law Convocation. I was astounded to see about 140 persons receive the law degree, of whom almost one-quarter were women. Our little class contained about 20 students, of whom only one was a woman — an early pioneer who became a very good lawyer indeed. Of these I think 15 had the degree of B.A. and 2 had the degree of M.A. The whole enrollment at the Law School was only about 70, of whom as nearly as I can remember, 4 were women. Like the Navajo Indians, we were close together, very friendly, knew each other well. The professors and lecturers (let's call them "teachers") had little difficulty also in knowing the students well — should I say "almost too well" for they soon learned the weaknesses as well as the strengths of all of us. I have no envy of large groups. In my experience they are almost always less desirable than small ones; the large committee takes ten times as long and accomplishes half as much as a committee of three.

I was one of those who affiliated — that is, I was able to take first year law classes and count them towards my Arts degree; for a smaller number of classes incidentally. So, as nearly as I remember, in order to fit my schedule I started taking law classes in my third year Arts. At this time a comparatively large number of the third and the second year law classes were veterans of the First World War. To the rest of us, these were giants, men of the world, men of assurance and of experience and of confidence. They had packed more of life into the preceding five years than most of us would acquire in ten times that period. They talked naught of war experiences, but it was well to have met them.

Now what of the staff who had undertaken to inculcate into a bunch of kids, somewhat of the principles of the law. Let me deal with the first two or three in the order of the impressions they made upon me.

By all odds, at the top stands Johnny Read. "John" — charming, winsome, with a trace of a smile and a trace of an accent I could never identify; John, later to join the Department of External Affairs and finally to become a judge of the World Court. Among other things he taught procedure. He started, the first day, by saying "Now you must all have sat in courts many times or you wouldn't be here". Startled, I asked the boy next to me: "How many times you been in Court", to which he answered "Never". I said "Me too". Later I understood it was John's vivid way of telling us that maybe we'd better sit in a Court occasionally. So thereafter we warmed the grand jury benches during trials in the old Court House at Halifax — from which I regret to report I acquired a dislike of Criminal Law, although for a time I acted as a part-time magistrate.

John divided his class into law firms and set us to work on such things as starting actions, preparing and filing pleadings and making chambers motions, all on sets of facts which he presented to us. It was surprising, after learned counsel had completed their arguments, to have him point out to us that counsel on both sides had overlooked the basic substantive law involved. We learned our substantive law a little more permanently after seeing that happen just once. One of my tasks was to oppose a motion for summary judgement which counsel for the plaintiff could not help winning. I hadn't counted on losing cases. So I submitted my client's affidavit that the plaintiff owed him \$10,000. for a great big supply of bottles of cold tea; and then argued "how can plaintiff recover judgment when he owes my client a great deal more than his claim! Had it been other than John Read, I might have been a bit afraid to try this, because it wasn't in the facts he had provided. But kindly John smiled his usual sweet smile and reserved judgment.

Somebody told me a story once that may not be true. It seems that John was considered for a Rhodes scholarship. He had ample academic qualifications but needed something of an athletic nature. So they set up a walking race and John won it. I repeat

that this may not be true, but I'm quite sure he had more than sufficient ingenuity to arrange it.

Next to John Read, I'd put Dean D. A. MacRae. He was the only professor we never called by his first name — we called him "The Dean". Not that he would have resented it or reprimanded anyone; but he was a stately, gracious and courteous gentleman whom one would never just never address by his first name, any more than one would do this to the Chief Justice. He taught, among other things, History of English Law, and impressed us with the fact that he was not only a great gentleman — he was also a scholarly one. I regret that I was not so scholarly, although I managed to get through — perhaps it was "squeak through", since we never knew our marks. The Dean left us to go to Osgoode Hall.

Next I would have to put Vince MacDonald. Vince was an able teacher and constant student — a good example for the rest of us. What I envied about him was his vocabulary and the ease with which he spoke accurately and precisely but I wouldn't say briefly. He kept one's attention completely and knew his subject thoroughly. Having called the roll in one class he commented "I wonder if it's only in the Law School that so many names can be answered by so few students". This was a reference to the diligence with which students looked after each other. Vince later became Dean of the Law School and still later a Justice of the Supreme Court of Nova Scotia.

Then there was Sid Smith. New to the staff of the Law School, Sid was charming, eager, enthusiastic and (I hate this modern word) an extrovert. He was also inclined to be a bit dogmatic and not as keen as other teachers to have his version of the law questioned by students. Sid later became President of Toronto University, and still later a Minister of the Crown at Ottawa. Everyone has his mannerisms. The Sid Smith mannerism I best remember took place during his teaching of contracts. He would interlace his fingers from opposite directions, turn his hands out so the palms faced us (like some people about to "crack their knuckles") and say "and so you have the meeting of minds that is essential to a contract".

Some of the teachers encouraged students to question and to debate. Some even encouraged the omniscient student cagily down the wrong path and then "lowered the boom on them". But it was all done in good humor, not maliciously — just the wish to have us think for ourselves. Which brings me to Stuart Jenks.

Among the teachers were a number of lawyers, some in practice, some engaged in other business. Each taught his own specialty. The one who impressed me most of these was Stuart Jenks, slow of speech, precise, ponderous but not pompous. I kept thinking that in an appeal court, I'd like to have him on my side, not against me. I can remember during one of his classes, drawing a picture of a steam roller and labelling it "Jenks" and then labelling the

pavement "the opposition". He taught us evidence. One afternoon he took a point of the law of evidence and encouraged us to debate it and reach an opinion; we reached a unanimous opinion. Then he said, as only he could say it: "And that's what I thought; so I took the issue to the Supreme Court of Canada, but the judges were not as perceptive as we are and they disagreed with me".

We were impressed by many of the lawyers who came to help us. Charlie Burchell, brisk, concise, with a thorough knowledge of shipping law. Tom Murphy who knew all about mortgages but who on many occasions sent up word that he regretted he could not appear for his lecture; he left us a complete typewritten copy of his lessons which the more affluent among us had copied and distributed. There were others, and we really appreciated the sacrifice we knew they were making for us, and also the opportunity of meeting members of the Bar.

I mustn't omit Angus L. Macdonald who was around for a while in my last year. Charming, polished, a master of the great English language, a perfect orator; later to become Premier of Nova Scotia. Frankly, I don't remember what Angus taught — it was his personality one remembers. In later years I served as a Deputy Minister while he was Premier. One day my phone rang. I lifted the receiver and heard Angus' voice, so I assumed he was talking to someone else in my department. My other lines were blank so I returned to the first one and found it was he who was calling. After the conversation I went to the young lady at the receiving desk and remarked that I'd missed the first part of his conversation. "Oh", she said "he was chatting with me while he was awaiting your answer" (an example of a trait I am sure obtained a lot of votes for him) and she continued "he said if he could get along without ministers he could save a lot of time and money." I never told that story before but fate has removed now the persons involved.

One of the Arts professors taught a law subject — Henry F. Munro, a "real brain" if ever there was one. He taught International Law, which was an optional subject which I think I was the only one of my class to take; I did so because I enjoyed both it and him. For some reason I never wrote the examination, probably because I wanted to give more time to my "compulsories". Henry later became Director of Education for the Province, a post that he enhanced.

Is it strange that one of the subjects in which I did poorest while at the Law School became a subject which, during practice, I felt I knew quite well; and that we had no class whatever in Municipal Law in the Law School, but that in later life I fancied myself a fair

authority on it? It isn't so strange if one remembers that the lawyer can't stop studying the day he receives his degree, but must continue to study perhaps even harder than before and without the help of kindly teachers.

To one or two of our class, learning seemed to come easily. We envied them. Most of us, myself included, had to work at it and this was the best thing that could have happened to us. The former, upon their entry into the wide world, did no better on average than those who had learned that it was necessary to work. Some of us have been lost to my "ken" completely since our graduation. But from the others, in addition to successful lawyers and successful business men, our class gave to the world one Mayor, three Magistrates (they're called "judges now) two Registrars of Probate, one judge of the Exchequer Court, one judge of the County Court, one University President, one leader of Her Majesty's Loyal Opposition in the Provincial House and one lowly Deputy Minister. And probably that's "about par" for classes at the Dalhousie Law School.

So in 1925 we were propelled into a world which didn't seem overly hospitable. Perhaps the Great Depression began elsewhere after 1929, but it was already in firm control in Nova Scotia. The law firms didn't want us; quite simply they didn't need us, they already had ample help to attend to their business. One of my friends started with a law firm at \$40. per month (yes I mean a month) and most of us would have been happy to take that job. So, for many of us there was no alternative but to "hang up one's shingle" — again probably the best thing that could have happened to us. I was somewhat like the mother bird who chases her offspring out of the nest into the air with a "here little one you can do it if you try". So we tried and found out that we could.

A couple years ago we had our 50-year class reunion. It was sobering to contemplate how the grim reaper had decimated our ranks. We were shown the new modern mansions that Dalhousie has acquired. Several of us spoke of seeing the old Forrest Building but we were told it had all been changed and we wouldn't recognize anything there. So we didn't go back there. No event or series of events in human life can ever be the same no matter how hard one tries to repeat them. And so I content myself with looking at the north end of the Forrest Building from the outside whenever I am in that vicinity and remembering the nice persons with whom, over half a century ago, I spent some happy years, and whose spirits now people those hallowed spots, smoking up the basement, running up and down the stairs, struggling with cases in the library, arguing law with the teachers, and surreptitiously doing cross-word puzzles from the morning paper that were bought for two cents.

*St. Matthew's Church and
Government House.*



C. M. Rosenblum

practises law in Sydney, Nova Scotia.



The Dean of Dalhousie Law School has asked me to contribute an article on the late J. W. Maddin, Q.C., for this special issue of *Ansul*. As I have been fifty years at the Bar, and thinking of retirement — I've been talking about retirement for the past ten years, and probably never will — I was saving an article on Mr. Maddin for the time when I could do him justice. This article however will be a brief introduction only, as the Dean wants it in a hurry.

I was associated with the late James William Maddin, Q.C., from 1927 until 1944, when he was appointed Stipendiary Magistrate for the City of Sydney, which position he held until five years before his death in 1961. On St. Patrick's Day, March 17, 1933, we became partners under the name of "Maddin & Rosenblum". Mr. Maddin, usually referred to as "Major" Maddin, was for many years the leader of the Bar in Cape Breton County, specializing in criminal law. He defended sixty-one murder cases, with outstanding success in most of them. His practice was not confined to Cape Breton, as he tried many cases in other parts of the province, especially the celebrated Bevis case in Halifax in 1923.

Bevis was charged with murdering a police officer and appealed to Mr. Maddin to defend him, stating that he would not employ any other lawyer. Bevis had no funds and Mr. Maddin went into debt for about \$1,500.00 defending him, which amount was a substantial loss in view of Mr. Maddin's financial circumstances at that time. The prosecution was led by Walter O'Hearn, who was then attorney-general, and he had as assistants the late J. E. Rutledge, and three other prominent Halifax lawyers, while Mr. Maddin stood alone. The jury stood eleven to one for an acquittal but on the new trial Bevis was convicted and hanged. Mr. Maddin's speech to the jury was mentioned in an editorial in *The Halifax Herald* as being "the most eloquent speech in the history of the Law Courts in Halifax, with the possible exception of Joseph Howe's." I heard the speech, as I was a student at the Law School at the time, and I will always remember it as the most moving, eloquent speech I have ever heard.

There are many stories about the late Major Maddin and I will mention only a few of them. He was defending a man accused of murder who had been given a drink of rum by a police officer prior to making a confession. At the trial, Mr. Maddin contended that the drink of rum was an "inducement", but the crown prosecutor argued that it was only an act of "Cape Breton hospitality". Whereupon the late Judge Mellish screamed at the prosecutor: "Cape Breton hospitality? First you get a man drunk and then you want to hang him".

When Mr. Maddin was arguing a case before the Appeal Court, he was under the influence of liquor, to such an extent that he was swaying back and forth on his feet. One of the lawyers sitting at the counsel table moved Mr. Maddin's chair to one side, so that he would not be bumping into it; and after Mr. Maddin had argued

to the court that his client, though having a bad criminal record, was not an habitual criminal, one of the judges on the bench said: "I know what you mean Mr. Maddin, one swallow does not make a summer". Mr. Maddin was about to sit down, but the chair was not behind him; so he fell to the floor. He jumped up immediately and replied, "Exactly, my Lord, but too many swallows may precipitate an early fall".

Mr. Maddin had a striking appearance. He was six feet, two inches tall, with silvery gray hair, a handsome countenance, and he always wore a Norfolk suit, a green necktie, no socks, and a cane. His clients looked upon him with admiration and respect, and they had the fullest confidence in his ability. In court, he was most gracious to all witnesses and deferential to the judges. His great strength, which he relied on entirely, was his summation to the jury. He was the Sir Edward Marshall Hall of Nova Scotia.

"Jim" Maddin came to Sydney to practice law in 1902 and quickly gained a reputation as a defence lawyer in the McRae murder case. He was elected to parliament in 1908 and, according to the Rt. Hon. Arthur Meighen, then the Prime Minister, was considered the ablest orator in the House. Mr. Maddin always used colourful language. When a committee of so called financial experts from the Government of Canada was appointed to attend a meeting with its counterpart in Washington, Mr. Maddin declared in the House, as reported in *Hansard*, that it was like sending "a delegation of sparrows to a convention of eagles". He was in great demand as a speaker. I well remember going with him to the Yacht Club in Sydney where he addressed the Mining Society. He held the audience spellbound with his knowledge of mining engineering. Many Halifax residents will remember when he lectured at the Casino Theatre on Gottingen Street on "The trial of Jesus Christ", a lecture he delivered on several occasions to packed houses. He went to Boston several times to debate against Mayor Jim Curley, who was considered one of the ablest orators in the United States.

I remember an occasion when we motored from Halifax, stopping to have supper at McCallum's drug store in New Glasgow. Mr. Maddin bent forward on his cane and, in a croaking voice said, to the girl at the soda fountain: "Give me a Horlick's Malted Milkshake". This she did; and with each sip from the glass, he straightened himself up, little by little, to his full height until, at last, whistling and waving his cane, he briskly walked out of the store with the girl, open-mouthed, staring at him. On our many motor trips he would tell innumerable stories and sing lustily "Donald from Bras D'Or".

He was tolerant, kind and generous. On his many trips to Halifax he would invite all the Cape Breton students at Dalhousie to dinner at the Halifax Hotel, which he could ill afford. He had no value for money. Payment of fees for his services was the last thing in his mind. In politics he was unpredictable — he would vote Tory in federal elections and Liberal in provincial elections,

D. A. MacRae, 1921.

Halifax before the Second World War.



*Sincerely yours,
D. A. MacRae.*

and then vice versa. He could recite by the hour, especially from the Bible, and about evolution, his favourite poem being "When you were a tadpole and I was a fish".

Before World War II he lectured at Service Clubs, warning of the menace of Hitler and of the inadequacy of our defence forces. In fact, he stated that our defence forces were not sufficient "to quell a disturbance at Senator's Corner in Glace Bay on a Saturday night,"

He was a man among men; his very appearance commanded attention; and his name was a household word in Cape Breton for many years. Sic Transit . . .



W. D. Outhit

is Chairman of the Board of Commissioners of Public Utilities in Halifax.



Since 1940 I've been engaged in labours described by my peers and the press as "Quasi Judicial". This means, of course, that all deliberations, decisions and comment must be objective and austere, free from bias and lacking in sentiment and the milk of human kindness. But this isn't as bad as being "Judicial", because during the other part of "Quasi" you can still be yourself and be somewhat human and indulgent. As an erstwhile lecturer in administrative law and an ad nauseam co-examiner of the subject, I am constantly confronted by the dire consequences of bias, be it in law or fact, and this brings me to a confession.

My father was a lawyer and an ardent Dalhousian and long before I finished high school I knew for certain that the only college in the Maritime provinces was Dalhousie. The virtues of Dalhousie were myriad and the deficiencies of Acadia and other colleges were sad indeed. The prowess of Dalhousie in both the academic and athletic fields was awesome and I still remember my father's vivid description of a trip by train prior to 1900 from Halifax to Wolfville by the Dalhousie rugby team. As the train meandered along from Windsor to Wolfville, D. K. Grant, (later Rev.), the captain of the team, tramped up and down the aisle exhorting his players to demolish the Acadians, and if my source of information is dependable, they did. As a former ardent reader of "Chums" and "The Boys own Annual", this was great stuff and so it was that in the fall of 1922 a very young man in his first long pants arrived on the Dalhousie campus starry eyed and irrevocably biased in favour of Dalhousie.

Kings County Academy enjoyed an acceptable scholastic standing and during my high school years was staffed by remarkable and individualistic teachers. The principal walked to the academy each day and on his way cut the willow switch which he carried and used. It was his method of making certain that in his school there would be discipline and decorum. And upon the odd occasion, when a student objected to this treatment and challenged the principal, the student was unceremoniously tossed down a short flight of stairs to a receptive landing where he could assess his situation and contemplate. I suppose that I had expectations that Dalhousie would be different, and in most respects it was, but I must say that I was not really dismayed to discover that the teaching habits of some of the renowned professors in Arts and Science smacked of 19th century methods and stances.

I later discovered, of course, that Howard Murray was an extraordinary Latin authority and that he could pitch quoits and enjoyed studley quoit club punch. But my first impression of him was that he required one of my classmates to stand, sobbing, during the whole of a lecture period, because she had failed to read a latin passage correctly. Murray MacNeil I later knew as a renowned mathematician, a top-flight curler, and a very human person, but in my first year in Arts and Science I was aware only of his mathematical wizardry, his frown and his disconcerting demand for perfection. Archibald MacMechan was an exceptional

man and an exceptional English scholar. He could and did exhibit slightly tyrannical tendencies when you missed or bluffed an assignment or failed to write an acceptable theme and you were banished from the classroom without recourse or appeal if you turned up dressed in a sweater or in a manner he considered to be improper. These were able and scholarly men who commanded the tight ship, demanded compliance with established rules and standards, prescribed the curricula, moulded their students — and got results. At the same time, however, changes were beginning and younger men with different approaches were becoming visible. I think of Henry Munro, his easy manner and his masterful low-key lectures in political science. I remember Professor C. L. Bennett (he was always known as Professor Bennett) with admiration as he crouched behind his desk and encouraged us to think about the poets and writers of prose and what they were saying and how they said it. And I remember with affection the young Professor E. W. Nichols who was unanimously elected by us as the Honorary President of the Arts and Science class of '26, and who also crouched behind his desk, because of the genuine delight he exhibited while teaching latin and the manner in which he encourage all of us to do the best we could with the dead language. These different approaches were to become more apparent in Law School.

By command I was headed for Law School, and during my three years in Arts there were many indications of the importance of the school and the impact of law students upon campus life. Without trying to sort things out in any particular order, I recall that Norman MacKenzie was a powerful figure during my freshman year; that one of the smallest and noisest groups at rugby games was the one with the small pop bottles containing a dark coloured elixir and loudly endeavoured to convince all and sundry that there was not a flaw, flaw, flaw; that football heroes included Mont Haslam, Pat Slipp, Rex Moore, Donald McInnes, and many others; that even in those days Donald McInnes was emerging as a personage and whether you knew him or not you were aware that he was on campus; that in the eyes of freshettes and sophmores in Shirreff Hall, law students were close to deification and that an invitation to the Annual Law Ball was a genuine status symbol; that for some years Carl Bethune owned and operated productions by the Dalhousie Glee and Dramatic Society: that, by and large, law students in the eyes of the undiscerning co-eds were superior to the point that a potential date for a dance with me was usually tentative pending the possible receipt of a preferred invitation from a law student and I can remember that there was radical change when I entered law school. Law students were generally considered by Arts and Science students as mature, wordly, knowledgeable and experienced, but I sure didn't feel that way when I entered law school in the fall of 1925.

Times were tough in the '20's and seven of the 1926 Arts and Science class took advantage of the permission to take affiliated courses, which meant that, by taking additional subjects during

three years in Arts, the first year in Law School contained a sufficient number of electives to qualify us for an Arts degree in the spring of 1926. And so it was that in the fall of 1925 the seven of us entered Law School and joined seven others to comprise the outstanding Law School class of '28. It is not my intention to mention, otherwise than casually, what happened to some of us after graduation from Law School and I would like to identify my classmates as they were during the period 1925 to 1928 and the Law School as we knew it.

Two of my classmates were girls — Ethel Daniels and Josephine Dresner — and both were good students and comrades. Ethel was ardently interested in legal principles and was an accomplished musician; Josephine possessed a delightful personality and an appreciation of the practical application of the law. She was headed for active practice. Jack Atwood was colourful. He enjoyed the role of a cheerleader at athletic contests, was available on short notice to play field hockey against the girls, was an organizer of crusades and was an active participant in classroom debates from his seat at the back of the classroom. Cyril (Bub) Doyle was a quiet dedicated student and athlete, a good basketballer who played some hockey and was a stalwart member of the Law School interfaculty rugby squad. Alban Farmer, a Prince Edward Islander with a puckish sense of humor and a fetish for completing his case assignments, was a good debater and analyst of cases and an embryo counsel. Gerry Godsoe and I were close friends in Arts and Law and still are. Gerry was prominent in student council and other activities, was an excellent student and debater, indulged in interfaculty athletics, was prominent in moot court and smith shield competitions — and paid constant attention to a freshette at Shirreff Hall whom he later married.

Andy Hebb was a wonderful guy who you knew would wind up as a newspaper editor. A solid student with a light touch and an infectious grin, he early demonstrated a bent for easy and lucid expression. Even in his first year he was a leader of discussions with the professors. Eddy MacKay was the Cape Bretoner in the class who behaved like a Cape Bretoner and reacted like one and was a student of law in his own right. Charlie MacKenzie was a conscientious student and a worrier, an able advocate and administrator who was a participant in many college activities and a bit pessimistic as to what the future held for him. His worries were unfounded. Dave Mathieson was quite mature for his age and justly proud of his Prince Edward Island heritage. He was a keen participant in classroom and Law School activities both academic and athletic and you got the feeling that P.E.I. would be his oyster. Jim Mitchell was the youngest member of the class and possessed a quiet personality that generated admiration and affection. A brilliant student who walked through his courses with time to spare and time to indulge in all of the Law School activities. Clyde Sperry early in the game demonstrated an avid interest in property law that stayed with him during his professional career. Clyde was an admirable student, an athlete

whose specialities were tennis, badminton and basketball and who played his part in interfaculty rugby and he was an active participant in classroom activities. Albert Walsh came to Law School from Newfoundland. He was older than the rest of us, having taught school for some years, and was a dedicated student of the law. He had a legal mind superior to most of us, a capacity for work that was a cross the rest of us had to bear, and was a pole horse whose speed we were compelled to try to match. He and Jim Mitchell set a place that was good for us lesser equipped horses. Just in case somebody is keeping score, Bill Outhit was the fourteenth member of the class.

I suppose our class was an average one because it was comprised of students who later became prominent in law or business and community affairs. I readily endorse many of the reminiscences of F. W. Bissett, Donald McInnes, and F. M. Covert as expressed in the 13th January, 1976 edition of *Ansul*. Their articles were loaded with many of my fond recollections of life in the law school during the fall of 1925 to the spring of 1928. There will be no attempt by me to plagiarize but I may not be able to resist a touch of repetition.

The exodus from Studley campus and from its newly constructed and equipped library, Arts Building and Science Building to the Forest Building was a thrilling experience. We were finally launched upon our careers in the study of law in the north portion of the Forrest Building containing a library on the second floor, three classrooms and the Dean's office on the first floor, and a small smoking and card room in the basement. The lighting was feeble, the wooden classroom benches and desks were uncomfortable, the acoustics were treacherous, and the air conditioning non-existent; but we were there at last to bask in Dalhousie Law School tradition, to discover the wealth of knowledge to be derived from the case law method of teaching, and to absorb the live instruction from the outstanding three professors and a host of members of the Nova Scotia Bar. The three were, of course, the incomparable John E. Read, Dean of the Law School, who quietly needled us and provoked and prodded us and instilled in us a never to be forgotten appreciation of the value and importance of legal principles, international, constitutional, and otherwise; Angus L. Macdonald, who thoroughly enjoyed what he was doing and would delight us with word pictures on the one hand and then bring us back to the realistic and practical aspects of the subjects he taught; Horace E. Read, who was analytical, dedicated, and indefatigable and exuded an infectious love of the law. These men were demanding in their requirement that assignments be met and we responded because of the examples they set, the interest they exhibited, the hunger they caused. Gradually we felt that we were associated with them in this effort to learn and understand the law and there was always the added incentive that we were becoming acquainted with the tools to be used later in the practice of our profession and the business of earning a living. We became aware of ethics, equity, the sanctity of trusts, respect for the law,

the courts and established practices and procedures, the development of laws and their adaptability to changes, the reasons and purposes of the law both common and statutory, jurisprudence, the basic principles of the common law, and the many areas that had been codified in statute law. We were encouraged to examine and challenge, but not destroy; we learned that courts were not always infallible — poor Kekewich J. — but that for the most part their decisions were entitled to respect.

