

(Address by Dean V. Chase Donald to
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A NATIONAL ASSET.

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Halifax has well been termed "The City of First Things" in token of the many great institutions and historic movements which derived their roots and initial impetus from the citizens of this old City.

It has occurred to me that the citizens of today may be unaware of the significance to our national life of an educational institution in this City which has served the Maritime Provinces, and indeed the whole country, in an exceptional manner for 63 years.

I refer to the Faculty of Law of Dalhousie University, more commonly known as Dalhousie Law School, which opened its doors to students in October 1883.

This was in truth a "first thing"; for in thus forming a Faculty of Law for the systematic training of men for the legal profession Dalhousie was taking a pioneer step in the English-speaking Provinces of Canada.

The great need for such an institution - and the equal need for supporting it - were widely recognized by the many leaders in public, professional and business life who supplied books for its Library, and in the endowment by George Munro of its first professorial Chair.

Few Law Schools anywhere can have begun their careers with a superior Staff. For, as later years were to attest, the first Dean (Weldon) was a scholar of spacious gifts, and his chief assistant, Russell, was the equal of any teacher in his handling of legal materials and the stimulation of students.

Letter - Judge Archibald Chuan
Transport Board
Govt
Chief Justice Hld

Chase
MS/17/1/100

The great legal ability of this Faculty is suggested by the fact that in later years Russell became a Justice, and Wallace Graham became Chief Justice of the Supreme Court of Nova Scotia, John Thompson became Minister of Justice and Prime Minister of Canada, and Robert Sedgewick became a Justice of the Supreme Court of Canada; whilst the others rose to the top of the practising profession in Nova Scotia.

The fact that Dean Weldon and Professor Russell became members of Parliament, and that the first Faculty included men who were to rise to great public and judicial office, was reflected in the early established, and continuously fostered, tradition that students of the School should ever have in mind the need of trained men in the public service and public life of our new country, as well as on the Bench and at the Bar.

That its students have been well trained for professional life has been demonstrated by the unusual record of success which has attended their efforts in every Province of Canada. In terms of service on the Bench the record - relative to numbers - is probably unmatched in the whole country. Thus the School has provided a member of The Permanent Court of International Justice, two members of the Supreme Court of Canada, a President of the Exchequer Court of Canada, two Chief Justices of the Supreme Court of Nova Scotia, a Chief Justice of the Supreme Court of British Columbia, and of the New Brunswick Court of King's Bench; and fifty-five Supreme Court Justices and County Court Judges throughout Canada. Indeed up to the recent War one of every fourteen graduates became a Judge.

2 other members of Ex Court (Archibald & Patton)

Tradition
of business

In terms of political leadership the record - again relative to numbers - is astoundingly high. For from the teachers' and students' benches have gone forth two Prime Ministers of Canada, two Ministers of Justice, three Ministers of Finance, three Ministers of National Defence, two Secretaries of State, and ~~a~~ Ministers of National Revenue, of Transport, of Fisheries, and of Labour, ^{and} ^{Speaker of the House of Commons} That this is a continuous and not a waning process is shown by the fact that the Bennett Ministry numbered four Cabinet members including the Prime Minister, and the King Ministries have included five holders of key portfolios. ^{recent} In terms of leadership in Provincial politics the tale is similar; four ex-students of the School have been Premiers of Nova Scotia, two Premiers of New Brunswick and two more Premiers of British Columbia, and still another Premier of Newfoundland. Ten have been Attorneys-General in four Provinces; whilst numerous others have been Ministers of the Crown in Provincial Ministries, and members of the House of Commons and Senate of Canada and of Provincial Legislatures.

