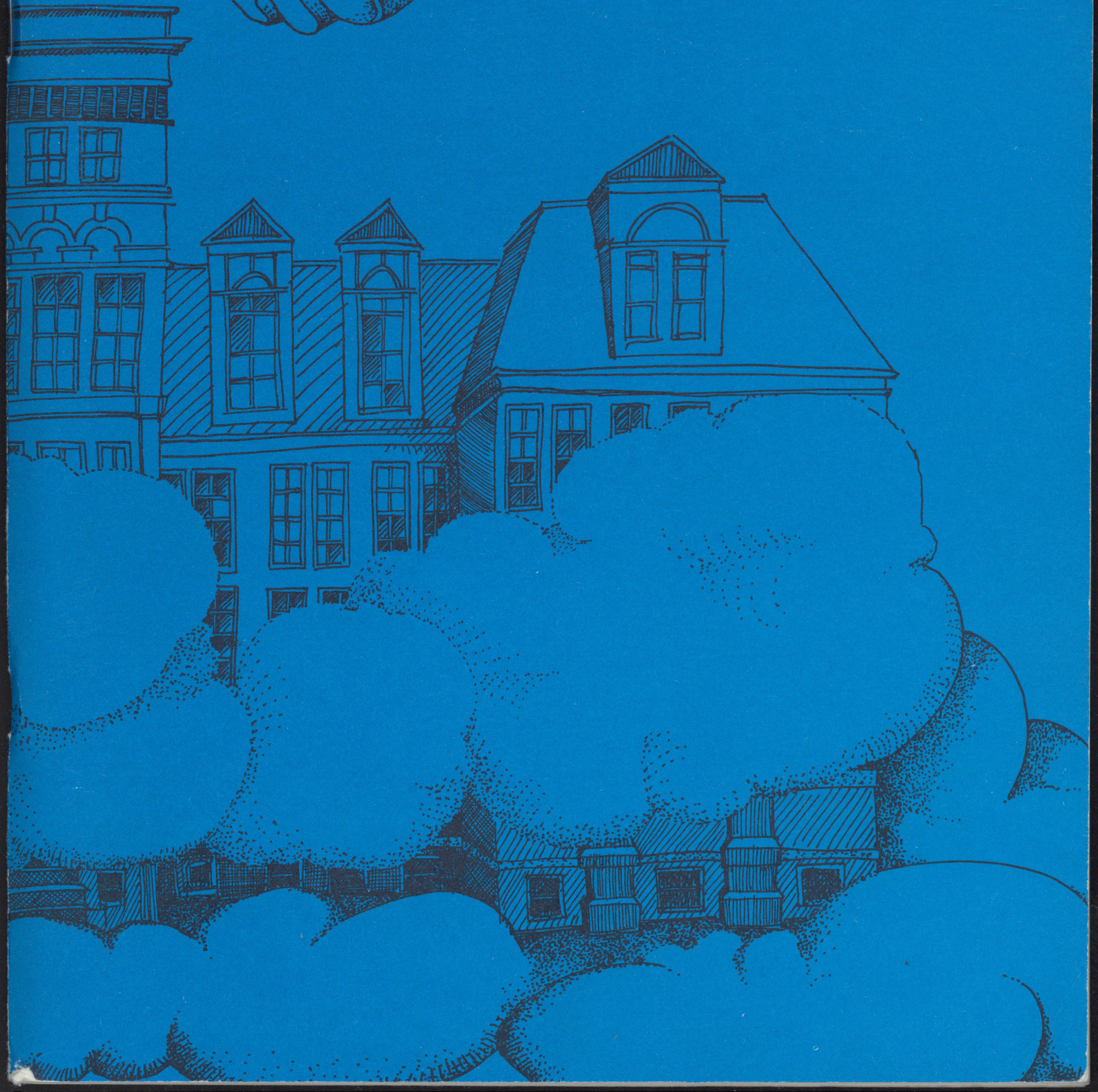
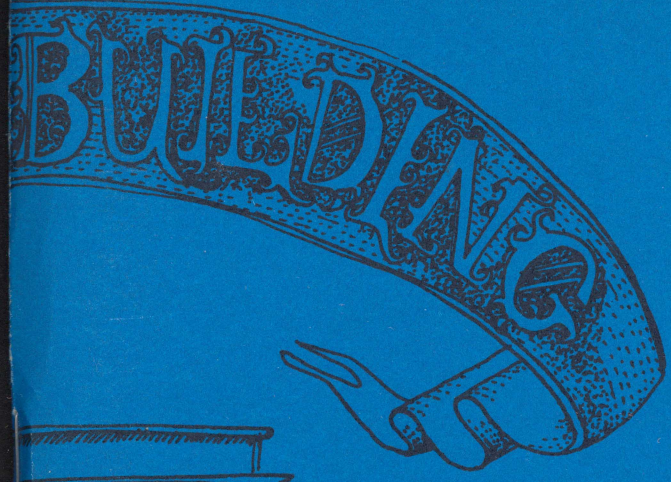


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# Ansul





# Foreword

In this special edition of *Ansul*, we are pleased to present a series of reminiscences by former students and teachers at the Law School. The authors of these recollections share with us their experiences and impressions of the School and of the City of Halifax during the period 1916-1951. Their reflections of the past have been collected with a view to complementing the history of the Law School currently being prepared by Professor John Willis, and with an eye to our upcoming centenary celebrations in 1983. In order that future editions of the *Ansul* may add to and bring up to date these personal and unique histories of members of the Dalhousie Law School community, we invite each of you to send us relevant vignettes, photographs and other memorabilia. We look forward to your contributions and trust that these supplements to the formal history of the School will accurately reflect and enliven the highlights and personalities of the institution as you knew it.

Ronald St. John Macdonald,  
Dean

*"When Time, which steals our years away  
Shall steal our pleasures too,  
The memories of the past remain,  
And half our joys renew.*

*Then talk no more of future gloom,  
Our joys shall always last,  
For Hope shall brighten days to come,  
And Memory gild the past."*

*Moore*

## In my day

at Dalhousie Law School

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*Forrest Building*

# Emelyn MacKenzie



*Emelyn MacKenzie graduated in 1919 and for the next forty years was engaged in legal work in New York City. She lives in Halifax.*

I entered the Law School in 1916. There were not many students. Most of them were away at the war. The teachers at that time were Judge Russell and he taught contracts and torts; Walter O'Hearn and he taught crimes; and Dean MacRae taught banking. Russell was a wee bitty man and quite lively. He was a great reader and a very good teacher. I liked the little man.

On the 6th of December, 1917, I was at the Law School at 9:00 a.m., just ready to start a class. The lecturer had not come in but there were two or three other students in the room. I sat down at a table, had my notebook out, put the date on it, and I looked up and saw the window coming to me and I slid right down under the table. The glass came before the noise. I caught a piece of glass right under the eye. We rushed outside and it was cold and when it is cold you bleed like the blazes. But the doctor took one look at me and told me to go away because I didn't have enough wrong with me. There were many who were seriously hurt.

My sister was in dentistry at the time. We were living in a furnished room, the downstairs parlour of a house on Robie Street behind the old Forrest Building. On the day of the explosion the two windows in our room were blown right out. We didn't get glass in them until about May because every bit of glass in Halifax was grabbed up before we could get any. We used mats that were nailed up against the window to keep the weather out. We couldn't get glass all winter. Later in the day we received instructions to go to the park, where there was open space, because they were expecting another explosion. Before the day was out we heard they were taking the injured to Camp Hill Hospital, which hadn't yet been formally opened, but they had food in, also beds and bedding. We went up there and there were people wrapped in blankets and they were all over the floors. A medical relief train came in from Massachusettes and we worked in the hospital for about ten days, day and night.

## **The library at night**

The thing that stands out most vividly in my mind was working in the library at night reading cases. We worked like blazes but we had a lot of fun. Everybody worked at nights. You were always busy during the day, when we had some classes, but the studying was done at night in the library. Some of the students used to take the books away before we got back in the evening and I hold this against them to this day. It's bad business being a Highlander; you hang on to your spite, nursing your wrath to keep it warm.

The students in the university had little or nothing for social life during the war. There were no dances or things like that. The boys and girls in Arts had such terribly exciting things as walking parties that came around the corner of Purcell's Cove Road and went down the hill and they had a picnic. The Law School had nothing like that. There were not many girls around in those days. There was only one rink in Halifax at the time. Looking back I would say the parties were very dull.

## **The YWCA on Hollis Street**

I lived first at the Y.W.C.A. on Hollis Street. It was a shabby place but it had one cardinal recommendation and that was that room and board was only \$3.00 a week. The students boarded in houses around the city. A great gang of the students from outside Halifax lived at Pine Hill. The food was not very good at the Y.M.C.A. but it was cheap. There were a few college girls there, and a lot of working girls. When I got through arts, I went to the boarding school known then as the Halifax Ladies College and I lived in and had to do monitoring services in the house at specified times. I had a room to myself. I taught mathematics and

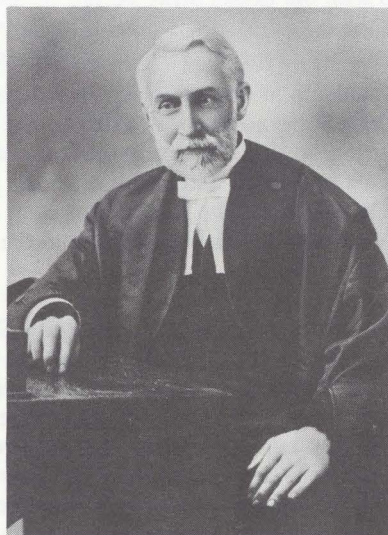


*The Library in the Forrest Building*

history and they slapped a course on history of painting on me of which I had no knowledge. You can fancy how much I knew about it, coming from a small farm in Victoria County. I was there most of my Law School days.

Before I could get my articles registered I had to appear before a committee of the legislature. The Interpretation Act had to be amended to have the term "person" changed to include females as well as males. I was not the first female graduate of the Law School, but I was the second, and I was the first female to have articles filed. The first female graduate was the Fish girl who became a magistrate in New Brunswick.

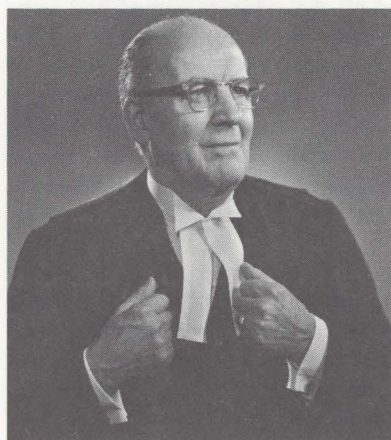
There were not enough places for the law students in the Halifax law firms and so most of them had to travel. I went to New York.



*"Benny"*



# Vincent J. Pottier



*Vincent J. Pottier, a retired Justice of the Supreme Court of Nova Scotia, is consultant to the Dalhousie Legal Aid Service.*

I entered Dalhousie Law School for the year 1916-1917. The Law School occupied the first two floors of the north wing of the Forrest Building. The first floor contained the Dean's office, which was rather small, and three classrooms. The second floor was occupied by the library, which contained 8,000 volumes. This appears rather small in comparison with the present library, which has approximately 110,000 volumes. This, however, is not as significant as it seems, or as numbers might indicate, when one realizes that, in the present library, there are several sets of the various reports. For example, there are six sets of the Nova Scotia Reports; five sets of the Dominion Law Reports; five sets of the Supreme Court Reports; four sets of the Ontario Law Reports; five sets of Halsbury's laws of England, third edition, and two sets of the first and second editions. We had two sets of Halsbury's first edition.

As I visualize the library of 1920, remembering where the books were, I can only see two sets of the Nova Scotia Reports and a few duplicate copies of basic textbooks. The important thing was that we had enough reports, textbooks and statutes to enable me to acquire sufficient knowledge to carry on an active law practice for some twenty-six years and thereafter to take my place on the bench for a period of twenty-four years. There were few students in the Law School of 1920, as compared with the number we have today and, therefore, many more duplicates are needed.

The faculty consisted of Dean MacRae and Justice Russell. The other members of the teaching staff were voluntary lecturers from the bench and nine from the bar, all very active, seasoned practitioners. On occasions, when they were too busy to lecture at the Law School, we would go to their homes in the evenings. This created no difficulty, as classes were small in number. I remember going to Justice Mellish's house, as well as to other houses.

There were twenty-seven students in the School, and among them were four ladies. Tuition fees were \$75.00 per year, for all classes. We also had to pay \$2.00 per year and this was labelled a "caution deposit", in case we did any damage or anything of that kind. Registration was \$5.00 and there was \$5.00 for the students' council. This meant a total expenditure of \$87.00 per year.

There were regulations that we had to agree to before we could enter the Law School. I shall recite two of them. All students not residing with their parents were required to report to the president, on or before October 16 in each year, the churches which they intended to make their place of worship during the session. Intimation would then be made to the various clergymen in the city of the names and addresses of the students who had chosen their places of worship. This did not mean that you had to have a place of worship; if you did not, you simply stated that you did not have any. So far as I know, nothing was said. I think I can see what would happen if such a regulation were in force today! I frankly say, however, that I never felt that it did me any harm and I never heard the matter of religion discussed between the students and the university.

Another regulation permitted an examination only to those who had a credit of attending 90% of the lectures or other meetings of the class in question, unless there was good and sufficient reason, which had to be filed with the office. For example, if you were sick for two weeks, you provided a doctor's certificate. If you were away on account of a death or sickness of relatives, you were expected to send a telegram. I remember taking telegrams to the office on two occasions for my cousin, who was studying medicine, when he was detained by the sickness of his parents. I remember that I, personally, had to file with the office a doctor's certificate when I fell ill which kept me low for two or three weeks and, eventually, forced me to abandon my studies halfway through the first year.

The curriculum was set for each year and all the subjects named had to be taken. There were five subjects in the first year; ten in the second year, and eleven in the third year. In the first year, the subjects were: history of english law; contracts; torts; crimes; and real property. The subjects for the second year were: evidence 1; equity; bills & notes; sales; insurance; agency; wills; partnership; procedure; and dominion statutes. In the third year, the subjects were: evidence; equity; corporations; conflict of laws; international law; constitutional law; shipping; mortgages and suretyships; procedure; practical statutes; and, rules of interpretation

I do not remember that there were any chairs in the classrooms. There were long benches on which we sat, and in front would be a type of long desk, upon which we could write notes during the lectures. One of the most historical that I remember were the initials "R.B.B.", carved by R.B. Bennett, who attended the Law School and later became the Prime Minister of Canada. The benches were taken away after I left the Law School and, so far as I know, there is no bench or part of a bench in existence today. They were, apparently, all taken to the dump or cut up for firewood or used for other purposes.

The students were all ambitious and wanted to be lawyers. Very few fell by the wayside. There were a few students who were married, and these we more or less pitied. When they had children, we would always volunteer to babysit. Alcoholic beverages were not the style of the day, though some of the students did drink, not on campus, but elsewhere. There was no drinking in the Law School that I can remember. There was little socializing by the students as a group, perhaps three or four occasions during the year. One would be a dance at the Waegwoltic; another would be a theatre night. I don't seem to remember any banquet that we had.

We took extensive notes from the lecturer or the professor, who cited cases and gave general principles. Some of the professors were different from others. I remember particularly my first year with Judge Wallace. He would come in sharp on time, take off his topcoat on his way, walk to his desk, sit down and start to read from his notes. You had to be ready with your pencil and book to take notes and sometimes he spoke a little too fast for a person to write. We developed a shorthand of our own and had symbols for words often used. The Dean was a fine teacher. He taught five subjects, namely, history of english law; corporations; conflict of laws; international law, and constitutional law.

**Bury me Friday,  
I can't listen to it any longer**

One of the lecturers that impressed me was J. McG. Stewart. He always referred to matters from the practical side and would, on occasion, discuss the problems of being a lawyer and the difficulties he met and how he overcame them. He always had an interesting comment to make. For example, how to tell whether or not you were going to be a successful lawyer; what percentage of cases appealed was won; how to study various subjects, etc. Justice Russell was also a character in his own right. He had been a professor for a number of years and his lectures were somewhat monotonous. In first year, he lectured on contracts and he was continually referring to Anson on Contracts. I think I knew Anson by heart before the year was over. I remember one warm afternoon, Justice Russell was repeating the law regarding "uberrimae fides" and he would almost sing out the words, giving examples of what constituted perfect frankness. There was a student named Ramey, a character in his own right. He said to me, "For goodness sake, Pottier, bury me Friday; I can't listen to it any longer!" We had to organize our lectures by taking notes during the class hours, then reading the cases that were given to us and making our own summary of each case. There was no xerox or other copying machine.

Students who came from outside lived in private homes known as boarding-houses. Such students were not as numerous as we have them today. I first lived a 86 Queen Street — a building facing the present Infirmary — and I paid \$12.00 per week for room and board, this being considered a fair price at that time. The roomers were nearly all Dalhousie students, some studying medicine, some law and others in arts. The rooms were large, the food was good and there developed a sort of community spirit between us. There would usually be eight to ten students from Dalhousie at one time.

The hours were set for the different meals and we ate at a long table. We had to be careful that the others didn't get a laugh out of us, particularly if we were new. The favourite sport was to see how gullible each new boarder would be in picking up some exciting new event; any sort of crime; a big fire; some tragedy at sea. There was always someone who would give out a prefabricated story. He would be helped by someone else who developed details, until the new boarder became interested and it would make quite a story. We all seemed to enjoy that as relaxation, and we all understood it, as we had all, more or less, been subjected to it when we came there first.

There was a keen competition in the Law School. The marks were announced under Class 1, Class 2 and Pass. Everyone tried to get into the Class 1 group or, at least, into Class 2. The results of the examinations came out in the newspapers and our parents always knew how we got along. That was one of the things that the students kept before them the whole year. Justice V.C. MacDonald was in my class at the Law School and he was a terrific student. He used to work all summer on the courses that he was going to take the following year and he would ask the wisest questions, which sometimes made us jealous. He appreciated this very much. He liked the idea of being the wisest fellow in the class! I should note here that Vincent C. MacDonald became Dean of Dalhousie Law School some years after he graduated in law. I remember that he had trouble with his eyes. He used to stop reading and take a wet towel and drape it over his head to cover his eyes. I think this was due to the strain that he was placing on his eyes.

There was a lot of mutual support in the students' ranks. If a fellow needed a dollar or two there was never any problem getting it. There was always someone ready to help out, unless the borrower never paid it back. The students didn't have a great deal of money. As a matter of fact, a student didn't need a great sum. I used to have three, five or ten dollars in my pocket. I was never on the "hard-up" list.

I remember the name of Dean Weldon and it was still in the air when I entered the Law School. He had been out for two or three years before I became a law student. He had started with the Law School in 1883 and I believe he retired in 1914. Everything I heard about Dean Weldon was good. It was easy to see that he had dedicated his life to the Law School and had given it a reputation which meant that every student graduating from Dalhousie could get out and find a position almost anywhere in Canada. A number of them went out west. The Weldon tradition is still in evidence at Dalhousie, more or less as a historical story in 1975, but I don't think that it is understood in the way that we learned it. I remember that when I was attending the Law School we had the feeling that Dalhousie Law School was the Harvard Law School of Canada. This feeling was with me all through my attendance at Dalhousie and has remained with me ever since.

As students, we developed a set way of life. We would attend a vaudeville show on Saturday afternoon. There were two vaudeville theatres at that time, both on Sackville Street, one across the street from the other. One was

approximately where the Neptune Theatre is at the present time, and the other was across the street. The price of admission was 35¢. On Sunday afternoons, when the weather was fine, many of the students used to walk down Young Avenue to the Park or go into the Public Gardens. The main sports were football and a limited amount of hockey.

**Suddenly a tremendous explosion took place**

I had to leave the university after Christmas, in the early winter of 1917, on account of illness, but it was arranged that I could return the next year to pick up the balance of my first year. I returned to Halifax on December 5, 1917, with a view to getting used to the new books, brushing up on the subjects I had taken, and generally preparing for the January opening of the Law School in 1918. I stopped on Hollis Street on the night of December 5, at a place which was then known as the Prince George Hotel, at the corner of Sackville and Hollis Streets. The hotels at that time were on Hollis Street. There was the Halifax Hotel, the Queen Hotel and the Prince George Hotel. They were all in the same block, south of Sackville Street. I was in my room at about nine o'clock the next morning, preparing to go to Dalhousie, when suddenly a tremendous explosion took place. The room gave me the impression of being a paper box and then I began to hear the screaming and panic in the hotel. I opened the door of my room and there were women in the corridors who had collapsed. I was on the second floor. I ran down to the first floor and the manager was calling out to everyone, "Go down in the basement!" The door was jammed and he was so excited that he couldn't open it. I remember pushing him aside and taking hold of the door knob, placing my foot against the side of the door and yanking it open. The people started to run down to the basement. I didn't think I wanted to do that, so I went outside to see what it was all about.