Sharing the teaching load with three professors were many members of the Nova Scotia Barristers Society. They came in all sizes, shapes and ages and provided us with a mixture of case law, rhetoric, practical experience and advice. We knew them as “the down town lecturers” and they gave us an insight into many additional subjects. They were interesting people. J. W. Godfrey would appear at the classroom door at the appointed hour; as soon as he crossed the threshold he commenced his measured voluminous dictation of the History of English Law. At the end of the hour I had ten or twelve hastily scribbled pages of notes and a number of references for outside reading. C. J. Burchell taught us shipping law and he did it at such top speed that he gave the impression of having marbles in his mouth. At the end of the lecture I would come up with a fairly lengthy list of cases to read and a half page of notes. C. R. Chipman was the manager of a mortgage corporation. His lectures on mortgages were most instructive, and he invariably referred to these documents as “mortgages”. G. Mcl. Daley delivered a series of lectures with the title “practical statutes”. Captain W. F. Mitchell told us about admiralty law, and did it in a picturesque manner. Colonel W. E. Thompson and his dog were usually a bit late for their lectures in which the colonel explained the intricacies of insurance law while his dog slept on his lap. Other lecturers who fed us instruction and information and exhibited different degrees of oratory, whimsey, imagination and enthusiasm, included V. C. Macdonald,

R. F. Yeoman, F. H. M. Jones, R. M. Murray, I. C. Doty, R. E. Inglis, and J. E. Rutledge. We were a fortunate class.

Life in the Law School was beyond all expectations. We had not advanced to the first name basis between teacher and student but there was that rapport that develops among people with common interests and objectives. The professors and lecturers expected results and were anxious to produce. The library was the focal point and the classrooms were the forums for discussion and debate. We worked to learn — that’s why we were there — and there was a great amount of pleasure in the after class discussions and bull sessions. I felt closer to the second and third year law students than to those who entered the school after me, and I’m not quite sure why that should be. Perhaps it was because there were some wonderful characters in the ‘26 and 27 classes. There were 52 law students in the fall of 1925 and 44 in the spring of 1928, and we lived in one another’s pockets. We fielded interfaculty sports teams, indulged in debating and college activities, played a part in student council and campus societies, and behaved like a family. The Weldon Inn chapter of the international Phi Delta Law Fraternity came into being in the school in 1926.

These were good years at the Law School. Uncomplicated I suppose — bachelor years — little spending money — self generated entertainment — mildly rebellious — and the off-campus Law Ball that encouraged continuing co-ed interest in us. The Law Ball in the auditorium on Tobin Street — Tookie Murphy proprietor — Joe Mills and his orchestra, evening gowns and white or black tie obligatory, streamers, balloons and a crepe paper moon, a program dance with three waltzes, the first, supper and last, and four extras, and one extra extra. And most of us walked to the dance and the walk home was fun too.

So many memories!

Granville Street.



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During nearly all of my Dalhousie life the Biology Department had its home in the Forrest Building and for half that time we shared an end with the Law School and made our exits and our entrances by what was always known as the "law door". We hardly ever used the big central door because it was, by our lock-happy custodian John MacLeod, subject to a split second lock-up at closing time and was kept out of use whenever the rules would allow. There were three of us teaching biology and three full timers in law (later reinforced by a junior, one of whom was the present Chief Justice, Gordon Cowan). We all became close friends and shared in the liveliness that was led by Hugh Bell in biology and by Sid Smith, both of whom had an exuberance and lack of respect for the Establishment that some of the veterans brought back from the horrors of the trench war (or as they used to call it later, the bow and arrow war). I graduated in 1926 and returned to teach in 1930, along with another youngster, John Willis. It is my recollections of those days that bring nostalgia in these days of the hugh Dalhousie where we are all monastically withdrawn inside our own departments.

When I first knew him in the 1920's, Sid Smith was exuberant and bounding. It was only at a later stage that his administrative responsibilities seemed to grind some of the sense of laughter out of him. He was still cheerful and good natured but he lost some of the bounce. In the early days, I have seen him start a wrestling match with George Wilson when we would be taking a walk around Point Pleasant Park. Wilson was a championship wrestler and of course he put Sid on his back pretty fast. Sid had a great sense of fun, bouncing around like a young animal playing. The so-called out-of-town club, with Vince MacDonald, George Wilson, Geoff Adshead, Bert MacKay, and Hugh Bell, would go out and have a regular jamboree, twice a year, at the beginning of term in September, and at the end of term in May, and Sid would undertake to cook the steaks and he sometimes burned them, so I heard. It was nominally a fishing trip and Sid would love to row the boat. I was too young so I wasn't part of this group but Hugh Bell used to tell me about it. Later on, when he came down to Halifax from Toronto, Sid would always spend a lot of time with Wilson and Adshead, but there were pauses of silence; he was pretending that he was the same carefree man but he was really thinking about his affairs as university president or minister of the crown.

When I was a student Sid was a young professor just back from the Great War and when I came back from my graduate work he was the dean. There were hell-raising episodes when I was a student. The secretary for law was Trixie Smith, who left to go to Studley and later became the registrar. One time when biology had imported some large, live bullfrogs, Sid and Hugh Bell let them loose in her office and you could hear the row all over the building. As I mentioned, MacLeod, the janitor, was a great fellow for locking doors. All my life it was MacLeod trying to keep me and students out of the Forrest Building on evenings and holidays. He got permission from the president, Stanley MacKenzie, to put

everybody out. This was when Sid was Dean. So he went into Sid's office and told him to get out of the building at ten p.m.; this, he said, was an order of the president. Incidentally, it is revealing that the president looked after things like that in those days. Anyway, Sid said, "I am not leaving" and MacLeod said "it is my duty to put you out." Sid said "go ahead and put me out then." MacLeod said "you are unfortunately a bigger man than I am so I can't do it but I should." Sid rather liked taking on the administration in a little row, but this one petered out next morning when the president clarified MacLeod's instructions. One of the ceremonies that Sid introduced when he became dean was that the junior member of the law faculty, who was always a temporary appointment, was officially made keeper of the rolls. It was quite an elaborate ceremony. He was given the duty of seeing that there was always a roll of paper in the faculty lavatory. The first keeper of the rolls was George Crouse who is now practicing in Lunenburg and was a very humorous colleague.

When I came to Biology we had nothing to work with and no money, but we had to start the students in my comparative anatomy class. There was a need for cats and the system had been that the students were told to go out and come back with two cats, which were killed. I felt that it was a terrible thing, from a public relations point of view, for the university to steal people's pet cats all over the area, so we got some dead cats from the place downtown where stray pets are put away. We had to have a skeleton, which we got by boiling up the bones and taking off the flesh. The president authorized us to go ahead, so we boiled them up in a big pot. The smell was so bad that the Law School had to be let out and all the windows opened. Sid made a tremendous fuss about this with the president and so I said, "well we have got to have a fume chamber", and so we got the president to authorize it for \$200 or \$300 (something he would never in this world do) and took a pipe up through the roof of the Forrest Building with a motor in it to take the fumes out. I got a major piece of apparatus and Sid had won a major victory for the Law School. He enjoyed that very much.

Another of Sid's encounters with the administration was in the depths of the depression when everybody's appropriations were cut and we had very little money for apparatus or books. The Law School managed, in the final shakedown, to keep its subscriptions but wasn't allowed to buy any new books. Sid had been scurrying around and he found that the floor space in the Forrest Building was divided between Biology, Medicine, Dentistry, and Law according to a formula. He measured up the Forrest Building and found that Law wasn't occupying as high a percentage as it was being charged for by the Business Office. So he protested and got the Law School credited and the others debited. It didn't give anybody five cents, but he won!

Vince MacDonald was amusing to be with because he was always saying something that would make everybody laugh, sometimes with a cutting edge. According to the students he was

a very effective lecturer. They felt that they could understand what he was talking about much better than some of the others. He used to say that he was a "point maker" and that point-making, rather than the discursive style, was the effective way to teach. And as a matter of fact so do I. Vince had a "cut". He didn't have a puppy-dog quality. He probably had more brains than Sid and he didn't have things easy. He was likely to say something that would upset you and I think that he probably talked himself out of two or three university presidencies by saying things to the interviewers that perhaps struck a little home.

Vince enjoyed his university days and liked coming to convocation after he had gone to the Bench. They used to put labels on the chairs for the platform guests in the front row, and they had put "Vince" rather than Mr. Justice MacDonald" on his chair. He liked that. He told me, as we were walking along in the procession, that the reason why he particularly wanted to come this time was that he had always been subjected to somebody coming up to him at convocation saying "isn't it nice that you have nothing to do for the next three or four months"; and he said that he thought he would like to say that to me!!

You had an option at Dalhousie as to whether you did anything in the way of scholarly work or not; and, broadly speaking, the Arts people seemed to take the option of disappearing, as Vince remarked, until a couple of days before the opening of term in September. I knew people who would set their exams ahead of time so that they could catch a particular ship to Europe. They would mark their papers on board and telegraph the results back from St. John's, where the ship called. Some of the science people were working and I think that there was some scholarship in the Law School, which seemed to be well regarded. But, broadly speaking, I think that, in Arts particularly, and perhaps in Science, we were essentially a colony of England. It was not until after the Second World War that it began to dawn on some of us that we would have to begin to make Dalhousie into a graduate school; that we couldn't coast along by sending all our good students away, and getting none in return. Eventually we got Ph.D. work going, but before that George Henderson of Physics had come out of the Second World War and had sponsored the formation of the faculty of graduate studies.

There was a good academic atmosphere about the place. The faculty was small and we all knew each other and this meant that we could consult our friends. We didn't know what the word interdisciplinary meant; we just talked to each other. Of course, in the biological field, Stanley MacKenzie had set up the new

medical science departments which, combined with Biology, gave us a base for effective advanced work.

Erasmus visited Cambridge in the early days. He met a young scholar who complained bitterly that Cambridge was a backward place and who said that it was hard to do any real scholarship away from the centre of learning at Rome and that he would like to get back there. Erasmus made some appropriate comment about scholarship not depending on where you were. And I felt that way at Dalhousie. I never felt that I would have done any better or worse work if I had been in Cambridge, perhaps worse because I would have been imitative of somebody there.

MacKenzie's predecessor as president, John Forrest, was the brother-in-law of George Munro of Munro Day fame. Munro set up a series of chairs at the best salaries in Canada; one of these was in physics and the rest were in arts rather than in science. The Law School had also got well along, so that by the time Forrest retired, the university, with the exception of the medical school, was in pretty good shape. When Stanley MacKenzie came he decided that his major contribution would be to put medicine on its feet, beginning at the level of medical science. He started the clinical departments on the road as well, and he raised biology from one part-time man to three. He attempted to lift chemistry by appointing our first research professor. I think he probably didn't do all that much for the Law School, which was then struggling to get its numbers up to the desired thirty entrants per year. From MacKenzie's years we were running on momentum into the Great Depression and the war.

I think the momentum in Canada moves from one subject to another. The Second World War was a physicist's war, what with the nuclear bomb, the defense against the sinking of ships by various devices, and radar. Tremendous momentum developed for the sciences. We had a lot going for us and the politicians accepted science uncritically because science had won the war. That faith endured for ten years or more after the war and during this time Dalhousie failed to reach the forefront in science.

Today it seems that science is turning from the laws of the universe to the laws for our survival in the world. There is an emergent citizen distrust of the effects of technology on ourselves and our planet, which must increasingly involve governments. The Law School is in the forefront of the new concern, which may bring back to Dalhousie, in its present multiversity era, a fellowship with science equal to the one we cherished in the days of the Little College, and which somehow was lost in the interval.

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I entered the Law School in the fall of 1931 and took my degree in the spring of 1934. Somewhere in mid-passage it was announced that the School would be addressed by Mr. A.S. Barnstead, then, among other things, Registrar of Joint Stock Companies. There was a quickening of interest. Here was the man whose imprimatur put the breath of life into a Nova Scotian company. It behooved the young would-be lawyer to pay heed. Mr. Barnstead had a good house.

Mr. Barnstead delivered what I recall as an adequate description of the process of incorporation, with emphasis on a number of things not to do, but what stuck in my mind was his opening. He got off to a rousing start by stating he had graduated from this institution in 1896 and had not been in the building since, until this occasion. I was astounded. 1896 then sounded to me like pre-historic times. It seemed to me I then had been in the School a dreadfully long time and the end of my course looked very far ahead. How, I wondered, could any man spend so long in an institution like this and then walk out the door never to return for thirty-six years? This seemed to me even more astounding as I knew Mr. Barnstead happened to live around the corner on Tower Road, scarcely three blocks from the Law School.

Now, after a span of time somewhat longer than Mr. Barnstead confessed to, I realise I have come close to his feat. I have been in the School, at its original and each of its subsequent locations, a total of perhaps a half dozen times. But some of these had only peripheral connection with the School as such as, for instance, when Horace Read chose to convene a sitting of his Labour Relations Board in the Library of the Studley Building. Except for four or five years, I had been living in Halifax. My comings and goings frequently led by the School door. I had friends there. It was, after all, my alma mater. Why had I so seldom come back? After some introspection the only answer I can find is that it never occurred to me to come back. And now I have this request of the Dean for an account of my time in the School.

I remember quite a lot about the Law School I attended. My knowledge of the Law School as is, or as it has been in the interval, is close to absolute zero. While I see frequently, and always have seen, friends on the faculty, we seldom get around to talk about the School. I have had dealings with many graduates junior to me and had occasion to assess their characters and qualifications; but I do not believe this tells me much. One can, with a little effort, form an opinion of a man which may be reasonably accurate, but one can never be sure he is what he is because of, or in spite of, his confinement in the Law School. I can tell about the institution I attended as accurately as recollection allows; I can draw no comparisons or contrasts as I have no proper basis to go upon.

My arrival at the Law School was accidental, a minor by-product of turbulent times. I did not have what in some quarters used to be called a vocation for the law. My own family, so far back as my

immediate ancestors could remember, had never contained a lawyer. My relatives knew little about the law, and that little did not cause them to regard with favour those who dealt in the law. It would not be correct to say they had strong feelings on the subject, although they tended to equate the appearance of a lawyer on the scene with the arrival of bad news. Hence there was no family cheering when I proposed to study law. Nevertheless, they underwrote the required financing and up I came.

I found myself a member of a class of twenty-four (I hope I have the number correctly). Anyway it was the largest class to hit the School up to that time. The third year numbered 12 or so and the second around 15. I suppose the accurate figures are on record somewhere. My recollection is the total student enrolment was 45 to 50. The classes after mine tended to be larger so the total student body was larger by the time I left. The full time faculty was "three men and a boy", had been at that level for some time and, I believe, continued so some time after my sojourn. Then there was the Dean's Secretary who, in my time, was the only female on the premises. I was told there had been female students in the past. I don't think any were kept out in the years I was there. It just happened none wanted in. This compact, smallish, exclusive group, dedicated to the study and worship of the law, was tucked into a half dozen rooms at the northern end of the Forrest Building. The classrooms were equipped with long desks behind which were hard bow-backed benches, designed by some covenanting Presbyterian to insure the wakefulness of the occupants. As a society it was cosy, intimate and superlatively congenial. Perhaps in retrospect all this seems somewhat rosier than it appeared to us at the time, but I doubt that. There were minor spats and collisions, but I can recall no feuds or lengthy estrangements. The faculty maintained their station and dignity without pulling rank. There was constant joshing and barbing and any manifestation of pomposity brought down instant and merciless attack. No one seemed unduly concerned about anyone else's tender feelings. I suppose mutual liking and some instinctive sense of fitness of things prevented anyone overstepping the line to say or do something unforgivable. If such happened I was blissfully unaware of it. Of course there were groupings and one was more intimate with his own small circle of congenial souls. I met no one in the School whom I disliked, then or thereafter. I am proud to be called friend by any of them or to meet any of them in any company. Jammed together as we were, each man got to know everybody else very well indeed. My impression is that we rubbed together happily.

This is not to say our existence in the School was idyllic. Money was desperately short and appallingly hard to come by. Of course some were better supplied than others but many — too many — were hard up against it in the most fundamental way — eating money. I don't think it got down to actual malnutrition in any part of the School, although God knows there was plenty of that elsewhere in the town. The times were

bad and as the Great Depression deepened economic conditions worsened during the whole time I was in the School. A few had to drop out from sheer lack of funds. Many of the remainder kept on by continuous application of new economies coupled with a constant seeking of new sources of supply to tap. My own problem was a piece of cake compared to the problems of many of my classmates, but my problem was acute enough to color my thinking and to have an incidental bearing on my attitude to the School and its effect on me.

We all tried to earn something in the long vacation but jobs of any sort were woefully hard to find. After my first year I was lucky enough to get a summer job as helper on a diamond drill prospecting for coal. The drill and the driller were governmental but the deal was the coal company supplied the helper. A kind relative in the coal company wangled the helper job for me. The pay was \$22.00 for a work week of six days — 6:00 a.m. to 6:00 p.m. After board and lodging, the summer's work netted me about \$200.00 which was not enough to finance the next term so I had to fall back on my father for the balance. Mid-way through second year my father encountered a financial reverse so for a time it looked as though (1) my source of supply had dried up and (2) I might be under necessity of restoring some of the money he had given me in the past. At this stage I would have forsaken the Law School if anyone had offered me any kind of a job doing anything. This sudden shift from supply to demand was both shattering and sobering. Since I could not come up with any scheme of earning money except by way of the discipline I had supposedly been studying for the past year and a half I suddenly became in one hell of a hurry to obtain a license to practice law. A careful survey convinced me the quickest way to that goal was to press on to a law degree but that, in time, was still over a year away with no possibility of acceleration.

Fortunately for me this crisis eased over the next few months. My parents found means to exist without aid from me. I found enough money to get through to the end of term. And then I got a break. At that time the Nova Scotia system of articles required an apprenticeship of three years with time spent in the Law School counting. Some kindly and knowledgeable friend had advised me to take out my articles the spring before entering the School so my three years would run out contemporaneously with taking my law degree, i.e., May 1934. Mr. C.J. Burchell, a friend of my father's, agreed that I be articulated to him and so I was.

The practice of an articulated clerk paying his principal a fee for the privilege of being articulated had died out by 1931, but not so long before as to extinguish the memory. I understand the going fee, while the practice prevailed, was \$500.00. When I articulated I acquired the impression that, while no payment of fee was required from me, nevertheless a substantial boon was being conferred upon me. The practice of the principal paying

anything to the clerk for the privilege of having the clerk clutter up his office had not then been invented, although I heard stories of some generous principals paying the admission fees of some articulated clerk considered deserving of that act of munificence.

I am not really up on the history of articling but I suppose that after a practising barrister had extracted from his articulated clerk a fee of \$500.00 the barrister felt under some sense of obligation to give the clerk some consideration in exchange. This presumably would be an ushering into the mysteries of the practice of law. The sense of obligation, if it ever existed, no doubt tended to disappear along with discontinuance of the practice of extracting the fee. Anyways by the time I came on the scene, the relations between principal and articulated clerk seemed to be at dead centre. Nothing was demanded of the clerk and nothing was volunteered by the principal. This, I understand, resulted in many cases in the principal and the clerk meeting on two occasions only — one when they signed articles of clerkship, and the second, three years later, when the principal signed a certificate about such things as three years' faithful service and good moral character. No doubt there were other cases where, depending on individual characters, some instruction was imparted and some service was given. For my own case Mr. Burchell and his partners were friendly and helpful and indicated which way we played it was up to me. It was painfully clear to me that for the first vacation there was money to be had in drilling and none to be had in the Burchell office so I opted to serve four months of my articles in the coal fields.

All this changed with the crisis which erupted during my second year in the School. Suddenly I acquired a burning sense of urgency to learn what this practice of law was about and particularly how one got money out of it. 1933 was a general election year in the Province. The campaign started early in May and ran through with ever increasing heat to election day which was late in August. As a campaign it was a lulu and it resulted in the overthrow of a government and the installation, as Premier, of Angus L. Macdonald (recently a Professor at the Law School) and that was all right by a number of people, including me. The bearing of all this on my personal saga was that the lengthy political campaign stripped the Burchell office of such talent as Eugene Parker and Gordon Fogo and their need of some additional bodies to mind the store was desperate enough to induce them to offer employment to me — an articulated clerk — at \$10.00 per week, cash on the barrel-head. I was down the ways and fairly launched with a splash and my joy was unconfined.

I have run on at length on this autobiographical bit as I can vouch for its factual accuracy. Many, if not most, of my classmates had a much tougher financial time of it than I encountered. What I know of them is what they told me. It was

not the fashion then to air unnecessarily the details of one's financial affairs. What was communicated among close friends was usually under cover of confidence which should still be preserved. Generally speaking the effort to latch on to some money was energetic, continual and frequently ingenious. No holds were barred except a drawing of the line short of activity which threatened to land one in the courts as a principal. It was generally known that a couple of senior practitioners downtown would come to the aid of a student who could convince either of them of his need and eligibility. The rules with each of them were said to be standard — complete confidentiality on both sides, no note of hand or other evidence of the transaction and the receiver's promise, as a man of honour, to pass the assistance along when he, having got on his financial feet, found some young fellow in the plight now occupied by himself.

Sources of public assistance seemed to be non-existent. One member of each class was appointed librarian, at an annual fee of, I think, \$50.00, with a general mandate to conserve the limited supply of books and apportion in an equitable manner their use by such students as applied. Each year the Dean made these appointments with a care and solicitude for most urgent need that would raise the eyebrows of a modern welfare officer. There were a few sources of the bursary character around the University and the Law Society but the total amount available was a drop in the bucket. The Students' Council paid a salary of \$50.00 each to the Editor and the Business Manager of the *Dalhousie Gazette*. In two years I acquired a piece of the former, once in partnership with T.D. MacDonald and on the second occasion with Roy Duchemin. In one of these years Howard Oxley and Davey Holland split the Business Manager's fee. Both jobs carried reimbursement of expenses which consisted entirely of car fare between the University and Macnab's print shop on Bedford Row. Each of us unblushingly laid claim for ten cents each way on our trips to Macnab's and then walked. There were no government-funded sources that I could ever find, although I looked. Had anyone then given voice to the notion that government should advance funds to students, or even dole out money to private universities, he would have been written off as a dangerous Bolshevik.

Curiously enough there were funds available, for those who could wangle them, for travelling expenses to various conferences. I had more than my fair share of these, the gem being from the Carnegie Endowment for International Peace who put on a real bash at the University of Michigan for some eighty British and American students and a handful of Canadians. We slugged it out for a fortnight at Ann Arbor dutifully recording approval of the League of Nations and the Kellogg Pact, reprobating the use of violence in international affairs and passing resounding denunciations of the United States Senate and particularly Senator Borah. The underwriting of expenses was princely. I lived in royal style for three weeks,

made a few side trips and found I still had a hundred dollars when I got home. I have always felt a little guilty about Carnegie & Co. spending all that money on me, particularly when eight years later the grandfather of all wars broke out in spite of my strenuous efforts to avoid it.

The lack of money was not only personal to the students. The University was thought to be in hock up to its ears and I fancy faculty salaries were cut below what were already subsistence levels. Everybody's income was cut, even the Supreme Court Judges who were nicked 10 per cent on their traditional stipends of \$9000.00 per year. This gave a jolt to all we were being taught about the independence of the judiciary and I imagine it wounded the judges too. Some of the western judges tried to do something about it. They went to law. Little good it did them for the pay cuts struck. Dean Smith told us this was a tribute to the impartiality and independence of the judiciary, but I cannot recall any judges concurring.

Nevertheless the Law School went on, cherishing its old traditions and dinning them into the occupants of those execrable benches. There was no difficulty getting enrolled in the School. The welcome mat was out and recruitment of students was active. I don't believe resort was had to methods of naval impressment current in Lord Nelson's day but, short of the press gang, just about every inducement was applied to attract students to the School. Once in, the student was seemingly welcome to stay so long as he could produce the annual fees. No doubt it is attributable to the high caliber of the students who came in during my time that plucks were quite rare. If the blow fell it could nearly always be made good by writing a supplementary. We suffered some attrition by those who, discovering law was not their cup of tea, voluntarily quit and by those who just couldn't raise the necessary to pay the fees. I cannot remember anyone who was turfed out in my time on mere grounds of insufficiency of scholarship. Sometimes someone had to repeat a year but taking a degree seemed to be just a matter of time and persistence and, of course, payment of fees. We had one fellow of sweet disposition, beloved by faculty and classmates alike, who just could not grasp the process of analytical thinking, or whatever it is, necessary to study law. Everyone conspired to help him along and eventually he made it. Someone has said that nicknames tend to be either descriptive or derisive. His was "Halsbury".

The full time faculty for my first two years were Dean Sidney Smith, Horace Read, Vincent MacDonald and John MacQuarrie, the best of good fellows all. In my final year Horace went off to greener pastures and was replaced by John Willis. I could write a book on John. Suffice it to say for present purposes that with his coming a new era dawned in Canadian legal education.

The efforts of this fine body of men were supplemented by a

group of judges and downtown practitioners who came up to give lectures — usually at 5:00 p.m. In my judgment these part-time lecturers broke down into four classes: (1) old hands, who for years had lectured from the same old dog-eared syllabus and could not be put off it by any ruse; (2) old hands, who could be induced to throw the book away and to talk about something current in the most interesting fashion; (3) new hands, just bursting to impart to us the lore they had picked up by a couple of years head start; and (4) the judges, as always a race apart. To me, and I believe to all of us, all the part-time lecturers were likeable on personal grounds. As instructors of the young, class (2) won by a mile.

Sydney Smith was Dean and I suppose he set the tone for the cosy congenial — almost monastic if you don't press that adjective too far — little society. Somehow he spread about a high-hearted, robust philosophy. If he ever preached to anyone I did not hear it. He habitually expressed disapproval of pettiness in anything — even sin. He had an expression "Bless your little heart" which cropped up frequently. This he could use as a mark of approbation, a rebuke or an exclamation of astonishment at the utter idiocy of something just said to him. I seldom heard him in the first rendition.