In the no less useful arena of government service students of the School have also played a distinguished part. The numerous offices held by them cannot now be recounted but I may mention that they include two Deputy Ministers of Justice of Canada, three Parliamentary Counsel to the House of Commons and Senate, a Legal Adviser to the Department of External Affairs, a Chairman of the National Harbours Board and so on; and that this situation is paralleled in the holding of such offices in the provincial service of Nova Scotia as that of Deputy Ministers, Clerks of Legislatures and Chairmanships of important public Boards. Today, for example, ten graduates are members of the House of Assembly, and every Supreme Court and County Court Judge in Nova Scotia and every Provincial Magistrate is a former student of this

(3 a) In terms of leadership in industry our graduates have trodden their ways to exalted positions as executive heads of great corporations dealing in steel, transportation, oil, rubber etc. Moreover many former students have found that their legal training at Dalhousie constituted valuable equipment for useful careers in various aspects of the realm of business, such as journalism, radio, etc. In recent years almost a third of our students came to us chiefly to secure such equipment for ways of life distinct from law as a profession and this tendency is increasing with the growing complexity of business life.

In terms of public service in the wartime emergency at Ottawa the list includes a Coal Administrator, a Chairman of the National Harbour Board; and three General Counsel, three Co-ordinators of Controls and two Secretaries of the Great Department of Munitions and Supply; a Canadian High Commissioner to Australia, to Newfoundland and to South Africa; and, if I dare mention it, (as last and least) an Assistant Deputy Minister of Labour *of Canada*.

In terms of scholarship, so assiduously cultivated by the Faculty, the record is once again one of success. The output of literature from the Faculty in the form of books, compilations and essays has been such as to have helped in the development of Canadian law. From the School have gone forth numerous students who, as Rhodes Scholars at Oxford or as post-graduate students at Harvard, Columbia, London, Cambridge and elsewhere, have made the name of Dalhousie honoured in great institutions abroad. The School has supplied five teachers to the Osgoode Hall Law School, and others to Law Schools in Manitoba, Boston, Washington, Minnesota, and recently a Dean to the new school in British Columbia. Lastly it has provided Presidents to the Universities of Manitoba, British Columbia and Toronto.

It was of such things as these that the distinguished Chief Justice of Canada, Sir Lyman Duff, was thinking when he said a few years ago:

"Of this I am sure, the contribution of the Law School of Dalhousie to the education of the lawyers of Canada, to the elevation and maintenance of professional standards in point of mastery of legal principle, and otherwise, cannot be over-emphasized or exaggerated.

There is hardly a province of Canada in which graduates of Dalhousie Law School are not to be found upon the Bench or among the leaders of the Bar. From the Pacific to the Atlantic the power of Dalhousie has been felt in all spheres of collective activity where lawyers are wont to exert preponderant or signal influence....

Graduates of this School have won renown in public and professional life, and have exercised high influence upon the course of public affairs in critical periods."

Not unconnected with these matters is the fact that the School has never allowed itself to become too narrowly provincial or technical in its outlook. Drawing its students from Newfoundland and every Province in Canada; it has sought to give thorough instruction in all basic subjects without undue emphasis on the minutiae of practice in any one jurisdiction. Above all it has recognized that ^{being} ~~as~~ part of a University it is ~~also~~ ^{also} of its function to push ~~for~~ forward the frontiers of knowledge - that it is training men for a learned as well as a practical profession - that it must make its contribution to the development of a science of law. It has sought always to give an adequate training in theory and technical ~~learning~~ learning for successful practice; but also to give to its students the vision of law as a great instrument for social ends, and to stress the duty of studying law in all its human implications, and of aiding in its constant adaptation to developing needs.

With such a conception of its teaching function, and with such a tradition of public service, so well exemplified in the subsequent careers of its students in professional, judicial and public life, and with many innovations in legal education to its credit, it is not surprising that the School early won, and has since maintained, a unique position among the law schools of Canada. No small proof of this is the fact that at any given time its class-lists include students from all, or nearly all, of the Provinces of Canada as well as from Newfoundland; and that they come from an average of twenty different universities. Of late years it has drawn an increasing number of students anxious to carry into government and business life the recognized advantages flowing from a legal training.

A carefully selected full-time staff coupled with the relatively small size of the School - a distinct advantage in teaching - enables a great deal of tutorial work to be done which is of inestimable value to the student. It has a very adequate working Library and an extremely valuable collection of special works on the wider reaches of the law presented by Lord Bennett, and now being supplemented by purchases from the Alex Ross Fund. Students are enabled to supplement their formal studies by active participation in Moot Courts and a Mock Parliament, wherein they are able to familiarize themselves with formal court and parliamentary procedure. Upon graduation students of the School are admitted to the Nova Scotia Bar without further examination. There is a notable esprit de corps and desire for learning among the students, and they are of such character and ability as to have earned the description of a former Dean that "the School is a teacher's Paradise".