Looking down Hollis Street, I could see nothing but glass all over the sidewalk. People were running; some of them were cut and bleeding. I remember one person in particular. Two people were holding him up and he was covered with blood — they went down Sackville Street — I then looked north and in the air was a huge smoke cloud. Nobody knew just what had happened. I had been standing for just a few minutes, on the corner of Sackville and Hollis Streets, when a car containing a few soldiers went down Hollis Street, calling for everybody to get out of the buildings and go into open spaces, and one place they were mentioning was Dalhousie campus, in the Studley ground, so-called. I walked up to the Dalhousie buildings and found a large assembly of people gathered in the field, which was where King's College, the Archives and other buildings are presently situated. Smoke was rising from the north end of the city and I didn't stay on the Dalhousie grounds for too long. I decided I would go up and see what had happened. I then went along Gottingen Street, but there was nothing but wrecked houses and people lying on the sidewalks, with confusion everywhere. There were houses burning. I then heard that two ships had collided in the harbour and that this had caused the explosion.

I next went to see the Forrest building, which was where I had planned to be that day, to start working in the library. I also thought that I might see some of the students and that someone might know what was going to happen. I remember that all the glass in the windows, particularly on the north side of the Forrest building, was out. Even some of the window frames had been moved by the impact of the explosion. The roof of the Forrest building was lifted. Concern was developing about the heating and plumbing systems and anyone could tell that there was great danger of freezing, as the wind was blowing and the snow flying in, with nothing to stop it. Books in the library were open to the snow and

rain. There was some danger there, but it was not so great as to destroy the library.

Word was given out, I believe, on December 7, that all classes at Dalhousie would stop and that repairs would be done. The open windows were closed by different methods and the weather was kept out, so that there was not a great deal of damage to the plumbing and heating systems or to the inside of the rooms. The university actually reopened on January 3, 1918. There was a tremendous effort on the part of everyone to obtain material: windows and sashes and other things that were necessary, and also to repair the windows and doors, as well as plaster on the inside of the building, for the opening of the Law School on January 3.

I remember how I was affected by the outburst of sympathy and the desire to help in any way, which came from everywhere, particularly the United States, and especially from the area around Boston, Massachusetts. There were car loads of sheets, beds and all kinds of medicine to help the injured, and nurses and doctors arrived in great numbers. It was the greatest disaster that had ever happened on this continent and, with the war raging in Europe, the feeling for one another here in North America was to be seen on every side.

In 1917, there were five buildings comprising Dalhousie University: the Forrest Building, the science building and three other buildings at Studley. All of the buildings had suffered as the Forrest Building had. There were very few windows in any of the buildings, except some on the south side which were left intact. As evidence of the goodwill existing in the United States, one particular example can be given. The Carnegie Foundation had contributed \$40,000 towards the science building, which had been damaged in the explosion, and the Carnegie Foundation was contacted and asked to consider helping towards the cost of the repairs to the science building. Word came back that they would pay for the cost of the damage and repairs to all of the five buildings of the university, including the Forrest Building. Eventually, the bill was paid by the Foundation. One does not hear anything of this today.

I came back in January and completed my first year in the spring of 1918. I continued at the Law School and completed my second year in the spring of 1919. I graduated in April of 1920. There were nine students in my graduating class, although the records at Dalhousie show that there were twelve that year who were given degrees. There were only nine showing on the graduation picture, but it may well have been that some degrees were given in absentia, or that some finished courses in the fall of 1919 or at some other time. I have no explanation for the difference in numbers.

In looking back at the Law School, which opened in 1883, 493 had graduated up to and including the year 1920. I note here that, when one looks at the number who obtained the LL.B degree from Dalhousie Law School, one will find a decrease in number during the two world wars. In World War I, the number went down to 5 in 1918; in World War II, the number went to 5. During the depression of 1928, the number went down to 11. Between 1920 and 1948, the number varied from 16 to 57. There was an increase in 1951 from 49 to 78 in 1969. In 1971, there were 112 degrees granted and that number rose to 139 in 1974. A total of 2,531 students have graduated with LL.B degrees from Dalhousie Law School during the years 1883 and 1974.

### **Competition was tremendous**

My last year was the year that I worked the hardest. Competition was tremendous and one felt he had to go along at the pace that was set. Sidney Smith, who was later Dean at Dalhousie Law School, President of the University of Manitoba, President of the University of Toronto, and, eventually, Secretary

of State for External Affairs, worked from 16 to 18 hours a day and knew the names of all the cases by heart, knew what the facts were, and knew, in many instances, the judges or justices that had decided the cases. I remember coming up to the Law School on the morning I was writing the final examination in Procedure. I was trying to think of a case where "Quo warranto" had been taken against trustees. I couldn't remember the name of the case. I came in the door of the Law School and V.C. MacDonald was there. I said to him, "What was the name of the case where "quo warranto" proceedings were taken?" Sidney Smith was standing by and he heard me. He became quite excited and said, "I don't know of such a case", but V.C. agreed with me that we did have such a case. Fortunately, V.C. remembered the name, but Smith was very upset. He couldn't understand it at all. He knew that, for some reason or other, the case had slipped by him; and that, to him, was impossible, even though it was a fact!

### **The last parade**

After the examinations were over, I felt confident that I had at least passed every subject. I didn't have a great deal of worry except that my father and mother were coming for the graduation and it would have been a tragedy, particularly if mother had come, and I had failed. That gave me some concern. I telephoned, however, for them to come, feeling confident that I would obtain my degree. Graduation was a great event, walking across the stage to get your degree. We used to call it the "last parade". If you were not there, it meant that you didn't obtain your degree. We all wanted to be in the "last parade" and when the conferring of degrees took place, they would always call out the fellow's first name and any that he had been known by in the university. They developed the word "Posh" for me — I have no doubt that it was an abbreviation for "Pottier" — and when my mother heard the students call out, "Atta boy, Posh!! Atta boy, Posh!" and applauding, she was rather confused. She didn't know whether they were making fun of me or what! So the first time I saw her after the graduation, she said, "What did they mean by calling you 'Posh'?" I said, "That's my nickname in the univeristy, they do that to everybody. There's no need to worry about that!" She was glad to be reassured that I was properly respected at the university, even if they had, in her mind, destroyed my name.

There were no celebrations for the third-year students like those that exist at the present time. The only celebration I remember was the night before the results of the examinations were to be given out. We actually knew the day, or were told the day, they would be coming out. We went to Hollis Street to a place which was then known as Mader's Cafe, where we used to get very good meals for a dollar-and-a-half. The best meal, we used to think, was roast duck. That night we had roast duck. I remember V.C. MacDonald was there, and Sidney Smith and some of the others. There were also among those who had written the final examinations, a fellow who, while we were enjoying our roast duck, suddenly became panicky. He got up and began walking up and down the restaurant deploring his bad luck, saying that he had had it all his life. He knew he was going to have bad luck again and that he had failed in his examinations. We had quite a time to cool him down and assure him that everything was O.K. We knew that it was because he was one of the good students. He worked very hard all year. He was reassured the next day when it came out that he had succeeded in passing in all subjects, and he was quite happy.

I was admitted to the bar on May 1, 1920, having served three years' articles during summer holidays, and, on June 1, I started to practice law in a partnership known as Landry & Pottier. In the fall of that year, I took two cases in the

Supreme Court by myself. From that day, until I went to the bench in 1947, I carried on an active law practice.

### Fishing the Roseway River

There were comparatively few students and the friendships we made at Law School lasted for many years. I was an ardent fisherman. After I left the Law School, I used to take one week trout fishing on the Roseway River in Shelburne County. Sidney Smith, Vincent MacDonald, Dr. Grant (Dean of the Medical School), Samuel Balcom (of Balcom, Chittick) and Dr. Leadbetter of Yarmouth, joined me for a number of years on the Roseway River, where I had fished long before and knew all the places to go. On one occasion, Angus L. Macdonald, Premier of the Province of Nova Scotia, was with us. I would organize the trip, providing for guides and canoes, food, a cook and everything that was necessary for a good fishing trip.

I remember best one trip where Sidney Smith, Vincent MacDonald, Dr. Grant and Samuel Balcom came from Halifax, stopping in Shelburne at the Atlantic House for lunch, with the idea of going on and meeting me at a place known as Indian Fields; and from there we were to go up the Roseway River. Sidney Smith was then Dean of the Law School and while having lunch at Shelburne he received a telegram saying that he had been appointed President of the University of Manitoba. It meant a great deal to Smith, as well as to Vincent MacDonald. Smith was going to be President of the University of Manitoba and Vincent MacDonald would then become Dean of the Law School at Dalhousie. They told me of the happy event as soon as we met. That night, both Smith and MacDonald just couldn't go to sleep. At one o'clock in the morning, Smith said, "I can't sleep" and woke up Dr. Grant and said they had to have a trial. They would have to try Dr. Grant on a charge that they had made up. Both Smith and MacDonald had had a few drinks of gin and they decided that Smith would be the prosecutor and MacDonald would be the attorney for the defence. They sat Grant on a chair and proceeded to examine and cross-examine. Some of the questions were difficult for Grant to answer and, when that arose, he would suddenly turn deaf and couldn't hear a thing. This lasted until about 3:30 a.m. and I said, "Look, we have to go fishing in the morning and you'll have to get some sleep. We can't afford to stay up all night even if we have the President of the University of Manitoba and the Dean of Dalhousie Law School with us!" Smith replied, "We are not going to go to sleep until Gunner tells us to go to sleep!"

Gunner was a famous hunting dog that I had at the time and he was lying across the foot of my bunk. I had brought him along as company on the fishing trip. He was a very intelligent dog and I had trained him to bark when he was in the house. All I had to do was to tell him to bark and he would go around the house at every window, barking in such a manner that he would frighten anybody who was outside. I bent over and whispered in the dog's ear the word "bark". He knew what that meant and he started to bark, and kept it up for about five minutes. Smith said, "That's good enough; if the dog tells us to go to sleep, we'll have to stop this trial and continue with it tomorrow. We'd better go to sleep." I never told him how it came about that the dog was barking and they never knew.

We had a habit of fishing all day and returning home for dinner, at which time we would drink a toast to the President of the University of Manitoba. There were never any drinking during the day — just a drink or two before dinner — and there was always a speech or a toast that went along with it. On all our trips, we would drink a toast almost every night to the class of 1920. Sometimes Dr. Grant or Dr. Leadbetter would want to toast their own classes; but since they

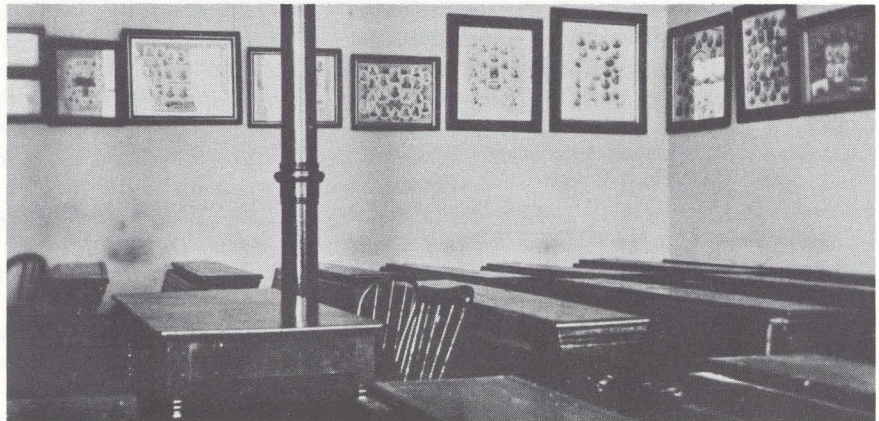
were in the minority, the only class that was toasted was the class of 1920. V.C. MacDonald, who was always eloquent, would make a short speech on most occasions. "The class of 1920 is the most famous class that graduated from Dalhousie". This was repeated many times.

### **The law school then and now**

I see the difference between the law school of 1975 and the law school of 1920. I hear from students worrying about what subjects they should take. There are many subjects that are optional. This was not the situation in 1920 because there were no optional subjects. We didn't have the seminars and the student legal research projects that we have today. The students found the learning of law stimulating and enjoyable. There was no problem of boredom or ennui on the part of any student. I felt I was learning something from which I would derive some benefit and each year added to that want on my part. Every member of the faculty added to our legal education. I don't remember one professor or lecturer who did not leave a lasting impression on the students.

All law schools today have a more modern and liberal approach than the law schools of 1920. But I think we left the law school with a lasting impression of the things we learned. The core or the heart of the subjects have lived with me throughout my life and have given me a full and enjoyable life both in the practice of law and as an individual.

In conclusion, I feel compelled to compare briefly the outlook of students leaving the Law School today with those of 1920. We left the Law School eager and ambitious to succeed in a country with a promising future. There were many opportunities then to join successful legal firms. There was a feeling among us that if one had the required qualities he would reach the top. This proved to be true. I have seen law students at Dalhousie Law School on a day-to-day basis since I retired in May, 1970. I see them in great numbers, approaching a troubled world. There are fewer opportunities, values are changing, and many of the students are unsure of the future. I am not sure — and sometimes I even doubt — that their education has prepared them for the struggles that are sure to be their lot. I have a feeling that all law schools in Canada have over-extended themselves today and not sufficiently emphasized the basic principles of law. However, my experience in life has convinced me that hard work, with a degree of common sense, will enable a lawyer to achieve his goal.



*The second year classroom in the Forrest Building*



# F.W. Bissett



*F.W. Bissett is a Justice of the Supreme Court of Nova Scotia.*

Halifax was a small little city of about fifty thousand people. This would have been just before the first world war. The wharves of the city were crowded with sailing ships that came from all over the world. I used to go down to these sailing ships, go into the cabins, and see how the mates, captains and sailors lived. This was where the Nova Scotia Power Commission buildings are now. There were wooden wharves there and they were crowded with sailing vessels. You hardly ever saw a steamer, except of the Allan Line that came in here on its way to England or France. The commercial life of the city turned mostly on these sailing vessels. They were carrying dried cod fish to the West Indies, the Mediterranean, and to Italy and Spain. That was the big business of the city, exporting salt cod fish. The fish was dried out on top of the warehouses on the wharves

Life in the city was a slow-moving affair. When people went away, in the days before the first war, there was a large hotel up by the North Street station called the King Edward Hotel. The people who lived in the south end of the city, the night before their train left (it always left early in the morning) hired what was called a barouche, which was a horse-drawn vehicle with two horses. They drove up to the King Edward Hotel the night before they were going away and then they would leave the hotel and walk across the street to the train early in the morning. The trains always left at 7 or 8 o'clock in the morning. That was quite a thing, going up Barrington Street from the south end being drawn by two horses. There were hardly any motor cars. Barrington Street was the centre of activity as far as retail business was concerned. Colwell Brothers were there before the first war and there was another large men's store, W.G. Page and Co., in the building where the Toronto Dominion Bank is. That supplied most of the clothes to the men of the city, at least the men who in those days could afford a suit for about \$40.00.

The old days are supposed to have been better. But the old days were not better. I know a great many lawyers who literally starved to death. They died for want of food, clothing and places to live, literally starved to death. And there was no welfare or anything like that. They were fellows who just could not make the grade. Those were tough times. It was very hard to make a dollar in those days. I think the only people who ever made any money in Nova Scotia in those days were people who exported fish. The fish exporters were the only people who had any money in Halifax as far as I know. Of course there were exceptions. But the fish exporters were the merchant princes of the city. They were the brahmins who lived in the south end of what is now Barrington Street and was then Pleasant Street. Those old houses were built long before I was born. They extended on the east side of Barrington Street right past Inglis Street, past the esplanade that was there and went down nearly to that road that turns up from the container pier to the Gates. And they were among the finest houses in Halifax.

Halifax was a naval station. The British fleet was here in the summertime and it went of course to the West Indies in the wintertime. My father-in-law told me that when he was a young man the girls would not go out with any civilian. All they wanted to do was go out with the army or naval officers. The English regiments were here until 1905. But the mothers of Halifax all wanted to get an English army or naval officer for a son-in-law. That made it pretty tough on the civilians. The army made a terrific impact on the economy. There were about three or four thousand men here. The bartenders or bar owners were all Irishmen and the best customers were the English soldiers. So when they took the English army out of here the Irish bartenders were very upset. They regretted it more than anybody else.

As for entertainment before the first war there was one theatre of standing in the city. It was called the Academy of Music and it was down where the Capital Theatre building is. They had legitimate players come here and put on plays. One was the Sidney Toler Company. It came from somewhere in the States and they performed here every winter for years. Then there were other theatres of the music hall variety, which were thought to be very bad, but nothing like they are today. There were two hotels, the Halifax Hotel and the Queen. They were on Hollis Street, just south of Sackville on the east side. Those were the only places I knew where people danced in those days. There was no drinking that one could see because the only drinking was done in the saloons and women did not go there. The people skated a lot in those days. And they could swim in the Northwest Arm in the summer.

Things began to pick up at the beginning of the first war. Halifax was a convoy centre. The war brought a lot of money, activity and new people into the place, and things boomed. Then after the first war the dull times came along about 1923 and things went on quietly until about 1929 or 1930, when the depression came and it was dreadful. They had a camp for the unemployed on the citadel and they had professional men of all kinds in there who got 25¢ a day I think. I knew one lawyer who was peeling potatoes in the kitchen of the dining car of the Ocean Limited and the rest of the time he was driving a taxi cab. There were very few people coming into Halifax, but a lot of them were moving on trying to improve their lot. Things did not pick up in the late 30's but they were not as bad as they were in 32 or 33. When the second war started in 1939 things really picked up. All sorts of people came in here. Halifax was again a convoy centre and a meeting place for soldiers and sailors of all nations. Warships of all nations were here and there was a lot of money floating around. Everything was moving and things seem to have carried on to the present day.

Going back to the 20's and 30's, Halifax was like a colonial outpost. The British connection was very strong. It was a commercial thing too. The British fleet brought in a lot of money. We had five newspapers a day in the city of Halifax before the first war. There was the Herald, the Mail, the Chronicle, the Star, and the Acadian Recorder. The Acadian Recorder might have been a weekly, but I rather think it was out every night. The older people read it. It was sort of a Bible for them. They used to say they "Saw it in the Recorder." So the people were in touch with what was going on in the world.

There was a lot of moving around. A lot of people went on the Allan liners and C.P.R. ships from Halifax to England. They got a first class passage from Halifax to Liverpool for \$75.00 or \$90.00 and they carried gold in their pockets. They did not have to have passports or travellers cheques or anything like that. They just bought a ticket and went aboard the ship. There was no talk about immigration or anything else. There were also plenty of ships to Boston and New York. There were a lot more ships then than there are now. So there was absolutely no feeling of isolation in Halifax.

I can remember reading the account of King Edward VII's death. That was a terrific tragedy we thought. The radio did not come in until about 1923. But when King Edward VII died it would have been about 1910 I think. All these things were in the papers. News wasn't quite as fast but it came on the telegraph and it was printed. I can see yet the heading in the Halifax Chronicle of 29th of June 1914: "Austrian Arch Duke Assassinated". It is as real to me now as it was then. There was an active political life too, more than there is today. Mr. Robert Borden represented Halifax and was Prime Minister after 1911. That made the place a sort of political centre. And in 1911 I remember Sir Wilfrid Laurier was

here and had a torch-light procession and that was a great big thing. Everybody turned out. This was along Barrington Street from the hotel and up this way and back to the hotel. This hotel (Nelson) was built in 1928. There wasn't anything in the citadel in those early days, so I don't think anybody congregated there. I think some of the English troops were quartered in the citadel — an artillery group — but when they left the whole thing was closed down. It was a dismantled fortress.

### **A lot of people froze to death**

The explosion was on the 6th of December, 1917. It was a beautiful sunny morning. You would hardly know it was winter time. I was in Grade 10 in the Halifax Academy and we always opened the day with what the Principal called "exercises", morning exercises. These exercises consisted of a reading from Scripture, a hymn and the Lord's Prayer. While the Principal was reading the Scripture the explosion occurred and all the windows and sashes came in, and all the students ran to the doors. We thought the Germans had arrived. We thought we were bombarded. We ran to the doors and we got out of that building much faster than the Principal ever thought we would with a fire drill. We went out there like lightning and down on the street we could see this cloud rising from the north end of the city.

I went downtown to Barrington Street and all the windows were in and the people were starting to loot the merchandise out of the broken windows. Then in the afternoon, when there was another alarm, a very violent blizzard arose and people were told to go down to Point Pleasant Park. The people from the North End came on sleighs and flat wagons. They were walking, they were coming on sleighs, they were coming in flat wagons, every mode of convenience, all heading towards the Park. A rumour got around that there was going to be another explosion so they all abandoned their houses. But no other explosion occurred. Enough had happened.

Windows were out all over the city and people tried to patch them up for the moment with tar paper and that sort of thing. I think about seventeen hundred people were killed and about twice that injured, so that the city was in a shambles for a long time. By a long time I mean it was in a shambles for a month or so. A lot of nurses and doctors and first aid equipment came down from Massachusetts and that was very helpful. All this was on a lovely day, just like this morning, but in the afternoon it turned cold and a blizzard came up and a lot of people froze to death. I saw them in the school morgues all frozen. As far as I could see, they were all frozen. I went up and had a look one day. There wasn't anything to keep them alive either.