Horace Read, in my observation, never made the error of acting precipitously. In the lecture room he seemed to go on and on. Perhaps this was part of his technique. He could get a fellow wondering what in creation he was driving at and thereby command some attention over a long period until Horace had everything ready to drive the point home. Horace was the pre-eminent bailer-out and fixer-up whenever a student got into trouble with some section of the establishment. It was heart-warming how the whole School, and our legal friends downtown, closed ranks and became helpful when one of us got into trouble. I don't think the administration of justice was impeded but skillful precautions were taken that some young fellow was not set out with a black mark against him which might rise up to smite him later in his career.

Vincent MacDonald was the only one on permanent faculty who had previous actual experience in practice. Among other things he had been for a year private secretary to Mackenzie King while Prime Minister. There was an impression around that this tour of duty, coupled with his unspecified experience in the practice of law, had equipped Vincent with an insight into mysterious sources of power. I do not recall Vincent every saying anything to discount this impression. As a lecturer I did not fancy Vincent — he persisted in dictating notes at great length. As anything else I liked and admired him and we became life-long friends. Vincent was a great hand at taking a fellow down to size, a service which he performed with great skill and effectiveness and some relish. Whether he got it all out may be debatable but he certainly excavated from me a considerable tonnage of arrogance and pomposity for which I

shall be eternally grateful.

John Willis arrived when I was in final year. I have little recollection of him as a lecturer — I think I met him only in something called "Conflict of Laws" which I found boring at the time and have had virtually nothing to do with since. On an extra-curricular basis the impact of John Willis on everyone in the School was tremendous and certainly in the public interest. Years later we were partners in practice for the most enjoyable five years of my professional life. Horace Read, and others, put up a howl about the loss to legal education when John came into our office. I, and many others, put up an equally impressive howl about the loss to the law profession when he opted to go back to teaching. It would be a dull world if we all thought alike.

John MacQuarrie occupied the "boy" slot on faculty for my first two years and was then replaced by George Crouse. Both these excellent men suffered from a disability — they had been students a year or two before their appearance as professors and there were just too many people around who knew them when. This was all but fatal to the mystique which should surround a professor of law. Personally I am encountering a similar difficulty with judges. When judges were known to me only as judges, or at least as very senior counsel, and were patently a great deal older than me, veneration came naturally. Now, having survived for some years, I find most judges are considerably younger than I am and, with the local ones, I know all too much of their previous un-judge-like activities. What hitherto came naturally now requires some conscious effort. As I say, John and George had this disability but if it dismayed either he concealed it.

The only clear recollection I have of John MacQuarrie as a teacher is sitting at his feet in a course called "Bills and Notes" where he had a lot to say about presentment, crossed cheques and protesting a dishonoured bill. What I do clearly recall is a story John told us about this last. I gather this had something to do with a foreign bill which was payable here and required the bill be formally presented at the place of payment — usually a bank — and if there were insufficient funds there to respond to the bill you took it back to the office and made up a protest which you sealed as a notary. The point was to record with precision in the protest what was said to you at the place of payment when you presented the bill. Now any solicitor would drop dead rather than go to a bank for such a purpose so he sent down the office boy (every Halifax law firm had an office boy until the minimum wage came along). In the bank the office boy went to a teller who was usually trying to balance something or locate a shortage and not that keen about some kid sticking a bill under his nose and demanding payment. Well, John said, in this firm they had a red-headed Scots office boy with a loud voice and a generally repulsive appearance and this day the boy happened to have been sent to the same teller twice before when he had been told "no funds" or something

like that which was just fine for a protest. The trouble occurred when the red-headed kid was sent down the third time (there were a lot of dishonoured bills then) and he arrived at the bank just when the harassed teller had located the shortage in his own till and the kid nearly blew the roof off the bank with his bellow demanding payment. The teller said quite a lot in salty language about the kid's ancestry and his immediate future if he did not vamoose in a hurry. The kid, being a Scot and literal-minded, took it all down and entered it in the protest form. The solicitor, as notary, sealed the form without reading it (standard practice) and off it went to some bank in London where it caused another drop in sterling — or so John said. That, incidentally, is a fair summary of my knowledge of protesting a bill.

George Crouse I met in "International Law" which I suppose is one of the perquisites of being the junior on the staff. The relevance of this subject to the practice of law for which we were being prepared is not apparent. Indeed its relevance to the world of that time what with the Japs rampaging in Manchuria, Hitler warming up Germany, Mussolini rattling his sabre at everybody and the League of Nations doing nothing, was hard to detect. To put it in a modern context we had about as much interest in International Law as Idi Amin would have in the rules of The Kindness Club. But there were no electives in those days. By ordinance you had to pass that course to get a ticket to practice law in Nova Scotia. The consensus of the third year was that, if the course George was conscripted to teach us was an unqualified lemon, there was nothing wrong with George himself. We all thought him a good fellow.

I have said something about a monastic society so I should make it clear this is not meant in any way to indicate ours was a virtuous society. The maiden speeches in any court of at least two of my contemporaries were the traditional "Not guilty your Honour". One made it into proceedings in the Divorce Court and more should have. There was a good deal of hellery going on so I fancy Horace Read devoted as much time to bailing-out operations as he did to preparing lectures. There was considerable imbibing of strong waters. This is perhaps surprising in view of the shortage of money but most, if not all, of us felt an urgent need to deaden the pain or to make our friends interesting. Competent bootleggers would, for \$5.00 cash, deliver to the door three quart milk bottles alleged to contain rotgut rum. There was some suspicion this might be Belgian alcohol treated with molasses and tobacco juice, but the liquid never to my knowledge proved deadly poisonous. Some genius discovered that a mixture of the bootleggers' product with a cheap Ontario wine available at the Commission for \$1.00 per gallon resulted in a beverage which had great authority and mileage and which went down acceptably. Loving care, but possibly less fastidiousness than in the Japanese tea ceremony, was bestowed on the preparation of this nectar. The hard part was the assembly of the cash needed to acquire the

ingredients. After that all you needed was a bucket or some other utensil large enough to contain the volume of liquid and strong enough to resist its corrosive effect. Gambling was endemic in the School, though perforce for small stakes. One of my classmates made enough playing poker and bridge to support himself through the School, but not from the School. He operated in mysterious places down town where betting money was to be found. A couple of other fellows tried to tap this source but failed the course. The Law School was no Sundry School picnic but I never learned of any behaviour which is what I would call really vicious. Certainly, to my knowledge, none of his boys ever committed any sin so enormous that Horace Read was not willing to come to his aid.

Everywhere, in the common room, in the frat house, even in the classroom if the lecturer would yield the floor, there were impromptu debates. Frequently the point in dispute had some connection with the law. I suppose all this served a purpose. Participation sharpened the wits and practice in making a point developed forensic skills. Argument on points of law within the framework of legal forms was restricted.

We were told that in earlier years Dean John Read held regular Chambers in which various motions, supported by appropriate papers, were presented by counsel from a number of firms formed by the student body. Nothing like this occurred in my time. Nor do I recall any attempts to simulate a trial, unless you count rather amateurish and spontaneous attempts to create and operate a tribunal to deal with some in-house offence. I recall one arising from the attempt of one of our number to solve the incessant quest for money by conducting a raffle. This fellow possessed some item of property which appeared sufficiently desirable to the rest of us to warrant the investment of fifty cents for a raffle ticket. There was a brisk sale of tickets and everything went merrily until, after the draw, it was discovered four different individuals had tickets bearing the winning number. It seemed something was amiss and it looked like the organiser of the raffle was at the bottom of it. Anyway a kangaroo court was convened and the organiser was put on trial on a charge of skullduggery. The jury brought in a verdict of "Guilty" rather rapidly and some suitable sentence was imposed, though I cannot remember what.

Argument of appeals was taken rather more seriously. Some time before, S.E.S. had put up the Smith Shield, which served to formalise the contest. In our time the first year people took no part except as spectators, the second year provided counsel and the third year provided judges, in panels of three. I suppose someone in the faculty set up the cases assigning to each one second year man as counsel on each side. This was taken very seriously. Much work and loving care was devoted to preparation of the presentations. The judging depended largely on who happened to be on the Bench; from case to case it oscillated all over the spectrum. From subsequent

experience I would say the average performance in Moot Court stacked up well against the average performance I have witnessed in the Appeal Division or in the old court en banc.

It was not the invariable practice for the Bench to render a written decision, but sometimes one was given and posted on the notice board. In my first year an incident occurred which gave a coloration to subsequent decisions during the time I was in the School. The chief justice of this particular court was a serious-minded fellow, much given to spending time in the Library. After hearing the oral argument this chief closeted himself somewhere and then brought forth a decision of impressive length, with copious citation of authorities. I read this decision which seemed to me to bear, in the first dozen pages, a resemblance to a section in the E & E Digest and in the concluding paragraph, in which the chief dismissed the appeal, an obvious break in the logical deduction to be drawn from the earlier part. Apparently his judicial colleagues acquired a similar impression for they put on the notice board decisions which read much as follows: "Having had the advantage of reading the opinion of my lord chief justice I would allow the appeal for the reasons set forth therein." This caused a bit of a tempest at the time. One consequence was that subsequent Moot Court decisions, if any, tended to be variations on the following theme: "Notwithstanding the able and ingenious argument of Mr. ———, for which we are obliged, we have concluded the appeal must be dismissed."

I believe someone, it must have been S.E.S. or the faculty, selected four counsel to argue in their final year before a bench of real judges. In my time the bench was Hall J., Doull J. and W. C. Macdonald, K.C., then President of the Nova Scotia Bar. One of the other counsel was my old friend and classmate J. Louis Dubinsky who, for some mysterious reason always seemed to be arguing the opposite side of any proposition I was engaged in upholding. Louis and I first met around 1927 when someone invented high school debating in Cape Breton and Louis appeared for Glace Bay High School and I for Sydney Academy. The subject was the adequacy or otherwise of the efforts of the United States to promote world peace, a topic eminently suitable for debate among schoolboys in Cape Breton. I am sure Louis and I dealt adequately with the issue and what we had to say must have been a great comfort to Calvin Coolidge and other people around Washington. I find Louis' propensity to disagree with me something of a problem since he was made Judge, but I still love him dearly.

In addition to internal effort to stage a court proceeding many of us were in the habit of haunting the Law Courts when something interesting was on the card. No doubt the subject matter we considered attractive was not necessarily litigation raising refined points of law — Mr. Justice Graham seemed to think so when he habitually banished all students from the Divorce Court — but something was learned by watching the

administration of justice in the flesh.

Politics pervaded the School. Nearly everyone had some political interest and we understood a show of such interest was mandatory to law practice in the province. Most students already had a political affiliation — i.e., he was either a little Grit or a little Tory — so in the incessant debates and arguments political topics cropped up and one defended one's team. Perhaps because no federal election was called during my time in the School political discussion was either provincial or, God save the mark, British. On provincial affairs we did not bother with issues — I doubt if there were any — but confined our pronouncements to knowledgeable talk of methods of acquiring votes for our particular party short of conduct which might void the election thought to be coming. Why we were exercised about British politics is a bit of a mystery. It must have had something to do with the dramatic fall of the Labour Government and the formation of the National Government as I recall a lot of heat being engendered about the rights and wrongs of that political convulsion.

A good many of us had acquired some political experience — or thought we had. It was the fashion then for each party to hold a meeting in each school house in each constituency. There were a lot of school houses in each Halifax rural constituency. The candidate of course had to show himself so this meant he had to get to a minimum of three meetings per night through the campaign. For some reason all meetings started at 8:00 p.m. so someone else had to speak to two meetings until the candidates got there, if indeed he ever did, what with distances, bad roads, car breakdowns or losing his way. The demand for fillers-in gave the likes of us an opportunity. The main requirements were a good wind and an ability to speak for any time from 10 minutes to an hour and a half, depending on how late it was before the candidate showed up. What we said did not much matter provided it was not something which rose up to smite the candidate, in which latter event we were given to understand we should be boiled in oil. At any rate a lot of us went out on these speaking forays, me included. For my own part the speaking helped me get over the problem of stage fright and may have done something for my fluency. As to effect on the body politic I suspect any contribution of mine either fell with a dull thud or drove some of the faithful over to the Tories.

Behind all this was the Depression and the International Situation, both of which appeared to be racing towards disaster. Our political and business leaders by 1932 had made so many pronouncements which subsequent events showed to be non-sensical that youngsters like us had lost all faith in what is now called the establishment. Things kept getting worse and our leaders appeared helpless to do anything about it. We sensed the need of a change but I do not think any of us were revolutionaries. At the most we wanted the current leadership

out, but no one suggested they should be strung up on lamp-posts. We all had some memories and awareness of World War I, then known as The War, and were strongly in favour of no more of that. We were all short of money and without prospects of finding any. I suppose at bottom we were frightened. Thinking back on it I should say that what we really longed for was what President Harding, without the assistance of Fowler's English Usage, wowed the American electorate with in 1920 — a "return to normalcy".

Probably I have strayed from my original point which had something to do with legal education. As the scheme was in my time there were no elective courses. Everyone took the same courses and was bound willy-nilly to pass an examination in each eventually. In my judgement the content of the prescribed courses had only minimal connection with anything I later encountered in practice. This was not the fault of the School — or at least not entirely. No one then foresaw the activities which occupy practising lawyers today — taxation problems, labour relations, administrative tribunals and coping with the complexities of three burgeoning levels of the civil service. Few people in Nova Scotia worried about Income Tax in those days. The rates were low and anyway there was no time left after worrying about income.

There were some students who were top drawer, whatever way you looked at them, and I fancy they preserved the rest of us from utter chaos. Gordon Cowan was the front runner in Class '32 and Bobbie Donald in '33. Gordon is one of those people who knows exactly where he is going and gets there in record time. I don't know when he first decided to become a lawyer. Once decided he traveled so quickly he wound up having everything ready for his call to the Bar except the attainment of his twenty-first birthday. Even he could not find a way around the age requirement so he just had to sit around until he was old enough. I have heard it said that either he or Bobbie should be ranked as the best student who ever hit the School. They were both so superlatively able that I shouldn't care to choose between them. Whether either is the all time best I don't know how anyone can decide — its like wondering whether Mohammed Ali could beat John L. Sullivan — and perhaps it does not much matter. Anyway students like those two, and there were others right on their heels, pulled the rest of us along by their example and direct assistance. No one in my year of '34 reached such exalted heights — in the opinion of faculty at any rate — but we had some notable talent. For my money the best mind in our class was Jack Miller and thereby hangs a tale. Jack had majored in mathematics and was so good at it that Murray Macneill, then Head of that Department, tried to persuade Jack to make a career of it. Jack was a cool, unflappable fellow who could express himself with great precision and conciseness. The rest of us rushed into the examination room like sprinters and wrote furiously for the allotted time, probably appending a footnote about all the

valuable information we should have added had time permitted. Miller sauntered in when it suited him, wrote nothing for the first half hour while he digested the questions, deliberately wrote a few pages and strolled out well before the final gong. S.E.S. once showed me one of Miller's papers. He disposed of each question in ten lines or less of beautifully legible copper-plate. He went for the jugular and apparently four times out of five found it and severed it without wasting a word.

Gordon Cooper might have been the Cowan or the Donald of our year — most of us anticipated he would be. He won a Rhodes Scholarship on which he took off for Oxford after one year, and thereby was separated from us for a while much to the dismay of many friends including me.

I could write something about every man who was in the School when I entered it. There would be no effort in saying something pleasant about each one and I should be hard put to find anything disparaging, even if I wanted to, which I don't. About the fellows in the two years following me I am vague. I think it must have been the fashion not to pay too much attention to students junior to oneself and in my last year, for reasons which will appear shortly, I paid minimal attention to anything or anybody in the School.

I have said before that I came into the School on a sort of side wind. Before that I had devoted two years to studying Economics and Political Science, largely because those subjects were taught by two first rate professors — Russell Maxwell and R.A. Mackay for whom I had and have tremendous respect and affection. I believe in the end I took everything either of them had in the calendar, including many courses in which I turned out to be the only student. That can be heady stuff and on me it had the effect of making me restive about mass study in a class. By this time I had also found — so many people told me — that I was endowed with a singularly short attention span. Except in very unusual circumstances I simply cannot pay attention to what somebody else is saying for longer than, say, thirty minutes. After, if not before that, my mind wanders or I go to sleep. Clearly this is not the best receiving equipment to bring into a lecture system.

My year in the Arts Faculty was the year which contained Bobbie Donald, J.A.Y. MacDonald, Art Patillo, T.D. MacDonald and others who melded their senior year in Arts with their first year in Law. I stayed on in Arts pursuing something or other in the social sciences.

As everyone knows 1931 was a tough year. The Depression really took hold and presented multitudes of people, including me, with unfamiliar and uncomfortable financial problems. Moreover, I became aware that what I had been learning since 1928 about economics and government was becoming unstuck by what was taking place in the commercial, financial and

political world around me. This was unsettling. What was more unsettling was the sudden realisation that it was high time to support myself and to stop living off family largesse. The prospects of doing this in the disciplines I had been studying looked bleak. Not only were there years of post-graduate study between me and the chance of getting paid for my knowledge but even the field was limited. In fact it was pretty well limited to teaching, this business about Royal Commissions, contract services to industry and governments and other moonlighting not being foreseeable then, and by that time I was pretty sure I had no desire for, and no capability of, teaching anything.

So I had a chat with my father, a kindly and understanding man. He confirmed my support was becoming a heavier cross to bear and added, the way things seemed to be going, he might be constrained to cut it off. However, he said, he thought he could dig up enough to see me through a couple of years. Since there appeared no possibility of my getting a job anywhere, and since it appeared he would have to house and feed me somewhere, the added expense of doing so in Halifax, plus some tuition fees, would really not make a critical difference to him. When I proposed to study law he politely enquired if there wasn't something else. When neither of us could think of something else I was prepared to tackle he said he supposed I might as well be up in Halifax studying law as loafing around a pool room in Sydney getting into trouble and bad habits. So with this background I knocked on the Law School door.

My contemporaries were now a year ahead of me. They and a lot of fellows in first year knew exactly what they wanted to be, and that was a lawyer. Really I did not know what I wanted, or wanted to become, and, since it never occurred to me to blame myself for the predicament, I entertained a definite sense of having been had by a person or persons unknown.

The collision between me and the School was immediate. I didn't like the benches, the classes, the lectures or the whole atmosphere which seemed to me like going back to kindergarten. S.E.S. and Vince soon knocked a lot of this out of me but I was still bored and disgruntled. Somewhere in first year someone put me on to A.P. Herbert and Albert Haddock and for the first time since entering the School I felt I had found someone who talked the sort of sense I could comprehend. Once on to this vein I explored it further in Dickens and Trollope, in Bernard Shaw, Galsworthy and Sir William Gilbert. The writings on law of these authors made the first year tolerable for me.

Getting through examinations presented no formidable problem. Back in High School someone had told me how to write examinations and I had made the interesting discovery that I could write a better paper — hence make a higher mark — if I did not encumber myself with too detailed a knowledge of the

subject. This worked like a charm in the Law School, spared me considerable trouble and freed, for things I wanted to do, a lot of time I might otherwise have spent studying or reading law reports. I should not leave the impression the examinations were a breeze or that we did not take them seriously. I entered the examination room with as many butterflies in my stomach as anyone else, particularly when I thought I might have cut the degree of preparation too fine, but really I believed the obstacle was surmountable and so it turned out to be.

A summer in the coalfields blew away some of the cobwebs so I returned in good fettle for my second year. Any euphoria soon evaporated. Moreover, our year had moved to a room at the back of the house which had a large bay window, innumerable drafts and a couple of steam radiators. When I went to lectures — and I never attended unnecessarily — I tried to jockey myself into a favourable spot in the room where there was a reasonable equilibrium between the cold drafts and the hot blasts from the radiators. Throughout the year I nursed a constant cold which added to the misery. When my personal financial world blew apart — as at the time I thought it had — I wanted out and would willingly have run if there was any place to run to.

I have made myself sound thoroughly miserable which is an exaggeration. I was happy in my friends — and I considered all hands in the School my friends and fancied they reciprocated. About 14 of us had crowded into a frat house on Carleton Street, two doors from the Law School, where we had ourselves a high old time aided and abetted by the rest of the School who found it a convenient watering hole. This was a place where a fellow could always find good company, could lick whatever wounds he had, could succeed in forgetting his troubles and come to the conclusion life was not all bad and that there were a lot of good chaps in the world. When moods were blackest there was always Albert Haddock or the wine of the country to help one cope.

Four months in the Burchell firm in the summer of 1933 had an impact on me something like the impact of the Industrial Revolution on the United Kingdom. I discovered so much so fast it was impossible to keep track of it all. First of all I discovered Francis David Smith, K.C. F.D. has by many people been called a "lawyer's lawyer". In 1933 I thought he was wonderful. Now he appears to me as incomparably the best lawyer I have ever met and one of the best educated men. It was startling to discover his formal education had terminated in Sydney Academy. F.D. was the effective head of the firm, Mr. Burchell usually being away at a director's meeting or a conference in Shanghai. When the political campaign was hot, which seemed to be $3\frac{3}{4}$ months of the 4, F.D. and I had the office to ourselves and business was brisk. I was pitchforked into things I had never heard of and told to do the best I could. Just learning how to dictate drove stenographers into fits. It was

all strange and thrilling and nothing I had ever learned earlier seemed to apply except some familiarity with the English language picked up along the way and some familiarity with legal jargon and the use of indices picked up in the Law School. When he could F.D. redid my work or altered my drafts with explanations of why he did so. Messrs. Parker and Fogo showed up occasionally and were equally informative. There was opportunity to learn a lot and I suppose some of it stuck. When my seniors dropped a few encouraging words about my progress my cup was indeed overflowing.

All good things come to an end. All too soon the summer and the election were over, the regulars were back in the office and another year of Law School loomed up. What I wanted to do was to stay in the office, to continue drawing the \$10.00 per week upon which I had become dependent, and never to hear of the Law School again.

Well eventually we got the thing sorted out and I must say all concerned were most helpful and most considerate of my interests. The firm agreed to continue my pay if I would come in to help in the office as much as possible and undertook to hire me at \$75.00 per month as soon as I could qualify as a practising barrister and solicitor. S.E.S. agreed to a general dispensation from lectures on a sort of honour system whereby I should come to the School as often as I could. He made it clear that come examination time I should be on my own with no special consideration shown. This struck me as very fair ball indeed and I hope I expressed adequate thanks at the time. It worked well. With a little staff work I managed to show up at the School sufficiently often to keep the peace there without prejudicing my work at the office which I fully realised was now an important cog in the administration of justice in Nova Scotia. Of course one had to keep a watchful eye on getting done whatever was needed to secure a safe pass at examinations. My guardian angel looked after that and it came out all right in the end. In due course I was called to the Bar in May 1934 on the day the Dionne Quintuplets were born somewhere in Northern Ontario. Thanks to that event, which seemed to fascinate the Halifax newspapers, my call had a poor press.

For me the third year was a happy one. My main interest was the office. I found the drudgery and the joe jobs were not so bad and the rest of the work agreeable. I had the promise of a regular job in the spring and that, in 1934, was something beyond price. I was reconciled to the School, I suppose because I had then picked up enough practical experience to realise it is best to accept with good grace what you cannot change or circumvent. Had the Regulations of the Bar Society then required an applicant for a license to practice to pass an examination in Sanskrit I should have set about trying to do that as enthusiastically as I set about passing examinations in the third year law subjects.



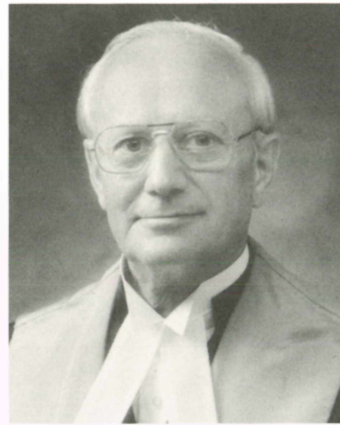
Obviously there was a breakdown somewhere between the Law School and me. I have no doubt the failure was personal and not institutional. Had my personal life been different or had the timing and sequence of events been different perhaps I could have gone through the School in a normal and reasonable manner like so many of my good friends there. And perhaps I might have felt some inner call to return to the School although for what purpose I can't imagine. Or perhaps Mr. Barnstead was on to something when he beamed upon us in 1932 and made the opening remark which struck me at the time as astonishing but which now seems to me to have been eminently reasonable.

The Library in the Forrest Building, 1951.



A. L. Thurlow

is the Associate Chief Justice,
The Federal Court of Canada,
Ottawa.



I was a student at the Law School from the fall of 1932 to the spring of 1935. It was then housed in the northeast corner of the Forrest Building, as it had been for a long time. Students wondered if it would ever occupy the building built for it on the Studley campus. The prospects seemed slim. In fact, it continued in the same premises for another fifteen years or so. It was during my years — in October 1933 — that the School observed its fiftieth anniversary.

They were not the best of years. The great economic depression of the thirties was in full cry and it pervaded everything that had to be paid for. Times were hard. Cash was scarce. Very few could find summer jobs. Articled clerks were not paid. Optimists proclaimed that prosperity was right around the corner. What corner was never specified. What was in store was four more years of the same, plus the gathering clouds of the war that broke in 1939.