In short I think we may take as correct the words of a writer in the CANADIAN BAR REVIEW, who said:

"Dalhousie Law School has worthily sustained its reputation as a school wherein is to be obtained a sound legal education, amid liberalizing influences, which aim at producing men trained in the law, who are more than mere technicians, with capacity for successful careers in the legal profession, in commercial life and in the public service."

I hope that I have demonstrated my thesis that Dalhousie Law School is not merely a worthy Maritime institution, but that it is in truth "a national asset", from which the whole country reaps an annual harvest of leaders in its professional, judicial, ~~and~~ public and business life.

It should need no argument to establish that the very existence of this School in their midst is of enormous value to the people of the Maritime Provinces and Newfoundland in affording to their sons and daughters the opportunity of securing efficient training for careers in law, in government service, in business and in public life.

There is, however, a circumstance which has impaired, and will continue to impair, the ability of the School to render even greater service to its immediate constituents and the country. That is, that it has not been able, and will not be able without further support, to embark on Legal Research. From this incapacity great loss ensues to the public in being cut off from the enormous ^{many} benefits it could derive from a sustained investigation into important aspects of law and government ^{by} the Staff of the School.

The great and permanent problem of government is that of keeping the law adapted to current conditions, and to current opinion as to what is right or expedient, and of devising institutions and processes for wisely and efficiently securing the maximum of benefit from the administration of the law, which is the greatest instrument for the government of any country, and which should be, but seldom is, "the constant pre-occupation of the State."

Problems there are in abundance which await solutions which, if found, would improve the safeguards of human liberty and make for better laws, better enforcement of laws, and better administration of public affairs generally.

As illustrative of such problems I instance the necessity of research as to the causes, punishment and cure of crime; the conditions which make for, or against, effective legislation in matters of social reform, such for example as the use of intoxicants; the vexed question of the privileges of the Crown as against the subject in matters of litigation and taxation; the inadequacy of our present machinery for distributing the economic losses involved in traffic accidents; the undue dilatoriness and complexity of some procedural rules affecting litigation; the problem of ~~how~~ to re-write the jurisdictional clauses of the B.N.A. Act in language better adapted to modern needs; ~~and~~ the necessity of evolving a workable method of allowing increasing delegation of law-making and decision-making functions to public Boards yet preserving essential safeguards of the rights of public discussion and personal liberty; and generally effective research into the relations between law and industrial Relations.

As to such matters it is impossible to expect lawyers or legislators to have the time or the training to undertake successfully the detailed and extensive research essential to proper solutions. It is in the Law Schools alone that we may find "the permanence of tenure, the conditions of work, the independence of politics, and the guarantee of training and scientific attitude, which are essential to effective research, and which must command public confidence in its results." Unfortunately the public has not yet manifested that reliance upon law schools which it has put on the medical and science schools which typify to it continual scientific research into the problems of health and natural phenomena. But, as we have had great occasion recently to realize, the laws under which a country lives, are as immediately important to its civil liberty and progress, as are the laws of health and physics to its material life.

Surely it is time for the governments and citizens of Canada to realize that legal research is as worthy of public and private endowment as is that of research in medicine or science. Were this realized, and were legal scholars enabled to conduct full investigations looking to the improvement of legal and governmental processes, I am sure that the results would be no less salutary, than those which have flowed from the lavish endowment of research in other fields.

It remains my hope that the citizens of this area, which it has served so well in its primary teaching function, will enable it to become a great and useful centre of research into matters legal and political. Should the day come, when by public or private endowment, Dalhousie Law School becomes a centre of legal research, I am sure that great benefits will accrue to all citizens, and that the institution will become an even greater public asset than ever before.

... shown above, from left to right, are
R. Foster, Charlottetown, President of the Prince
and Gordon F. Coles, Halifax. (Photos by Slaunwhite).