### **The law school was a lot better than we thought is was**

I entered the law school in the fall of 1923 and it was in the Forrest Building the whole three years I was there. D. A. MacRae was the Dean at that time. He lectured to me in torts and I thought he was excellent. I can't remember any particular characters among the students, but I suppose there were some. One thing I can say is that those who graduated in my class included some who ended up on the bench and others who ended up out of work.

In my day there was no foreign service or trade and commerce service, no big oil companies. Every body went to Boston or New York. You did not get into a big law firm here unless you were a gold medalist or could bring in some business. And the places were very few. In my class of thirty-five or thirty-six only one other member and myself stayed in Nova Scotia. They mostly all went to the States. They got jobs in trust companies. Some had come from western Canada and went back there but there were no big opportunities in the west in

1926. There wasn't much in Toronto either. Nobody here thought about going to Toronto in those days I am speaking of. They all had their eyes fixed on the States. I kept in touch with some of them and most of them went into practice or business. One fellow ended up as president or vice-president of one of the big railways in Baltimore. But he died nevertheless.

Sidney Smith, John Read, Vincent MacDonald and Angus Macdonald (who came a year or so later) were on the staff. I think that was a powerful faculty. There were about one hundred and twenty students in the whole school. The library was on the second floor. The Munro Room was downstairs nearly opposite the front door, behind the steps that went upstairs. The Law School shared the building with medicine, biology and dentistry. Dentistry was at the other end and medicine was upstairs in the middle. I articulated with W. L. Hall right after law school. He afterwards became a judge. I practised for thirty-five years in the city after that.

There was no money at all among the students but of course they could live on about \$10.00 a week. Most of the boys lived in houses down around Queen Street, Birmingham Street, and Breton Street. We had three girls in our class. The classes were small and in my class there was only four from Halifax. The others were from other parts of the province; one was from Newfoundland; a couple were from Alberta.

Bennie Russell was before my time but I remember him. He lived on the corner of Victoria Road and Lucknow Street and I can still see the little fellow come running down those stairs with a little stovepipe hat, like a silk hat, only it wasn't silk, and he would be going like hell up to the Law School to give a lecture. Dean MacRae lived over on Green Street and I think Dean MacRae was the only full-time professor there in the early days around 1914. Judge Russell wrote an autobiography and he also wrote a book on bills and notes.

I enjoyed my three years at the Law School. They were some of the most perfect years I think I have spent. I was very impressed with all the teachers. I could have worked a little harder, but I was having such a good time that as long as I made the grade I didn't worry much. I was living at home and I felt that unless the world fell in I was going to make it. One time I got first class distinction from Vincent MacDonald in agency and I wondered how in the devil he could have given it to me but that was what he put down. It was the only one I ever got. I became very good friends with just about everyone in my class. Some of them are dead now. When I look back I think that the Law School was a lot better than we thought it was at that time. We took it in our stride and perhaps we did not appreciate it as much as we should have. But I can not help noting that some of those who made the highest marks when I was there didn't do as well as those who didn't make the high marks. But I enjoyed every day of it. I enjoyed the lectures and meeting the fellows every day and it was interesting. I thought a pretty good day was the day that Angus L Macdonald lost his temper and cursed.

### Judges and lawyers

There weren't many lawyers like there are today and there weren't cases like there are today. The courts were here and they tried things but there were no automobiles so there were no automobile collisions. When I first came to the Bar there were thirty-five divorce cases tried in Nova Scotia a year. And they were hush hush affairs. Everybody would say, "Judge Graham is in there trying the divorce cases", and everybody would tip toe down the corridor to get away from these divorce cases. They were the breath of scandal. There was an idea that they should not be going on anyway. When I started in 1926 the courts were reasonably busy but not like they are today. Everything seemed to move at a slower pace and the fees were nothing like they are today.

Halifax was a very delightful place to practice. The lawyers were very friendly. I did all my business with other lawyers over the telephone. You did not have to have anything in writing and everyone kept their word and their commitments. You did not have to be afraid to talk to the lawyer on the other side. He wouldn't put anything over on you. There didn't seem to be any jealousy. The business was concentrated in three or four large firms. They were the McInnes firm, the Harris or Henry firm, the Pearson firm, and the Burchell firm. One of the prominent members of the Harris firm at the time I am speaking about (early 30's), was earning about \$4,000 a year and he was one of the top men in that firm doing a lot of work. But \$4,000 kept him well.

The judges in those early days before the first war got \$7,000 a year. They all had a coachman, a horse and carriage, and they entertained at dinner. I used to go to dinner at Judge Langley's when I was ten years old. I was a friend of the boy's and Judge Langley had a housemaid and a cook. Judge J. Norman Ritchie was one of the top dogs of the community. He lived on Tower Road in that big house where Charlie Mitchell lives. He had a horse and carriage and coachman. They all had a coachman for \$10.00 a week. They got the horse for \$150.00 and the wagon for \$75.00. They used this to go back and forth to work. I would be walking along the streets and used to see them. Judge Russell gave lectures at the Law School, but in these days that I am speaking about I did not know that there was such a thing as a Law School before the first war.

Criminal law was a world apart in those days. These big firms did not touch the criminal law. You couldn't get Hector McInnes or Charlie Mitchell or any of those fellows in the criminal courts. People who practised in the criminal courts when I started practising were a group apart and they were the fellows who enjoyed the smallest income. They were looked upon as people of not quite the same standing as members of these large firms. They were called "police court lawyers" and that expression lasted until Harry MacKeen decided to come into the police court. When he came into the police court and practised there as often as he could there was no more talk about "police court lawyers". And I think now they all go. You'd get them all if you pay enough.

All business was concentrated in three law firms, possibly four. I think for a while I was probably the only lawyer in Halifax who practised alone. But that was an advantage. All my contemporaries thought I was a fool. They used to say, "You can't do it; it just can't be done". But I did it. I lived in Hillside Hall from 1929 until 1933, when I got married. Hillside Hall was without doubt the best private hotel in Halifax. It was on South Street just above Barrington. I think Sir Joseph Chisholm was one of the shareholders of it. I had not a bad room there and the food was excellent, far better than what you would get anywhere except the Halifax Club perhaps. And I got all that for \$13.00 a week. Nobody thought that was particularly cheap. That was the going rate.

There were times when I wondered if I could keep my practice going. But just as I would be getting ready to close down, the door would open and someone would come in. I didn't want to go on the bench. I wanted to go to the Senate. But I finally found out that I couldn't get to the Senate so when I had the chance to go on the bench I went there. I enjoyed it but it worried me a lot. It wasn't the effort of making the decision, but wondering whether I was right. When I succeeded John Doull, he said to me, "Look, it is alright to make a mistake; but it is not alright to make a fool of yourself." And I often used to wonder if I had made a fool of myself. You know, I never thought I would be a great lawyer, but I did what I could do best. I could talk to a jury and I could cross-examine a witness; and I think that that pulled me through.

# J.G. Hackett



*J.G. Hackett practises law in Wolfville, Nova Scotia.*

The first world war was over. Halifax had been the national focus of Canada's war effort, had shared to the full its excitement, its bravado, its successes, and unhappily, its trauma and its enduring sorrow. But now, a few years later, it was again a small-town city, quiet, peaceful and orderly, still a bit Victorian with its stately homes and shaded streets. There were more pedestrians than now. Many men walked to work. Students didn't have cars. Public transportation was commodious, uncrowded, and cheap. Traffic was moderate. There was no rush anywhere. The shopping district was largely centered on Barrington Street. There was no explosive growth. No developers had appeared. High rises had not been thought of. Prices and wages were stable. Small industries flourished. Compared with today, crime was almost non-existent. Life moved at a normal pace.

On a Saturday afternoon in the fall one could watch the Wanderers and Dalhousie, or Dalhousie and the Navy, at football, or go for a long walk in Point Pleasant Park, or through the autumnal coloring on the Herring Cove Road. In the evening there was the allure of the Northwest Arm, where one could paddle a canoe with one's best girl ensconced on pillows in the bow. The Waegwoltic Club was then in its heyday. The Arm was picturesque with its rowboats, canoes, dinghies, an occasional yacht, and the Tower, erected with the pennies of the school children of the province. The harbour was fairly busy with coastal and ocean shipping. Television had not arrested the attention of the world, or changed its social life. On Sundays the churches were full, especially at night, when the young people attended. Churches vied with each other in obtaining large choirs, good preachers, and in supplying the fine music and social activities inherent in church life. It was a wholesome era.

In retrospect, one sees those happy, strenuous, dear dead days beyond recall in a rosy glow. We lived and studied, the Law and the Meds, in the old Birchdale on the Arm. It had been a posh hotel, dating back, I believe, to the gay nineties. It was a large, rambling wooden structure, with lawns, shrubbery and a garden, situate on a slope near the corner of Oxford Street and Coburg Road, and running down to the Arm. Dr. Jock Cameron of the medical faculty maintained a shell on the shore of the Arm and allowed the boys to use it.

Dalhousie was smaller then, with all the benefits that a small college offers, general acquaintanceship, closer contact with the professors, quick and enduring friendships. The students in the Birchdale were full of purpose and deeply occupied with their work. Everyone dressed fairly well; there was no affectation in clothing, either of poverty or wealth. The barbers were still making a good living. Mini skirts hadn't been invented, nor patched-up overalls. The girls were attractive, lovely and vivacious.

## **The law faculty**

Early in the morning we trudged over the hill and down Coburg Road to the Forrest Building. The strength of the law faculty was in the three full time professors, each of whom was firmly wedded to the law. The Dean, Dr. D. A. MacRae, dealt periodically with the history of english law. He has never-ending patience in research, as evidenced by his later monumental work in the Canadian Abridgement.

John Read, who in later years became a judge of the world court, explored the difficult realms of real property with all the energy and perception of his keen and incisive mind. He also originated the idea of groups in the procedure class. Sidney Smith, just out of Harvard, was young, handsome, and fully articulate. He brought equity to life, and displayed great ability in delving into trusts and the dialectic achievements of the English judges in cushioning the harsh impact of

the laws of earlier days. His subsequent rise to the presidency of the University of Manitoba and then of the University of Toronto placed him high in the tradition of Nova Scotians who made their mark in the world. These men really carried on the standard of excellence established by Dean Weldon and Benjamin Russell, as did Vincent MacDonal, Horace Read, Andrew MacKay and Ronald St. John Macdonald and their associates in later years.

John MacNeill and I were studying late one night in the law library when Sidney Smith came in. He invited us to his bachelor apartment, cooked eggs on a hotplate, and served up a midnight snack. Still having youthful appetites, we appreciated that courtesy. Two years ago my wife and I happened to meet up with John and his wife in Florida. His wife, Beatrice, was the daughter of the late E.R. Cameron, long time Registrar of the Exchequer Court in Ottawa, and author of the then standard work on exchequer court practice. John served in the department of justice and then for many years as Clerk of the Senate. He was well versed in the Ottawa scene over the years. We roamed the countryside in his car, reminisced at great length, and had an enjoyable time together, while the ladies chatted away in the back seat.

### **The down-towners**

Of all the men who came up from down town, the one who got closest to the students was Stuart Jenks, as he then was — later Mr. Justice Jenks. He would light his pipe, put his feet up on the desk, and talk. Then some of the boys would also light up and listen. He was a man's man. So was Walter O'Hearn in criminal law, later as judge of the county court. There was a natural camaraderie about these men, and natural ability.

Angus L. Macdonald was also very popular, particularly when he acted as governor-general in the mock parliament. He lectured on the difficult subject of interpretation of statutes, probably little realizing how usefully he was preparing himself for his distinguished political career. Charles J. Burchell was the acknowledged shipping expert in Halifax in those days. I remember seeing in his office massive volumes of evidence in the famous case of the "Imo" and "Mont Blanc". He was a very busy practitioner and could only pay an occasional visit to the Law School. His partner, Frank Smith, had never had the advantage of studying at any law school, but in later years became the lawyers' lawyer for many who had had that advantage. Nor had J. L. Ralston ever been to any law school.

In my first appeal case before the full bench, with T.R. Robertson by my side as mentor and guide, Ralston threw us out of court by a two to five minute speech on the admissibility of some important evidence. Chief Justice Harris, benevolent and kindly to the youthful barrister, ordered a new trial. To celebrate our defeat, Mr. Robertson took me to the Halifax Club for luncheon. Mr. Ralston was at the next table, in a teasing mood. But he redeemed himself with me, years later, when he suggested and put through a special act in the federal parliament to pay damages to my client, who had been gravely injured on a federal ship not covered by the Workmen's Compensation Act. T.R. Robertson had practised in Victoria and in Winnipeg and had extensive experience. He was a gentleman of the old school. Notwithstanding the disparity in age, we became friends while I was at the Law School. In later years he was always a trustworthy counsel. He never did cash any of my cheques.

To return to the law of shipping. It had much interest for me, as I had been brought up in a ship broker's office, and knew many of the captains and ships from Nova Scotia and Newfoundland. E.P. Allison taught shipping and admiralty law. There was only one Canadian book on admiralty, "Mayer's

Admiralty", long out of print. Mr. Allison lived in a mansion near the Birchdale. One evening after class, we walked home together. He stood on the corner near his home and repeated some of his lecture to me. "Now", he said, "I hope you understand it." I came to understand in later years that there was a vast amount to learn.

Another occasional lecturer was Judge Patterson, then county court judge of the county of Pictou. He also dealt with evidence. The mere fact that he travelled so far was another indication of how deeply the bar was interested in the progress of the School.

Last but not least of the down towners was Vincent MacDonald. Vince was still quite young, had his own office on Barrington Street and came up regularly to lecture on sales, which he did with much ability. He had a great fondness for law, and edited the Dominion Law Reports for some years. We all liked Vince, felt he was one of us. I used to drop into his down town office occasionally for a chat. Years later he became Dean of the Law School, and finally a justice of the supreme court of Nova Scotia. It was some time after he had received the latter appointment that I happened to be in the law library in Halifax assembling my authorities for a case on appeal. Vince came in while I was so engaged. The library was deserted. We had a long talk. I asked him how he liked being a judge. He said, "It's a lonely job. When I was Dean of the Law School, the boys would drop into the office after classes for a chat. There was always company. I was very happy there. But now there's always a barrier." There was a tinge of melancholy in his voice. For all his immersion in academic pursuits, the fellowship of his confreres meant a great deal to him.

### **The students**

The law classes were smaller then. In our class I remember Dick MacLeod, Eric Jerrett, Colin MacIsaac, Bill Morrison, Forrester Davidson, Charlie Beazley, Bill Dunlop, John MacNeill, Jack Nicholson, John F. Mahoney, Norman MacKenzie and Gerry Flavin.

Bill Dunlop got married in mid-term, and when he walked into class one day the boys gave him an ovation and a silver tray. Everybody liked Bill. Charlie Beazley was always a very good listener, and subsequently gave a lifetime of skilled and dedicated and invaluable service to the Province of Nova Scotia. Forrester Davidson was all brain. Bill Morrison was a Cape Bretoner. He went out to Saskatchewan. I lost track of him. Eric Jerrett and Colin MacIsaac were in my procedure group and we became firm friends. Eventually Eric practised in St. John's and Colin in Antigonish.

Dick MacLeod was older than the rest of us. He was stipendiary magistrate for the City of Halifax, but in the Law School, he was just one of the boys. His close friend was John F. (Buddy) Mahoney, later a member of the legislature and a good debater. Buddy lost his life in a tragic car accident in Halifax. Gerry Flavin was a real Haligonian. He was a good student, active in many societies, modest and efficient.

Jack Nicholson was a New Brunswicker. He was an executive even then, running about everything, whilst doing very well in his classes. He went out to British Columbia, built up a practice, came east to Sarnia and Polymer during the second world war, then down to Brazil to run Brazilian, back to Canada after some years to run for Parliament, became Postmaster General, and finally Lieutenant Governor of British Columbia. A hard worker, and keen, he deserved success.

Norman MacKenzie, quiet, modest, self-effacing, was never-the-less Mr. Dalhousie. With plenty of educational background, he made that his career,



ending up as President of the University of British Columbia. It has a fine situation, that university, but the new Simon Fraser University is perhaps more picturesque.

I have already referred to my friend John MacNeill. He and Horace Read were graduates of Acadia in arts. I took my arts at Mount Allison and taught for a year after graduation in the Mt. A. Academy. In the first year class, the class behind us, there were two students with whom I struck up a long lasting-friendship. One was Raymond Gushue. After a short period of practice in St. John's, he was engaged by the Board of Trade as a sort of fishery ambassador to Portugal and Spain, and as their representative at world fishery conferences in Washington. This was his work for a good many years. He was also a member of the Gordon Royal Commission in Canada. When Memorial University was established in St. John's, he became its first president.

The other was Horace Read, later a professor in the Law School, then in Minnesota, retiring as Dean of the Law School, and eventually becoming vice president of the University. He revised the regulations of the Canadian Navy, attended innumerable law conferences here and in foreign countries, and acted for many years as chairman of the provincial labour relations board. He was gifted with quick perception, a retentive memory, an analytical mind, and much common sense. What Horace knew, he really knew.

Henry Borden, nephew of Sir Robert Borden, Canada's wartime Prime Minister, was also a quiet modest student, who later rose to prominence in Ontario. He had been educated in King's College, Windsor, received his B.A. from McGill in 1921, graduated from Dalhousie Law School, was Rhodes Scholar from Nova Scotia in 1924, attended Exeter College, was called to the Bar of Lincoln's Inn, founded the firm of Borden, Elliot, Kelly & Palmer in Toronto, was Chairman of the Wartime Industries Control Board, President of Brazilian Traction Light & Power Company, Limited Chairman of the Board of Governors of the University of Toronto, and Chairman of the Royal Commission on Energy. He edited Sir Robert's Memoirs.

Then there was Claude Richardson, breezy and friendly. Claude practised in Sydney for a short time then went on to Montreal. There he began as a junior in the prestigious firm of Brown, Montgomery and Michael. He specialized in income tax and was very successful. He took an active part in the life of the city, lectured for a time at McGill, and acted as chairman of the federated protestant charities of Montreal. We had luncheon one day at the Engineers' Club, and on another occasion met at The Chateau Frontenac, during a meeting of the Canadian Bar Association. Claude was also a graduate of Acadia, and in later years was appointed to the board of governors of the university.

Also in the first year class was Edgar Lougheed, all the way from Calgary. Before I went to the Law School, I met his brother Norman, who was Superintendent of a Canadian Pacific Railway locomotive repair shop on the outskirts of the city. Norman took me through the shop one day, and I was impressed by the size of the machinery in use. I also met their mother, a fine lady. Edgar was the father of Peter Lougheed, the present premier of Alberta.

Then in the third year class, the class ahead of us, the two outstanding students were George Nowlan and Frank Rowe. Frank won the gold medal that year. I believe George was a close second. Years afterwards, I met up with George when he was acting as defense counsel for a mutual friend. He told me about his travels and appearances in court in Halifax. I said, "I hope you've been getting something for all this work, George. How much have you been paid?" He put his head down and murmured, "seventy-five dollars". Money didn't mean that

much to George. His subsequent successful political career is too well known to need repetition here.

Frank Rowe was a delightful character and a life long friend of mine. he had, and still has, a keen sense of humor and a happy way of expressing it. After his graduation, I saw a great deal of him in Sydney, before his appointment as chairman of the Workmen's Compensation Board of Nova Scotia. That was a killing job, night and day, and placed a great strain on him. However, he carried on until the time came for retirement, and even after that he did some commission work for the province. Latterly he has been spending his winters with his wife, Isabel, in Barbados. A few years ago my wife and I flew down to the island and met them there. They hired a car and took us on a tour of the posh places up the coast from Hastings. The winter climate there is ideal. Sunshine every day. Occasional rain only at night. Beautiful beaches. But not much to do, except to swim, or sunbathe, or go shopping in Bridgetown.