A compensating feature was that prices were low, roughly a tenth of what they are now. A light overcoat could be bought for \$8.00; a good tux — a great necessity then — complete with shirt, tie and studs, for \$25.00. The \$12.00 a week that Mr. Justice Pottier described in the special issue of *Ansul* as being fair for room and board fifteen years earlier was down to \$7.00 or \$8.00. What was quite probably another effect was the serious attitude of the students toward their studies. To have to pay for supps, or to repeat courses or a year, was too serious to risk.

But these were the years of our youth; and lightheartedness, good humour, ambition and idealism, were as prevalent among young people then as they are at any time. Cynicism was there too. Someone had written in the library copy of the appeal cases in the margin of the report of *Bank of England v. Vagliano*: "The principle of this case is that the bank always wins".

There were about 30 in the class that started in the fall of 1932. By the spring of 1935 there were 19. Of these, nine or more have passed away. The class included Horace Hanson, the late Roy Laurence and Eric Murray, all of whom took a lively part in the discussions. Roy was an accomplished raconteur and could regale a group of three or a hundred or more. But the dominant personality throughout was that of the late J.B. McEvoy. He led the class each year, captured the prizes, ran the library, and took a vigorous, one might even say vociferous, part in any discussion of a point of law within earshot of him.

We were a happy class. Morale was high. There were no animosities within it and the same cordial relations existed with the students in the other years. That is possible where classes are small and it is one of the advantages of a student body small enough to enable students to become acquainted with all the others and with the teachers as well.

The accommodations at the Law School have been very accurately described by Donald McInnes, Q.C., in the special issue. I do not think they had changed at all in the intervening years, save for the additional carving of the benches and desks by nine or ten classes that followed his, and the addition of several further coats of the black laquer that he mentioned. That, as I recall, tended to fill up some of the smaller and shallower grooves. But one thing I expect to remember as long as I remember anything about the School is how utterly uncomfortable those benches were, perhaps more particularly so for a lean and bony individual. Uncomfortable or not, they did not, on one occasion that I recall, prevent a scholar who had had a late night from dozing off in class and thereby incurring the wrath of the dean. That points, perhaps, to a disadvantage of small classes.

In my first and second years, Sidney Smith was dean, in the third, Vincent MacDonald. I had and still have the highest admiration for Dean Smith as a teacher. He could even make a subject like contracts lively by the examples he would pose to bring out a point. One that he used frequently was to postulate a promise by someone that the moon is made of green cheese, whereupon he would add that it is not and proceed to raise questions about whether in particular circumstances there would be a contract and the consequences of breach of it. That went well until one day someone invited him to explain how the breach would be proved. There might be an answer for that today. In later years, as his career, as president of Manitoba University, later as president of the University of Toronto and, finally, Secretary of State for External Affairs, unfolded, I was always proud to be able to say I had him as one of my teachers when I was in law school.

In first year, Vince taught torts. He, too, was an outstanding teacher. He had to be to get across to me, if not to others as well, an acceptable grasp of the concept of the reasonable man. Then there was John T. MacQuarrie, whose subject was crimes, and J. W. Godfrey, who lectured on the history of English law.

Horace Read taught property law and had a fund of stories to tell as well. I had known him before entering the Law School and I used to feel that he was particularly kind and friendly to me. Now I think it was his nature and that he was just as kind and friendly to everyone. Unfortunately, at the end of our first year, he left to take up further studies at Harvard and we didn't have him as a teacher in the other two years.

In our second year, George Crouse returned from Harvard after gaining a master's degree in law. He taught the course on corporations. John Willis also arrived at the Law School that year, and George Curtis the next. These were all full-time teachers, and excellent teachers at that, but we had, as well, as part-time lecturers in the second and third years, J. A. Walker,

*Sidney Earle Smith and Donald Alexander MacRae,
At King, Ontario, June 19, 1954.*

C. B. Smith, F. H. M. Jones, F. D. Smith, J. E. Rutledge, C. J. Burchell, and Mr. Justice Carroll. That gave us at least some acquaintance with the leaders of the Bar in Halifax, and with one of the judges. I have always felt that this was a great advantage for any of us going into practice. At the same time, the fact that these busy lawyers took time out to come to the Law School and lecture several afternoons a week is a good indication of how important they all felt the School was to the community and the profession.

In addition, we had a series of lectures by Dr. Ralph Patterson Smith on medical jurisprudence. Dr. Smith was an outstanding pathologist with a highly developed sense of humour, a great fund of risqué stories which he used, at appropriate opportunities, to illustrate his points, and a bluntness in speaking about subjects which were then quite taboo in mixed company, calculated to make the two young ladies in our class cringe with embarrassment, to the great amusement, of course, of the rest of us.

Listening to teachers and lectures was one way of gaining knowledge of the law. Another was by discussing it. That was common in the classrooms and in the moot court. But such discussions were tame and polite beside the more rough and tumble discussions, commonly called "bull sessions", between three, four or five in the basement of the Forrest Building or at the Phi Delta Phi fraternity house on Carleton Street. In these, the vehemence of argument and counter-argument between cocksure participants tended to drive the point home in such a fashion that it would not be forgotten.

I do not recall that the three years seemed long even at the time and that is, perhaps, as good an indication as any that I enjoyed the course and the associations that the School provided. Of this I am sure, those three years were the happiest of my schooling.

We graduated on a spring day in 1935 and went our separate ways. Some I never saw afterwards. In most other cases, contacts have been infrequent. The world we faced was bleak, but each made his way and found his place in it, each with his memories of students and staff, and his pride in the School he was privileged to attend.



Nathan Green

*is a Judge of the Provincial
Magistrate's Court in Halifax.*



Forty-two years have not dimmed the sense of anticipation and excitement which was mine on my first day in that great landmark, the Forrest Building, where I was to spend so much of my time during the three following years. This was the building that housed the Law School, the anatomy lab, the physiology lab, and other departments of the medical and dental schools. The first year med students, with their white coats, the first year lawyers, with their brief cases, the social room in the basement, the physical plant, which I will describe presently, all contributed to the excitement of a first year student in professional school.

To put the scene in perspective, Halifax had a population of some sixty-thousand and Dalhousie had a total enrolment of nine hundred and twenty-six. The following year it was eight hundred and forty-six. The Law School had seventy-seven students. The class that entered in the fall of 1934 was one of the largest. We were twenty-six. Halifax was the city of the Birney Trolley cars. You travelled for eight cents, or fourteen tickets for one dollar. There were no men's residences. The students roomed within the Dalhousie perimeter. The average rate for room with breakfast was ten dollars per week. Other meals were obtained in boarding houses or at the Riviera or Cameo restaurants, where one bought meal tickets; six dollars worth of meals for five dollars. The average price of a meal was fifty cents. One could eat at the Horseshoe in the Nova Scotian Hotel: forty-five cents for the regular three course dinner or sixty-five cents for the deluxe meal. A suit cost twenty-four dollars and was usually purchased through a "suit club", where one paid two dollars a week for twelve weeks. Sam Shane on Spring Garden Road was the popular clothier for the students. The Capital Theatre was the epitome of luxury and a "must", at least once a week. The matinee cost twenty-five cents. The evening performance was fifty cents.

The great social centers at Dalhousie were the fraternities and sororities. In a sense, they created a kind of caste system on the campus. Each drew unto itself its own type of person. Intertwined were the professional fraternities. There one indulged in social activities in the widest sense of the term. These were pre-pizza days, when Wilson's Fish and Chips provided cheap, fast, delicious, nutritious refreshment up to midnight. The usual fish and chip order was ten cents. The large order was fifteen cents. A polar pie was the standard dessert. On a broader front, the university activities of Sodales, The Gazette, interfaculty sports, Glee Club, and classes, were the common denominators for the entire student body. The big social events were the annual formal dances of the various faculties. For us, the "biggie" was the Law Ball, three dollars a couple with meal included. Faculty members were drawn into the students' social life by being invited to act as "speakers" at various fraternal smokers or stags, and as chaperones at the dances.

Parking was no problem at Dal. No one, with the rare exception, had a car. No one, with the rare exception, had an apartment. Forty per cent of my class lived at home; indeed, if they could not

have done so, the likelihood is that some of us might not have been able to attend university. We were in the midst of the depression and the tuition fee was a veritable fortune. This was a hard era but there was a positive side to it: we were grateful for what we had and we were content with our lot. There were no taverns or discotheques. One relied on his bootlegger for a "milker" of rum at two dollars a quart bottle. The Frisco Cafe, at the corner of Barrington and Sackville, where the Canada Permanent now stands, was the hot spot; always good for a fight on Saturday night and Dalhousians contributed their share.

The Law School was in the north end of the Forrest Building. On the main level there were three classrooms, one large one, which could accommodate, with crowding, the entire student body of seventy-seven. The dean's office was on the right of the entrance to the building, a cubby hole by any standard, but palatial when compared to the offices of the teaching staff, which were on the second floor adjoining the library. The classrooms were furnished with long wooden desks and benches fixed to the floor. In order to get in and out, it was often necessary to climb and walk over the desks — and each other. The tops of the desks were of two inch lumber, a suitable medium for all the would-be sculptors who carved their initials; or the more ambitious, who left their names and fitting graffiti for posterity. Blackboards on two sides, a desk and chair for the professor.

The full-time staff included Sidney Smith, the dean, who had his own special image of the Law School. He taught us contracts. At nine a.m., three mornings a week, he came flying into the room with his black gown flowing behind him, spotted white with chalk, his arms laden with books. After a cheery "good morning", he discussed the mishaps of some of the characters in the comic strip, Little Abner, I believe, and then into the intricacies of contract law, always spiced with the names he selected as the parties to the contracts. John Willis was a freshman professor that year. I can best sum him up by saying that he was my "Mr. Chips" and all that that phrase implies. He could find a thesis in one sentence of a judgement. He lectured on property. George Crouse, fresh from Harvard, lectured on crimes. Vincent C. MacDonald taught torts. We soon became familiar with V.C.'s style. Towards the end of a lecture he would say, "Just a further word on that topic". We would grab our pencils and notebooks and write furiously to catch each word as he went on, and on, and on.

Our downtown lecturers, "giants" in the law to my naive mind, included J.W. Godfrey, whose subject was history of English law. He had been a student of Holdsworth. What I recall of his course was the examination: it consisted of fourteen questions and one could make full marks on one question alone, or on any number of the fourteen!! Needless to say, if you answered one question properly, the others were all covered in that one answer. It came out as a dry subject indeed. We were the neophytes. The second and third year students considered us pretty small potatoes. The

great mentor for all of us was Mr. MacLeod, the caretaker who ran the building. He was the man who, for years, carried the mace on Convocation Day.

After the Christmas exams, I thought that law was not for me. I had worked very hard and the results were not what I expected or considered commensurate with my effort. I went to see the dean. He graciously ushered me into his office, offered me a cigarette, set me at ease, and I bared my soul. He listened attentively and, when I had finished, amazed me by saying "that's wonderful, my boy, just wonderful." I said, "I'm sorry, sir, but I can't see what is wonderful about it." And his response was, "you'll see; just keep at it and it will all come together." And indeed it did, for I did very well in the final exams.

The second year was traumatic. Sid Smith was leaving for Manitoba. Some of us thought that this spelled the end of the school. I considered going to McGill. Vincent MacDonald was to be dean. I recall one summer day, when we went for a long walk, that Vincent calmed my fears and assured me that the School would be as great as it ever was, and he was right. Second year placed us on a new plateau. George Curtis, cigar-smoking George, joined the faculty that year. We were introduced to new downtown lecturers, the Smith Brothers. Charlie lectured on procedure, Frank, along with C.J. Burchell, lectured on shipping. F.H. Jones lectured on marine insurance. And Clifford Levy, who later became a county court judge, then a junior at the Eastern Trust Company, and the understudy of Mr. Jones, lectured on automobile insurance. We followed his lectures very carefully in "Barron", which was the book he used. On one occasion he skipped a line. Harry Sutherland drew this omission to his attention. He exploded and walked out of the class.

Jones was a generous man. He treated our class to a sumptuous banquet at the end of the year. It was rumoured that the honorarium which he received for his efforts was used for this purpose. I am certain that the party he hosted could not have been covered from this source. John Walker lectured on "sale of goods and practical statutes." His lecture was at noon, the others were at five p.m.

In third year, Judges Carroll and Doull lectured on evidence, and Ned Rutledge took on procedure. Some things one does not forget. That year Judge Carroll had the class to tea one Sunday afternoon. And the highlight was a fortune-teller who read tea leaves!! I am sure that Judge Carroll briefed her on every one of us, for our fortunes were interesting and promising, each with a personal note included.

I had become involved with The Gazette during second year; and in third year, along with Irving Pink, a classmate, I took on the job of co-editor. Harry Sutherland was the business manager. His innate thriftiness made life difficult at times but there was no red ink in our operation.

President Stanley was disturbed over one issue. I no longer recall the details, but I remember the meeting in his office and our idealistic resolutions on freedom of the press. We had two gossip columns; one, called "Take Your Medicine", written by the boys in med school, raised some hackles; the other, in the biblical style was written by a law student, now Mr. Justice Dubinsky. John Fisher, a year behind us, was a great debater and a prolific writer. We always had a couple of John's galleys to fill gaps. We could never give him all the space he wanted.

It is difficult to speak of the Law School solely with reference to one's class. The School's total enrolment in my three years was seventy-seven, seventy-four, and seventy-eight respectively. The Colony of Newfoundland was represented by Dick Squires. He was on a plane of his own, the son of the governor. Len Hawco, J.D. MacAvoy, and, in our year, Isaac Mercer, all became successful lawyers. Special mention must be made of MacAvoy. He was an older man, married, and one of the librarians. I can see him now, sitting behind that little desk on the second floor, with his nose in a book. I suppose there really was a generation gap between us. He was an assiduous student with a heavy, ponderous, almost pontifical, attitude, a constant challenge to the teaching staff.

There was a spirit of comradeship in the group and the relationship with the faculty was informal, warm, and concerned. The doors, including the dean's, were always open; one was welcomed; there were no barriers.

Those were the days of campus debates on war or peace, and on foreign policy. Our top debater was Ernie Richardson, who was on the NFSTU circuit. John Bassett was on the team representing his university against Dal in 1936, along with Gordon Smith. Companionate marriage and birth control were subjects of great debate and controversy. It was also the Zoot Suit age. The long coat, wide lapels, baggy pants, narrow bottoms, and the long key chain. Parlour Pink philosophy marked the sophisticate. The COTC was popular. I am not sure to this day whether its attraction was the money paid for each parade or dedication to the philosophy of empire.

Shirreff Hall was dominated by stars: Marion Findlay, now Mrs. Richardson; Wayne McKee, now Mrs. Lorway; Ruth Skaling, now Mrs. Douglas Murray; and Beth Atherton, an accomplished debater, to name but a few.

Anna McKeen came to Dalhousie in those years to take charge of the Hall. Her official title was "Warden" and that title is an indication of the Hall's regulations at the time. Merle Pertle, the only female in our class, lived at home. There were two other girls in the Law School at the time. Three was a miniscule percentage of the total enrolment. Womens Lib found its expression, on one occasion at least, in taking over The Gazette for one issue. Edited by Elizabeth Ballam and her

Rolley

news editor, Edith Blair, the result was a top rate issue. It created a great deal of comment and excitement on the campus.

The faculty of the Law School sponsored a series of thirteen radio broadcasts. Dean MacDonald was the anchor man. His topic was the administration of justice in Canada. George Crouse spoke on law in general; George Curtis on the courts. I am not quite sure what the others did but it was a well received programme and indicated the Law School's involvement in the general community.

There were a few Ontarians in the School at the time. I suppose the most prominent was Don Ross, the son of the former Lieutenant-Governor of Ontario. His hallmark was a sporty white touring car of foreign make, which gave great class to the School, and John Rolley, strong on the military, appeared to be his aide-de-camp. They were the nucleus of another social group.

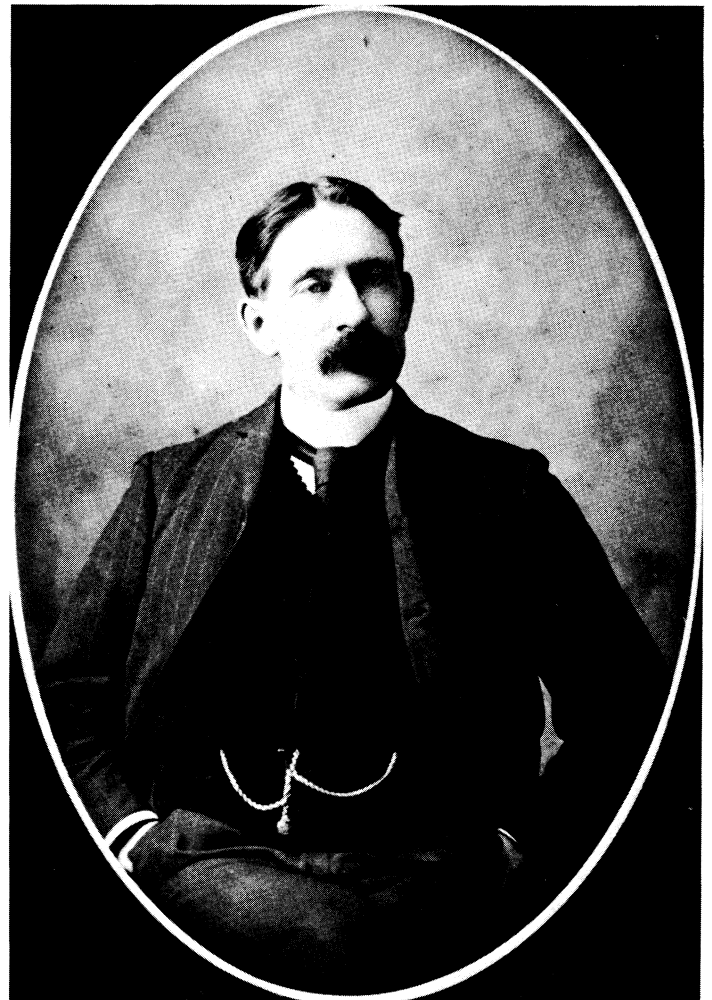
The thirties witnessed the presence of a large number of American students in the medical faculty at Dalhousie. They brought their culture to university life. They were very enthusiastic Dalhousians. They brought the sport of fencing and were responsible for the creation of a Dal band which was very prominent at the football games, spectacles which had the highest priority on a student's time. Two of our class were on the team, Hinchey and McSween.

Mock Parliament was one of the big activities at the Law School. In our third year, the Liberals, led by William "Baldy" Armstrong, opposed by John Fisher, with the third party led by Doc Bryne, provided a forum for a great deal of fun. The minister of finance in that cabinet was Fraser Bentley. Minister of justice was Leo Landreville, who later became a judge and was forced out of office. The minister of national revenue was Edgar McLatchey, who has just recently retired from that very department after a successful career. Minister of immigration was our present Chief Justice, Ian Malcolm MacKeigan.

One cannot describe the Law School of our day without a special reference to the poker game artists. Our class was well represented by Morris Seigel, a worthy match for Ed McCleave, who was then in third year. I am sure that Seigel never took a note in class, but with the assistance of Bob MacLellan's notes, he managed to get through the finals.

One can go on, but one must stop. As I compare my first year with that of my son, who has just completed second year, I believe that the student today has a wider frame of reference than we did. We were expected to work hard and we did, stimulated by the spectre of the depression. But our expectations were fewer than those of the students of today. It was not easy to get articled. My own articling experience was

disappointing. And that was the experience of a number of my classmates. The present system is far superior. There were some rough moments in our three years but we are prone to let them dim in our memory and to emphasize the better times. We speak of the good old days. Those days fitted into a much smaller world. Those were pre-McLuhan times. Peter O Hearn's comment on the situation in his day is equally applicable to my day: "Describing a memory is like describing the sweet aroma of your mother's cooking — you had to be there to really know."



*John E. Read, Mrs. J. B. Milner,
Professor J. B. Milner, and
Mr. Justice Doull.*



Lorne O. Clarke

*is a partner in the firm of
Patterson, Smith, Mathews and
Grant in Truro, Nova Scotia.*



Professor Moffatt Hancock was very skillful in presenting a fact situation. And he always concluded with a question. Then, with considerable spirit, he would pick up the attendance roll and allow a few seconds of awesome silence to elapse before deciding on whom the question would fall. On one such occasion, during the early weeks of his first year property class, he posed a question based upon facts arising out of an intestacy, intending the provisions of the legislation to be used in reply. "And who gets the estate?", he shouted to the man sitting next to me in the Munro Room. My friend paused a moment and replied "the heirs", in such a manner that the professor thought he said "hares". Whereupon Dr. Hancock sprang from the raised dias, trotted about the room and started to climb one of the pillars, shouting to the entire class, "hares, hares", and other words of disgust. Need I say that he was one of the most exciting lecturers of our time.

The late Professor J.B. Milner always presented his contracts class with a long syllabus laden with a multitude of case references. One student met him in the mezzanine of the old law school library. With the thick syllabus in one hand, and a load of books in the other, the student said, "Professor Milner, I just cannot separate the chaff from the wheat". "Son", replied J.B., "it's all wheat".

Professors Hancock and Milner left Dalhousie at a time when the Law School was about to enter a period of significant expansion. Dr. Horace Read gave much of his life and energy to providing the spark for the expansion of the fifties and the sixties. The School, which had outgrown the facilities, though not the spirit, of the Forrest Building, reclaimed its place on the Studley Campus. The "new" building, formerly occupied by the faculty of arts, provided the space wherein many of Dean Read's objectives were realized.

Two early accomplishments were the establishment of a centre for legislative research and the improvement of the library. The former had its supporters and its critics. Even though it may not have achieved all that was intended, it served the useful purpose of once more moving the School beyond the metes and bounds of the university to the wider community beyond. It attracted the interest of the profession, the government, and the general public. Whatever its other influence on the School in the fifties and sixties, it played a major role in bringing in money, books, and some exceedingly high quality students.

The library at Forrest was a good library. However, it was generally felt that better research could be done if the library was improved. This was especially true if the master's course, then in contemplation, was to be offered. The entire upper floor of the former arts building was opened to make way for the expansion. Its beautiful beams and windows added to the decor and, all in all, it was a delightful setting for a library. Once again, Dean Read proceeded quietly and efficiently to interest the administration of the university and many benefactors outside Nova Scotia to make substantial contributions of both books and money with which to

fill the empty shelves that appeared in our spacious quarters following the move to Studley. Then, to the surprise of many, an effort was begun to find a full-time librarian whose sole responsibility would be the administration and direction of the library. All this was accomplished after much persuasion and effort.

While this was happening, there was a modest increase in the size of the full-time faculty. Professor Graham Murray brought a new interest to the field of evidence. His untiring efforts, his enthusiasm and his understanding of the law began a move toward conjoint action by faculty and students in special interest studies. This continued to flourish. I cite evidence only as an example. I think that it was the beginning of similar ventures in other areas.

Financial assistance for students was negligible. The Nova Scotia Barristers' Society had always provided a few prizes of nominal amounts. Indeed they were generous prizes, having in mind the relatively small budget of the Society. But it was obvious that more needed to be done. Approaches made outside the university were successful and the responses increased the amount of available student aid. Particularly was this true of the Sir James Dunn Scholarships. These gave the School a shot in the arm. They brought in outstanding students who stimulated the classes and broadened significantly the geographical pool from which the student population was drawn.

The notion of elective courses began during these times. It was not possible to provide much variety because the faculty was small in numbers and teaching loads were heavy. New members were being added to the full time staff and those who were starting as lecturers had it tough enough keeping up with regular course assignments. Nevertheless, options were developed and the offerings were expanded.

The prospect of a new law building seemed remote in the 1950's. So did a first year enrollment of one hundred and fifty students and a full-time faculty of thirty-three. But we have only to reflect on the history of the Law School to realize that it is prized as the brightest jewel in Dalhousie's crown.

*V. C. MacDonald, Dalhousie Law School;
George F. Curtis, U.B.C. Law School;
Ivan C. Rand, Supreme Court of Canada;
André Taschereau, President, Canadian Bar Association;
Erwin N. Griswold, Harvard Law School.
Dalhousie Law Convocation 1952.*



D. A. Soberman

*is Professor of Law at Queen's University,
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More than one wag has reminded us that in reminiscing we slip prematurely into our anecdotalism. It is perhaps forgivable to be humorous about these things, but if not humorous, then at least brief.

Those who wrote for the first special issue of *Ansul* could enjoy the fiction that they were saying it all for the first time. Alas, the first edition ended with the class of 1951 and, for us, the class of 1952, it has become more difficult to add to the collection without repetition. There is a special burden in following those wordsmiths of the class of 1951, Denne Burchill and Chisholm Lyons. After all, they were a year ahead of us and they knew it all — or almost all. Nevertheless, the School was a different place for each of us, certainly for me when I arrived at the general office in the Forrest Building one day early in September of 1949, urged on by friends who had said that historians were a dime a dozen and that I ought to think about studying law, since the best law school in the country was on our own campus. Booffy Keith showed me into the dean's office — in three years as an arts student, I had never met a dean — and after half an hour V.C. MacDonald had not only put me at ease but had charmed me through the doors, convinced that the only thing to study was the law. How times have changed! The present Dean Macdonald has to bar the door to keep the eager hordes out.

Ours was one of the classes in which the veteran bulge reached its peak. The peach-fuzz group of undergraduates was in a minority and the vets clearly ran things, at least in the first year. I still cannot sort out what I had learned about the war as a kid in knee britches from the stories that my law classmates inflicted on me.