Removal Of Restrictions On Law Students Urged

"Public opinion must insist on the removal of all restrictions which abridge the right of students to seek their legal education anywhere in Canada," stated Mr. Justice Vincent C. MacDonald Saturday.

Five Honored

Speaking at a special convocation of Dalhousie University at which he and four others were granted honorary degrees of Doctor of Laws, he added: "Restrictions which unfairly impede the right of Canada as a whole to that free movement of talent which is essential to national unity and development" should also come under review by public opinion.

Honorary degrees were conferred on Mr. Justice MacDonald, Dean George F. Curtis of the University of British Columbia Law School; Dean Erwin N. Griswold of Harvard Law School; Justice Ivan C. Rand of the Supreme Court of Canada, and Andre Taschereau, President of the Canadian Bar Association.

"It is like the realization of a dream to have this new building, so clearly in keeping with the reputation and distinction of the Law School," said Dr. A. E. Kerr, President of Dalhousie University.

"If the graduates of the Law School did not suffer any disability in choosing a place to practise in Canada, we would then be able to rest content."

"In terms of service on the Bench, Dalhousie Law School has a record probably unmatched in the whole country," said Mr. Justice MacDonald. The record of the graduates in the fields of politics, industry and commerce, and scholarship was equally great, he said.

"At all events it can be said with confidence that Dalhousie

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Urges Removal Of Restrictions

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has attained national standing as a great Canadian law school. Indeed this country is much in its debt for the constant stream of well-trained lawyers it has poured into every province to give guidance in professional, business and public affairs.

"It remains for it to achieve status as a National School of Law in the true sense of an institution devoted to providing legal education according to its own ideals free of external control; and whose graduates shall have open access to all parts of Canada, subject only to reasonable local requirements," Mr. Justice MacDonald said.

"In all branches of Law the need for a broad and humane approach is urgent," Dean George F. Curtis of the University of British Columbia Law School told an assembly of members of the legal profession gathered to celebrate the official dedication of the new Dalhousie Law School building.

Dean Curtis, a former professor at Dalhousie Law School, was one of a number of speakers at a symposium on the subject "The Role of the Lawyer in the Community."

"Far less nowadays does Law depend on professionalism than it did in the old days. Far more now does it depend on public sentiment," Dean Curtis stated. He said that before 1860 the lawyer stood alone in the community, but now the situation was changed, and other members of the community take an active part in the making of law. The main way in which this was done, he said, was through the legislatures.

Highest Function

One of the highest functions of a lawyer is to represent and defend anyone accused of crime, no matter how unpopular the cause, Dean Erwin N. Griswold of Harvard University Law School told the assembled lawyers.

"Our whole system, and to a large extent, our individual liberties, depend upon such service. Of course, I do not mean to condone improper action of a lawyer in court or out of court. I merely say that no lawyer should be subject to criticism for defending anyone, and any lawyer should be willing to resist such a criticism if it comes.

"It has gone so far in the United States that some Communist defendants have been unable to obtain counsel. I am very glad to say that, at this point, several bar associations have come forward and offered to assign qualified members of their associations to act where the defendant cannot otherwise obtain legal assistance.

"We are living in an age of revolution, and our way of life and thinking are undergoing change."

stated Mr. Justice John E. Read of the International Court of Justice.

The weakening and disruption of the Christian religion was seen as a cause of much of our present day troubles by Mr. Justice Read. Tracing the role played by lawyers in international affairs generally, he said "I would advise any young man who plans to take up residence at 24 Sussex Street, to take up International Law."

The close inter-relation between law and business was traced by Brigadier H. V. D. Laing, President of the Halifax Board of Trade. "The merchants have been the source of much of our law," he said.

Brigadier Laing advised a lawyer entering into business to become well acquainted with his firm, its plant, employees and customers. "If he does, the fusion of the market place and the law will enable him to provide great service to his business and through that to his community and country," Brigadier Laing stated.

Chief Justice J. L. Hsley presided at the morning's session. The delegates were welcomed by Dr. A. E. Kerr, President of Dalhousie University. The prayer of dedication of the new building was given by Rev. W. Charles Anderson.

Dean Horace E. Read of the Dalhousie Law School, presided at the afternoon session of the symposium.