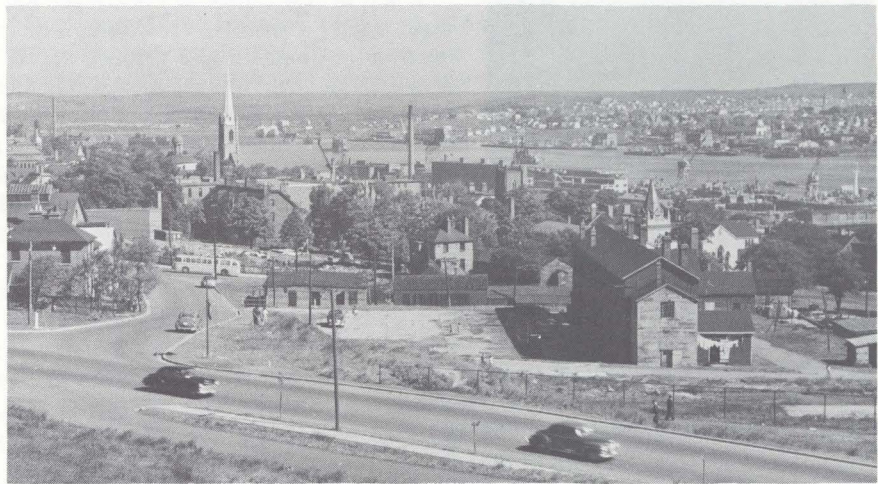
Keiller MacKay was also in the third year. Keiller had been a lieutenant colonel. He was a fastidious dresser, and after class you might see him striding down Spring Garden Road, swinging a cane, spats on his shoes, presumably to be lionized at some afternoon tea. The rumor was that he used Frank Rowe's notes when boning up for exams. Certainly they were easy to read, because Frank wrote like copperplate, a small English script learned in the Methodist College in St. John's. What makes me think this may be true is the fuss he made over Frank later in Montreal. It happened this way. One day I called on Frank in the court house in Sydney, where he had an office. He announced that he was about to take a holiday, and would spend it on a coal boat going to Montreal. I said, "Frank, there'll be a Canadian Bar meeting starting there when you arrive. Why not attend?" At that time, early in practice, and not much of it, he had an inferiority complex, and demurred. "What kind of lawyer am I, he said, to go to a thing like that?" About a month later, I called in again. He was back, welcomed me with a broad smile. "Well there I was", he said, "strolling by the Windsor Hotel. I finally plucked up my courage and started for the main entrance. Who should meet me there but Keiller. He brought me in as if he owned the place, and introduced me all around as Mr. Rowe from Nova Scotia. I had a grand time after that".

After graduation Keiller went up to Ontario, engaged in practise there, and eventually became a judge of the Supreme Court of Ontario where he rendered some notable decisions. Finally he was appointed Lieutenant-Governor of Ontario. I remember a Canadian Bar meeting in the Royal York Hotel in Toronto. There were two thousand people standing at the dinner waiting for the head table guests. At last the bagpipes skirled and they came in, and there was Keiller, with his beautiful wife, bowing to the applause.

It was during my first year at the Law School that I received a letter from the wife of our local member of parliament. She was a crusader. Her interest then was the abolition of capital punishment. In the letter she asked me to canvass the law students and to solicit their support for her effort. This was rather embarrassing, as I had known the lady from boyhood days and her son was a close friend; moreover I hardly knew what to think of the proposal. Finally I decided to seek the advice of Mr. Justice Benjamin Russell, then full of honors from his labors on the supreme court. He had been a teacher and more or less of a partner with Dean Weldon in the development of the Law School, and had always been regarded for his erudition, his legal acumen, and his wise judgements. I remembered hearing him deliver an outstanding address at Mount Allison. The old gentleman received me graciously, listened attentively while I

propounded the problem, and pondered it for a time. At last he broke the silence, commented at length on the experiences of some of the countries of Europe, and concluded, "I hardly think I would be in favor of abolition unless statistics would indicate that it is safe to do so." With that I had to be content.

So much for the past. Looking to the future, I hope our Law School will sow the seeds of world peace through law in the minds of its students. It falls to the lot of the greatest of all the professions to take the lead and to bear the burden of this mighty task.

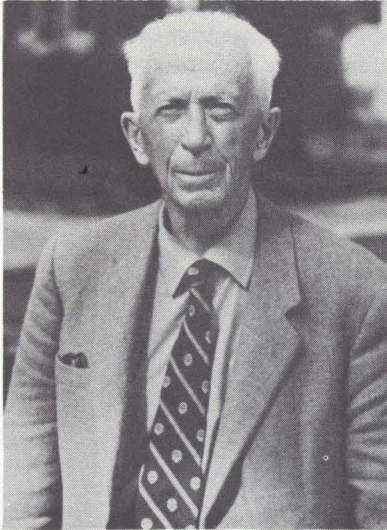


*Rainnie Drive*



*Northwest Arm*

# Arthur W. MacLeod Rogers



*Arthur W. MacLeod Rogers,  
formerly Associate Counsel of the  
Canadian Bankers' Association,  
Toronto, lives in Caledon East,  
Peel County, Ontario.*

Having reached home early Christmas morning, 1918, no time was lost in enrolling at Dalhousie Law School. I was lodged at Pine Hill, then a sort of military hospital. Treatment was continued to remedy the damage to my shoulder from a machine-gun bullet which, believe it or not, had been split on my shoulder tip. At eighty-one I can now boast of it.

Many of my classmates were veterans, including the late Angus L. Macdonald, better known as "Port Hood Angus" to distinguish him from other Angus Macdonalds in the army. Another was Denovan Jones, a neighbour of mine in Amherst.

When in rest billets at Poperinge, not far from Ypres, I had reached for a wash-basin (a gasoline tin with its side cut out) expecting to have to knock the ice from it. Someone else grabbed the tin and a tug-of-war started. The struggle ended in laughter when I recognized Denovan, a kilt-clad private of the 13th Battalion of the Black Watch of Canada. We chatted a bit, then went our ways. I did not see or hear of him till we met at the Law School. Fed up with the trenches, Denovan, a brilliant student, studied Arabic. He became a captain and interpreter and was one of the aides to the general in command at Jerusalem. When his chief did not feel up to taking court in the Holy City, he would authorize Denovan to occupy the bench. If a culprit was charged with knifing another, Denovan would sentence the man to a week in jail; but if it were proved that a man had thrown a dead dog to the street, Denovan would 'give him the works', a year at hard labour! Because of such tales Denovan became known as 'Jerusalem Jones'. He practiced law in New York city.

The course in real property was given by the late John E. Read, who became Dean of the Law School, legal adviser to the Department of External Affairs and the only Canadian to be elected a judge of International Court of Justice. He was a splendid teacher, excelling in the discussion method, a legacy no doubt from his studies as a Rhodes Scholar at Oxford. He asked me to explain what an incorporeal hereditament was. I began: "An incorporeal heredit-t-t-t-t!" My stuttering created so much merriment in the class that I never did completely pronounce the word, although I must have defined it well enough to get by. Thereafter some of the fellows used to ask me whether I always stammered. "Only when I stutter", was my stock reply.

John Read also handled the course on practice. He divided the class into several 'firms', the members of which had to prepare the papers for various forms of action in accordance with the rules of court. He let it be known that we would be allowed to take our copies of the rules into the examination room. In consequence, some members of our 'firms' rested on their oars and allowed the others to do the work of preparing papers. What a shock they got when the examination called, not for recitals of some of the rules, as they had expected, but for the preparation of certain papers, which they were unable to do, not having learned, by doing, to use the rules.

Early in the second term of my first year I entered Camp Hill Hospital, better known among the veterans as the 'abbatoir', for a minor operation on my nose, never normal after being broken in football at Acadia. Four days afterward scarlet fever developed and I was transferred to the new wing of the mental hospital in Dartmouth. Some fellow students, including Emelyn MacKenzie, that great-hearted girl, came over to see how I was getting on. Conversing from a window, they said that undoubtedly the mental hospital was the place for me. How prophetic they were. When I was discharged at the end of a month, they found that I had contracted quinsy, which developed into diphtheria. I had to

return to Dartmouth again. My friends merely said, 'What did we tell you?' What could I say? With scarlet fever and diphtheria I was unable to read much, so my studies suffered. My professors were merciful, however, and gave me my year.

In my second year, the lecturer on insurance merely dictated the principles and cited a lot of cases, none of which he discussed. He was a practising lawyer from the city. In trying to seek further light on the subject I consulted Halsbury's Laws of England and found to my disgust that our lecturer had given us Halsbury, word for word, with all the cases, but without any credit to the learned source. This was something, to use Churchill's phrase, up with which I would not put. My classmates felt likewise. I led them into Dean MacRae's office, explained the situation, and announced that we would not attend any more of that man's so-called lectures. "We are training for our profession," I said, "and we will not stand for such blatant plagiarism." Doctor MacRae was stunned. He promised to deal with the situation at once. He did. Exit the lecturer.

It was well known, in that first year, that the two chief rivals for the governor-general's gold medal were Sidney Smith, who became Dean of Dalhousie Law School, president of the Universities of Manitoba and Toronto, and Secretary of State for External Affairs, with a dozen honorary degrees, and Vincent MacDonald, who also became Dean of the Law School and finally a justice of the Supreme Court of Nova Scotia. Both were keen students. Sid had a marvellous memory, read and remembered all the relevant cases, and understood the principles involved with all their ramifications. On the other hand, Vince had eye trouble and could not read as much as he would have liked. But he mastered the principles and then discussed them and their application with fellow students. Vince won the gold medal, deservedly, most of us felt.

In those days the moot court was presided over by a justice of the Supreme Court of Nova Scotia. Perhaps this is still done. Miss Marjorie MacDougall, a classmate and our only representative of the fair sex, was my opponent in a moot court before the late Mr. Justice Mellish. Memory does not tell me the subject, but we both worked hard in preparation and presented our arguments as well as we could. To my annoyance, he decided in favour of Majorie. Naturally I thought my argument was better than hers, but of course there was no appeal.

### **Two prominent veterans**

Two veterans of the first world war were prominent in the class of 1922, Keiller MacKay and Bill Livingstone. Keiller MacKay had worked with a pick and shovel on a railway in order to earn the money to take him through St. Francis Xavier, though he was a Presbyterian. Prior to that he had qualified at the Royal Military College. Early in the war he reverted from a militia captaincy to lieutenant in order to go overseas. He rose steadily until he was a lieutenant-colonel commanding three mobile brigades of artillery known as the 'MacKay Group' in 1917-18. He was wounded twice, mentioned in despatches three times, and awarded the Distinguished Service Order.

Bill Livingstone had been an engineer. He rose in the 25th Battalion to be captain commanding a company. Bill was wounded five times and was awarded the Military Cross with two bars. Bill's younger brother had been bludgeoned to death by a German patrol in no-man's-land. So Bill swore he would kill every enemy he could get his sights on. He told me that in the Battle of Amiens in August, 1918, he was leading his company through a fog to their jump-off line, about seven miles beyond what had been the German front line that morning. He saw eight Germans coming at him. He pumped eight shots from his automatic at them, got seven, reloaded, and got his sights on the eighth, only to find that he was a Canadian sergeant who had been escorting seven prisoners!

Keiller used to say that the war had started for him when it ended for most of us, for he had been badly wounded and spent some of his time at Law School in hospital, where he wrote some of his exams. However he was graduated and called to the bar of Nova Scotia in 1922 and to the bar of Ontario in 1923. He was created a King's Counsel in 1933, was elevated to the Supreme Court of Ontario, Trial Division, in 1950, where his innate courtesy led him to give a fair and considerate hearing to all counsel, whether senior or junior. Keiller was elevated to the Court of Appeal in 1950. But his failing eyesight became an increasing handicap, so he resigned. Not long afterward he was appointed Lieutenant-Governor of Ontario, the second Nova Scotian to achieve that honour. The first was the honourable W.D. Ross. In this post Keiller performed his official duties admirably and travelled widely about the province. Many honours were conferred upon him.

In my second year, hospital treatment having ceased, and there being no financial aid for veterans, I had to work my way. Somehow I persuaded the first Senator William Dennis to take me on as a reporter on The Halifax Herald. Editor Kelly assigned me to report the proceedings in the Legislative Assembly, which I found most interesting. The speeches enabled me to write many columns, which shrank shockingly under Editor Kelly's blue pencil, for my only remuneration was \$2.00 a column. Nevertheless, in one prolific week my pay was \$25.00, representing a lot of two-finger typing. In addition, my assignments included lectures by outstanding speakers and interviews of various kinds.

Larry MacKenzie and I were both on the Dalhousie students' council, which was a fine experience. We were both keen athletes, so I was shocked when President Stanley MacKenzie, a scientist, told me that he had never attended a football game. Larry was on the university rugby team. I was a half on the Law School team and recall ploughing up the cinder track with my nose when tackled there. In a hockey game with the meds, in zero weather, on an open rink in Dartmouth, someone's head came up suddenly under my jaw breaking off my two front teeth. My temper went with them, the meds were knocked about and I scored a goal. But my fiancée said she had nearly thrown me over on seeing the gap in my teeth. The dental students installed two good peg-teeth.

### The deans

I never had the privilege of studying under Dean Weldon, who was a contemporary of my father's at the Law School. But when he was parachuted into Cumberland County as a Conservative candidate for the House of Commons, he was a guest at our home. His leonine head and stature were most impressive. So we four sons were happy to co-operate when Dad organized us, with some friends, into a clique for a big meeting. On the slightest provocation we youngsters would yell, 'Well done Weldon!' The great man was more impressed by our shrill enthusiasm than our understanding.

D. A. MacRae, as already stated, was a splendid discussional teacher. We were less impressed with his detailed history of English law, which called more for memory than understanding. Once, when I told him a tale about a Cape Breton MacLeod who had insisted that he, as well as the lord of all, be given credit for his crossing the ice-jammed Margaree River by leaping from floe to floe with two pails of milk, Dr. MacRae said he could match that with a tale of his own grandfather. Although the settlers on P.E.I. had quit-claim deeds from the crown, the Indian Abegweits insisted that all such titles were subject to their own right to hunt anywhere. Once, when a friend came to see his grandfather, he found him rolling on the ground in unarmed conflict with an Indian. The friend called out, 'MacRae, can I be of assistance to ye?' 'Nay, nay,' was the

somewhat breathless reply, 'Myself and the Creator, we shall suffice!' And they did.

John E. Read was a fine discussional teacher. With all his wisdom he always looked remarkably young. Even when a senior at King's College, he was mistaken for a freshman. The most amazing instance of this came when, having been an artillery captain in the first war, he had come to Dalhousie to lecture in the Law School. There, though he had been a Rhodes Scholar as well, a kindly intentioned student thought him a freshman and offered to show him around.

Horace Read, as a boy, had lived on the same street with me in Amherst. While he was on his way up the educational ladder at the University of Minnesota he was once visiting his parents at the same time as my visit to mine. Planning to take my two sons to the St. Mary's River for salmon, I invited Horace to join us. We stayed at the Crow's Nest. Waking early, while the boys were still asleep, I wakened Horace and we set out in search of a salmon before breakfast. At the first ford, Horace's calf-length rubber boots were inadequate, so I carried him, pig-a-back, across. The next ford was much too deep, so we crossed arm in arm, and he got wet, while my chest-high waders kept me dry. Unused to such cold water, Horace said he would return to the Crow's Nest, change his soaking clothers, and put some hot food inside him. Ever optimistic, I continued to cast my fly on a good-looking pool till the sound of crunching gravel caused me to look shoreward. There was Horace, God bless him, balancing a big tray-full of breakfast. Needless to say, I waded ashore, thanked him, and we put away a big feed of bacon, sausage, eggs, toast, jam, doughnuts and coffee. Later I learned from others that Horace was at the time suffering severe pain from impacting vertebrae caused by a crash of a fighter-plane which he had been delivering to the air force across the channel in World War I. No wonder he had found it hard to wade on rolling stones. The greater wonder was how he had balanced a heavy tray of breakfast for two over rough terrain.

Horace well deserves his reputation for thoroughness. Whatever special task he was asked to do by the Canadian Bar Association, by the Uniformity Commissioners, by the Department of National Defence or others, he did it, on time and well. He has done much for Canada and well deserves the Order of Canada recently conferred upon him. He also deserves the O.S.F., Order of Salmon Fishermen, whether he ever or never caught a salmon.

# J.F. MacNeill



*J.F. MacNeill was for many years Clerk of the Senate of Canada. He lives in Ottawa.*

Dalhousie Law School when I first entered it in 1921 was a youthful institution only thirty-eight years old. It had just about attained "middle age". The first dean of the School, Dr. Weldon, was living in retirement in Dartmouth and his law school colleague and friend of many years, Benjamin Russell, was an active justice of the Supreme Court of Nova Scotia. Both these gentlemen had during their careers been members of the House of Commons at Ottawa, Dr. Weldon as a Conservative Member for the constituency of Albert County, New Brunswick, and Mr. Russell as a Liberal Member for a Nova Scotia constituency. Both were highly regarded by their fellow members of the House of Commons and took an active part in the debates of that assembly. I have been told that during sessions of the Commons the law school was closed and lectures were resumed when the "professors" returned to Halifax. That may or may not be so; in those far off days the sessions of the Parliament of Canada usually lasted for not more than six weeks or two months. In any event, both Dr. Weldon and Mr. Russell laid the foundation for the Weldon tradition of public service that has influenced so many Dalhousie Law School graduates.

The school occupied a few rooms in the Forrest Building. The library was housed in a fair sized room on the second floor and the dean's office, shared by some others, was at the end of the hall. By modern standards the quarters would be considered cramped and most unsatisfactory; however, they served the purposes for which they were intended.

In 1921 Dr. D. A. MacRae was the Dean of the School and he had at least two full time instructors. The bench and bar of Nova Scotia provided the balance of the faculty and to the individuals who gave of their time and knowledge to the task must be allotted at least some of the credit for the reputation the law school has acquired over the years.

The "full time" professors were John E. Read and Sidney Smith, both of whom became deans of the law school in later years. Vincent MacDonald was a part-time lecturer and Horace Read a first year law student; in later years they too became deans of the law school. Mr. Justice Chisholm (later C.J. of N.S.), Judge George Patterson of the Pictou County Court, C.J. Burchill, K.C., E.P. Allison, K.C., T.W. Murphy, K.C., T.R. Robertson, K.C., S. Jenks, K.C., W.J. O'Hearn, K.C., F.H. Bell, K.C., J. McG. Stewart, R.F. Yeoman and, last but by no means least, Angus Lewis Macdonald, were the members of the bench and bar of Nova Scotia who gave their time, knowledge and experience to train students to become members of the legal profession. Some of these gentlemen, I understand, received a modest honorarium, but others contributed their services without receiving pecuniary reward therefor. The full time staff members were not too well paid. In fact, compared to modern rates of pay the salaries would be considered niggardly. Of course, the dollar was worth much more than it is today and was theoretically at any rate backed by gold.

The students for the most part came from the maritime provinces and Newfoundland but there were some from western Canada and the West Indies. A number were veterans of the first world war. They were accustomed to discipline and most had a rudimentary acquaintance with military law. In any event, they were ready and eager to make up years lost to civilian life and to get on with the job of acquiring a profession. They expected to work and did so. Several members of the faculty had served in the armed forces and they fraternized with the veterans as they had known each other and had fought in the same units overseas.



**Canada was a glorified colony**

Halifax was badly damaged in 1917 when two ships loaded with munitions of war collided in the harbour and the resulting explosion devastated the north end of the city. During the early twenties a good deal of construction of buildings and railway terminals was undertaken. Maritime freight rates and rights were prime topics of discussion as were tariffs and taxation generally. The Income Tax Act of the day was intitled: "The Income War Tax Act" and was supposed to be a "temporary measure"!!

Canada was styled a Dominion but in many ways it was a glorified colony. The Imperial Merchant Shipping Act and the Colonial Laws Validity Act applied throughout the British Empire. In 1921 the Statute of Westminster was still ten years in the future. The judgements of the Privy Council was revered almost as much as the Ten Commandments. Abolition of appeals thereto had not been seriously discussed.

**Public affairs as a matter of course**

Faculty members and students discussed public affairs as a matter of course. The dean frequently referred to the "Weldon tradition". Many students, assisted by members of the faculty, took part in the mock parliaments held each year, so it was not surprising that all concerned were more or less interested in the political campaigns waged in the provinces and the dominion.

The federal general election in 1921 gave them an opportunity to display their talents in a real electoral battle and they enthusiastically entered the fray. The dean was not a partisan. John Read and Angus L. became active advocates of the Liberal party led by the Honourable W.L. Mackenzie-King; Ronald Fielding, Jim Hackett, Charlie Beazley, Jack Nicholson and others worked at times for the Liberal cause. John Read later became a justice of the International Court at The Hague, Angus L. a Liberal cabinet minister during the second world war and for many years Premier of Nova Scotia; Ronald Fielding was a member of the Nova Scotia government and ended his career as a justice of the Supreme Court of Nova Scotia; and Jack Nicholson became a federal cabinet minister and finally Lieutenant Governor of British Columbia.

The active supporters of Prime Minister Meighen and his government were Sidney Smith, Keiller MacKay, George Nowlan, J.F. Mahoney and Joe Connolly; no doubt there were others whose names I cannot recall. Of these, Sid Smith became in later life Secretary of State for External Affairs and George Nowlan Minister of Finance in the Diefenbaker government, J.F. Mahoney a member of the Legislative Assembly of Nova Scotia and Keiller MacKay a justice of the Supreme Court of Ontario and finally Lieutenant Governor of that province.