Within the Law School, the past was always better than the present: all the stories were about recently departed legends, such as Moffatt Hancock, Jim Milner, and John Willis. Memories of first year consisted of a collage of hearts and bridge games in the common room, sustained by the world's worst coffee, moot courts, mock parliaments, all loosely connected by Vincent MacDonald's hypnotic paragraphs on tort law: single sentences without subject, verb, beginning or end that went on for a page or more but somehow made his points crystal clear. Coping with that sort of thing on an examination was another matter.

When the dean was appointed to the bench in the winter of 1950, a special reception was held at Sherriff Hall to say farewell to the departing dean and to introduce his successor, who was on a visit from Minnesota and would be joining us permanently in the fall. That occasion provided a truly embarrassing incident. Our distinguished new dean, standing alongside Dean MacDonald, was being introduced by the chairman of the board of governors. The chairman heaped eloquent praise on the new man and kept referring to him as

his old friend, Horace Fleming. This performance lasted fully fifteen minutes. The chairman must have referred to Horace Read as Horace Fleming at least seven or eight times. Our puzzlement turned to confusion and, finally, red-faced embarrassment, for the poor visitor. Dean MacDonald managed — I don't know how — to smooth the whole thing over.

While Chisholm Lyons very smoothly and with great humility claims distinction for his class as pillars of the present-day legal community, ours somehow reacted to all that stuff. Too many of us were persuaded by Shaw's dictum that those who can do, and those who can't teach. Four of us have ended up as full-time academics, Ronald Macdonald, Donat Pharand, Bill Tomblin, and myself. I have a sneaking suspicion that several others were on the same trail until they discovered that they could "do". Shaw forgot to add that those who can't teach end up in government — such as the premier of Nova Scotia and a dozen or so others. Perhaps our greatest distinction was that we were the last class to graduate in the old Forrest Building. We were never destined to occupy the "new" building (circa 1921) that the law school occupied thirty-one years late. The main benefit of the new location was the unlamented demise of the old library in the Forrest Building. The new library at Studley was a definite improvement. Other than the move to Studley, and the gradual departure of the veterans, the School changed little in the next five years.

When I returned, after an absence of three years, to join the staff in 1955, I learned how really poor the library was. In the interval, I had done graduate work at Harvard Law School. The state of our library was not the result of neglect but the lack of money. As students, we had never been much encouraged to use the library, but instead had learned to rely on our casebooks; and it was evident why. Despite its sorry state, the Dal library was not bad by Canadian standards of the time; only the Great Library at Osgoode Hall was any better. We can only marvel at how our teachers had acquired such erudition in those conditions.

The ordeal of any new teacher is the first lecture. For me, it took place in the library at Studley — my opening lecture in conflicts to the third year. Through the unintended intercession of a couple of third year students, who shall remain nameless, the ordeal was much soothed. Although I was twenty-six at the time, I looked about nineteen, and in the main corridor, the day before my first class, these two students confronted me and asked if I knew where the janitor was. When I said I didn't, they made caustic remarks about ignorant first year students, including me. The next day, when I entered the library for the conflicts class, the two of them were sitting at the table in front of me. They took one look and literally slid under the table! Although I have seen law students slip under a table more than once, it has always been in other surroundings.

In the early 1950's the typical Canadian law school had four or five full-time professors and it relied for much of its largely compulsory program on part-time lecturers — "down towners". The student numbers varied between 100 and 175. Courses did not change much from year to year and there was a brisk trade each fall in "canned notes". Dalhousie was no exception to this general pattern. Busy practitioners who gave us courses rarely had time to spend at the school; they came, gave their class, and left. It was not easy to approach them for discussion beyond what we got in class. There was comparatively little academic discussion even with full-time professors in their offices. They too were busy people with too-heavy teaching assignments. The combination of a small, overworked staff, a large proportion of courses taught by part-timers, inadequate library facilities, and a compulsory curriculum was hardly conducive to a scholarly atmosphere. To the extent that quality prevailed, it was a triumph over adversity, aided by comraderie and high spirits. And, I suppose, we didn't know any better.

The two decades since the class of 1952 have brought greater changes to legal education than to most other disciplines. For the first time, substantial resources were given to law faculties. In the early 1970s, Dalhousie was typical of Canadian law schools in size, with about 30 full-time professors and 450 students, a proper library staff, and a collection of some 100,000 volumes, which permitted both students and teachers to engage in true research on legal problems. With a largely elective program in second and third years, specialized seminars, clinical law programs, and legal aid, as well as various kinds of publications produced by the school, students now have far more varied and interesting programs and real choices about what to study and learn.

The demand for legal education has increased competition for the limited number of places available, thus driving up admissions standards. While this situation is hardly a happy one for those who fail to win places, it has benefitted the law schools as a whole. First year is no longer a frightening

"look-to-the-right-of-you-look-to-the-left-of-you-one-of-you-will-be-gone-next-year" syndrome. A few students still fail when they don't work or cannot adapt, but, by and large, the excitement of first year remains without the terror. Secondly, the large group of able students makes very good use of the new opportunities.

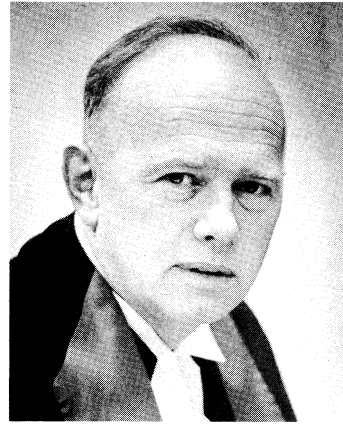
Of course, we pay a price for these advances. With a full-time faculty the size of some of the old classes of students, with the student body trebled in size, the law school of necessity becomes more impersonal. We know each other less well and people become more suspicious and critical, often without cause. Life in some ways has become more serious and less fun. But then again, the world into which students now go on graduation is more serious: too many people, too much pollution, too little energy, food and understanding. Studying these problems in law school does little to encourage levity.

Perhaps the most notable plus (without any minuses) is the increase in the proportion of women in the law. Women now form about a third of the student body in most Canadian law schools and although numbers seem to have levelled off recently they will probably increase until women are about half of all law students. At Queen's, and from what I can gather right across the country, women law students dominate the upper half of the class and contribute greatly to every aspect of law school life.

Despite all these changes, one constant over the years is the law student. Beneath the jeans, the beard, and the oversized eyeglasses, he or she is much the same today as twenty-five years ago. Students cover the same political and intellectual spectrum and are as critical (or more so) of their teachers now as they were then. It is only the soft focus of the passing years that blurs the sharp edges and mellows the recollection, much like the amateur sailor who forgets the cold and misery of a voyage and fondly remembers the warm sunshine and pleasant breezes.

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Our class wit was Kevin Griffin from Newfoundland. He married shortly before classes started in the fall of 1952. After a short honeymoon, Kevin returned to Halifax and sent his wife back to Newfoundland. As they had no time together through the winter, except at Christmas, Kevin was anxious to get away when exams ended in the spring and was permitted to graduate in absentia. He was our logical choice to respond to the toast to the graduating class at the law dinner, held at the close of examinations. In his speech, he referred to the fact he would be absent from convocation and added, "that's not such a bad thing really. Where I come from, they think 'in absentia' is half-way between 'magna' and 'summa'." That may have been the original Newfoundland joke.

In January 1952, John B. McEvoy, K.C., came from Newfoundland to deliver five lectures on the preparation and conduct of a law-suit. He had the brand of blarney that God gives only to a few of those who claim both Irish ancestry and Newfoundland domicile. On the first day, some of the boys — Alf Harris was a principal — presented Mr. McEvoy with a large cod in tribute to his home province. He retaliated the next day with a cold mackerel. All the lectures but the first were transcribed and mimeographed. They contained a lot of common sense advice for advocates as well as some entertaining passages.

Mr. McEvoy told us that the faculty were "legal giants" at whose feet we were privileged to study and to learn. The full-time faculty that year comprised Dean H.E. Read, W.R. Lederman, J.M. Hendry, Graham Murray, and A.W.R. Carrothers. Graham Murray often said, "Well, I don't know, what do you think?" Until I read the recent special issue of *Ansul*, I did not know that this style had been handed down from Angus L. Macdonald. Graham's years in practice gave him a very practical approach to teaching. This was well illustrated by a notice he once posted for one of his classes. I thought it was rather good and now confess that, after it had been on the notice board for a decent interval, I took it down. It reads as follows:

Property II

As a matter of interest (not required reading) look at the case of *Re Estate of Bradford S. Gilbert* (1947) 21 M.P.R. 196 (Supreme Court of New Brunswick). Here you will find five leading K.C.'s in New Brunswick arguing over a will made in the 19th century. The will was drafted by a lawyer, but there is still lots of room for argument. You will see a typical case where a will provides for a power of appointment and how the power of appointment is to be exercised. You will see how complicated legal problems arise out of a relatively simple will. Finally, you will see how all the lawyers get their cut out of the estate.

R.G.M.

Nov. 5/52

Among the downtown or part-time giants were J. L. Hanway, Frank Covert, K. S. Smith, George Robertson, Mr. Justice Vincent C. MacDonald, Mr. Justice J. H. Macquarrie, and Roland Ritchie. The latter lectured in insurance. He had a good reputation in criminal law. Some of the students dropped in at the law courts one day when he was defending before a jury. Every time he scored a point in cross examination he turned and winked at his client in the dock. The jurors could see the winks but the judge could not!

When the law building on the Studley Campus was officially opened in the fall of 1952 there were appropriate ceremonies. Some of us were privileged to attend a dinner tendered by the Barristers' Society at the Lord Nelson. Mr. Ritchie and Nathan Green sat with us at our table. Mr. Ritchie contributed greatly to our entertainment by mimicking one of the speakers, who dwelt at great length on the merits of membership in the Canadian Bar Association.

Mr. Justice Macquarrie dictated some two thousand plus citations to his classes in evidence. The class of '53 finally pinned him down to admitting that he didn't expect us to read all the cases, "just the Nova Scotia decisions, the Supreme Court of Canada decisions, and the English cases in the *Criminal Appeal Reports*". He had little sense of time. His lectures were at 5 o'clock and frequently we had to tell him when the hour was up. Dave Snow stayed behind one day to ask a question. When I returned to the Law School at 8:00 p.m. to go to the library, Dave and the judge were still talking in the lecture room!!

The only girl in the class of '53 was Mim Kerr. I doubt that she has ever thought of herself as having been a liberationist before her time, but she caused some excitement one Friday night when, in an attempted disguise as a male, she was smuggled into the tavern at the Lord Nelson. Most of the patrons twigged immediately and went along with the gag.

In the years before and including 1952, the tradition of the Mock Parliament was that the government was formed by those belonging to the party then in power in Ottawa. Thus the Conservatives learned early the lesson, bitter for them, that there is no law of averages in Canadian politics. They agitated to have the government in Mock Parliament decided by a vote of the students. Those of us who were Liberals, being satisfied with having our party in power where it mattered — in Ottawa and at Province House — agreed. A vote was taken in 1953 and the Tories won! We had the fun of opposition and they had the responsibility of organizing parliament. The Liberals advocated even greater reform — expansion of the Mock Parliament to include students from other faculties. But Dean Read regarded this as heresy and said that such a Mock Parliament would never meet in the law building. In retrospect, I am sure that he was right. It was fortunate that our resolution was defeated.

Barrington Street, 1948.



Purdy Crawford

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The time: September 1952. The occasion: commencing first year law at Dalhousie University. New friends, new experiences; only two classmates from Mount A., Ted White and George Cooper, both from Moncton and both now successful lawyers in Moncton. For the first week I stayed at Pine Hill while Bea and I found a place to live and Bea found a job. I was soon acquainted with the short cut along the railway track from Pine Hill to the Law School. We were thrilled with the beauty of the northwest arm area of Halifax.

The first experience I vividly remember at the Law School was with Professor Graham Murray. In our first class on real property, Professor Murray assigned a problem the nature of which I have long since forgotten except that it involved Blackacre and Whiteacre. We were to be prepared to respond to the problem at the next class. Many of us were worried about how to deal with the problem and how, if called upon, we would respond in class. I remember long discussions with John Fowler, Hugh Latimer and Peter Partner about the problem. We were starting the process of learning to think like lawyers. It was, as I recall, a terrifying experience but one which, for many of us, contributed to the development of a great interest in the law.

Looking back some twenty-four years later, I have very warm memories of Dalhousie Law School. It occupies a very important place in my nostalgia memory bank.

I have few qualifications to discuss the calibre of law schools today. In the days when classes were smaller (we had a class of about forty-five) three or four top teachers could make a great law school. In looking back, I have often thought that Dalhousie Law School, when I was there, had great teachers in abundance. Men with great legal ability, a great enthusiasm for their subjects, and a critical approach to the development of the law. I say this from a perspective of a year at Harvard Law School following graduation from Dalhousie where I was briefly exposed to some of the superstars in the United States legal academic world. They were great at Harvard but they did not in my opinion outrank Horace Read or Bill Lederman or Graham Murray. There were other good men teaching at Dalhousie at the time and I hope they do not think it amiss if I single out these three.

Horace Read was especially annoying at times and yet I feel, with the twinkle in his eye, the penetrating questions, and the endless stories about his experiences, that he was a great contributor to the core of our legal education. Our grasp of the law of contracts and conflicts and the legislative process came at the feet of Horace Read. Bill Lederman's approach to teaching was entirely different. Bill lectured but in the great tradition. His courses on negligence and jurisprudence were outstanding.

Graham Murray is very special to many of us. He challenged us

to think. At the time, I was perhaps more critical of his teaching methods than I was of the others, but in retrospect his approach to the law has perhaps contributed more to influencing many of us than any of the others. How exasperating it was for a student who wanted to fit all the pieces together to have Graham Murray throw up his hands and say it was a lot of nonsense. Our reaction tended to be — "you son of a gun, we will figure it out on our own, in one way or another." Of course, he was right. Major steps forward in judge made law are not, I am convinced, achieved by a neat analysis of the cases and a careful selection of the reasons thereof. The law is made by judges who are strong-willed with good legal minds, an abundance of common sense, and a strong view of right and wrong. The legal analysis may come but it is preceded by a decision that is made without the benefit of such analysis. How often do we in practice shy away from giving a favourable opinion when the case law is on our side but when the result does not appear to make sense or as we sometimes now say "would not pass the smell test". Conversely, how often do we feel very confident about giving a favourable opinion when the equities run our way even though a neat analysis of the case law might lead to another result. Yes, Graham Murray, we salute you.

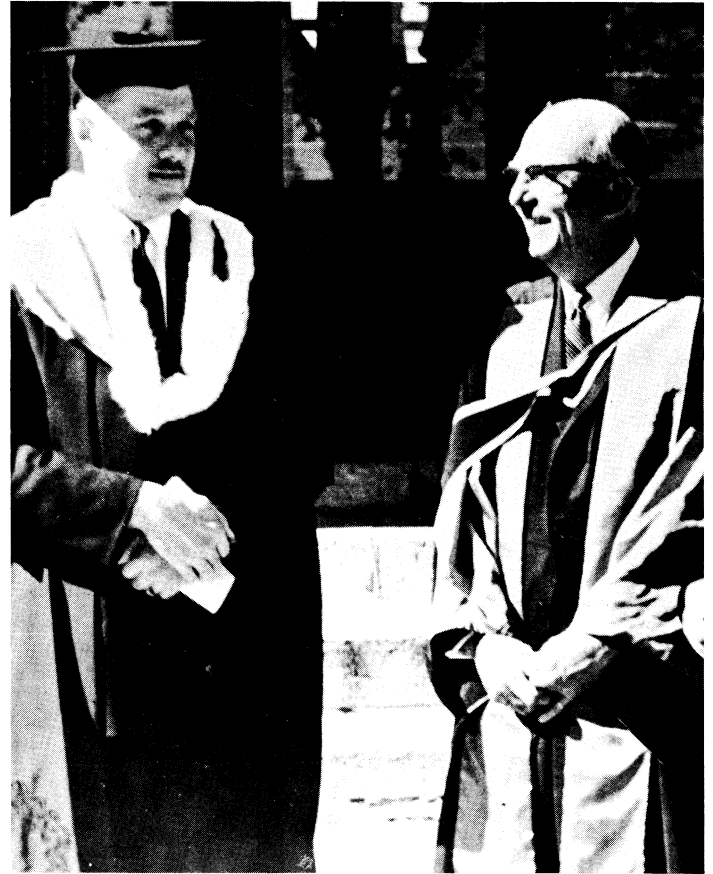
Perhaps I can illustrate the regard which some of us have for Dalhousie Law School in a very practical way. In 1956 I was the only Dalhousie law graduate with my firm. We now have nine Dalhousie law graduates in the firm including one of my Dalhousie law classmates, Tom Judge, but excluding my former partner Bertha Wilson, who is now a member of the Ontario Court of Appeal.

During my last two years at the Law School, Bea and I lived at Mulgrave Park. Mulgrave Park consisted of a series of temporary staff buildings which were converted at the end of the war to apartments for veterans attending the university. It was located at the north end of Barrington Street. The experience of moving in to one of the tiny apartments was a never-to-be-forgotten one. We moved in one evening before dark, did some organizing and cleaning, and went to bed exhausted. I woke up in the middle of the night with Bea screaming. She had got up, switched on a light and saw, for the first time in her life, great numbers of cockroaches scrambling for cover. We soon learned to cope; and because of our great neighbours, including Ben and Mary Doliszny, Harrison Tucker and his wife from Sierra Leone, and Helen and Ted White, we very much enjoyed our two years at Mulgrave Park.

David Vine joined our class in the second year. He had to go through an initiation process. Was it Patrick Nowlan or Len Martin who bundled an unsuspecting David in a blanket and deposited him with the girls at Sheriff Hall? Did David really report to the police that he had been kidnapped?

Graham Murray.

W. R. Lederman and H. E. Read.



Looking at the pictures of my classmates in the 1955 year book brings back many pleasant memories. I recall in my third year at the School with classmate Patrick Nowlan (today a very highly regarded politician) on defence, and classmate Don Murphy as coach, we finally beat the Medical School to win the inter-faculty championship. I recall discovering that I had a common interest in hockey with Richard Casselman after meeting him on two or three occasions on the eve of exams at the Halifax Forum. I recall the card sharks in the common room. I recall Finton Aylward the great Newfoundlander and his buddy Arthur Stone. Arthur was subsequently my classmate at Harvard and is now my friend and colleague in the practice of law in Toronto. I recall our football star Reg Cluney, our

hardnosed classmate from Bathurst, Ross Eddy, the articulate and learned Gordon Davidson, our golfing classmate Doane Hallet. I recall the two girls in our class, Connie Glube and Frances Smith who were both rather special. Many others come to mind including Floyd Horne, Fred Faussett, Bill Ingarfield, Paul Fraser, Gerald Kavanaugh, Leonard Martin, Bob Levesque, the other successful politician from our class, George Mitchell, Ken MacLaren, John Moore, the irrepressible Newfoundlander James Nesbitt, Ian MacLeod, our scholar Saul Paton, Miles Arkinson, John Alward and Donald Torey. Yes, we were there at the Law School from 1952 to 1955. Many of them I have not seen since, many I see only occasionally, but all are an important part of many pleasant memories.

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The class of '55, like most Dalhousie law classes, was top heavy with fellow Nova Scotians, but with a fair representation from New Brunswick, Prince Edward Island, and Newfoundland. Sprinkled among us were a few boys from Ontario, and Bob Goss from Alberta. Harry Tucker was from far away Sierra Leone, West Africa. The female contingent consisted of Frannie Smith, Connie Glube, and Jane Clough.

Dean Horace Read led a small but able faculty which consisted of Bill Lederman, Graham Murray, Arthur Meagher, Jim Hendry, Lorne Clark, Andy MacKay and Don Machum. The first four of these gentlemen were members of the faculty when I entered the Law School in 1952. Bill Lederman, a Rhodes Scholar from Saskatchewan was Associate Dean. He taught torts, constitutional law, and jurisprudence. Bill was regarded with special fondness by first year students because, being an accomplished scholar, he left little for them to work out on their own. A few years after our graduation he moved to Kingston where he became the first dean of the new faculty of law at Queen's University. Bill Lederman's teaching style contrasted sharply with that of Graham Murray who took much the opposite approach. We sometimes were bewildered by his principal subject — property law. After a period of particularly heavy slugging through Nova Scotia's ancient land laws, Graham marched into the classroom one morning, took up a piece of chalk and (no doubt intending to inspire us) wrote on the blackboard a single sentence: "The law will reveal its secrets only to those who have the patience to read its history", citing as his source, Holsworth's "History of English Law". This display of erudition impressed us greatly, and the message itself was clear enough, but it did little to make the work at hand any more understandable. We all respected and admired Graham who then, as now, is a warm and friendly person and a talented law teacher. Jim Hendry taught a course in Judicial Remedies. Among other things, he dealt with the extraordinary writs and the complicated procedural rules which governed their use. It was one of the best courses I had the privilege of taking over the entire three years at the Law School. Jim put it all together; he conveyed rather old law in a new form. Arthur Meagher taught Civil Procedure but is best remembered for his course in Admiralty Law, which to many of us was mystifying, with all its talk about "suing" and even of "arresting" ships. It took Arthur some time to get these concepts over but that he was able to do so is much to his credit.

Dean Read taught contract law to first year students among whom was Gordie Davidson who had had the good fortune of having been through a correspondence course in law from the University of Chicago. While to the rest of us, terms such as "offer", "acceptance", "consideration" and "consensus ad idem" made no sense at all in the first few lectures, they apparently caused little difficulty for Gordie, who was quite familiar with them. The dean, who obviously enjoyed the sight of so many blank faces before him as he lectured on the

subject, was somewhat chagrined by Gordie's ability to converse with him in his own language. Having toughed this out for one or two lectures, Dean Read turned on Gordie one day and, attempting to put him down, glowered "Young man, you're making the noise of a lawyer already". The rest of us took this as something of a compliment to Gordie's learning, but I am sure it was not intended as such by Dean Read.

In first year the dean's approach was to get his students to begin thinking in legal terms as early as possible. He thought this could be done by peppering his lectures with irrelevancies, leaving a much confused class the task of separating the "wheat from the chaff" as he put it. In this he was at his best as a law teacher. I well recall how he sought to put over the particular difficulties surrounding the concept of "consensus ad idem". Here, he created a mythical Nova Scotia lighthouse keeper wishing to buy a cow. The lighthouse keeper lived on an island lying a mile off the Nova Scotia mainland opposite and clearly visible from a mainland farm where there were cows for sale. After looking over the herd and making a selection, the lighthouse keeper returned to his island to talk it over with his wife and decide what to do. Before returning, however, he and the farmer had agreed on a method of communicating with one another. The following Monday morning the lighthouse keeper was to signal his acceptance of the offer by hanging out a red cloth, or his rejection of the offer by hanging out a black cloth. This appeared a workable plan but an unforeseen complication arose in its execution. The lighthouse keeper, after deciding not to buy the cow, apparently failed to inform his wife of the method by which he was to communicate his rejection to the mainland. The following Monday, after finishing her laundry, the wife proceeded to hang it out to dry. It so happened that in the day's laundry was a pair of red long johns which were soon flapping in the breeze. On seeing this "red cloth" the farmer concluded that he had a sale and arranged to send the cow to the island where it was rejected. The whole story was told by Dean Read with much flair and he soon had his students more engrossed in the story itself than in the legal issues it presented. "Was there a contract?" barked the dean, and we were all brought back to reality with a jolt.

My class had the good fortune of having a strong group of downtown lawyers to supplement the faculty. I remember some of them well. Mr. Justice Macquarrie taught criminal law; Gordon Cooper (now Mr. Justice Cooper of the Supreme Court of Nova Scotia) taught wills and trusts; George Robertson taught corporation law; Roland Ritchie (now Mr. Justice Ritchie of the Supreme Court of Canada) taught insurance law; Ken Smith taught bills and notes; Ken Wilson taught mortgages, and Harry Rhude taught taxation.

They each had their special teaching qualities, and we regarded them with special interest as members of the practicing profession. But I must admit to some trepidation

when Mr. Justice Macquarrie lectured. He was a huge man and a distinguished jurist. Among his accomplishments was the Macquarrie Report on the state of Canada's combines laws. He had a commanding presence and we all felt considerably awed when he entered the room and while he lectured on criminal law, a subject which he knew very well. He was gruff of voice and had massive hands which stood out because of their size. He was impatient with those whom he felt were not particularly interested in his lectures but rarely aimed his fire at a particular individual, choosing instead to scold the entire class. When his questions to several students in the class went unanswered he would remind us, and quite properly so, that we were "in the third year of a professional course", raising a massive hand to emphasize the point. But he had his humour, and when he used it, it invariably found its mark with devastating effect.

I well remember one of his lectures on the place and importance in a criminal trial of the "voire dire", the so-called "trial within a trial". His lordship was at pains to explain the purpose of the voire dire and how important it was that defence counsel know when and how to invoke it. This, he explained, could be done only by defence counsel objecting to evidence being tendered by the crown on a particular point at the right moment in time, and he illustrated this by reference to the introduction of evidence surrounding the making of a so-called "confession" by the accused to the police in a murder trial. By objecting, he explained, the evidence would be kept away from the jury, the jury would retire, the judge would conduct the voire dire into the admissibility of the evidence and then reach a decision as to whether the jury should be allowed to hear the evidence. But, he stressed, there could be no voire dire and no chance of keeping the damaging evidence away from the jury unless defence counsel entered his objection at the critical time. This, it seemed, was clear enough and made much sense. But a member of the class had a question for his lordship, supposing himself to be defence counsel. "What" he asked "if I should forget to object, the confession is admitted, and, as a result, my client is convicted and hanged?" With this Mr. Justice Macquarrie drew himself up in his chair, leaned over the moot courtroom bench, whipped off his glasses, stared down at his questioner, and raising a huge fist to drive home the point, said "Young man, if you should meet your client in hell, beg his pardon."

One of the genuine characters of my class was Fintan J. Aylward, a colourful and much liked Newfoundlander. Fintan was a member of Phi Delta Chi fraternity which was then housed on LeMarchant Street near University Avenue, a short distance from the Law School. Fintan had a favourite topcoat which he referred to as a "raglan", a name apparently given to this sort of coat by Lord Raglan, a British commander during the Crimean War. One of the outstanding features of Fintan's raglan was that, while it was equipped with two ample pockets,

these pockets were adjacent to two false pockets. This juxtaposition of pocket and false pocket called for special care in depositing objects in the pockets of a raglan lest they slip through the false pocket to the ground. One wet spring evening some sort of party was in the works and it was decided by a few of us to pool our remaining resources and purchase a little something for the party. Fintan was delegated to make the purchase and off he went to the "frat" house on LeMarchant Street, where liquor was available to its members. We arranged to rendezvous with Fintan on the sidewalk in front of the house and then planned to head off to the party, suitably fortified. Fintan made his purchase and we met him as arranged. He produced the bottle from the pocket of his raglan and afterward proceeded to return it to the same pocket — or so he thought. Instead, he placed the bottle in the false pocket through which it passed, falling to the sidewalk and smashing to bits. It was an unforgettable moment, a moment of sublime pain. The purchase had represented our remaining resources, and there it was, running into the gutter, lost beyond any hope of recovery. Fintan stood transfixed. He was speechless, which was something for Fintan. I have no clear recollection of how that particular evening ended, but it had a memorable beginning.

Apart from our studies we, like earlier and later classes, had our Moot Court, our Mock Parliament, and inter-collegiate debating. In my own Moot Court presentation we dealt with a point of contract law and my task was to show that the Spottiswood Case had been wrongly decided. The court thought otherwise. I had the good luck a year later of presiding over the court before which Bertha Wilson (now Madam Justice Wilson of the Court of Appeal for Ontario) presented her case. There was also much political interest on the university campus, which in hindsight is not surprising, considering the presence among us of such individuals as Gerry Regan (now Premier of Nova Scotia), Dick Hatfield (now Premier of New Brunswick), Alex Campbell (now Premier of Prince Edward Island), Len Pace, George Mitchell, Pat Nowlan, Fintan Aylward, Allan Sullivan (now Judge Sullivan), John Crosbie and many others of the same ilk. For some years the Law School had held its own Mock Parliament. We were able to initiate an annual Mock Parliament at the university level. Elections were held and parliament convened, presided over by Leonard Fraser, a Halifax M.L.A., as Speaker of the House.

Another feature of the Law School of the early and mid 1950's was its ability to attract "special lecturers". I remember two of them. Professor John Willis, then on the Faculty of Law at the University of Toronto, and best known to Dalhousie property law classes for his best selling article "Statutory Interpretation in a Nut Shell", came and was well received. So did Hollett a prominent St. John's Newfoundland lawyer and politician and a graduate of the School. Hollett was a "silver tongue" orator and made a good impression on the students. He was a proponent of the theory that a lawyer's first task in

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F. R. Scott, Faculty of Law, McGill University;
Horace E. Read, Dean of Law, Dalhousie University.
Dalhousie Law Convocation 1958.*

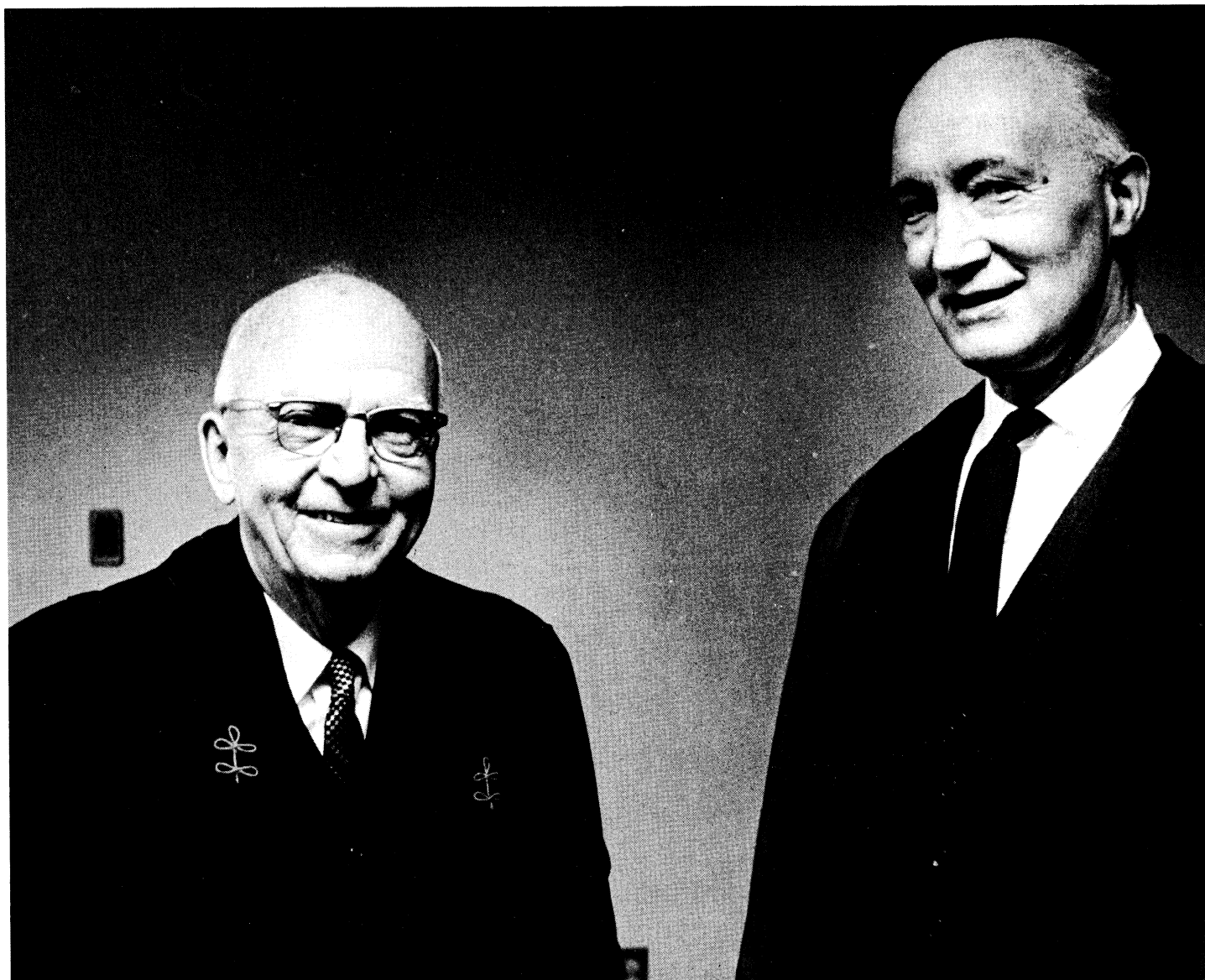


solving a legal question is to acquire a complete grasp of the facts. His most memorable line still sticks "Get the facts", he declared, "and the law will look after itself". Although much of a simplification, this was nevertheless a valuable lesson for young law students.

With graduation came the problem of finding permanent employment. Openings in public practice and in industry and government were scarce in most maritime centres. Our classmates from Newfoundland returned there and have found contentment and prosperity. Indeed, a majority of the students remained in the Atlantic provinces. A few, including Hugh

Latimer, Tommy Judge, Saul Paton and Dave Vine took positions in Ontario where they were joined a year later by Purdy Crawford and myself, following our return from post graduate studies at the Harvard Law School. A number of students ventured further afield — Vic Burstall to Manitoba (and later to Alberta), John Fowler and Moe Atkinson to Alberta and Pat Nowlan to British Columbia. Harry Tucker returned to Sierra Leone and went into the diplomatic service, rising to the position of ambassador in Moscow. But wherever we went, we were looked upon with favour, for we carried the badge of the Dalhousie Law School. It has stood us in good stead.

*Horace E. Read and Lord Denning.
Dalhousie Law Convocation 1970.*



Bertha Wilson

*is a Justice of the Court of Appeal,
Supreme Court of Ontario,
Toronto.*



At the time I entered Dalhousie Law School in 1953 my husband was a chaplain in the Royal Canadian Navy stationed at H.M.C.S. "Stadacona". I had been accustomed to the busy life of a parish minister's wife, first in a fishing and farming community in the northeast of Scotland and subsequently, after we emigrated to Canada in 1949, in the beautiful town of Renfrew in the Ottawa valley.

Since at that time it seemed as if my husband was contemplating at least some years in the navy, and there was no role for a chaplain's wife commensurate with that in the parish, I decided that it made good sense for me to go back to school and pick up my education where I had left off when I married into "the cloth" at the tender age of twenty-one years.

That preliminary interview with Dean Horace E. Read is indelibly imprinted on my mind. I think it was through it that I began to realize what lay behind those first agitated murmurings of the "Women's Lib" movement. "Have you any appreciation", he asked, "of how tough a course the law is? This is not something you can do in your spare time. We have no room here for dilettantes. Why don't you just go home and take up crocheting?"

It was hard to persuade him that I was a serious student; that to me a knowledge of the law was an essential part of a liberal education and that, while crocheting might be a very pleasant way to spend one's leisure hours, it could not be the be-all and end-all of one's most productive years.

From the first day I entered law school I knew the law was "my thing". I sopped it up like a sponge. I was fascinated by the brilliant teaching techniques of the dean in the contracts course. He may not have approved of women in his class; indeed, he may have been my first exposure to the M.C.P. But I was glad to sit at his feet and learn the difference between an offer and a "mere puff", a condition precedent and a condition subsequent, and to imbibe his gems of wisdom on the parole evidence rule, the doctrine of frustration, and the complexities of the law of misrepresentation and mistake. How important a foundation for practice in the commercial field in a large city law firm these all turned out to be.

Any student who has taken Professor Graham Murray's Property I course will recall his introduction to the concept of possession, the escaping fish, the swarming bees, the hidden cache of jewels. And how he later mesmerized us all with future interests, springing and shifting uses, fee tails, and the like. I think in retrospect Professor Murray was the victim of his own teaching style. He made us think; and to think is to question. I was a part of a very keen group of law students who met regularly to discuss and dissect what we had been taught in the various courses since our last meeting. Lilius Toward, John Charters and Ron Pugsley were the backbone of the group and they were no slouches! I'm afraid that as a result we made a bit of a nuisance of ourselves in

class. I hope Professor Murray has forgiven us because he brought it on himself. To sit in his class was truly a mind-stretching experience.

I am probably telling tales out of school but I am sure Judge Pottier won't mind if I disclose that the ladies in his Criminal Law class were much more impressed by his immaculate attire and jewelled stickpins than they ever were by his dissertations on mens rea and the burden of proof. Certainly this was a far cry from the baggy pants and leather elbows that were standard professorial dress at the University of Aberdeen, my first alma mater.

Professor Meagher taught us Procedure I and II, which I defy anyone to make interesting. However, the practical realism of his course was forcibly brought to my attention five years later when a prospective client arrived one day at the receptionist's desk at Osler, Hoskin and Harcourt and announced that he needed a lawyer to issue a writ for him. His name was Mr. Peter Platt! All that hidden store of learning fell automatically into place. Nevertheless, I still think Professor Meagher should explain why, in his course in Shipping, he found it necessary to illustrate with toy boats and a bucket of water the difference between ships meeting, ships crossing, and ships passing!

Professor Lederman was our instructor in Torts, Constitutional Law, and Jurisprudence, and somehow Torts was the least interesting of these subjects. Perhaps this was because there was so much to cover and so many cases on the syllabus. I think that in the Torts and Company Law courses the Law School went overboard on the case method of instruction. I recall that there were 187 cases on the Torts syllabus and fully as many in Company Law. As a result there was a tendency in both these courses not to see the woods for the trees! The courses in Constitutional Law and Jurisprudence on the other hand reveal to all of us the scholarly mind of our instructor. It was a great loss to the Law School when Professor Lederman accepted the invitation to become Dean of Law at Queen's.

Life at the Law School was not all work. There was always time to take in an amateur theatre group, to gather for clam chowder at one of the excellent although unpretentious restaurants, to wander around the docks and see the ships, to drop in of a Sunday to the resounding psalm singing in St. David's Presbyterian Church. And, of course, there were these special class parties at 36 Rockcliffe Street when nobody quite knew all that went into the punch and when the guests were apt to stub out their cigarettes in ceramic bowls of onion dip lovingly prepared by our gracious hostess and located around the drawing room for our convenience. It was the measure of her hospitality that she never confronted anyone with this gaffe but rather blamed herself for her lack of perspicacity in not anticipating that it might happen.

It was not easy in the fifties for a woman to find an articling

The Law Library at Studley.

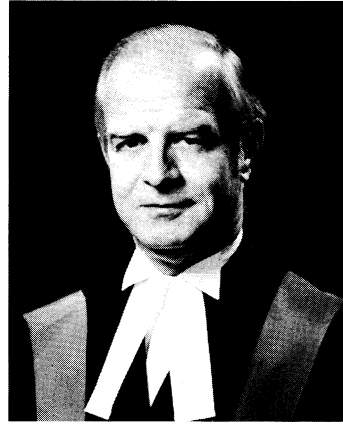
position in Halifax but it was my very good fortune to end up in the office of F.W. Bissett, Q.C., now a supernumerary judge of the supreme court of Nova Scotia. I don't know what Professor Lorne Clarke had to do to get me in there but, believe me, it was an experience to remember. From the dizzy heights of academia I was plunged into the stark reality of the police court with its daily roster of drunks and prostitutes. I learned what life as a sole practitioner was like and what a large part common sense, and an insight into human nature, played in advising the average client. And when I became too insufferable in my new-found legal knowledge and pontificated to my principal on the distinction

between rebuttable and irrebutable presumptions, he would say to me, innocent-like, "How would you like to work up a defence on this buggery charge?"

Yes, my four years in Halifax were among the most enjoyable and rewarding in my life thus far. It was not just the nuts and bolts of the law that I learned; it was the new dimension on life that they opened up for me in which the late Dean Read, my other professors, my fellow students, and my inimitable principal, all played a very special role.

George Inrig

*is a Judge of the Provincial Court
in Lindsay, Ontario.*



Dean Ronald St. John Macdonald has asked for a few of my impressions of my days at Dalhousie. I should say straight off that my perspectives were somewhat different from those of my colleagues. I was an Upper Canadian, a strange breed to maritimers. I was at times a married student, generally unusual in those days, and I was both student and professor.

I went down to Dal in the fall of 1955. The university had a student population of two thousand and the Law School about one hundred and fifty. Dalhousie Law School had an excellent reputation in Ontario and I was advised by Dr. J.A. Corry, head of the political science department at Queen's University to "go to Dal and get a good education and see some of Canada". I never regretted doing so. The faculty was small and there was good rapport between staff and students.

If memory serves me well, the faculty consisted of Horace Read, Bill Lederman, Graham Murray, Jim Hendry, Art Meagher, Lorne Clarke, and Dan Soberman. Judge Pottier taught criminal law and a number of down-towners taught half courses. It was in my second year that George Nicholls joined the faculty and that legal writing and research appeared on the curriculum. The unhappiness of the first year students rubbed off on us and poor old George was suspect. It was in my third year that Andy MacKay started his teaching career and that John LL.J. Edwards came from Belfast. Like George Nicholls, John also demanded perfection and excellence and, being a stranger with an accent, he too was suspect. When I joined the faculty, both John and George became counsel, advisors, and friends.

When I set out for Dalhousie, Pete Swan, Joe O'Brien and I drove from Ontario, through New York, Vermont, New Hampshire, Maine, New Brunswick, and Nova Scotia. It rained all the way; and after seeing nothing but trees, rain and fog for three days, I concluded that I had arrived at the end of the earth. It was a feeling that I never lost as a student; and it wasn't until I went on faculty and got to know some real live Haligonians that I began to think of Halifax as home.

It did not take me long to realize that the best time to see Halifax is in September. Some of my fondest memories are of South Street (by the football field) on a warm, sunny, September afternoon; of the ferry to the Dingle; of Spring Garden Road (past the Public Gardens), all on bright sunny September afternoons, when the leaves were turning. Those places were hell in January.

One Dal "institution" that I quickly became acquainted with was the Zete House, where law grads Fred Flynn, John Alward, and Paul Fraser made us welcome. I never became a Zete — I was never invited to join — but they served good meals there at very economical prices and I ate there in my first year until the cook left, a regular occurrence at the Zete House. I also ate at

Pine Hill and finally obtained a good boarding house right next door to where I roomed, at 332 South Street, with Mr. and Mrs. H.B. Campbell. Harry Fleming of my year also moved into 332 toward the end of the year. In those days, there was no men's residence at Dalhousie, except for the old war-time barracks next to the law building.

I have said that there was good rapport between staff and students. We had a number of stags or smokers. Graham Murray and "Sugar Jim" Hendry came to all of them; Dean Read and Bill Lederman came often. That is not to say that the others did not come. I'm sure they did, but I best remember Graham and Sugar Jim. Graham always gave me a pat on the back and a compliment when one of my stories went over like a lead balloon. He saw the humour, if no one else did. It never failed that someone would start playing the piano and that Sugar Jim would request that they play "The Roses of Picardy". And when it was played, Sugar Jim would cry. He never told us what sentimental memories that piece revived but he never failed to request it and it always evoked the same response. He loved that song.

I can recall my room on South Street and my evenings in the law library. I had a fiancée back in Upper Canada, so I worked reasonably hard during the week and left the girls alone. Saturdays and Sundays were not working days, however, and we usually spent Saturday afternoon at the Lord Nelson or the Piccadilly, and Saturday evenings at the Capitol Theatre or at the Zete House. Sunday I went to Old St. Pauls and then usually spent the afternoon at the home of Lt. Col. and Mrs. G.C. Sircorn on Tower Road. It's too long a story to explain, but the Sircorn's gave me a home away from home.

Halifax had no bars in those days. There were taverns where only beer was sold, and you could get wine with your meals in the coffee shop at the Lord Nelson. If you wanted a drink, you could order "green tea" at the Chinese National Club and the substance in the cup had a decidedly rum taste. The Green Lantern Restaurant was still an institution on Barrington Street but only served coffee or tea.

We had the "Poor Man's Law Ball" and neither Pete Swan, Joe O'Brien or I had a date but decided to go anyway. They dressed me up as a female and Pete Swan, who could fill a doorway, was my escort. We made a lovely couple. I'm sure some of the fellows thought that I was a transvestite, but we got to the Poor Man's Law Ball and "tied one on". Graham Murray again saw the humour in it.

We took an active part in mock parliament. John Crosbie was in third year and I believe that he was prime minister, a Liberal. The speaker was Mr. Leonard Fraser, Q.C., a prominent Halifax lawyer and former leader of the Progressive Conservative Party in Nova Scotia. He told me that he was leader of the P.C.s until

they lost every seat in the house and then he resigned. Stanfield became leader. I gave my maiden speech in mock parliament, explaining that I came from a little orange school house in Upper Canada and concluded with verse: "Tory, Tory, full of Glory; "Grit, Grit, full of sh-sh-shameful arrogance." The expression on Dean Read's face was worth it.

Although we got to know a number of maritimers, "some real well", we non-maritimers stuck together: Art Whealy, Paul Rouleau, Pete Swan, Joe O'Brien, and myself. Steve Harper, the old Haligonian, cracked the group, as did Bill Charles and Joe Pelrine "Pogo". After the first year, the Upper Canadian distinction faded out. One third year chap, a maritimer, had a violent dislike for Upper Canadians. He could find nothing good about us or about Ontario. Later, after graduation, he returned to visit Dalhousie from his practice in, of all places, Toronto. He told us how "we do it in Toronto". I have never met such a snobbish Upper Canadian and I too developed a violent dislike for such "Upper Canadians".

When I was in first year, there were ten girls in the Law School. This was the largest number of all time. Sally Roper and Jane Clow in third year; Bertha Wilson, Pat Fownes, Yvonne Walters, Lillias Toward, Enid Land, and Justine O'Brien in second year, and Frances Stanfield (Cripey) and June Nudleman (Noodles) in our year. They were a brave group among one hundred and fifty men but they certainly held their own. Bertha Wilson was an extremely attractive girl who wore black sweaters! She was married to a United Church minister and had a delightful Scottish accent. She had, among other things, a fine brain and lent me her notes. She has brought great honour to Dalhousie in being the first woman in Canada to be appointed to a court of appeal.

I became a married student in my second year. Finding reasonable accommodation in Halifax was nearly impossible. There were no many-storied apartment buildings in those days. Many of the married students lived at Mulgrave Park, a former wartime women's barracks. John Buchanan lived at Mulgrave, I believe, until it was closed. My wife, Barbara, and I first lived at "Winnie's Lodge" on Inglis Street and then found an apartment — the gardener's — in the basement of 16 Young Avenue, the residence of Mrs. P.G. Creighton, for fifty dollars per month. This included a furnished apartment with heat, light and water. It was here that I met Jake Creighton of Dartmouth and his family; Anne married Graham Day, who was a year ahead of me in law, and Jan married a Newfie named Derrick Warren (a Dal grad) and settled in Lindsay, Ontario, just around the corner from me.

I became active in politics in my second year and knocked on doors, in the harbour area, distributing pamphlets for the Conservatives. I was a scrutineer in one of the polls and attended the Victory Celebration in Winnie's Lodge when

Robert Stanfield was swept into office. We proclaimed Dick Donahoe Attorney-General that night and Stanfield did so a few days later. It was in that election that I met Dave Gillis, a Haligonian, and we formed a lasting friendship. Dave's wife, Connie, is a grand-daughter of Dean Weldon's. Speaking of politics: John Crosbie was in third year, Dick Hatfield was in second year, Alex Campbell and John Buchanan and Bill Marshall were class-mates of mine in first year.

It would take a case of beer and an afternoon with the old gang to remember specific incidents of those years, now twenty years ago. I recall lectures in the "bowling alley"; worrying about wild bees in Graham Murray's property course; muddling through Judicial Remedies with Sugar Jim; defining the reasonable man for Dean Read; drawing documents and deeds for Art Meagher. A group of students wanted to register a deed to the moon — this was ten years before man set foot on the moon — only they didn't know how to draw the deed. I had sufficient knowledge to draw the deed describing the moon as of green cheese but there the matter ended for me; they took it to the Registry Office but the Registrar rejected it and they had their names in the papers. Dean Read was not amused. I recall Art Meagher's admiralty course. Who had the right of way? He illustrated by using plastic toy ships. Then we went sailing with him on the North West Arm and into the harbour, and I can still see him waving at an ocean liner, demanding the right of way, because "steam gives way to sail", while we all dived for cover.

I was involved in the Smith Shield competition. The participants were Bill Charles, Geoffrey Steele, James Unsworth and myself. The judges included Judge Pottier and Gordon Cowan. After the decision was announced, the shield was not immediately presented because Sidney Smith was going to be visiting Dal and the presentation was delayed until his visit. This occurred at an assembly of Dalhousie staff and students. In making the presentation, Smith said that as he would be visiting Quebec shortly, he should gain practice by making the presentation "French style". He, therefore, embraced both Bill Charles and myself with the symbolic kiss on each cheek. I was caught completely off guard and didn't know how to respond; it was amusing to the audience but very embarrassing for the recipients. Of course Dr. Smith got a big kick out of it.

So finally we graduated and split up. I articulated with one Roland A. Ritchie, and before my articling days were over I mailed the letter which was his acceptance of appointment to the Supreme Court of Canada.

After obtaining a master's degree at Southern Methodist University in Texas, I returned to Dalhousie in the fall of 1959 to become an Assistant Professor of Law, at the handsome salary of \$5,500 per annum. That same year, my former class-mates, Bill Charles and Ed Harris came on faculty too. Andy MacKay was away at Harvard and there was no office for me. They gave me

the little room to the right of the front door, formerly a cloak room or broom closet; but, once fixed up, quite satisfactory. George Nicholls, Graham Murray and I were on one side of the main hall, and Ed Harris, Bill Charles, John Edwards, and Art Meagher were on the other side. Dean Read, of course, had his own office. Eunice Beeson was new, arriving either that year or the year before, while I was away, and was full-time law librarian. Eunice was a lovely person, a gracious lady, and a good friend. I was sorry to learn of her untimely passing, shortly after I left Dal. It was that same year that Mildred MacDonald, Mrs. Bartlett and, later, Mrs. Thompson, joined the staff in the dean's office. I understand that they are still there so I suppose that they are now in the category of "institutions" at Dalhousie. One day, in exuberance, I rashly leaped over the swinging gate-door in the outer office. Whenever I return to Dal, Miss MacDonald and Mrs. Bartlett say "Remember when . . ." They won't let me forget that famous leap.

Faculty meetings were lessons in politics. There were always politics in the working of the faculty, small as it was. On issues of importance, to be discussed in "faculty assembled", the dean had a viewpoint. If yours agreed with his, you were pro-dean; if yours differed with his, you were anti-dean. It took me a full year to realize that before each faculty meeting, Dean Read and I somehow managed to meet over coffee and that our discussion somehow got around to the very topics that later appeared on the agenda of the up-coming faculty meeting. Our "casual" discussions were explorations of my preliminary views.