In Western Canada, the Progressive Party led by Hon. T. A. Crerar, Ex-Minister of Agriculture in the Union Government of Sir Robert Borden, and the Farmers Party in Ontario nominated a large number of candidates for seats in the House of Commons. In Nova Scotia and in some of the other provinces some labour candidates were also nominated. These parties had supporters among the students at Dalhousie. In fact, in the mock parliament which followed the federal election and held in the early part of 1922, a number of students sat on what were called the "cross benches" and were labelled Progressive, "Labour" and Independent. The chiefs of this section were L.D. Currie, Claude S. Richardson and Larry Mackenzie. Lachie and Claude later in life became Liberals, the former a member of the government of Nova Scotia and eventually Chief Justice of Nova Scotia, and the latter a member of the House of Commons at Ottawa for a Montreal riding. Larry Mackenzie was summoned to the Senate of Canada and sat therein as a Liberal from the Province of British Columbia.

The 1921 election campaign was to some extent fought on the war record of the government and the veterans were of course interested in the outcome and many took an active part in the struggle. One of the questions put to candidates and speakers was, "What did you or your family do in the Great War?" At one meeting held in Hants County, John Read was the speaker of the evening and someone in the audience stated that his (Read's) son had not enlisted to serve his country. Read said that he replied, "My friend, you have been misinformed. At the time of the war my son was in Doctor X's little black bag".

At a gathering in the eastern part of Halifax County, Ron Fielding was the orator of the day and he was asked who was responsible for the enactment of the prohibition law then in force that deprived the citizens of the right to procure alcoholic beverages of their choice, and he replied that the culprit was the Prime Minister and his friends in the Union Government. He further stated that Mr. Meighen had not only forced prohibition on the country but had badly mis-managed the affairs of the nation in many other ways by extravagant expenditures and unwise fiscal measures. A few days later a Conservative meeting was held at the same place and Joe Connolly eloquently told of the great effort Mr. Meighen had made to prosecute the war with vigor and determination when someone in the audience said, "Yes, but he gave us prohibition." Joe replied, "I know he did but he was compelled to do so by Mr. Armstrong, the Liberal Premier of Nova Scotia."

The election and its results provided topics for discussion in the smoking room in the basement and many tales were told of what the various participants had done and said during the campaign. That room was also used for social gatherings where games of chance were enjoyed by some of the more affluent members of the student body.

Looking back more than fifty years, I think the students of my time were very fortunate to have attended a School where the student body was small, much smaller than I understand is the case today, for we knew the members of the staff and they knew us. The classes were not large and time was given for discussion. The members of the faculty were always ready and willing to give help to any student who asked for it. They gave us a sound preparation for public service as well as for the practice of law and for that I am sure we are all grateful.

# N.A.M. MacKenzie



*N.A.M. MacKenzie is President Emeritus of the University of British Columbia.*

My coming to the Law School is an interesting story. My family, good Presbyterians, wanted me to be a minister. But in 1914, when I returned to Dalhousie — I had gone west on a home seeker's excursion — war had broken out and we all wanted to enlist. I joined the C.O.T.C. and was qualified as an instructor. But waiting around for a commission was too slow; the war would be over. So when Colonel Bob Ryan, one of our few "soldiers of fortune" in Canada, came to Halifax in the autumn of 1914, a lot of us rushed down to his hotel room, in the Queen, I think, and enrolled with him in the 6th C.M.R.'s. This ended that part of my academic career.

I didn't get back to Dalhousie until September of 1919. I had decided that I would not be a minister. Ranching and trench warfare were not, in my opinion, suitable preparations for the ministry. So I went on to finish my arts course. Since my family approved of medicine, I also took the full first year of the four year medical course. But hospital experience convinced me that I didn't want to spend my life working with sick people; so I gave up the idea of medicine. Along with my arts subjects, I had taken international law, which I liked. Vince MacDonald also took this course. Then I took contracts, which I found fascinating, and constitutional law with Dean MacRae. These helped to round out my arts course and I got my B.A. in 1921.

Then I decided to try law. Dean MacRae very generously said he would allow me to try to complete this course in two years instead of the usual three. To help me financially he also made me librarian-in-chief, at a salary of \$25.00 for the year. I had a junior student as an assistant, who was to get \$15.00 for the year. This was fine until exam time, at the end of the term, when some of my "dear friends" pinched several of the text books. The Dean was understandably annoyed. He placed the responsibility for these thefts on me and my assistant. So my salary was reduced from \$25.00 to \$15.00 and my colleague's from \$15.00 to \$10.00. I felt that this was unfair because we had no control over our fellow students. In order to get back at the Dean and society, I went and helped myself to an illustrated Bible and a book on international law. A few days later my Presbyterian conscience caught up with me and I surreptitiously returned both the Bible and the international law text to the shelves. I even forgave the Dean.

I finished my two-year law course and received my LL.B. in 1923, at which time I had completed and passed in thirty-nine different courses, all of which qualified for the ordinary B.A. degree, for which I only needed twenty courses. So I feel that I should have received a double B.A. degree. I had one other controversy with the Dean. I was fond of George Wilson and liked economics and history, so he mapped out an M.A. course for me, with readings — I still have them — lectures and an exam. Dean MacRae heard about this, called me to his office and said that, to all intents and purposes, I was crazy. He was allowing me to take law, a difficult course, in two years. What more did I want? I was also very active in student affairs. I was president of the students' council for two successive years; I was president of the D.A.A.C.; I played front line scrum on the Dalhousie rugby team every year I was at Dal; I was president of the Dal S.C.M., and a variety of other organizations; and I walked to and from Pine Hill to Dalhousie through the lovely Marlborough Woods four times a day. So I agreed with the Dean that I was "slightly ambitious" and I dropped my M.A. work, though I still feel that I could have made it. It was commonly reported among Dalhousie students at the time that I had taken every course offered except pharmacy. Anyway, I received my LL.B. in the spring of 1923 and graduated as was expected in a soft collar. I couldn't afford stiff shirts or laundry bills. I then went on to Harvard.

One other amusing incident in my three years. On Saturday afternoons we, Dalhousie, played against the Wanderers or Caledonia or some other very tough team. Naturally we won, or I hope we did. There was a great turn-out of spectators and the stands were all full. Monday morning Howard Murray, who was dean of the university — he terrified us in his classes in latin and greek — sent for me. I met him in his office and the conversation went something like this. "Mr. MacKenzie, were you at the football game on Saturday afternoon?" I replied that I was there. "Did you see that your classmate Edgar Lougheed was creating a public disturbance?" I replied, "Dr. Murray, when I play football, the only persons I see or am aware of are the members of the opposing team. I did not see Edgar Lougheed." Dr. Murray went on: "Mr. MacKenzie, as president of the students' council I want you to have Mr. Lougheed dismissed from the university." I replied, "Mr. Dean, this is very serious action you are proposing. As a law student I have several questions I would like to ask you. The first is, "Were you at the football match yourself, and did you see Mr. Lougheed there?" He replied, "No, I was not there". So I said, "Then your evidence is not primary evidence and cannot be accepted unless supported." I said, "Sir, I was not aware that the students' council had this kind of disciplinary power. If it has, and if you will appear before council and give evidence, or arrange for evidence to be given, I will have the whole matter discussed at a special meeting of council and appropriate action will be taken." Dr. Murray was rather shaken by my replies. He had forgotten that I was a hard-bitten survivor of the infantry. So we parted and I began to rally support for Edgar, not only in the council and student body but among the younger members of the staff who had served overseas and had a good deal of experience with "the troops". Among these were John Read and Hugh Bell. The outcome of the episode was that the whole matter was dropped. Edgar was given his degree in the spring. He married an attractive Halifax girl, "Dyker" Ball, and their son, Peter Lougheed, is now the distinguished premier of the province of Alberta.

*George Street*



# Donald McInnes



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My years at the Law School were 1924, 1925 and 1926. It doesn't seem so very long ago. The First World War was in the minds and memories of all and there were marked changes in the city. Halifax was a comparatively small city with a population of 60,000 people or thereabouts, confined in the main to the peninsula. There were fields west of Oxford Street where a few residences were just opening up. In the southern part of the city, Marlboro Woods, a sizeable area, was completely unoccupied. Ritchie's Pond was a favourite skating place, as indeed was Gorsebrook Pond. The golf club had been established at Gorsebrook. The university area was somewhat rural. I believe there was a cow or two on the Studley property. The old residence known as the Murray Homestead was still in existence. It stood on the site of the present arts and administration building. Of course other parts of the city were considerably developed and the effects of the explosion of 1917 were still evident in the North End and in Dartmouth. Rehabilitation and the construction of new housing was continuing. The shopping district was confined to Barrington and Gottingen Streets. Hollis Street and vicinity was the center of activity for the banks. The Roy Building, later enlarged, was regarded as an office building of size and housed a number of the law firms which were then much smaller than they are today. The impetus of war was still evident. However, things slowed down and the city did not change much in appearance or population until the end of the second world war.

## **The university**

The university itself consisted in the main of three buildings on two campuses. At Studley there was the Macdonald Library and the Science Building, sufficient for the faculties of arts and science. Later the new law building, now the faculty club, was completed. During my time a wooden gymnasium of size was built but it was destroyed by fire. Shirreff Hall opened its doors and the college became somewhat residential, at least for young women. Theretofore students attending Dalhousie were obliged to seek accommodation in the city. The football field was substantially the same as it is today. The Forrest Building, on the other campus, was the center of activity not only for medicine but as well for law and dentistry. In front of the building there was an ash dump, later levelled, which extended to All Saints Cathedral. In my early years, the additions to the medical buildings had not been erected. The total college population was about seven hundred and fifty. I cannot recollect the exact number enrolled in the Law School but I do not suppose the total was more than seventy-five. In 1924 there still remained a number of returned soldiers who had entered law school after the Great War. They were regarded as very distinguished people.

## **The law school**

The Law School, occupying a comparatively small space in the northern part of the Forrest Building, consisted of three classrooms, one of which bore the name of the "Moot Court Room". Upstairs, on the second floor, was the library, which housed a reasonably good collection for the times. The positions of librarian and assistant librarian were much sought after. These offices brought with them some small payment, which was important to many students. The librarians endeavoured to keep close check on the materials but I have no doubt that many of the best books found their way to various places in Nova Scotia and Western Canada. In the lower regions, that is, the basement, there was a sort of common room given over to the playing of poker at reasonably high stakes. Few students had any money. There was no government assistance except possibly for the returned soldiers, and the entrance fees had to be obtained from parents, friends or others, or borrowed. However, the fees were comparatively low. Most

students would work during the summer months to obtain funds to carry on their education and quite a few would have to stay out of the Law School for a year or so to earn enough to continue.

The three classrooms were small and dark and I do not favourably remember their features. We sat on benches which were completely uncomfortable and did not easily permit of writing or the taking of notes. There were no desks but there were long tables lacquered in black. These tables and the seats that went with them were highly carved with the initials of students. I well remember being so anxious to impress my name on future generations that I carved it deeply in one of the seats, thereby making it more uncomfortable for others. Those seats have long disappeared. I suppose they could not have been preserved but they would have carried the names and initials of a great many who subsequently achieved eminence. I have no doubt that others would have liked to have gone back to refresh their recollections of earlier days.

There were twenty-five members of my class, of whom three were women. They were not the first women to enter the law school but they were perhaps the largest number of their sex in one class since the start of the School. The influence of R.B. Bennett, later Prime Minister of Canada, was manifest in many ways. Not only did he contribute substantially to the university, and influence others to do so, including the donor of Shirreff Hall, but as well he urged a number of men from Western Canada to enter Dalhousie. In my time there was Edgar Lougheed, the father of the present Premier of Alberta, and I have no doubt a number of others who have achieved both legal and other success. In the main, the students came from Halifax and various parts of the maritimes and Newfoundland. Still surviving are the Honourable Mr. Justice Bissett, a Judge of the Supreme Court of Nova Scotia, Cyril Coughlan, a former member of the Board of Commissioners of Public Utilities, who now carries on practice at Bridgewater, John Ross, still practising at Yarmouth, Nova Scotia, Blenus Morton, John Longley, and Gertrude Mills. Philip Lewis is still, I believe, in practice in Newfoundland. I well remember that C. E. Hull, the most brilliant of our class, came from Sydney, Nova Scotia. His handwriting was perfect and easily read. He gained for himself very high marks, perhaps the highest for some period of time.

### **The teaching staff**

I well remember Dean MacRae, who was tall and handsome in appearance. I particularly recall his classes in the history of English law. He obliged all law students to learn by heart the Latin writs. I thought that this information would have little use in the practice of law but my experience taught me otherwise. The prerogative writs are comparatively short and the magic of their words, even when translated into English, was very telling. I suppose that any suggestion that the learning by heart of the Latin writs at this time would be regarded as laughable. Yet it is a matter of concern to me that there is no requirement to study Latin before or during law school. Such a study develops an understanding of the use of words and the phrasing of sentences; it materially assists any lawyer with both his power of expression and his ability to write.

John Read was altogether a darling soul. He gained for himself a great eminence becoming as he did a diplomat in Ottawa and later a judge of the world court. If I remember correctly, his main subjects concerned the law of property. His knowledge was complete and he passed on to his students all that he knew in a very happy fashion. Although he had been in practice for only a brief period of time, his lectures were filled with quotations from cases in which he said that he had played an important part. His analogies no doubt brought home to his students the points that he was making.

Sidney Smith was the great exponent of the law of contracts. Possibly he was the best of my teachers from the point of view of giving an interesting lecture. His method was to talk about the subject for quite some time and then dictate to the students the highlights of the discussion. He invited comments from the class and his lectures were altogether enjoyable. Later he became president of the University of Manitoba and in time president of the University of Toronto. For a period he was a Minister of the Crown in Ottawa. He was liked by all. He taught extremely well and for me, at least, it was a joy to hear him explain the problems of contracts. Even now I pick up Anson to read some of the early cases which so impressed themselves upon me. I think we lived with the litigants in *Harvey v. Facey*, *Carlill v. Carbolic Smoke Ball Company*, and the cases arising out of the Coronation of Edward VII. Angus L. Macdonald was the master of torts and other subjects. Needless to say, his name is affectionately remembered in Nova Scotia as premier of this province for a long period of time. He, too, was an excellent teacher and possessed a wonderful vocabulary. Company law was his favourite and it was no burden to sit under his explanations of this highly important subject.

I mention the name of Vincent C. MacDonald with pleasure. In time he was Dean of the Law School and later a judge of the Supreme Court of Nova Scotia. A great student with a tremendous loyalty to the School. Through the lean years of the depression he virtually kept the Law School alive. He would visit the more affluent members of the profession to obtain funds to keep the library going and to meet other institutional needs. While the School would not have foundered, there was nevertheless a period during the depression when the faculty worked for very little and the general outlook was somewhat blue. Vincent MacDonald was an able teacher. He was the author of numerous articles but it is a pity that he did not write a text book. Certainly it would have been regarded as a work of authority.

I have left to the last of my group the name of Horace E. Read. He was both a student and a teacher. His influence on virtually thousands of law students is still evident. Truly a wonderful man! Many lawyers across Canada will say that they learned as much from Horace as from anyone else. He was interested in every student. His influence on the Law School, and indeed on Dalhousie, will remain for a long period of time.

**Not a flaw, flaw, flaw on the boys  
in law, law, law**

The loyalty of the Law School to its students and the warmth of friendship one to another was always evident. Indeed, I have always found that in practice it is very rare that there is any jealousy amongst lawyers. On the whole, one is glad to see the success of another. In our student days the unity of spirit was maintained and there was a constant rivalry with the students in medicine. Whenever the entire student body was gathered together there would immediately be heard the Law School yell: "Lindley, Anson, Pollock, Bevan — all the lawyers go to heaven, etc." I do not remember the medical yell, but it was not dissimilar with comments about portions of the human body. There was also a law song: "There is not a flaw, flaw, flaw, on the boys in Law, Law, Law". The tune came from the Mikado and was frequently sung.

The atmosphere of the university was quite different from that which now prevails. Dalhousie was then a small college. Perhaps the students today are more mature and sophisticated. Whether I can say that I would like to be among them I do not know. Each to his own day. We all knew each other reasonably well and no doubt memory looks favourably upon happenings of a pleasant nature. I do not suggest that present college days are less pleasant.

The activities of the college included the usual sports. In English rugby the great rival was the Wanderers Club of Halifax. The advantage of rugby was that every practice was in the nature of a game. It called for little equipment. Dalhousie produced some excellent teams. Some of the hockey players were I believe semi-professional. Debating was very much of a feature. I recall debating teams from Oxford and Cambridge attracting, in the old gymnasium, an attendance of a thousand or more. The English style changed the method of debating in this province. Our debaters were inclined to be stereotyped and stiff, but they changed in light of their exposure to the English teams. Only too well do I remember debating with R.A. Butler, an important member of the MacMillan Government in the United Kingdom and indeed an expected Prime Minister. The debate concerned tariffs. During my unfortunate speech, the 9:30 curfew gun was fired, whereupon my mind went blank. I could only think of the Minister at St. Matthews Church: seeing many of his congregation take out their watches on hearing the 12:00 noon gun, he remarked, "Is your watch right?" However, I lamely carried on to the end of an address about boots and shoes.

### **Practitioners and judges**

Then, as now, law students were required to article, though the requirements were not as strict or obligatory as those which now prevail. Of course no money was received by students and they regarded themselves as lucky if they were allowed to study with one of the able practitioners. However, the basic teaching at the Law School and during apprenticeship was of a high order, even by today's standards. The case system was coming into vogue. Prior thereto the lectures were largely by way of notes. Since there were a number of downtown lecturers, the students had the opportunity of seeing men who were engaged in practice and hearing matters concerning daily practice. There was a tendency on the part of a few of these lecturers to read from notes which had been passed down over a period of years, without giving any explanatory comment and without prior preparation. I remember very favourably the lectures given by Captain Mitchell in admiralty. He was a practical mariner and he ruled the class as though he were on board ship. Those who took his lectures truly learned something about navigation.

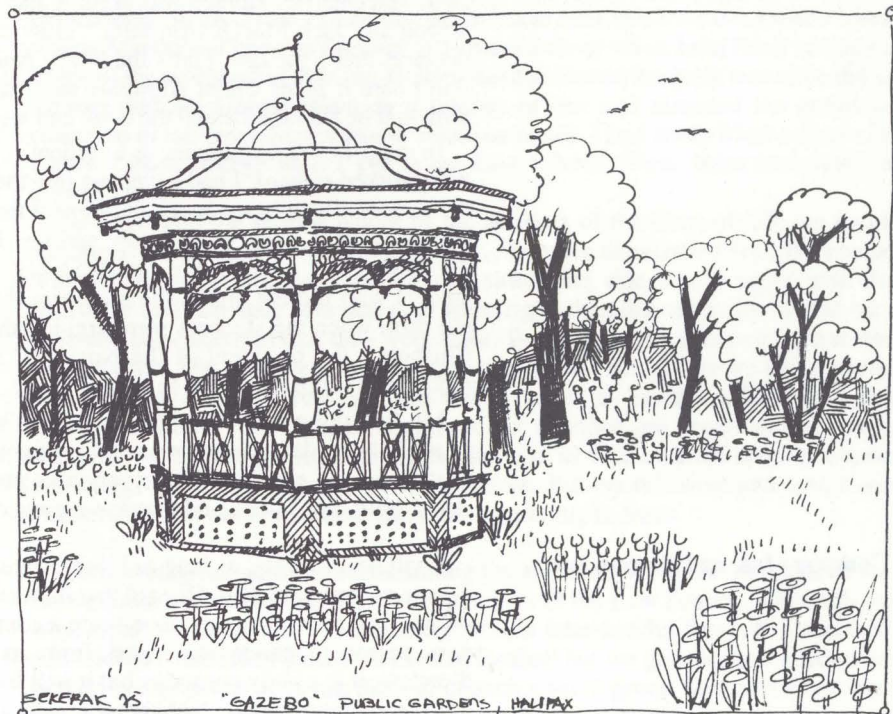
The spring and fall sessions of the law courts attracted a large number of students. They wanted to know what was going on. Criminal matters interested them most. The judges of those days were regarded by the students with awe. I would not say with reverence. The judges' quarters in the court house on Spring Garden Road were very confined. Seven of them were housed in three small rooms. How they were able to work on their judgements remains to me something of a mystery. Probably the most colorful judge during my period was Mellish. His judgements were pithy and he usually attempted to bring out some point that counsel had failed to offer. Nevertheless, his qualities were highly attractive to the student. Stories about him are legion. On one occasion, in the Supreme Court of Canada, the question at issue seemed to turn on the point as to whether the master of one of the ships was at the time of the collision intoxicated. A judge of the court asked Mellish why the witness was not asked if this were the case. Back came the reply: "I am afraid, My Lord, that he would have retaliated." Mellish used to say that in every case there was only one issue and in most cases none.

Chief Justice Harris looked like a chief justice and perhaps dominated his court, but I question whether his judgements are now read with any particular reverence. A number of others were excellent lawyers and proved to be excellent judges. Russell was a very tiny man. He contributed to legal learning with his



book Russell on Bills and Notes. I suppose that this work is now rarely cited but at one time it was regarded as an authority to be relied upon. It is not my purpose to attempt to define the various characters of the judges or lawyers. Nova Scotia has always had able lawyers and the province has produced litigation of size and importance. In my day the Steel and Coal Company Case still prevailed. As a result of prohibition, there were many cases arising out of liquor and the liquor traffic to the United States. There were a large number of very fast diesel craft built in Nova Scotia to take on cargoes of liquor from St. Pierre and elsewhere, and later lay off New York and other American ports. All of this gave rise to a new trade and a new type of merchant. Indeed, many of the Halifax merchants were involved in one way or another by way of provisioning ships with supplies and otherwise being engaged in the shipping business. This produced many offshoots in law and the practice of laws. Altogether it was entrancing to students. Maritime or admiralty law was a feature of practice and a great many took part in it. A number of conspiracy trials were heard and these called for research into the old books dealing with conspiracy cases of centuries gone by. Conspiracy is now frequently heard of in the American courts but for a long time trials of this nature were dormant.

The reputation of the Law School certainly did not originate in my time. But it lost nothing from my crowd. Its reputation as a great law school was established much earlier, indeed during Weldon's day. Fortunately, the present student body and staff fully maintain the fine traditions which originated many years ago. It may be that there is a change in some aspects of the law, brought about by environmental and other developments. But there may still be some value in learning the perogative writs!



# F. M. Covert



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I was only eighteen years of age when I arrived at the Law School in the fall of 1926 and I was still at a pretty impressionable age. I was immediately struck by the old rooms and the old desks with the names and initials carved on every one of them. I was terribly impressed with the way we started right into the work and I realized that with a class of only thirteen it would be impossible not to read all the cases because you were bound to be called upon. And I soon found out that this was true. The next impression I formed was the earnestness of the students. I thought they were a terribly serious bunch and it was obvious that every one of them was going to work like hell because he was starting in on his life's work. That was something I had never experienced before and the impression stayed with me throughout my years in the Law School.

On the first day of classes I met the entire faculty: Dean John Read, Angus L. Macdonald, and Horace Read. It didn't take me long to acquire great respect for all three. They were vastly different in personality and in their methods of instruction. As the years went on, I realized that I was a very lucky man to have had teachers of this calibre. One of the things I learned very quickly about Angus Macdonald was his habit of saying, when asked a question, "Well I don't know; what do you think?" and the first thing you found out was that he was getting everybody's opinion and that the students were debating with one another as to the answers; the more the students disagreed, the more Angus encouraged it.

John Read took great delight in getting you to go over a case and then disagreeing with you until he got you to agree with him; and then he would immediately start to try to change your mind back again. Horace Read, on the other hand, was a man who discussed the cases, not only to show what the law was but whether or not it was right. I will never forget a debate that he had with Jack MacQuarrie. Horace was arguing that a decision of the Privy Council was wrong and Jack MacQuarrie said, "How can it be wrong? If the Privy Council declares that's the law, that's the law". And Horace, in a fit of temper, said, "I don't care if Jesus Christ Almighty says that's the law. I say it is wrong"; and with that he slammed down the book and walked out of the class.

In my previous experience as a student, I had never known a group of students who worked so hard. I had never run into the kind of competition that there was in the School. Even in the mock parliament they were serious; and when it came to the moot court, they were deadly serious. I remember particularly the finals in the moot court case for the Smith Shield. I doubt that there was a single law student who did not attend the argument that night and you could have heard a pin drop when the students were arguing the case before, I think, Chief Justice Chisholm, the president of the barristers' society, and one other lawyer. The moot court room was filled to overflowing.

My first impressions of the Law School were that it was inhabited by a group of serious-minded young men who were going to learn all they could about their profession and a group of three very able professors who were going to teach the students all they knew, and that was a great deal.

## **Company law and Roman law**

I will never forget, as long as I live, Angus Macdonald's opening gambit in the course on company law. He said that if there was one thing that he would impress on us "it is that once you incorporate a company, you have brought into being a new person, separate and apart from its shareholders and its officers and directors; it is a body corporate but it will live and breathe. It will own the assets; not the shareholders." And then he gave us the Salomon Case. This made an impression upon me which I never forgot and I decided that if there was one thing that I wanted to know it was company law.

I must say that there was something about Angus' teaching that appealed to me more perhaps than anyone else's. He had a great way of getting down to the principle of the case. He always used to say that the facts were important and that one of the most important things that a lawyer could do was to get the facts presented in such a way that the court found them in your favour. The court would then be more likely to apply the principles in your favour. He designed his courses in a way that got you to appreciate the underlying principles and enabled you to see the branches stemming out from the trunk of the tree. It was a wonderful thing to behold. Another thing that he did was to give us cases with magnificent judgements. He did this partly to discourage the reading of head notes; but he also did it in order to dwell on the use of the English language in these judgements. It was a wonderful education.

Five of us got to know Dean John Read better than other students in the School. He took five of us and put us in a Roman Law class and graduated the five of us with honours in jurisprudence. We spent every Saturday afternoon in his office at the School and he taught us Roman Law. It was a wonderful education and it was a way of getting to understand John Read. He was a remarkable man in many, many ways.

One year we had procedure taught by John Read and he divided the class into firms. He would have one firm institute an action, another put in the defence, and then the reply, and so on. Then the case would be dealt with before him. For instance, he would sit as a chambers judge and there would be an application to strike out a defence, and so on. One of the things he made us do was file the documents within the time provided by the rules of the supreme court; and if you didn't, he wouldn't hear you, and so on. It was a great education just to argue a case before him in chambers and it was great fun. A rivalry developed between the students' firms. I don't think that any of us in later years were surprised when Angus Macdonald became Premier of Nova Scotia or when John Read became a judge of the world court or when Horace Read achieved the great record he did in Canada and the United States as a teacher of law and assumed the duties of chairman of the Nova Scotia labour relations board. I had never liked school and I hadn't liked college until I got to the Law School. These three men made it almost a joy.

To show you the serious nature of the students of the class of '29: we had a lecturer from downtown teaching us sales. We were dissatisfied with the course and we began to split the class up into sides; one side would argue with the instructor and convince him that they were right; then the other side would take over and convince him that they were right. But there was a group of us that was not satisfied. We got together and taught ourselves. I remember we had a young man come to teach us from Harvard and he taught us evidence. The class was unhappy about the course and, again, we got together and taught ourselves the subject. Another interesting thing is that those of us who took the honours course were forgiven, I think, three particular classes. But we still went and took those classes. We just did not want to lose an opportunity to learn.

### **There was great esprit de corps**

There was great esprit de corps among the students. We were all proud of the Law School and we were proud to be members of the Law School. Although we were small in numbers we did awfully well in inter-faculty football, basketball and hockey. The meds used to beat us in football but we gave a good account of ourselves and it was amazing that out of such a small group we could even form teams of that calibre. We took great pride when we had someone in the School on the university team in football, hockey or basketball. And we had them, like Bill

Wickwire, in both football and hockey, and Bill Richardson, in basketball, just to mention a couple.

I think all of us studied the pictures around the Law School and saw the names of the graduates who had passed through. We looked at their records and probably wondered what we ourselves would do. I remember that R.B. Bennett had been appointed head of the conservative party and was soon to run and be elected prime minister of Canada. We all went down to the train to meet him when he came to Halifax, even though half of us were of a different political persuasion. We were very proud that he was a graduate of the Law School and was going to run for the top political post in the country.

In those days, the Law School elected a member to the students' council. Our man became president and the council was going to increase the students' fees. The law students met, opposed the idea, and so instructed their representative. But he waged a bitter fight in favour of the increase. We had a special meeting and told him that he was wrong to present views that were contrary to those of the body that he represented on council. Albert Walsh, later Chief Justice and Lieutenant Governor of Newfoundland, told the president that he was about to learn the first principle of politics: when you touch the pocket book for taxes you go down to defeat. It was a mass meeting in the gymnasium and Walsh spoke on behalf of the law students. There was no need for anyone to speak after he spoke. The referendum was soundly defeated.

Albert Walsh was a very exceptional man. He was in the class ahead of me and he helped put himself through the Law School by acting as librarian, for which, I think, he got the magnificent sum of \$50.00 a year. But when he was acting as librarian there was certainly silence in the library. He was older than anyone else in the School, I think, and he was a very hard working student and a brilliant student. If anyone could be qualified to go out and practice law when they were through at the Law School, Albert Walsh was that person.

In the class of '29 we had a brilliant student by the name of Duncan MacLellan. Dunc had a BA and an M.A. from St. F.X. He was a brilliant wit and a brilliant speaker. He dominated the arguments in the classes and in the mock parliament. Unfortunately he died of TB just a few years after graduation. He would have made a great contribution in whatever field he entered.

### **Nothing like a professional teacher**

We had quite a few teachers from the down-town profession. They would come out and give courses in shipping, sales, bankruptcy, mortgages, practical statutes, and so forth. I remember that, at first, we used to think these fellows really knew their stuff. They were practical people. But one thing we learned very, very quickly was that there is nothing like a professional teacher. And few of the down-town lawyers were professional teachers. No matter how well they knew their stuff, it was quite a different thing from knowing how to teach it. Over the years, we acquired more and more respect for the professional teachers at the School.

I had come from a small country town where there were perhaps one or two really bright students in the class. Then you arrive at a school where everyone seems to be exceptionally talented. It was almost frightening. For a solid year I just listened. These people knew so much more than I did. And for the first half year I was frightened when I was called upon to give a case. I felt that I just couldn't match the talent in the class and would do a poor job of it. The interesting thing to me was that while there was rivalry, there was a tremendous desire to discuss with you and to help you. I will never forget the wonderful atmosphere that there was in the School.

When I graduated in 1929 I felt that we had a class that would, like classes that preceded it, leave a mark on the community. And when I look back and see the contribution, for example, of the late Alex MacKinnon in the department of labour, as a conciliator, and finally as chief justice of this province; and when I look at the contribution that Tom Coffin makes in the appeal court; the part that Bill Wickwire played in the business world, where he became President of Nova Scotia Light and Power; the contribution made by Charles Gavise, as general counsel of the department of munitions and supply, with Mr. C.D. Howe, as president of the St. Lawrence seaway, as deputy minister of income tax, and then as tax lawyer; and when you consider that about half of our class died before reaching the age of fifty, you get an idea of the wonderful contribution they did make and would have made if they had lived to the usual three score years and ten. What the Law School did to these young men was to inculcate in them a respect and admiration for the law and a desire to practice it.

If I were to sum up the atmosphere of the Law School in those years, I would say that it was one of tremendous seriousness and of tremendous respect for the faculty. One of the things that I notice over the years is that the students took great pride in what happened to the professors and the professors took equal pride in the accomplishments of the students.

**Three of the most formative years  
of my life**

In closing, I would simply say this: in the seventeen years that I spent in school and college, there was nothing to match the three years that I had at the Law School. Of the teachers that I had, and I had a good many outstanding teachers — H.F. Munro, H.L. Stewart, Professor MacNeil in mathematics, and Dr. Johnson in physics — I think that the three at the Law School surpassed them all. I cannot speak too highly of the influence of these men, John Read, Angus Macdonald, and Horace Read, on the students who sat at their feet during the three years that I was there. Those were certainly three of the most formative years of my life. I will never forget these three men. They created a love and respect for the Law School that I have cherished to this day.



*Angus L. Macdonald*

# Ethel Macdonald Hamilton



*Ethel Macdonald Hamilton served as secretary to the dean of the law school from 1929 until 1942 and from 1944 until 1947. She lives in Halifax.*

I arrived at the Law School in 1929. I was a shy, scared little girl. I had on a brown dress, brown hat, and brown coat. Sidney Smith, the Dean, came in, introduced himself, said that he came from Cape Breton, my part of the country, where he and Angus L. Macdonald had come from, and we had a bit of a chat. I suppose that I was saying only yes and no, my only conversation. He rushed over to Mrs. Pope, who was in the medical library, and said, "The little brown mouse has arrived." And that was my beginning! I stayed on at the Law School until 1942 when the then Dean MacDonald went up to Ottawa to the department of labour. I went to the Seignior Club, forty-five miles from Ottawa, from 1942 until 1944, and when Dean MacDonald came back to the Law School in the summer of 1944 I returned with him at his request. The students called me the "Mother Superior" of the Law School, the professors called me their "Office Wife", and the Dean called me "Little Ethel."

Sidney Smith left the School in 1934. He took a bottle of salt water with him to Winnipeg. He was lonely at leaving and the salt water was to remind him of the sea. Vincent MacDonald became Dean and Horace Read went on to Harvard. John Willis and George Curtis were on the staff and for eight years the staff consisted of the Dean, Professor Willis, Professor Curtis and a fourth man who changed periodically. Chief Justice Cowan was one of the fourth men at one time. They were all extremely interesting characters and all very different. When Christmas came the students would have been amused to have seen law, medicine and dental professors (Dr. Ron Hayes, Dr. Stan Bagnell, Prof. Ray Bean, and Dr. H.P. Bell) going from office to office singing Christmas carols and curling with saw horses from the janitor's carpenter shop. They were always having a bit of fun when possible.

The students were serious and hard-working. They had access to the professors at all time. Boys who came from Osgoode Hall would say, "What I like about this school is that I can see my Dean and my professors at any time. They always have time for me." Everything was done seriously but there was lots of fun and laughter in and around my office. And that's where I got most of my secrets. I was reprimanded by the Dean a week after I had been with him. He called me into the office and said, "Sit down, I won't tell you any of your good points." And I began swallowing a lump in my throat. He said, "Miss MacDonald, get those boys out of your office. I don't know whether it's your pleasant personality or whether your office is just a nice comfortable place for them to sit. But get them out of there." And for seventeen years after that he was never able to reprimand me again.

## **The law ball**

The law ball was a Big Event at the time. As a matter of fact, one night in the Nova Scotian Hotel one big fellow who had had a little too much to drink picked me up and started swaying down the long winding staircase from the ballroom. The Dean came over and said, "You put her down"; but he paid no attention because at that point he didn't care what the Dean said. I was very terrified because he could have let me go; but we landed at the bottom quite safely. Naturally he was on the carpet in the Dean's office next day. Most law balls were in the Nova Scotian, but sometimes they were in the Lord Nelson. One night one of the boys stood out on one of the little balconies at the Lord Nelson. We were afraid the flower box would break away from the balcony and that he would be seriously hurt. But in a mild voice Bob Donald persuaded him to come back into the room.

They had a five-course meal at 11 p.m. in those days at the law ball, and it was very lovely. I must say that students were well behaved. In those days they had great respect for the profession and for the men who were their professors and for the Dean. All were held in high esteem and the students were very careful about what they did and how they acted. But that didn't stop them from having fun. I remember one fellow throwing a bun one night and it hit the Chief Justice, Sir Joseph Chisholm, on the head and everybody ducked. Nobody ever did find out who threw that bun...or the ice cube that landed down the back of one of the girl's evening gowns!

### **The mock parliament**

Latin was a very sore point. It had to be passed before graduation. But it did not have to be taken in first year law. So it was normal for most of the boys to put it off until third year. And some boys missed their degree because they didn't get their Latin off in their third year; they had to take a supp and receive their degree in absentia. Passing Latin was a must. Then the Law School brought in a regulation whereby a student was required to get his Latin off in his first year. That helped a great deal because the boys could write a supp if they didn't get it off during the first year. This gave them more time for mock parliament, which they took very seriously. They put on quite a good show. I remember a French chap who knew very little English but was getting along fine. John Fisher was in the Law School at the time. He was interested in school politics and he was minister of something or other in the mock parliament; and so when Leo was unable to speak in English John Fisher jumped up and addressed him in French. The two of them bantered back and forth in French, nobody else knowing what was going on; and finally a Cape Bretoner away down at the back of the hall said in gaelic "shut-up". I just happened to know that one little phrase in gaelic so joined in the laughter. And these were bright spots that went on through the year.

### **A good influence on all of us**

Mr. MacLeod, the superintendent, was a very real part of the Law School. He lived in the building and he also had his carpenter shop below my office. During the war he got up every morning at 4 a.m. to listen to his special little radio; and all the professors, when they arrived in the morning, would rush to find out the latest war news from MacLeod. One day he came to my office when there were some boys waiting to go into their five o'clock lecture and someone, to be smart, said, "MacLeod, can you recite Gray's Elegy in a Country Church Yard"? He said "yes" and recited the whole thing as a parody off the top of his head. "The curfew tolls the knell of parting day and weary lawyers slowly wend their way," etc. It was later printed in the Dalhousie Gazette. MacLeod could talk intelligently with the staff of the Forrest Building because he read a lot, taking books from the law and medical libraries. He read everything he could get his hands on. He was an extremely good influence on all of us and we never saw him cross even when we knew he was worried. He had originally been with the Barnum and Bailey Circus. He had the best looking car on the campus in the depression days, the reason being that he knew how to service it. We used to laugh and say, "Well, whose good-looking car is that out there?" And then someone would say, "It must be MacLeod's." And he kept a beautiful garden as well. He had a law bed, a medical bed, and a dental bed in front of the Forrest Building.

### **We were like a little family**

Vincent MacDonald was full of vitality. Probably my years with him were my happiest as a working girl. We had good rapport and he was fair and had a very keen mind. If you did something well you were always told you had done it well.

The work was interesting. It was not stereotyped. You might be told at three o'clock in the afternoon to go home; but you might also be called in in the evening. We had definite rules and regulations but there was nothing inflexible about any of them and there was good fellowship between everybody. Professor Willis and Professor Curtis were extremely kind and we were all like a little family. I was at the tail end but was treated with extreme kindness and thoughtfulness. We didn't need a psychologist to learn how to work together. We all had grumpy days at times but they were overlooked. I think that the reason the Law School made such an outstanding contribution was because everybody was happy. And if you are happy you get the best out of people. Vincent MacDonald and Sidney Smith were two completely different personalities but they both knew how to treat people well and how to get the best out of them. Sidney Smith was the type who hated to tell you if you did anything that really displeased him. He just couldn't do that. But if the same thing happened to Vincent MacDonald we were told immediately and we knew exactly where we fitted. So we started off on the right foot. Sidney Smith was probably too easy. But he was also very demanding.

#### **Angus Macdonald and Vincent MacDonald**

When I went to the Seignior Club from Dalhousie Law School I was in charge of a stenographer's pool. They came in from the outer office one day and said, "There is a gentleman in the house who is very anxious to get this material typed up and he is in a great hurry for it." I looked at it and recognized Sidney Smith's handwriting. I said, "I will do it but I want to deliver it myself when he calls for it." So when he came down to the desk that night and asked if his work was ready, I walked up to the desk and he looked at me in surprise and said, "I wondered if anyone here would be able to make out my handwriting; now I'm sure it's okay."

Angus L. Macdonald was on staff as a part-timer and he used to step-dance outside my little office. He came from Port Hood and so did Sidney Smith. I was born in Inverness. So we were all from that end of Cape Breton Island. Vincent MacDonald was born in Mulgrave. He used to say that he was not a Pictonian and that he had missed Cape Breton by the Strait of Canso.

At this particular time, when I was at the Seignior Club, they confused Vincent MacDonald with Angus Macdonald. I said that I worked for Dean MacDonald. So this night I came into the office and there was a little note on my desk saying that the naval minister is arriving tonight "and no doubt you will be hob-knobbing with him". So I went out and said, "Now just to put you straight, it is Dean Vincent MacDonald whom I worked for at the Law School but I also know the Honourable Angus L. Macdonald." And they said fine, fine!! So the next morning I was waiting to see Mr. Angus L. Macdonald. He had gone for a swim and the maid had locked him out of his room. When he came back he had wet hair all down over his face and a bath robe on and I think he was very upset. He had to come into the lounge to ask for a key to his room. I said, "Good morning, Mr. Macdonald", and he said, "Good morning", and off he went. So the staff were all laughing behind the filing cabinets and saying "Ha, ha, ha, Mr. Macdonald, great pal, eh?" So that was alright. The day went along and at five o'clock I was coming in to check on some mail and as I came along by the telephone booth Mr. Macdonald was coming around, and he said, "My God Ethel, am I glad to see you". And we had a bit of a chat and I went back to the office and the staff was still laughing and saying "petty Nova Scotia politics, petty Nova Scotia politics". He then invited me for dinner and, of course, as a member of the staff, we were not permitted to accept invitations from guests in



the house. I refused and my boss was very perturbed. He said, "You can't say no to the naval minister". I said, "Well, I wish you had told me that before." However, Mr. Macdonald came back later and invited me to dinner.

Halifax was a small town in those days. You knew everybody and spoke to everybody you met on Spring Garden Road. Mainly they were students you knew by name or knew their faces. Or they were people you dealt with in the stores. At five o'clock everybody was rushing home. Halifax was not considered a warm city. It was a city where you had to take your time to get settled in. You didn't find people particularly friendly at first. A lot of people didn't like Halifax. But I was one who did like it, probably because I happened to get a job at the Law School. If you stayed long enough you discovered that Halifax was a very friendly city.

Vincent MacDonald had a keen mind. Of all the people I have known, and I took work from many (in those days we worked nights for other professors) he had the ability to say a lot in a few words. When I went up to Montreal, after I left the Law School, he gave me several recommendations. I took one of them to Dr. Montgomery, a senior partner in one of the largest law firms in Montreal. He took a look at that little piece of paper and he said to his office manager, "Take Miss Macdonald out and put her to work." It was Vincent MacDonald's few words that did the trick. He had a great gift of handling people and I think the students liked him also. He was always approachable. He had an unusual command of the English language and he could put a whole lot into a few words. He was like that in his lectures too.