The coffee hour was particularly enjoyable because it was the one time of the day when I could meet with my colleagues on faculty to talk about whatever was current, law, politics, news or gossip. I didn't realize that my eagerness for the coffee-break was so obvious, until the students presented me with a large mug entitled "Coffee Hound", which I still prize.

It was while I was on staff that discussions started about a new law building. The thinking of most of the faculty was stereotyped, dominated, I think, by Harvard. They envisaged a square building with the law library in the centre and all offices, classrooms, etc. surrounding it. I didn't have the Harvard complex. I was influenced by the Mexican and Texas architecture at S.M.U. I produced a plan of a building with a patio and garden in the centre and relegated the library to a less prominent location. The entrance hall led from the front of the building to the patio with access halls surrounding the patio. The classrooms, offices, and library were off these halls. On either side of the main entrance hall were two large reception rooms, also usable as conference rooms. One was to be for the moot court, the other was for the mock parliament. My colleagues received my suggestions with great interest and some, Graham Murray, with enthusiasm. However, after explaining to a faculty meeting, for almost half an hour, that the moot court and mock parliament could be used not only for their respective purposes but also as conference rooms, reception rooms, etc., Dean Read stated he could not see how we

could afford two large rooms which would be used only a couple of nights a year. So I gave up. I found it interesting to visit Dal recently and to tour the Killam Library, with its patio and garden in the centre!! I found it equally interesting to learn that Osgood Hall Law School at York University has a model court room.

In my second year of teaching, we were favoured with a visit by Lord Beaverbrook. The visit was arranged primarily through Lady Dunn. The retinue included Lady Dunn, C.D. Howe, Colin McKenzie, President of U.N.B., and half a dozen others. The visit was to the law ball at the Lord Nelson Hotel. In the previous year, the faculty had had a room upstairs where we could keep our booze and sneak away for a drink. Of course, we could not let our students think that we partook of alcohol. And certainly not in their presence! On the occasion of the famous visit, however, booze was taboo for faculty and the room upstairs had soft drinks and coffee. I was in charge of this aspect of the event. One of our guests immediately enquired of me where he could get a drink, and it was very clear that the whole party had the same thing in mind. Luckily, I knew some of the third year students sufficiently well that they had hidden away a drink under the table for me. However, I became exceedingly unpopular when I not only obtained the hidden drink but commandeered whole bottles in order to accommodate the visitors. But, as with all law students, their supply was unlimited.

One thing that Dean Read would not tolerate was disloyalty. And it was disloyal to apply to another university. When he found that I had made enquiries about teaching possibilities at some of the universities in Ontario, he informed me that the ranks of the permanent staff had been filled for the following year and that he would be glad to write any letters of recommendation I might require. So my life in Halifax came to a close. I left Dalhousie only to enter into partnership with the Honourable Leslie M. Frost, Premier of Ontario, in Lindsay, Ontario.

My association with Leslie Frost came about, indirectly, through another Dalhousie figure. One day, toward the end of my second year on staff, I was wandering through the court house on Spring Garden Road when Mr. Justice Vincent C. MacDonald called out to me: "Inrig, where are you going when you return to Ontario?" (He had represented the chief justice at the graduates' dinner.) I told him I didn't know; I was going to see what was available. He told me to go to Earl Smith, secretary of the Law Society of Upper Canada and "tell him I sent you." I politely said "thank you", and he said again, "Inrig, tell him I sent you." So I did. The name Vincent MacDonald got me into Earl Smith's presence; otherwise, I would have been passed off to one of his assistants. Earl Smith said he didn't know what was available but his assistant would have a list. However, he continued to talk and we chatted for a half hour. Just as I was leaving, Smith said: "Oh, Inrig, by the way, Premier Frost wants a man. Go and see him."

In thinking of the gang at the Law School in those days, I have

*Eunice W. Beeson,
Sir James Dunn Law Librarian, 1959-1966.*



already mentioned those of my colleagues who became politicians. Some of my students did likewise: Jerry Doucet, Paul Creaghan, Brian Fleming, Rich Cashin and David Logan. The latter returned to his home town, Lindsay, Ontario, and entered into practice. He then ran for municipal office and became Mayor of Lindsay. He delighted in telling audiences that I was his "old professor"; in turn, I refused to accept responsibility for any of his actions. When I was appointed judge for Lindsay, I had to hold court in his council chamber. Retribution! Another student who turned the politician was Libby Burnham who hailed from East Florenceville, New Brunswick, a community not far from Bath, the significance of which will appear later. Libby became Dick Hatfield's right hand girl and ran the Tory organization in New

Brunswick until July of last year (1976) when I performed the marriage of Libby and Gordon Sedgwick, Q.C. (a Dal Law First Year Man and Queen's graduate), both old friends of mine.

A number of my fellow students became law professors: Alan Sinclair was in third year when I was in first and when I went to Southern Methodist University AI was professor there. He is now dean of U.N.B. Law School. AI and his wife Verne were very good friends to Barbara and I at S.M.U. Pete Darby was my classmate and is now on faculty at Dal. Murray Fraser and Keith Jobson were students of mine. Murray is now dean of law at Victoria University in British Columbia and Keith is on staff there. Bill Somerville was a student of mine and was on faculty for a while at Dal.

A number of my group retired to the bench. I have already mentioned Bertha Wilson. George Le Vatte, Geoff Steele, Bill Lewis, Ray Bartlett, were students of my day, and of course John Nichols. Bill Atton and Hughes Randall, students of mine, are now on the bench. Charles Gillespie was with me at Southern Methodist. He was in third year at Dal when I was in first; he is now a court official in Moncton, New Brunswick, a registrar or prothonotary. Bill McDougall was a student of mine and a brother-in-law of AI Sinclair. He was one of the third year students from whom I confiscated a bottle of booze to provide drinks for Lord Beaverbrook's company. Bill is now Taxing Master in Halifax. I hesitate to mention names, but these are the ones I have heard about. I'm sure many others have made their mark in their respective communities.

After giving me two beautiful daughters, one of whom was born in the Halifax Infirmary while I was on faculty, my wife Barbara died at the age of 34. I subsequently met and married my wife Mary, a native of Bath, New Brunswick, who was a student at Mount St. Vincent Academy when I was a professor at Dalhousie. Our marriage has continued my relationship with the maritimes and I have grown to love Nova Scotia and New Brunswick.

I enjoyed my time at Dalhousie. I was very fond of Dean Read. We didn't always see eye to eye but he was a gentleman and a friend. He and Mrs. Read made us welcome in their home many times. After his death, when I wrote, Mrs. Read reminded me of the particularly heavy snow storm when I went down to Marlborough Woods to shovel the dean out. He would have been there for days had I not done so. I found him in the basement, with his oils, painting a scene. I think that he was disappointed to have been liberated. I love Halifax and I am proud to say that I am a Dalhousian, student and professor.

G.V.V. Nicholls

*is Professor Emeritus in the
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I arrived in Halifax to join the staff of Dalhousie Law School in the late summer of 1957, almost twenty years ago. This I know because I've looked it up, but I am not having quite the same success in recapturing in my mind precisely what sort of place the Law School was in 1957, or the City of Halifax and the Province of Nova Scotia, not to mention the sort of country Canada was, or the sort of world the 1957 world was.

We were not much more optimistic about the future of the great world outside Dalhousie then than we are now. There were many grounds for pessimism in 1957. As 1956 ended, Britain and France were completing their evacuation of Egypt, which they had invaded in answer to Nasser's seizure of the Suez Canal, an episode that seemed to many people to evidence the beginning of the end of Britain's long contribution as a Great Power. The troubles of the British in Cyprus with the Greek Cypriots and Turkey were also continuing. In spite of overtures from the United Nations and President Eisenhower, the Soviets seemed to have succeeded, from their viewpoint, with their armed invasion of Hungary. Later in 1957 the refusal of the sovereign state of Arkansas to recognize the decision of the United States Supreme Court ordering the end of racial segregation in schools led to the intervention of federal troops at Little Rock. As if that were not enough, what had assumed by this time the proportions of a full-scale war was being waged by the French in Algeria. The U.S.S.R. and the U.S.A., followed at a distance by the U.K. and probably other countries, were busily engaged in testing atomic weapons. The Nobel Peace Prize Committee announced that it could find no worthy recipient of its prize for 1955 or 1956.

On the other hand, there were some hopeful developments to weigh in the opposite pan of the ansul. In the autumn of 1956, for example, ceremonies were held in New York, London and Ottawa to mark the opening of the first telephone cable between North America and Europe. Earlier in 1956, Morocco and Tunisia in North Africa had been given full independence, the former by France and Spain, the latter by France. The world's first full-scale nuclear power station was opened at Calder Hill in England. In October, 1957, an earth satellite was put in orbit, which was Sputnik I. No one was speaking of the Third World yet, but the dissolution of the British Empire and the corresponding broadening of the Commonwealth was proceeding apace. The long negotiations for the European Common Market of Belgium, France, Italy, Luxembourg, the Netherlands and West Germany had been completed, and the market was to open on New Year's Day, 1958. The IGY — the International Geophysical Year — was on that day well along in its inquiries; actually it lasted more than a year, until the end of 1957.

One of my scientifically informed friends tells me that the IGY was highly successful as a cooperative venture into "world-wide, synoptic, systematic research" leading to other international programmes of scientific research that are still continuing. On this

more cheerful note I leave my little excursion into the great world around us to return to the Dalhousie Law School.

One of the first of the stories told me after I arrived was that Brigadier Darrell Laing, then Chairman of the Board of Governors, had recently said that the Law School was "the jewel in Dalhousie's crown". I had never heard of the Faculty of Law at McGill or Toronto being referred to as a "jewel" — by a board chairman, a law dean, or anyone else — and the newcomer was impressed, as no doubt the teller of the anecdote, who happened to be the Dean of Law, wanted him to be.

The anecdote was received with something less than enthusiasm by new acquaintances in, for example, the Faculty of Medicine, which I suppose was competing with Law for the strictly limited funds that were available, and they contrived to comment in my hearing that the Chairman of the Board of Governors was of course a lawyer (he was, though I should add for the record, not a graduate of our Law School). Any suspicion that the Chairman's legal background may have cast on his remark was balanced, however, by the fact that he was reported to have made it on a public occasion in his capacity as Board Chairman. I have no doubt that Brigadier Laing at least did genuinely believe that the Law School was the jewel in Dalhousie's crown.

I tell the story here to lead up to the comment that it was not long after my arrival at Dalhousie that it dawned on me that the Law School was a highly respected component of the university. Travels as editor of the *Canadian Bar Review* had left me with the impression that the same thing could not be said for all, or even most, law faculties in Canadian universities. Certainly it could not be said at McGill for instance — where I did my own Law — though McGill faced special problems as an English-speaking enclave in a predominantly French-speaking province, and the private law taught there was the French civil law. My own impression of the role of Law at McGill had been that it was — if I may be permitted the fun of mixing metaphors — not the jewel but the poor cousin of the university. I found it pleasant to be able to announce with pride in Dalhousie circles that I was the new professor at the Law School.

Differences of opinion there will be about whether the Law School was a dynamic place to be by 1957, but it was certainly a small place. The faculty, for example, was small, not by comparison with what it had been — in fact it had never been larger — but by comparison with faculties in some other places, particularly in the United States, and with what it was to become itself.

There was to be some coming-and-going among the teaching staff, but for the session 1957-1958 the eight full-time members of the staff were, alphabetically, apart from Dean Horace E. Read and myself: Lorne O. Clarke, who was to leave in a year or so for the practice of law; James McL. Hendry, who was to depart

shortly for Ottawa, where he is now in the federal civil service; W.R. Lederman, who left in 1958 to become dean of the new law school at Queen's University; W. Andrew MacKay, later dean in succession to Horace Read and now a vice-president of the university, who joined the faculty in the same year I did; Arthur J. Meagher and R. Graham Murray, both comparative oldtimers. In short order, Bill Lederman's place was taken by John L.I.J. Edwards and Lorne Clarke's by Edwin C. Harris. In 1959 George F.W. Inrig succeeded D. Merlin Nunn, who had been on staff for a year.

Numerically — and it is arithmetic mainly that concerns me for the moment — the eight full-time members of the faculty in 1957-58 are to be compared with the four in the years immediately leading up to the outbreak of World War II in 1939, and the twenty in 1969, when Andy MacKay, who had succeeded Horace Read in 1964, became in turn vice-president of the university. The 1969 number of full-time faculty, more than double the number in 1957, has by 1976 reached thirty-six, under Dean Ronald St. John Macdonald, a further increase of eighty percent. So I say that, in retrospect, the 1957 faculty was small.

Most of my new colleagues in 1957 were native Nova Scotians. At this distance of time, I hope no one will be greatly offended if I confess that at first I found the prevailing atmosphere in the Law School a bit "old boy". After all, the great majority of my new colleagues were old Nova Scotians. It is not that they were unkind to the new boy; on the contrary, they were as amiable as I knew Nova Scotians can be. It was just that now and again something would happen to make me feel like substituting "local boy" for "old boy". The explanation is possibly that some of them were genuinely puzzled what useful contribution any outsider originally trained in the civil law could make to their beloved institution. They may have been right. Boyhood schooling at the Tower Road School and the Halifax County Academy, even when supplemented by ten years of corresponding with common-law lawyers and travelling in common-law provinces may not have been enough to remove that original taint.

Hopefully, we Nova Scotians are less parochial than we used to be, but we still have a fierce pride in our province. My advice to newcomers always consists of two things — I have in mind ordinary social intercourse. The first is that, in talking to me or any other Nova Scotian, never volunteer a criticism of what you find here. The second is that, even if I voice the criticism first, never indicate agreement with it. If you disagree with the criticism, of course say so at once; but if you agree, do not fall into the trap of even whispering the agreement aloud. Remember that a proud Bluenose is about the touchiest man in the world, and we are all proud.

Like the faculty, the student body was small in 1957 by comparison with many American universities and with what it was later to become here, but larger than it had been. Fifty-seven law

students graduated at Dalhousie in the spring of 1957, to be followed the next year, 1958, by forty-four. The same range more or less had marked graduating classes during the immediately preceding decade. By contrast, graduating classes of twenty, sometimes a little more, sometimes a little less, had characterized the 1920's and the 1930's, so that we can sum up this phase of the comparisons by saying that in 1957 the student body had been significantly larger than it was before and during World War II.

After some falling off in the decade immediately following 1957, the size of the student body has noticeably increased during the last five or six years. Typical of the phase we are now in is the graduating class of 1975, which was one hundred and thirty-two, and the last graduating class, 1976, which was one hundred and thirty-six. So we can sum up this phase of the comparisons by saying that in 1957 the student body was significantly smaller than it is now and, of course, significantly smaller, by several times, than at many American universities: Chicago, Columbia, Harvard, Michigan and Yale, for example.

On my arrival in 1957 it was also pleasant to be able to confirm an impression that relations between the law teachers of the university and the judges and practitioners downtown were happy ones. Earlier in the year the Benchers of the Law Society of Upper Canada had announced a new plan for legal education in Ontario, and thereby buried a festering dispute with law teachers that had had repercussions throughout common-law Canada for many years, and nowhere more than at Dalhousie in Nova Scotia, so many of whose graduates wanted to settle in Ontario and therefore needed an admission to practise there.

Viewed in retrospect, after twenty or more years, the bitterness of that unhappy confrontation between grown men of standing in their community seems almost incredible. This is no place to attempt a detailed account of the dispute, but it was so fundamental to the future of legal education in Canada, and I was an observer of some of the dramatic moments, that I should say a little more about it. On my retirement to civilian life at the completion of the European phase of World War II, I had been offered the editorship of the Canadian Bar Review, the organ of the Canadian Bar Association, in succession to Cecil Augustus Wright. Wright, known far and wide as "Caesar" — perhaps inevitably — was a part-time editor, being primarily occupied with teaching at the Osgoode Hall Law School in Toronto. I am not sure why I accepted but perhaps it was because most of us then were optimistic about the future of the world, and it seemed a nice idea to have a job that might contribute to the general good. Anyway, I accepted the offer, on the same part-time basis, with every intention, I remember, of moving to other fields after two or three years, though in fact the challenge soon became full-time.

By January of 1948, two years later, John D. Falconbridge had retired as Dean of the Osgoode Hall Law School and his

successor, appointed of course by the Law Society of Upper Canada, was Caesar Wright. After another year, a long-simmering dispute had come to a head with the resignation of Wright, followed shortly by the resignation of the other full-time members of his faculty.

Later Wright wrote that the sole issue before the public was whether the Osgoode Hall Law School should provide only "a strictly vocational training" or should be an "educational institution", with all that the term implied. Others have written, and perhaps they are merely saying the same thing in different words, that the fundamental issue was whether the Law Society of Upper Canada, a closed organization of practising lawyers, should through its Benchers and Legal Education Committee control legal education in Ontario, with long-term repercussions throughout common-law Canada. Whatever formulation of the basic issue is chosen, enough sub-issues clustered around it to give the main combatants a chance, gleefully assisted by the press, to tilt at one another in public: what, for example, should be the admission requirements for the study of law, a university degree, or something less; again, should articling in a legal office be required for a law degree and, if so, at what stage of the course; should a law school be full-time?

This brief account should at least make clear why I was concerned in 1957 with the state of Town-Gown relations at Dalhousie, and still am. I used to ask myself, as I am sure Horace Read must have, how in Nova Scotia the legal profession escaped making the same show of itself for the edification of a cynical public as it did in Ontario. The differences of opinion in Ontario that reached a climax in 1949 grew of course from a personality conflict between strong characters each convinced of its own rectitude and of the perfidy of the opposition. It is too facile an answer, however, to say that analogous conditions did not, and cannot, exist in Nova Scotia. I prefer to come back to my earlier remark about the happy relations existing between practising lawyers and law teachers in Nova Scotia. The fact that good relations existed in Nova Scotia, and still do, whereas they did not exist in Ontario, is not accidental. They are the result of deliberate day-to-day effort by a number of people. They have to be worked at.

By modern standards, the faculty tended to operate in those days as something of an autocracy, the doctrine of the Divine Right of Deans. Our dean was modern enough to realize that he was supposed to consult other members of the faculty before he took important decisions; the trouble was that his idea of what constituted consultation did not always coincide with that of other faculty members. He seemed to have a notion, genuine no doubt, that a hurried walk around faculty offices to announce what he had just done, or was on the point of doing, amounted to consultation unless the recipient of the news was able to interrupt his own train of thought quickly enough to register dissent before the dean took off for the next

office on his tour.

In 1957 I was not exactly a kid, having had five years of war service before ten years of editing, plus some years of other assorted experience, and the dean's reiterated public assertions that of course he always consulted the faculty before taking decisions came to annoy me. One weekend, after a particularly infuriating episode during a Saturday-morning faculty meeting, I poured out a letter of complaint to welcome him in the Monday morning's mail. Several times in later years Dean Read demonstrated that he was a big enough man to thank me for that letter, the last time not long before his death. So perhaps when it was written it helped to improve the always thorny problem of faculty-dean relations.

The years 1957 and thereabouts — the 57's — can perhaps be regarded as a sort of mini-watershed in the course of legal education at Dalhousie. The prevailing technique of instructing students was still the Case Method, but cracks in the Langdellian facade had begun to appear. Though it never seems to have occurred to any of us that he was staging a pedagogical revolt, a number of what we have learned to call "do-it-yourself" courses, for example, were being encouraged. When Horace Read returned in 1950 to assume the deanship, he brought with him from Minnesota, where he had been teaching, the concept of a course in legislation operating in conjunction with a Legislative Research Centre staffed partly by students. Again, Arthur Meagher had been teaching civil procedure by a method involving written exercises by the students. The announcement earlier in 1957 by the Benchers of the Law Society in Ontario of a new plan for legal education seemed to herald the coming of a climate conducive to reform.

A factor in my own appointment was, I suspect, that I would be able to draw on my editorial experience to help in introducing a first-year course on Legal Research and Writing. For some years the conviction had been growing throughout North America that legal education was suffering from the limited literacy of law students. Models for a course on legal research and writing existed in the United States, but I set about trying to develop one of my own.

I had arrived at Dalhousie with a deep-down conviction that the Case Method, conceding its good features, was intellectually restricting of what the true aims of legal education ought to be. My years of editing the Bar Review had left me with a strong feeling that lawyers in common-law jurisdictions tended to lack a social conscience; and, if so, what could the explanation be except that the education by which they had been moulded failed to encourage an awareness of the social implications of law? Or so I said to myself. The same dependence upon the Case Method had prevailed for years at common-law schools in Canada, and I had found the same restricting concept of the function of law there.

One of my troubles was that I wasn't sure that I knew what the Case Method really was. I had acquired the patter, but did I understand the method in the way that someone who had been exposed to it as student and teacher did? In those days my office at the old law building on the Studley Campus was next door to Graham Murray's. The periodic gibes to which he was subjected on the Case Method's inadequacies would have sorely tried most people, I'm sure, but Graham remained always the calm, patient and understanding friend.

A willingness to experiment educationally has grown hand-in-hand with a spreading cosmopolitanism among the faculty; with one or two exceptions, the resulting curriculum changes have my enthusiastic support. Of the thirty-six faculty members in 1976, one or more have backgrounds associated with Australia, England, New Zealand, the United States and the civil-law, or partly civil-law, countries of France, Louisiana, Quebec, Scotland and South Africa, as well as common-law Canada of course. The new courses being offered by this faculty range from my modest course on the fundamentals of the Quebec Civil Law, through the clinical-law programme of Legal Aid, to the multi-discipline approach of Marine and Environmental Law. With one development of recent years, however, I lack sympathy; we have carried too far the elective system — good, indeed essential, up to a point — so that the disadvantages begin to outweigh the advantages.

For some reason I remember how vividly lovely the autumn of 1957 was. I remember too the shock when I first examined the law library in the Studley building. An adequate and efficient library is essential for the kind of course on legal research and writing I was planning. Somehow I had been left with the impression that the library at Dalhousie Law School would cause no concern. Actually, with most of the commonly used law reports displayed on the open shelves of the handsome reading room, it was probably adequate for courses employing the Case Method.

For any other purpose it was a disaster. Just as the conscious policy of the school, wedded to the Case Method, was to discourage the reading by students of headnotes to the reports of cases, in the same way students were discouraged, at least in the early years of their course, from using textbooks. A limited number of textbooks were kept on reserved shelves in the reading room under lock and key — ostensibly for security reasons — and such others as the school possessed were kept in storage in the basement, where they were almost inaccessible to students. There was no full-time professional librarian; the part-time librarian we did have had no telephone. There was no catalogue, and so on.

My immediate reaction was that it would be impossible under such conditions to introduce a course on legal research and writing one of whose chief objects would be to familiarize

first-year students with the use of legal materials, all legal materials. My heart sank. Soon, however, some of my new colleagues volunteered to help. After normal working hours we peeled off our coats and moved a minimum of books from the basement storage to a location more accessible to students. In this and other ways we succeeded in getting the course underway.

A little later I managed to get permission to visit a number of law libraries in Upper Canada, French as well as English, and to report on their methods. The door to possible improvement seemed to have opened just a crack. I see that my "Report on the Law Library", which was written after that visit, is dated the last day of December 1957. Its recommendations seem modest indeed by the standards of today. If they were, it was partly for fear of asking too much, and in consequence getting nothing. Throughout its fifty pages the report emphasizes the need for additional financing. In those days of limited government aid, how was financing to be arranged?

A good providence must have been watching over us. Shortly the widow of Sir James Dunn appeared to ask what she could do to help the School. On his death bed Sir James had said to her — the words are as reported by her — "Look after my law school". Things began to happen, among them that Eunice W. Beeson became on January 1st, 1959, the Sir James Dunn Law Librarian, with the academic rank of associate professor — the first full-time professional librarian with legal training the Law School ever had. They tell me that the report of the last day of December 1957 was the germ, or a germ, that led ultimately to a library more suited to the needs of a modern law school, at some other law schools, perhaps, as well as Dalhousie.

What one forgets or remembers from the past must be some evidence of the sort of person one is. Though I had forgotten the incident, and do not remember nursing any particular sense of deprivation at the time, I find that the faculty minutes of a meeting on August 29, 1958, record, perhaps with a touch of secretarial irony, that I was moving: "it would be a great convenience and saving of time to the members of the faculty if a telephone extension were installed in each office, and every effort should be made to impress upon the administration the need and importance of this suggestion". Five months later, on January 21, 1959, the minutes state that Dean Read "reported he had succeeded in making arrangements to have hot water supplied to the Law School."

The subject more than any other that occupied faculty meetings during the early sixties was undoubtedly an inquiry into the curriculum of the First Year. I am not sure how or why the inquiry came to be undertaken in the first place, nor is anyone else at hand who remembers. For what it is worth, the faculty minutes back in February 1959 mention that I was proposing "a

three months study of the present curriculum", but apart from the droll understatement of that minute, and one or two other inconclusive references later, it is not until the turn of the year that lengthy discussions begin to be summarized by the secretary, by then Ed Harris.

The inquiry led to no revolutionary changes in legal education at Dalhousie, and it was allowed to drag on too long, but as Lorne Clarke, who was secretary of the faculty in the initial stages, has said in a recent letter: "The item of most significance resulting from the appointment of the committee, so far as I can recall, is that it represented a breakthrough on the part of the full-time faculty as the beginning of committee-type organization, which I presume increased in both number and significance in subsequent years". In this inquiry, the faculty as a whole demonstrated a greater willingness to devote time to a thorough analysis of curriculum needs than it ever had before, or has since. In this, and some other ways, the approach taken then to reform of the curriculum was new to Dalhousie and, so far as I know, anywhere else in Canada. As the songwriters sometimes say, it was innovative. When the pendulum swings and the same sort of problems recur, as they will inevitably, the new generation of law teacher could do worse than take a look at what was done in the sixties.