The war broke out in 1939 and the boys already in the School mostly carried on through. But by 1942 the Law School was getting small. I don't remember what the attendance would have been. Every healthy boy was in the service, not the Law School. Before I left in 1942 one boy had made very good marks but he had a thirty-eight in international law. I thought to myself, "This is a sin; his average is down and he is not going to get his degree." So we were all sitting around my office and he came in and shook hands with me for good luck; and someone said they suspected by the look on my face that it might not be good luck. Just then I got a buzz to go in to the faculty meeting. They told me to revise my list, saying "Why would we flunk anybody in international law right now?" So that mark was wiped off the slate and the boy got through, much to the delight of all, because it would not have been right to have held him back on a thirty eight in international law in 1942.

### **The place was full of characters**

The place was full of characters and that is why it is difficult to single out particular students. One boy who used to walk up and down the hall singing "Trees" — "I think that I shall never see, my LL.B. degree" — wound up not getting his LL.B. degree. He couldn't make nine o'clock lectures!! There were two Bentleys in the School at that time. One was a boy from Prince Edward Island; his father was a lawyer over there and he had a bit of a twitch. So we called one Twitch Bentley and the other one Quako Bentley. Quako was the Bentley who came from Quako, New Brunswick. So we distinguished them that way. And of course Roy Lawrence, clerk of the House, was one of our real characters. He took me to town one Sunday to have lunch. It was summer and most of the law students were home; and he said, "Come on, I'll take you down to the Green Lantern for lunch". So we got there, looked through the menu and the girl comes over and said, "Can I take your order"; and Roy starts to stutter. And he stutters and stutters; and the girl is trying not to laugh. Finally we get our order and I don't dare laugh; and Roy had to stutter all through the meal because

she kept close by watching him. And when we got out I said I can't stand this, I'm going to kill you. Then we came up through the little Victoria Park opposite the Lord Nelson and he said, "Well, let's sit on the park bench." So we sat down and he talked to every character that went by. To one chap he said: "This is a lovely city you have here." The man answered, "Yes, I think it is quite nice." Then Roy said, "We are here on our honeymoon, but my wife is deaf and dumb so don't pay any attention to her."

In my own apartment on Friday nights the law crowd would gather around the piano and sing and have refreshments. When some of the boys were courting their girls, my roommate and I would go out and walk around the block in the middle of winter and freeze to death while they courted. I would call Anna MacKeen, dean of women at Shirreff Hall, and ask if she would let a particular girl out to stay with me over-night. And the boys would ask me to phone because the girls were not allowed to come to the phone if a boy called. I would phone Mount St. Vincent and ask for so-and-so and then put the boy on. So we were full of tricks. And we had sad times too. Little instances would happen which everyone would get concerned about; but everybody survived and looked on the bright side. We had lots of Cape Bretoners, real Cape Bretoners. There were a couple of chaps from down around the Glace Bay area; and if you went to a law dance, at least the way I felt about it, if you didn't have a dance with them you may as well have stayed home. They had real dancing feet.

### **There were always surprises in the Forrest Building**

Of course the Forrest Building was homey. We were in one little section where there were three offices and classrooms; mine was a little office under a clock and you had to step down like going into a stateroom on a ship, and upstairs there was the library. Sidney Smith and I catalogued the books and we found one with book worms in it. We had great fun. Of course the medical school was in the building too. The biology, zoology and anatomy labs were there and one day the cats boiled over. The Dean came running in and said "Go home, go home right away." There were always surprises to life in the Forrest Building, which one does not reveal.

We were very compact. There was dentistry at one end and law at the other and a little feuding between them — not serious feuding — "we're the dental school" and "we're the law school" sort of thing. In between was the medical school, which was housed upstairs. And I must say that the doctors and dentists looked after the law secretary: I needed no medicare.

You wouldn't dare in the office call anybody other than by "Miss" or "Professor", "Dr." or whatever. It was very formal and as a matter of fact very commendable. I hadn't gone to university and I was almost afraid to say good morning to the professors because I just didn't know how they would react. I thought they were one step below God, but not much. And there was a lot to be said for that.

We used to gather in John Willis' office and have tea in the afternoon. The men used to discuss the comic strips on occasion. They would say, "I wonder what Blondie is going to do tomorrow", or something like that. And George Curtis would always say, "Well, I think this is what is going to happen;" and he would be right on the nose everytime. So one time it was the examination period and I was waiting and waiting to get his papers. I was getting pretty impatient because I had to go downtown to have them O.K'ed. by co-examiners before I could do the final paper. So I went into his office and he was reading the Saskatchewan newspaper. I said, "Professor Curtis, could I please have your examination paper?" And then I noticed that he was reading the comic strip in

the Saskatchewan newspaper. The comic strip in the west was two weeks ahead of the comic strip down here. Apparently the comics were done from west to east, so that was why he was able to tell what was going to happen. He was two weeks ahead. So I "told" on him and we had a good laugh over that.

When I look back now I see that I was very busy. We had old typewriters that were just like tractors. We never got a new typewriter and if you were lucky enough to have a good one you would not let anybody near it. I would love to know today just how many words I turned out in a day. I had won a medal for typing and so I could turn out quite a lot of work and I loved it. Dean MacDonald would sometimes ask me to stop. I think it was getting on his nerves. The noise was so loud from the typewriter that it could be heard in the professors' offices even with the doors shut. The Dean would come in and say, "Will you please take a rest," or, "will you please stop for awhile".

**Everybody tried  
to pull the other guy along**

The Law School was a good place to be. It was well regarded in the community and all over Canada. It seemed that everyone who was taking law was working at it whether there was ability or not. The students were dedicated. They wanted to be lawyers. It wasn't just father and mother saying you are going to be a lawyer. Most parents had very little cash in the depression days and the boys did not fool around. If they lost a year it meant something. It was very competitive. I kept a record, for my own information, which I found very interesting. Class I was 75-100; Class II was 65-75, etc; but I discovered that the ones who kept an even keel of 65-75 were the boys who in ten years time had really risen in the ranks. I attributed this to the fact that the boys who were tops did not have to work as hard. The boys with marks between 65 and 75 had ability but had to work a little harder. They developed their ambition and work habits, retained everything, and followed through when they were called to the bar.

Of course we felt that as far as law schools went there was not another law school that could compare with Dalhousie. I think that the boys who came here from elsewhere found that too. It was because of the informality and the fact that there was rapport and individual attention. It is the difference between living in a small town where everybody is congenial and living in a big city. I think that now, when the numbers are bigger, you can't possibly have that same contact. Everybody seemed to want to help everybody else. Everybody wanted to avoid doing anything that would hurt anybody's feelings. Even when they felt as if they could slug you they were considerate in what they did and said.

No one was given anything for nothing. Our salaries were extremely small. If you were recommended you got a five dollar a month raise and I remember one year the Dean coming to me with a long face and saying, "Would you feel terrible if you didn't get your five dollar raise"? and I felt like saying "I would for sure," but I did not say anything. He said, "They are cutting the girls downtown." Girls who were making \$80.00 per month were cut to \$50-55 per month and so \$70.00 per month at Dalhousie was considered O.K. I used to do the students' theses for them and you would almost hate to charge them because they had a hard time to find extra money. So you did not take all that you were entitled to in many instances. And you never ever said, "I can't do this" or "I can't do that," be it the student or the professor or vice-versa. Everybody tried to pull the other guy along and this seemed to be the thing that made for good companionship. I have a theory that if the man at the head of the ship is good everybody is good right down to the janitor. Vincent MacDonald and Sidney Smith really knew how to captain the ship and I think that this was felt by everybody. I never found anybody who wasn't doing his job and doing it well and doing it graciously.

I went up the the Seignior Club in 1942 and I came back in 1944 when Vincent MacDonald returned. One day he asked me to send a wire for him and I picked up the receiver and said to the operator "Would you take a wire please?" The operator said, "Yes, Miss Macdonald"; and I said, "My, my, you are good," And she said, "It is Miss Macdonald, isn't it?" As soon as she heard my voice, even after all those years, she just automatically said "Yes, Miss Macdonald." I really got a kick out of that. It shows how much smaller, and personal, things were at that time.



*"Little Ethel"*

# Gordon S. Cowan



*Gordon S. Cowan is Chief Justice of the Trial Division of the Supreme Court of Nova Scotia.*

In September, 1929, the first-year class at Dalhousie Law School consisted of some fifteen students, all of whom came from the Atlantic area. There was one from New Brunswick, there were two from Prince Edward Island, two from Newfoundland, and the rest were Nova Scotians. The oldest member of the group was Gerald Dwyer, who served in the war of 1914-1918 and had been employed in the family business in Halifax since that time. He was in his thirties and was the paterfamilias of the class. I was the youngest, having just passed my eighteenth birthday.

At that time, there was no university residence at Dalhousie. There was a residence at King's, and the Pine Hill residence was open to Dalhousie students, and four of us took up residence there. The Birchdale residence, which had been operated by Dalhousie for a number of years as a men's residence, was destroyed by fire earlier that year and it had not been replaced. It was located on land south of Coburg Road and west of the railway cutting, which was owned by the university and was held as vacant land until about the year 1944, when the university subdivided it and sold it off for building lots. This was, perhaps, one of the more unfortunate decisions made by the board of governors.

The Law School occupied quarters at the north end of the Forrest Building on the Carleton Street campus. There were three classrooms on the first floor. The third-year class occupied the room at the north-east corner of the building; the second-year was in the middle classroom on the north side, and the first-year was in the classroom at the north-west corner of the building. The only cloakroom facilities consisted of the corridor outside the three classrooms. The Dean's office was on the east side of the building. The library was on the second floor on the north side. It had very few tables and chairs. The books were on shelves around the walls and on stacks which took up most of the floor space in the room. At the north side of the room, there was a counter and a small table inside, with a chair occupied by the student librarian on duty.

I applied for the post of student librarian in the first year and was appointed. The third-year librarian was Benjamin R. Guss of Saint John, N.B., later a family court judge. The second-year librarian was Maurice E. Keating, who did not practice law but took up teaching in the Halifax city school system, later becoming supervisor of that system, and now retired. The student librarians were expected to be on duty when not actually attending classes. The library was open during the day and until 10 o'clock each evening. It was normally closed from noon on Saturday until Monday morning. The hours of duty were divided among the three student librarians, by mutual agreement: if a class had a free period, the student librarian from that class was expected to be on duty in the library. If all three classes were free, the hours were settled by agreement.

Behind the student librarian's counter and desk and chair was a locked press, containing textbooks. The press consisted of shelves with wire mesh doors, which were locked and opened by the librarian to allow students to remove textbooks, which were then signed out for use in the library or for overnight use. There were approximately two hundred textbooks in the locked press, most of them consisting of single copies of texts but, in the case of Anson on Contracts and Salmond on Torts and a few other textbooks, there were two or three copies. There were very few printed casebooks, one exception being Cases on Equity, edited by Dean Sidney E. Smith.

For their services, the student librarians were paid a salary. The first-year librarian was paid \$55.00 for the school year; the second-year librarian was paid \$65.00 for the school year, and the third-year librarian was paid \$75.00 for the

school year. Each of us was glad to receive the money, as the twenties in the Atlantic area were not years of prosperity and the stock market crash which occurred at the opening of the school year was a bad omen for the future. While money was hard to come by, prices were comparatively low and, as I recall, one could obtain board and lodging for \$7.00 to \$10.00 per week on the average. Tuition was comparatively low and the total cost, for an out-of-province student like myself, was approximately \$800.00 per year.

Smoking was not permitted in the classrooms or in the library and there was a small commonroom in the basement, which was used by the law students. The question of providing separate and equal facilities for female students did not arise, as there were none in the school at that time.

The janitor of the Forrest Building lived in basement quarters with his family. He was Jock MacLeod, and he took a great interest in all the students, particularly in those who came to know him well. The medical and dental schools occupied the remainder of the Forrest Building, but, as I recall, many of their classes and clinics and much of their lab work was done in other buildings of the university and in the hospitals, so that the law students felt more strongly than the others that the Forrest Building was their home.

### **The dean**

The fall term of 1929 was the first term for the new Dean, Sidney E. Smith. He was a veteran of the Great War and had graduated in law from Dalhousie in the early twenties. He had taken a degree at Harvard and came to Dalhousie from Osgoode Hall, where he had also taught. To me, he seemed middle-aged, though I realize that he was only thirty-three years of age at that time. He was a man of boundless energy and was a stimulating teacher and a good administrator and Dean. He taught contracts in the first year and equity and constitutional law and sale of goods in the two other years. He had a quick and agile mind and could draw out students and stimulate them to do their best. With a class of only fifteen, the students and professors came to know each other very well. We came quickly to a knowledge of the shortcomings of each other, if not of ourselves.

Lectures normally ran from 9 a.m. to 12 noon or 1 p.m., and there was normally an evening class from 5 p.m. to 6 p.m., when downtown lawyers came and lectured on so-called practical subjects. Classes normally recessed at five minutes to the hour and many of the students looked forward with anticipation to the five-minute break, when they could smoke a pipe or a cigarette. Sidney Smith carried a pocket watch and he would always take it out at the beginning of a class and place it on the desk in front of him. He always stood when lecturing and moved about a great deal. The bell would ring at five minutes to the hour. Most of the lecturers would stop in mid-sentence, knowing that the students wished to take full advantage of the five-minute recess. However, Dean Smith would continue with his presentation and, quite often, would say, "Now, in the minute that's gone", and would then proceed to develop his ideas. This annoyed some members of the class very much.

Dean Smith was wont to joke and make quips. On one occasion, he asked Duncan Donald Finlayson, a rugged Scot from Cape Breton, to give his resumé of a case. Finlayson began to talk about the case, but was making very heavy weather of it. Dean Smith was a native of Port Hood, Cape Breton, and, after encouraging Finlayson to explain, in greater detail, the points involved in the case, and the arguments and the reasoning of the judge who decided it, he said that he would call upon Donald G. Grant, a Scot from Pictou County, to continue the discussion. Grant gave an explanation of the case which was much more to the liking of the Dean than that given by Finlayson. The Dean beamed on Grant

and said to Finlayson, "Well, Mr. Finlayson, I guess there's something in this Pictou County stuff after all!" Finlayson became very red in the face and pounded the bench in front of him, shouting, "What if Cape Breton never heard of the case before?" The Dean, who had been beaming in his usual way on the class, turned white with rage and said, "Mr. Finlayson, I'll see you in my office after class!" At the end of the class, he swept out, wearing his gown which was then worn by lecturers, and, in his office, proceeded to give Finlayson a dressing down. Most of us thought that the Dean was overly sensitive and that he should have been prepared to accept, good-naturedly, the response which he had, obviously, provoked from Finlayson. Dean Smith was obviously well-read and well-prepared and he seemed to perform best under pressure and tension. He was a prodigious worker and, in addition to his classwork and administrative duties as Dean, he did a great deal of writing for the Canadian Bar Review and was active in university affairs.

### **The full-time professors**

The two other full-time lecturers were Angus L. Macdonald and Horace E. Read, both of whom were veterans of the Great War and graduates of Harvard, as well as of Dalhousie. "Angus L.", as he was known by the students, had just returned from Harvard where he had taken the degree S.J.D. He had written a good deal in the field of torts and this was, perhaps, the legal field in which he was most interested. He was very different from Dean Smith. On the surface, at least, he was relaxed and deliberate. Unlike Dean Smith, who walked about as he lectured, Angus L. sat at his desk on the rostrum, talking in a slow, deliberate way while gazing intently at some spot on the ceiling. He was a sound scholar and had great patience with students. He was a full-time professor only during my first year at the law school. He ran as a Liberal candidate in the federal election of 1930, which resulted in the defeat of the MacKenzie King government and the election of the Conservatives under R.B. Bennett. Angus L. was not successful in his own election but, soon after this, he was elected leader of the provincial Liberal Party. He became Premier of the province in 1933, and continued to hold the office until his death in 1954, except for a period of service as minister of national defence for the navy and member of parliament for the Ontario riding of Kingston, during the period 1941-45.

Horace E. Read had graduated from Dalhousie in the early 1920's. He had taught at the law school for some years and then went to Harvard, where he took his LL.M. He lectured to the first year in property. Many hundreds of Dalhousie law students remember him with affection. He was a great admirer of Roscoe Pound and, while all the professors at Dalhousie at that time were exponents of the case method, Horace Read was, perhaps, the one who used it to the fullest extent. He would take a great deal of time in discussing a single case and in drawing out the students, and having them probe for the points involved in the case and the *ratio decidendi*. He would sit on the edge of his desk and carry on a discussion with the class, from time to time, introducing one of his favourite stories. I respected and admired all three of the full-time professors, but I felt that I learned more about methods of study and analysis of principles, and about legal reasoning, from Horace Read, than from any other teacher. He took a great interest in all his students and he was never too busy to discuss a problem with a student. If Horace Read had written on the subject, one could be sure to hear about the way in which he had dealt with it, and about his views.

### **The courses**

There were no elective subjects and, in the first year, there were five subjects: Contracts, taught by Dean Smith; Torts, by Angus L. Macdonald; Property, by

Horace E. Read; History of English Law, by J. W. Godfrey, and Crimes, by Ivan C. Doty. J. W. Godfrey had been a Rhodes scholar from Prince Edward Island. He attended Exeter College Oxford, and took lectures in History of English Law from Holdsworth. Godfrey's tutor at Oxford had been G. C. Cheshire. Godfrey was, for many years, secretary of the selection committee for Nova Scotia of the Rhodes Scholarship. He directed many law students and many other Dalhousie students, not connected with law, to Exeter College. Fulton C. Underhay, a member of my class, was elected a Rhodes Scholar from Prince Edward Island, after his second year at Dalhousie Law School. He went to Exeter College, Oxford, and I followed him two years later, having been elected from Newfoundland. President Henry D. Hicks followed in 1937, but he did not come through Dalhousie Law School.

Godfrey was a part-time lecturer, as he was a lawyer practising in Halifax, specializing in mortgage work. He did a good job of teaching history of english law to first-year students. Most of them found it a dull, dry subject. The subject of crimes, taught by Doty, was very much a "nuts-and-bolts" course. My impression is that we were given a good grounding in the basic principles of the criminall law, including the doctrine of mens rea, and the basic defences of insanity, self-defence, provocation, etc.

In my second year, Angus L. Macdonald had ceased to be a full-time professor and he was replaced by Vincent C. MacDonald. Vince MacDonald had been a classmate of Dean Smith and, as law students, there had been a good deal of friendly rivalry between them. Vince MacDonald taught law briefly at Dalhousie, following his graduation. He then went to Toronto, where he taught at Osgoode Hall, and he had some experience in practice. For a brief period he was secretary to W. L. MacKenzie King. His main subjects were constitutional law and torts, which he taught very well. He had a keen mind and was very articulate. He could be sarcastic and his wit was, at times, barbed.

In our second year, the fourth full-time member of the law faculty was added for the first time in the history of the school. John MacQuarrie had graduated from Dalhousie Law School in 1929, and had spent the intervening years in the service of a trust company. He was a full-time member of the faculty for three years and was followed by George H. Crouse, a classmate of mine, who had taken a master of laws degree at Harvard. George Crouse was a full-time member of the faculty for the years 1933 to 1936, and I followed him for the years 1936 to 1939.

In our third year, we had the same full-time professors, Dean Smith, Horace E. Read and Vincent C. MacDonald. They were very different as men and as teachers and legal scholars, but they were all uniformly good and stimulating. In our final year, Dean Smith taught Equity; Horace Read taught Conflict of Laws and Vincent MacDonald taught Constitutional Law. The other subjects were taught by lawyers and judges from the Halifax area. Mr. Justice Carrol taught Evidence; C.J. Burchell and Frank D. Smith taught Shipping; John A. Walker taught Practical Statutes, and J.E. Rutledge taught Procedure. Mr. Rutledge's lectures were replete with references to cases in which he himself had been involved. He had, apparently, selected the cases in which he had been successful and this was a source of humorous comment by his students.

During the three years, we lost one member of our group through death in an industrial accident; one, Underhay, left after the second year, for Oxford, and two dropped out for one year. We picked up three others who had taken two years of their law course at other institutions. At graduation, there were thirteen of us. All thirteen engaged in the practice of law for all or a portion of their respective

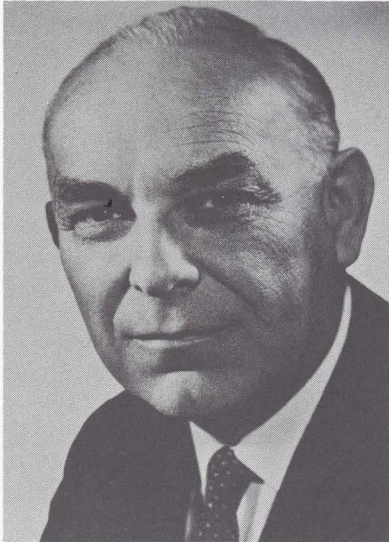


*John E. Read  
Horace E. Read  
Vincent C. MacDonald*



careers; three spent some time in political life; one, G. I. Smith, was premier of the province, and one, R.A. Donahoe, was attorney-general of the province. Two became judges; two spent some years in the teaching of law, and only one spent a major portion of his working life in business.