This is no place to enter into a detailed analysis of the merits and demerits of past curriculum inquiries. I dare the assertion, however, that the going-through-the-motions that usually masquerade as curriculum study in Canadian law schools are no compliment to the legal training we have all had and that we are purporting to give our students. Too often it seems as if decisions on the curriculum are a response to some irrational premise, almost of whimsy, that the decision-makers in law faculties do not attempt to articulate even to themselves.

Let me give a few examples to illustrate what I have in mind. How often do a dean and faculty, called upon to make an important decision whether to add a new course to the curriculum, or drop an old one, pause deliberately to weigh — really weigh — how the decision will affect the educational objectives of the law school as a whole?

How often do the decision makers pause to ask how — not vaguely but precisely — the new course will affect the work load of students, or how an old course in process of dying had come to affect the work load?

What of the question, which underlies almost every curriculum decision, of the number of hours a week on the average a law student can be expected to spend on his legal studies, whether in lectures, moot courts, private study, or anything else, before the pedagogical law of diminishing returns sets in? Of this hypothetical work-week, what proportion can an instructor fairly ask his students to spend on assigned private study? In

asking themselves this last question, how many instructors realize that some students read two or three times faster than others — some psychologists say as much as five times faster — without any discernible loss of comprehension?

What, again, is the desirable balance among the demands on students made of the various courses in First Year, Second, Third; or, put it another way, what credits should be given different courses in the three years?

Once decisions of this kind are taken, what machinery, if any, should a faculty establish to ensure that its decisions in fact are observed: that Instructor A, for instance, has not appropriated for a course of his, consciously or unconsciously, a higher proportion of the hours for private reading by students than was allotted him, with the inevitable consequence for the course of Instructor B?

In its curriculum study of the First Year during the sixties, the law faculty at Dalhousie said in effect that it is possible to reach reasonable assumptions, rather than guesses, as the basis for curriculum decisions. These assumptions cannot be the equivalent of mathematical equations, but unless questions of the sort I have been mentioning can be answered with an approach to rationality it is dangerous to attempt to decide most curriculum questions.

It was over a year before we on the faculty were prepared to attempt answers to any of the questions. By August 1961 I had prepared six or seven memoranda as the basis for faculty discussion, most of them quite lengthy. The only studies I want to refer to here are the ones directed to the testing of the reading facility and comprehension of students, for it is here that the particular originality of the Sixties Inquiry is centered.

Serious complaints had been made by members of the first-year class about the student work-load, particularly in one or two of the six courses. The first of my memoranda arising from those complaints, headed "Weekly Hours of Study", summarized the replies received from other Canadian law schools and from a student advisory committee we set up to assist the faculty in attempting a working answer to the question, How many hours a week during the term have we a right, on the average, to expect first-year students to spend on their legal studies, in lectures, private reading, moot courts, and so on?

Another, "Amount of Reading Assigned", summarized the private reading assigned at the time, normally in syllabi, by the instructors of the six first-year courses. I had counted these assigned readings, reduced them to the common denominator of a typical page, and in this memorandum analyzed the results to help the faculty arrive at its conclusions. Even a casual glance at my statistics, incidentally, showed that the reading

assigned in one particular course fell not far short of the assignments in all the others combined, which suggested that the instructor of that course was asking too much of the students, or of course that the others were asking far too little. What was clear, at least, was the serious lack of balance in the work loads of the different courses.

I think it was Graham Murray who first suggested that no meaningful decisions on student work-load could be reached until we had something more than guesses about the reading capability of the students. He suggested that I follow up a discussion he had happened to have with Professor H.D. "Ace" Beach of the Department of Psychology, and I did so. The story is too long to recount here, but with the help of Professor Beach three tests were evolved to be administered by the student advisory committee, the first two designed to test reading speed and comprehension, the third reading and "briefing" speeds. The following year the tests were repeated by another student committee, when the results were generally confirmed.

The work-load in Procedure I and Legal Research and Writing did not lend itself to testing by the same method, of course, and there, in another memorandum, I attempted to give some helpful figures.

At several meetings in August of 1961 the faculty faced up to the needed decisions. They agreed that, after excluding holidays and review and examination periods, thirty weeks should be taken as the time available for private study by first-year students. It is feasible, they agreed, to arrive roughly at a figure of weekly hours of study for the average student, though they dismissed as being too inaccurate to be useful the so-called "rule-of-thumb" then so popular with Harvard-trained law teachers in Canada — two, three, or as some said even five, hours of private study for each lecture hour. As a basis for curriculum planning, they decided instead on forty-five hours of study a week: fifteen hours of lectures, or the equivalent, plus thirty hours of private study, incidentally a lower figure for private study than the Student Advisory Committee had suggested. Though not unanimously, the faculty seemed prepared to adopt eighty-seven words a minute as a representative reading speed for all required reading. They agreed that in deciding upon student averages equal weights should be given all six courses of the First Year. On the basis of these figures, the faculty calculated the number of hours a week of private study then being required of first-year students.

A significant aspect of the sixties curriculum inquiry was the role played by students. It was before the days when students were represented on faculty committees as a matter of course, but I have mentioned two student advisory committees that were appointed with the authority of the faculty to assist in the inquiry. The first in 1960-61 was under the chairmanship of

Clifford A. Rae, now practising law in Calgary, and the other in the following year, 1961-62, under Brian Flemming, who not long ago left Halifax for a post in the Prime Minister's office. People may be interested, particularly those who were around the School at this period, that, apart from the chairmen, the members of the earlier committee, representative of all three years, were Len Andrea, Gerry Doucet, Bob Scammell and Bob Lindsay; and of the later one: Innis Christie, Scammell again, Harold Hugh Mackay, and Derrill Warren. By taking responsibility, among other things, for overseeing the reading-facility and comprehension tests, they allayed the concern of those students who disliked the thought of the individual results of tests of this sort coming to the attention of the faculty, and ensured that the great majority of the student body cooperated.

In a different vein, among the other things I remember from this period is an anecdote about a dinner party the Right Honourable C.D. Howe gave in the autumn of 1960, on a day coinciding with the birthday of the university's benefactor, to mark the opening of the new Sir James Dunn Science Building. In his youth Howe had taught at Dalhousie for a short period, and now he was the first chancellor it had ever had.

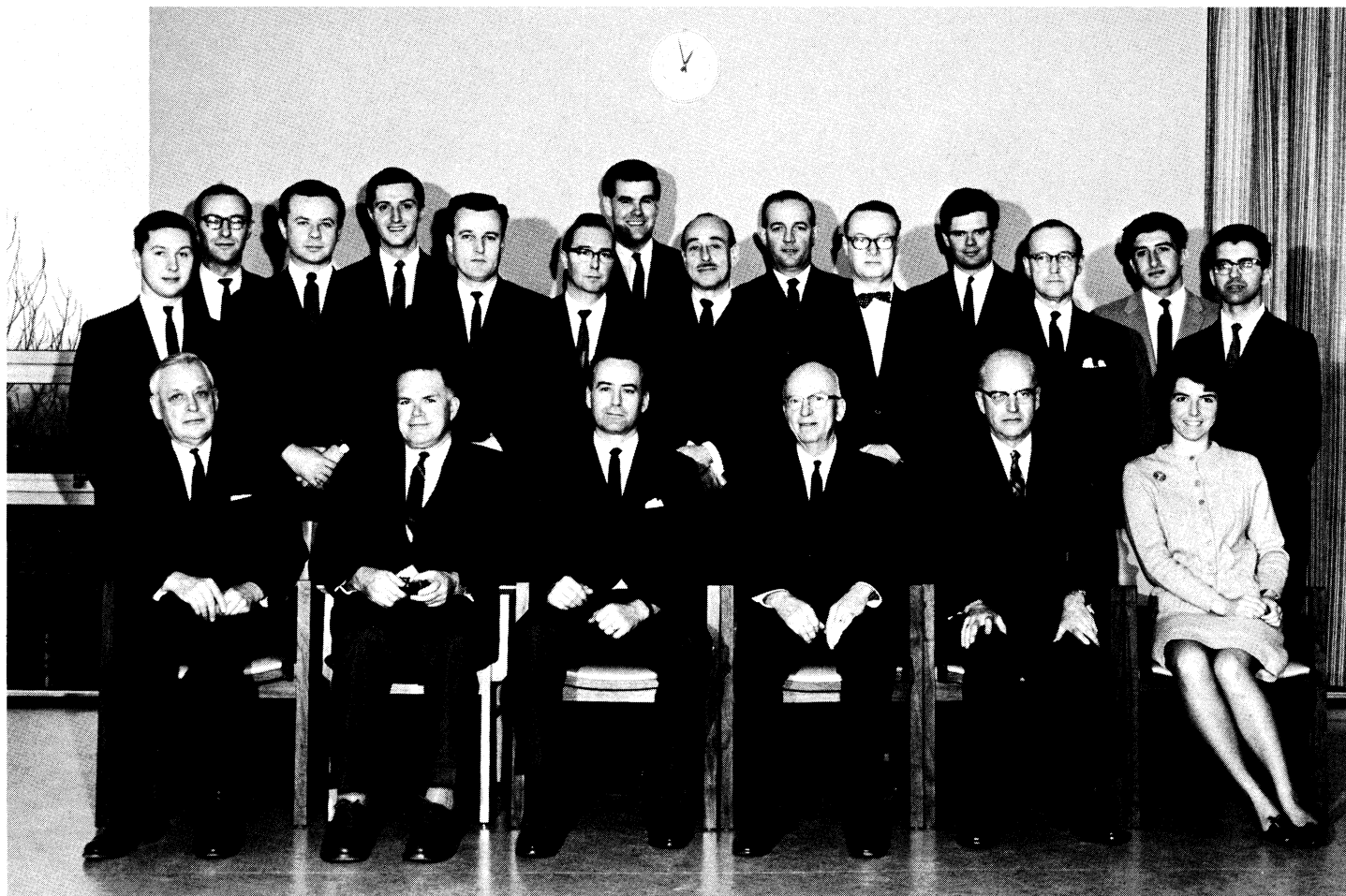
The dinner was a good one, with an impressive gathering in attendance, at the head table distinguished guests like Lady Dunn, Lord Beaverbrook, leaders of church and state, and of course the then president and vice-chancellor of the university, Alexander E. Kerr. Lord Beaverbrook, who later was to marry Lady Dunn, had been an old friend of Sir James's, and he was invited to speak.

The rule then was that the serving of alcoholic beverages, even wine, at university functions or on university property was strictly forbidden. What effect, incidentally, this rule had on the gaiety of university functions I am not sure — perhaps they were few. In any event, the rule was popularly supposed to reflect the personal views of the president. Alex Kerr was a distinguished churchman, a pious and God-fearing man. He was also not only tee-total himself, but consumed with a missionary zeal to convert others to his temperance views.

The story goes that during a preliminary discussion of plans for the dinner, the president turned to Mr. Howe and said something to this effect: "I assume, Mr. Howe, that at the dinner the well-known rule of the university will be observed"; to which the definitive answer snapped back: "Mrs Howe and I are hosts at this dinner".

The story has a sequel. After Chancellor Howe had given his succinct ruling, the president appealed to higher authority, only to lose again, this time even more succinctly and a good deal more effectively. Lady Dunn said: "No wine; no money".

At the Law School we have been singularly fortunate in our

The Faculty.

secretarial help. I think particularly of the two Bell girls, who as Mrs. Mary Bartlett and Mrs. Anne Thompson arrived soon after I did, and they are still cheerfully assisting their School. And of course there is Miss Mildred MacDonald, the right-hand of four successive deans, who somehow manages to combine efficiency with a rare degree of amiability. Over the years there were others, but they will have to remain anonymous in this brief memorial. I have often been critical of deans, heaven help me, but here I want to concede that their record in recruiting secretaries to oil the creaking machinery of the Law School has been good.

I have tried not to idealize what it was like to work at Dalhousie Law School twenty years or so ago. The school was comparatively small, as I have been saying. We tried to do our jobs, and in the attempt we worked reasonably hard. We liked

each other reasonably well. Our wives tried to like other wives, and succeeded reasonably well. Perhaps it was a happier place to work in than it is now, I have no way of being sure. Twenty years ago it was a reasonably happy place.

What would have to be added is that it was not a particularly efficient place, but then universities are notoriously inefficient. In a small institution like the old Law School a degree of inefficiency could perhaps be tolerated, but as an institution grows the effects of inefficiency tend to be compounded by increasing numbers. I have no doubt that by most objective criteria the Law School of 1976 is more efficient than the Law School of 1957 was. My hope is that the present generation in reforming what we lacked will not in the process lose what we had. We are getting bigger; the continuing question is whether we are getting better.

*Bob McInnes, Jeff Flynn, and Clive Rippon.
Moot Court 1952.*



W.R. Lederman

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My time as a professor on the full-time staff of the Dalhousie Law School was from September, 1949 to June 1958, and those were indeed busy, fruitful and happy years in my life. But I did not have either the inclination or the time to keep a diary, nor am I good at anecdotes; so what I offer here are some highly personal and somewhat random recollections and comments concerning the period. But first, let me go back to my own student days for background that explains to some extent why I became a law teacher and eventually ended up for some years in Halifax.

Saskatchewan is my native province, and there, at the University of Saskatchewan, I obtained my degrees in Arts and Law, in 1937 and 1940. It did not occur to me then that I might some day end up teaching at Dalhousie in Nova Scotia, but I became aware of Dalhousie in those early days none the less. The University of Saskatchewan was founded in 1909, relying heavily on a few staff members drawn from Dalhousie at Halifax and Queens at Kingston. The first President of the University of Saskatchewan was Dr. Walter C. Murray who, prior to 1909, had been Professor of Philosophy at Dalhousie. He continued as President until 1937. In my Arts course, I majored in History and Political Science, my teacher in the latter subject being Robert MacGregor Dawson, one of the pioneering scholars of this century in the systematic study of Canadian Government. Dawson was a native Nova Scotian and a graduate of Dalhousie in Arts. After further studies and degrees at Harvard and London, he taught at Dalhousie for a period in the early 1920's. From 1928 to 1937, Dawson was Professor of Political Science at the University of Saskatchewan. I found him an inspiring teacher, and I have more to tell presently of his influence on my later career.

There were other early points of contact with Dalhousie and Nova Scotia. In the Saskatchewan of my youth, many of the senior lawyers were graduates of Dalhousie Law School; Nova Scotians who had moved West with one of the waves of settlement opening the Prairie Region. One of these was M.A. MacPherson, a long-time citizen of my home town of Regina. The MacPhersons were family friends, and for a few years Mr. MacPherson was the Attorney General of Saskatchewan. I came to admire Mr. MacPherson very much, as a public man and as one of the leading legal counsel in our city and province. Looking back, I realize that his example had a marked influence in turning me toward law as a career. In any event, in 1937 when I graduated in Arts, I decided to enter the Law School at the University of Saskatchewan.

I graduated in Law in the Spring of 1940, just as the Maginot Line was falling in France. Very shortly thereafter I was in the Canadian Army and was for some years on active service overseas. At the end of the War, I taught law for one year at the University of Saskatchewan (1945-46), followed by two years of post-graduate legal studies at Oxford (1946-48). During these

war-time and post-war years, Dr. Dawson kept in touch with me regularly as a friend, and out of professorial concern for the choice of career that one of his former students would eventually make.

Meanwhile, Nova Scotia closed in on me from another direction. In England, during my years at Oxford, I met Edna Thompson of North Sydney. We became engaged and were married at her home in Cape Breton, when I returned from Oxford in July of 1948. I was to teach again at the University of Saskatchewan Law School for 1948-49, so in August we set out by car for Saskatoon. But, on the way, we called at Bridgewater where the Dawsons had invited us to stay with them for a couple of days. I soon discovered that my old professor had not been idle. He told me that if I was really determined to stay with the study of law, then I should consider the Dalhousie Law School. In fact, he said, he had made an appointment for me with Dean Vincent C. MacDonald. So we went back through Halifax before heading West, and I kept the appointment.

Vincent MacDonald was his usual charming and persuasive self. We parted with no commitments either way, but with the understanding that I would probably hear from him further. Late in December, 1948, he offered me a full professorship and I accepted. I agonized over the decision because I was reluctant to leave my home province and my home University, my Alma Mater. I owe a great debt to the University of Saskatchewan, and to the people of Saskatchewan who have firmly supported their University through good years and bad. Nevertheless, I decided that I should seek a wider experience, and that I would honour my origins if I could do well in other places, a sentiment Nova Scotians will understand better than most. So, in September, 1949, we made our home in Halifax, and I started teaching law in the old Forrest Building.

In that year, and for a year or two thereafter, veterans of World War II made up a large portion of the student body. They were a very stimulating group to teach, but the regular intake of younger people was there too, and everyone profited from this mixing of different ages and backgrounds.

In the decade of the 1950's, all courses on the curriculum were still compulsory in the traditional way for legal education. Also, the full-time teaching faculty was quite small, and much reliance was necessarily placed on members of the Bench and Bar of Halifax, who gave generously of their time and talents to cover quite a large number of the courses. One of the consequences of this way of doing things was that the handful of full-time teachers frequently found themselves in a shifting pattern of assignment to the courses they were respectively required to teach each year. This was aggravated by the unfortunate fact that the full-time teaching staff itself was turning over rapidly between 1949 and 1958. All too frequently, able colleagues and

*Robert T. Donald,
Dean of Law, 1969-71.*

friends would disappear too soon. When I left Dalhousie Law School myself in 1958, I was the only professor still on staff that year who had also been there in September, 1949. In my nine years at Dalhousie, I think I taught some ten different courses in various combinations of three or four a year, ranging over both private and public law. This saved me from premature specialization during my early years of teaching.

One subject though I did teach consistently during most of my years at Dalhousie. This was a course in Jurisprudence concerned with some of the main features of legal science and philosophy generally. Dr. Dawson had impressed on me the importance of proceeding with my career in the law on the basis of a broad and humane definition of what law is and what it ought to be. This was reinforced by my Dean of Law at Saskatchewan, Frederick C. Cronkite, a Harvard man; and later also by Arthur L. Goodhart, Professor of Jurisprudence at Oxford, whose lectures and seminars on this subject I attended in the period of 1946 to 1948. The work-load for students at Dalhousie was not all that heavy, so I proposed to Horace Read, when he came as Dean in 1950, that I should give a course in Jurisprudence that would be a requirement for everyone. I argued that we should have one course at least that set out to be fully integrative; in other words a course that sought to give an overview of the legal system as a whole, in relation to analytical logic, social utility, and the value systems of various theories of justice. Read agreed enthusiastically that we needed to look at the forest as well as the trees, so I went ahead. My claims to scholarly knowledge in this field were limited, but I was convinced I knew enough to do the students some good, by introducing them to it and thus inducing them to rise above the particulars of most of the other subjects on the curriculum. I have since learned in various ways that some of my students were not as convinced as I was of the merits of this enterprise, but that many others were indeed glad of the change in pace and altitude, and profited from it. I required an essay from each student. They had a wide choice of jurisprudential subjects to choose from for this, and I was encouraged by the fine quality of many of the essays I received.

I have mentioned the two Deans with whom I served from 1949 to 1958, Vincent MacDonald and Horace Read. They were indeed friends and colleagues and treated us all as equals. Each was a fine scholar with a distinguished record of publishing, teaching, public service and loyal devotion to Dalhousie University. Moreover, each of them in his own way was a thoroughly kind and humane person with an abiding concern for other people, especially colleagues and students. In the summer of 1958, when I moved on to Queen's University at Kingston to become the first Dean of Law there, I was in no difficulty about the examples I should attempt to follow in discharging my new responsibilities.



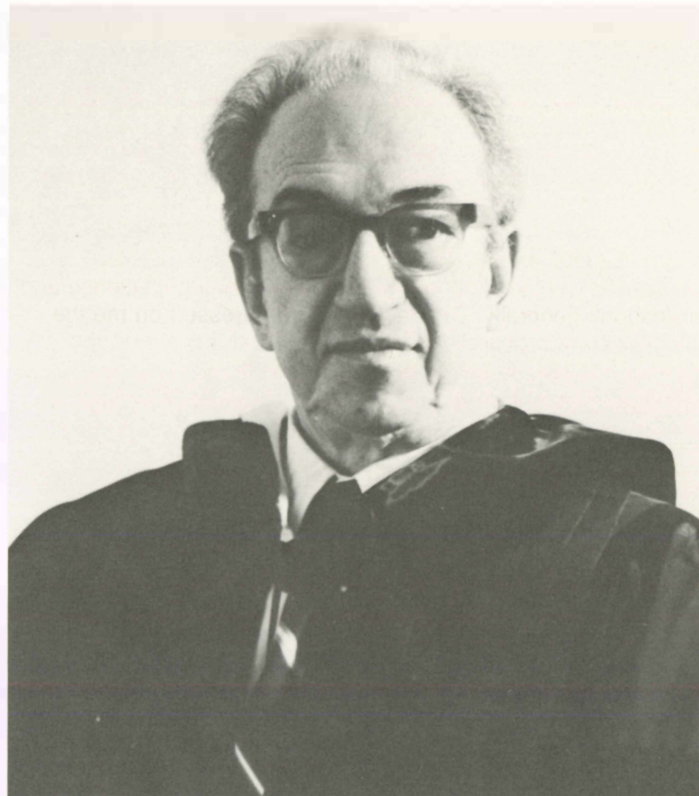
The Full-Time Faculty.

*Edwin Harris, George Inrig, John Edwards,
George Nicholls, Eunice Beeson,
W. H. Charles, Graham Murray,
Arthur Meagher, and Dean Read.*

J. M. Hendry.

Presentation of the Smith Shield, 1958:

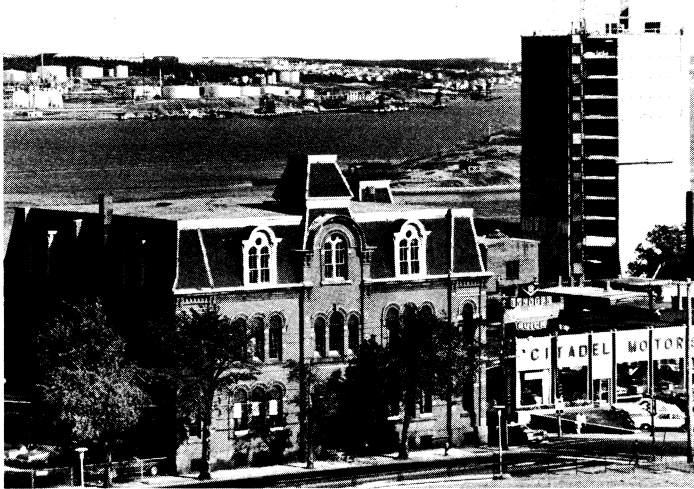
*Brigadier H. V. D. Laing, Chairman of
the Board of Governors of Dalhousie
University; W. R. H. Charles;
G. F. W. Inrig; and Sidney E. Smith,
Secretary of State for External Affairs,
donor of the Shield when he was Dean of Dalhousie
Law School*



Homes of the Law School

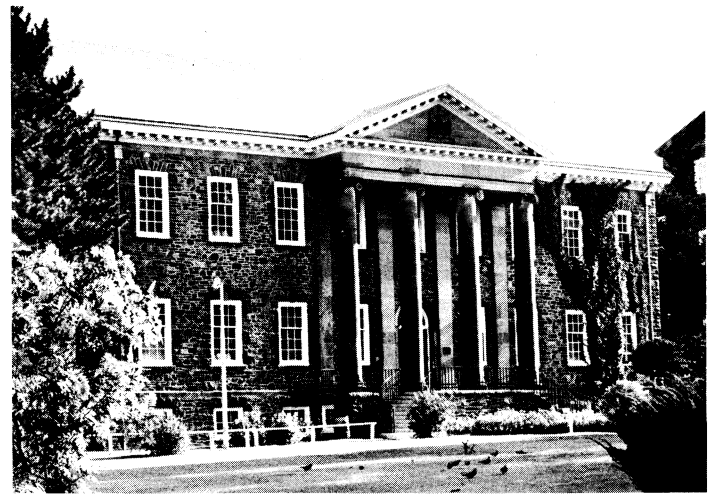
The Halifax Academy, 1883-1885.

In the literature of the day it was usually called "the new High School". The Law School had "commodious rooms" therein. In later years it was always called "The Halifax Academy".



The Forrest Building, 1887-1952.

This was originally, as the foundation stone has it, the "Dalhousie College and University" building. In 1919 it was officially named "The Forrest Building".



The Haliburton House, 1885-1887.

That was probably not its real name; it was a vacant house belonging to the Haliburton estate. "It is almost a shame", says Professor John Willis, "to show a picture of it as it is today. It had, I believe, a stone front and one stone portico entrance and stood in a garden in a "posh" part of town."

The Law Building at Studley 1952-1966.

The University Calendar for 1925-26 states that "In January, 1922 a building for the Law School was completed. It is to be used for a time as an Arts Building." The 'for a time' stretched out to thirty years. It was for years known as "the Arts Building".

*The Weldon Building, 1966 —
The School went into it in the Fall of 1966.
It was officially opened in the Spring of 1967.*