# G.I. Smith



*Senator G.I. Smith, formerly Premier of Nova Scotia, is a partner in the firm of Patterson, Smith, Matthews and Grant in Truro.*

I arrived at Dalhousie Law School when the term began in September of 1929. I did not have a bachelor of arts degree. It seems to me, with respect, that those who prescribed the course of study required for prospective law students were somewhat more practical in those days than is now the case. The qualifications to enter the Law School were similar to those then required to enter any other professional school at Dalhousie. In brief, they were ten subjects after grade eleven. The length of time required to qualify for a law degree, after grade eleven, was five years, one of which could be taken in high school as grade twelve. It will be noted that this was two years less than the time now required after grade eleven. I must say that I have not observed any change in the quality of the lawyers or their ability to serve their clients or to be good citizens, as a result of, or commensurate with, this increase in the time required.

There was of course a great difference in the number of students at the School in those days as compared with today. My class, for instance, comprised fourteen people. The Law School, in common with the other professional schools, was located in the Forrest Building. Of the fourteen in the class most were Nova Scotians. There were at least two from Newfoundland, one from New Brunswick, and one from Ontario. The members of that class have done well in the world of work and practice. Gordon Cowan, for instance, is now Chief Justice of the trial division of the Supreme Court of Nova Scotia. Dick Donahoe was for fourteen years attorney-general and minister of health for Nova Scotia. Charlie LeBrun has been a judge of the magistrate's court for many years. George Crouse was mayor of the town of Bridgewater. Don Grant was manager and later president of the Nova Scotia Trust Company. Fulton Underhay became a widely recognized historian. Max Pratt attained high rank in a nationally known trust company.

The full-time staff was a prestigious one, though small in numbers. The Dean was Sidney Earl Smith from Inverness County. He later became president of the University of Toronto and for a time was secretary of state for external affairs for Canada. Another member of the staff was Horace E. Read, who later became dean and in more recent years vice-president of the university. Between those periods of service he achieved wide distinction as a teacher and author both in the United States and Canada. Another was Vincent MacDonald. He became dean and then went to the Supreme Court of Nova Scotia. Angus L. Macdonald, for so many years premier of Nova Scotia, and minister of defence for naval affairs for Canada during most of the second world war, was one of our professors. As the full-time staff was small, a high proportion of the teaching was done by members of the profession, who gave lectures at five o'clock each day. Some of the five o'clock lecturers were Mr. Justice John Doull, Mr. Justice William Carroll, The Honorable C.J. Burchell, John A. Walker, I.C. Doty, Wilfred Godfrey, and J. E. Rutledge. This too was a distinguished group.

Sidney Smith was a very colorful lecturer. He had a wide stock of striking and useful phrases which tended to remain in the student's mind. One I remember particularly was, "see where it's got its mud-hooks." This he used to indicate the importance of understanding the underlying principle in any given case. He used to challenge the students to differ with him and there was many a lively argument in his class. This tended, I think, to help impress upon the student's mind what was involved in each case or principle. I think it also had a tendency to make the students prepare for the day's lectures by more study than they might otherwise have done. It was something of a challenge to take on "the master."

Horace Read had a different method of imparting knowledge. He set out clearly and concisely the principles he wanted to get across to the students in any

given lecture. He did not allow them to wander into any of the inviting byways which inevitably appear in the examination of most points of law. His teaching was designed to impress upon his students the fundamental principles of the subject at hand and to prevent them from becoming entangled in exceptions.

Vincent MacDonald was one of the most widely learned professors I have ever encountered. He was a lively and able teacher, full of knowledge of the law, and he had the ability to impart his knowledge to others. He had a fascinating way with words and an intriguing vocabulary. Angus L. Macdonald had a technique all his own. He taught us in some indefinable way which did not seem to require a great deal of effort either on his part or ours. But when you came to think about it afterwards you realized that it was the product of careful preparation and an ability to impart to the student not only knowledge of the principles of law but a thoroughgoing curiosity to learn more about them. For those more discerning students it was possible to deduce what particular points or cases appeared to him to be the most important to know and to understand. This was sometimes a great help in preparing for examinations.

#### **Hard days but good days**

The classroom seats were softwood benches with low backs, each of which would accommodate two or three people. The desks and benches were covered with the initials of former students, some of them extremely well-known personages. The benches were not comfortable but they served the purpose. And it was easier to stay awake on a hard bench than it is with the more comfortable chairs and desks of today. The library of course was not the equal of the present excellent library but it was adequate. Its physical facilities were far from acceptable by today's standards but in those times it seemed satisfactory and compatible with the standard of life to which we were accustomed generally. The School was very active in interfaculty sports. Though small in numbers it usually managed to turn out competitive teams. In 1931 its success even extended to taking the interfaculty rugby championship. A photo of the ragged but happy champions is an interesting souvenir.

Those were hard days but good days for the Law School, its staff and its students.



*Ethel Macdonald and  
Jock Macleod*

# Arthur S. Pattillo



*Arthur S. Pattillo is chairman of the Ontario Securities Commission in Toronto.*

In the fall of 1929 we had a stock market failure and by the spring of 1930 my family was concerned about the costs of education, particularly as my younger sister was to go to Netherwood in the fall. In May, following completion of my junior year, I decided to enter the Law School and apply the credits of first year law towards a degree in arts in 1931. Professor R.A. MacKay, head of the political science department, and Professor Wilson, head of the history department, endeavoured to persuade me to remain in the arts school for another year in order to complete the honours course. However, I was convinced that we were in for difficult times and, with the wisdom that only comes to one of twenty years, I was certain that if I went to Law School forthwith I would graduate immediately after the end of the period of financial difficulties. Once the decision was made, my uncle, an eye, ear, nose and throat specialist in Chicago, agreed to help me financially and to the Law School I went.

The teachers during my first year at the School were Sidney Smith, Horace Read, Vincent MacDonald, John MacQuarrie, and Angus Macdonald. We also had some part-time instructors. I remember, in particular, F.H.M. Jones who was our lecturer in insurance. I have often reflected on these different personalities and on their different styles of teaching.

Sid Smith was a bubbly, amusing teacher who used illustrations, particularly funny ones, to explain what he was endeavouring to teach. He expected you to do your homework in advance of the lecture. I cannot recall ever going to his class without first having read all the assignments. If I had not done my work, I went to the library instead of the class and did there the reading that should have been done previously.

Horace Read was a very different type. He was teaching property and it was not an easy subject. Horace had a peculiar mannerism which I still recall. He loved to tell a joke, and when he completed the joke he invariably laughed, whether it was any good or not. All of us in the class attempted at least to smile. Horace would then wipe the smile off his face so abruptly that we would be sitting there smiling or laughing and he would take advantage of that fact to tell us to get down to work.

Vincent MacDonald had been teaching for a couple of years part-time at Osgoode. 1930 was his first year teaching at Dalhousie and he brought with him the Osgoode style, which was foreign to anything I had met up to that time. Vince's style was to spend the first half hour in discussion and then to dictate. He expected you to take down word for word what he said during the remaining part of the lecture; and, what was worse, he expected you to give back to him on exams what he had dictated. He was not interested in your reasoning if it did not coincide with the law as he had given it to you. In this regard, he differed from every other lecturer I had at the Law School.

John MacQuarrie was just beginning as a teacher and like most beginners he was not finding it easy to teach law students who were not many years his junior in age. However, MacQuarrie certainly worked hard and was always available, as were all of the lecturers. Fred Jones used to come to lecture at 5:00 p.m. I do not think he ever prepared for the lectures and if anybody took the trouble to look up Halsbury, first edition, on the subject of insurance, they would find a marked similarity between what Mr. Jones told us and what appeared in the article. Once we discovered this, we lost all interest in the lectures and used to amuse ourselves throughout the hour in many ways.

### The first year

During my first year in the Law School, I spent a good deal of time in the basement poker room. Lusby et al, who were in third year, were skilled at the game. Occasionally, I would venture in but, as I remember, the outstanding player from our class was Ed McCleave. Dippy Donahue, Red Foster, Don Grant, who were then in second year law, occasionally were in the game, but it was no place for an uncertain first year student who had very few dollars to lose. In any event, I did not have much spare time because I was editor of *The Gazette*, which required many hours a week; and, in addition, I was the assistant to Fat MacKenzie who was the manager of the football team. First year in the Law School went by very quickly.

At the end of our first-year — the night before the granting of degrees — the college gymnasium went up in smoke. I was walking back to the fraternity house from Young Avenue when I saw the flames. When I reached the campus the building was a total loss. I continued on to the fraternity house and you can well imagine that many of us were up until the wee hours discussing what had happened.

In the spring, my family and my uncle informed me that I would have to drop out of school because of the financial situation. I was very upset because I was afraid that if I dropped out I would never get an opportunity to return. However, I applied for a teaching position to several private schools and was accepted as a teacher at St. Andrews College in Aurora, Ontario. I thought that by going there I might ultimately be able to complete my law course at Osgoode. In the midst of our spring exams I received a telegram from the head-master at St. Andrews. He asked me to go to St. Andrews to complete the balance of the term. They had had some difficulty with one of the members of the staff.

I was on my way to the telegraph office to wire an acceptance when I met Leonard Fraser who, at that time, was living on Edward Street and was walking home from work. I had known Leonard since I had taken part in the oratorical contest conducted by the *Halifax Herald* in 1927. In 1931 Leonard was in charge of information and tourism for the provincial government. He asked me why I seemed so depressed. I told him that I would be leaving Halifax as soon as I had finished my exams and would not be able to stay to receive my arts degree. I told him that I was going to have to drop out of Law School. He then told me not to go but to wire St. Andrews that I had made arrangements to continue my legal education and would be unavailable in the fall. Len told me that as soon as I received my degree in May to report to him and that he would give me a job that would provide enough money to enable me to carry on. I ran all the way to the telegraph office to send the wire and I was walking on air for the balance of the term. Potter Oyler and I went fishing following the completion of the exams. I returned to Halifax, got my arts degree and started work. From that time on, Halifax became my home and I was only to be in Bridgewater for short visits.

The job that I had was looking after the passengers from the cruise ships which came to Halifax each week-end for the next two years. Ernie Richardson worked with me and the two of us had many hilarious times. I still remember going on the *Berengaria* at 4:00 a.m. one Sunday morning to check the passenger list with the purser. Just as I was stepping up to the purser's office, I heard a commotion. I turned around in time to see a girl in the nude racing past me and up the stairs to the next deck dragging a pair of trousers by the braces. She was closely followed by the owner of the trousers. I did not go along to see whether he caught her or not. In addition to working with the ships, I was living at the fraternity house on Coburg Road. I was receiving free board in exchange for running the place. During the summer we had a great crowd living there: Dr. D.J.

Mackenzie, Dr. Gordon Dawson, George MacIntosh, Bill Wickwire, John MacQuarrie. Later on, Andy Munroe, Potter Oyler, Bill Holmes, Skit Oldfield and Frank Bennett joined us. I continued to run the fraternity during the summer until the fall of 1933. This was a real help financially.

### **The second year**

The second year at the Law School was perhaps my most interesting year. I was no longer the editor of *The Gazette* and I had more time to devote to my work. Many of my friends from the arts faculty had come to Law School and were in first year. Bill Jost, Gordon Cooper, and Potter Oyler were among them. Potter and I were living together in Mrs. Oxley's house on Walnut Street, not far from the fraternity house where we spent a great deal of time. I spent many evenings in the library in the Forrest Building. There would generally be quite a few of us there and we used to have great fun.

In the first year, there were several amusing characters. One was J.B. McEvoy from New foundland. Mr McEvoy took life seriously. For the course in criminal law, we posted on the library door, where the official postings were usually made, a list of "compulsory" readings. Mr. McEvoy read the lot. He confessed that he was a bit puzzled as to the relevancy of the cases, but he did not wake up to the fact that he had been "had" until he eventually asked the professor when we were going to take these cases up in class.

During the second year I spent more time than previously in the poker room. By this time, although my finances were no better, I was not afraid to match skills against Donahue, Foster, et al. Quite often, in the afternoon, we would be playing there only to be summoned by the Dean to sit through the lectures of the late T.R. Robertson, commencing at 5:00 p.m. Mr. Robertson used to lecture to the third year students and the Dean considered that if he took the trouble to come up to lecture, he was entitled to a full audience. The result was that, if we were caught playing poker on the afternoon of the lecture, more often than not we spent the next hour listening to Mr. Robertson — on a subject about which we knew nothing. In those days, each lecturer had a note-book with the names of all persons who should be at the lecture. The roll was called and if there was no answer, you were marked absent. In later years, I used to tease Mr Robertson about the perfect attendance he always had in his class. He confessed that he never understood how it happened.

### **The third year**

We began our final year in the fall of 1932. And we had some amusing experiences that year. I was the manager of the football team and in the fall we took the team on a pre-season trip to Charlottetown, Mount Alison, Fredericton and St. John. I still remember all of us crashing into the girl's residence at Mount Alison and the Dean of Women, Miss Machum, trying to cope with us.

McCleave organized a lottery on a football game between Acadia and Dalhousie. To increase his funds, he sold many tickets with identical numbers for a result which he did not think could happen. I had bought one of those tickets. Of course I had no knowledge that somebody else might have an identical ticket but I was suspicious about the whole matter. In any event, strange as it may seem, my number became the winning number and the ticket was worth \$50. The minute the game ended I streaked from my position on the bench to McCleave, who I had spotted some minutes before the game ended. I presented my ticket and demanded the \$50. McCleave reluctantly paid me. The first of next week, two other persons who had identical tickets were trying their utmost to persuade me to divide my \$50 with them. McCleave was out of funds. I had great sympathy for my fellow winners but I confined it to that.

Another incident that I remember was the trip that Gord Elkin and I took to St. John. Gord's father had sent him money to buy a new suit. But he lost most of it playing poker and didn't dare go home without a suit. The problem was solved by Andy Munroe selling one of his suits to Gord for the remainder of the money that Gord had left. Unfortunately the suit did not fit too well but, nevertheless, Gord wore it. His father remonstrated about the shops in Halifax and how Gord had been had. There was no doubt that Gord had been had, but not in the manner his father thought.

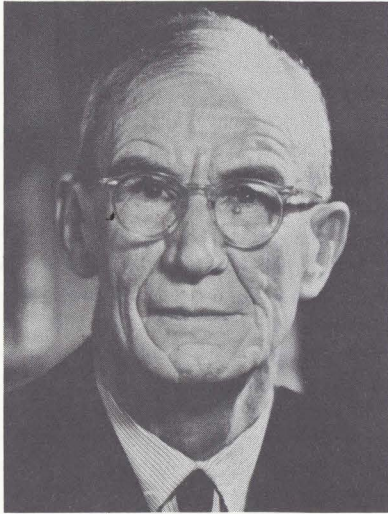
During my third year, I used to go downtown immediately after the morning lectures and work in the McInnes office until 4:45 p.m., when I would return to the School for the 5:00 p.m. lecture. This meant that I missed a lot of fun in the poker room and a lot of fun around the School but, as it turned out, the time thus spent made it possible for me to have a job when I finished law school. I went to the McInnes office where I was to remain for twelve years.

During all three years we had a law dance, which, though times were hard, was one of the highlights of the year. In the third year, we had a wonderful graduation party. It ended at the Nova Scotian Hotel in a real shambles and I can still see Jack Crowe being carried out through the lobby of the hotel, on the extended arms of six of his fellows, to the consternation of the on-lookers.

During the three years that I was at the Law School, there were many interesting characters, not only in my own year, but in the years ahead of me and the years behind me. In my year, Bobby Donald was the star of our class; but we had other interesting students, such as T.D. MacDonald, John A. Y. MacDonald, Bob Kanigsberg, Julie Rosenblum and Jim Fairbanks. Perhaps the most able, if he worked as hard as the others, was Clare Hicks. In our first year, he only attended classes approximately half the time and yet did extremely well. The other fellows that I remember were Jerry Coleman, Charlie Clark, McCleave, Ken Matheson, Aaron Zive. Aaron had the nickname of "Hudson" because we only had one copy of Hudson's International Law and Aaron appropriated it as if it had been acquired solely for his personal use.

In the year immediately ahead of me, we had George Crouse, Fulton Underhay, Gordon Cowan, Red Foster, Dippy Donahue, Ike Smith, Don Grant and Alec McInnis. There were others, of course, but I remember all of these, and with the exception of Red Foster, who was killed overseas, all of them made a great contribution in later years. In the year behind me there were Bill Jost, Jack Miller, Gordon Cooper, Potter Oyler, Warren McCulloch, McEvoy, Charlie Longley, John Macdonald, Roy Ducheman, Charlie Lorway and Jack Fraser. When I was in my final year, the outstanding character in first year was Roy Lawrence. His Cape Breton stories were as good then as they are today.

# John Willis



*John Willis retired as Professor of Law at Dalhousie University in 1975. He lives in Sandy Cove, Digby County, Nova Scotia.*

These brief and deliberately impersonal notes are made by one who came to the Law School as a young teacher at the beginning of the Great Depression and stayed there until almost the end of the Second World War. I have organized them under two heads: first, the Dalhousie of the thirties — which I shall, in order to make my points, paint in colours more vivid than the reality; and second, the Law School of the thirties — which I shall, in order to avoid writing a gossip column about my colleagues and myself, describe in as deadpan a way as I can.

How unlike the Dalhousie of the thirties was to what a university is supposed to be like today, at least if we believe what the public relations department of the universities, and so of course the editorials in the newspapers, say. To begin with, it was not an “instant university” staffed by “big name” hirelings purchased at high prices to “publish or perish” for the greater glory of the institution. It had been there a long time and its teachers (including well-known scholars like the philosopher Herbie Stewart and the physicist Jack Johnstone) were doing unobtrusively and humbly the age-old job of all good university teachers everywhere, teaching a lot and writing when, and only when, they had something to say. Nor had it what the brochures call “a magnificent campus”, the one indispensable pre-requisite today for respectability. On the Studley campus there were three or four gaunt buildings, all in effect hocked to the Bank of Nova Scotia for what then seemed unpayably large sums. As for me, I worked in a little hole in the Forrest Building just partitioned off from the girl’s lounge and so right in the middle of their gossip. Any yet, looking back on it, I thought more, worked harder, learned more, taught better and wrote better in that little hole than I have done since. In other words I, like my colleagues on both campuses, was able, despite that would today be called “a deplorable plant”, to devote myself to “sound learning” as the mediaeval Founder’s Day prayer puts it.

Looking back to those far-off years from today, I might ask myself: did you have problems of inter-disciplinary communication? No, I did not. The university had one historian, one economist and one political scientist, all first rate and all friends of mine and when we tossed around together, as academics will, some problem of the world, we discussed it as a problem that was common to us all. Today I should have to say to myself in my office in the Law Building: “Well, this problem obviously has more aspects than a purely legal one; I need the help of a historian, an economist and a political scientist (sociologists, or rather — to use their jargon — “viable” ones, had not yet been invented when I was at Dal.); I wonder who I know in the departments of history, of economics and of political science who can give me a name in his department I can call who may be willing to admit that this problem “might be in his field”. I might also ask myself: what about staff-student relations; was there any trouble there? No, there was not. Once again there were so few of us — in the Law School around seventy students all told and four full-time teachers — that we knew one another, trusted one another and respected one another, with all faults. In the now dishonoured phrase, we were “separate but equal”, the student accepting the teacher for what he was, a link (however unsatisfactory) with the experience of the past and with the ideas current in the larger world outside the Province of Nova Scotia, and the teacher accepting the student for what he was (and will, I hope, always be) a gadfly questioning that experience and those ideas. Neither of us, may I add, regarded himself as the god-given depositary of all wisdom; both of us, may I also add, had been brought up to believe that “doing your own thing” was a disease of childhood that everybody catches but everybody gets over by the time they are twelve. That also made things easier than they are now.



What price did we pay — for there is always a price — for this seemingly idyllic state of affairs? We were a small community in a small city in a small province and utterly remote from “where the action is”. How remote, you of this world of jets and oodles of research money cannot begin to grasp. I leave to your imagination the details of the price we paid — some stagnation, some frustration, some indolence; you can add to the list at your leisure. This is, after all, true of all small remote communities. What saved us, in the Law School at any rate, was the desire to be like the Harvard Law School. We did not, God knows, come within a million miles of it but we tried to catch, and perhaps even sometimes succeeded in catching, the spirit of it — just as Nova Scotians generally have succeeded in catching, despite what Toynbee calls “the challenge of harder ground”, the spirit of “the New England idea”.

### **The law school of the thirties**

I begin, as everyone would in those far-off days, with the teachers. The full-time complement was three “men” and “a boy”. The three “men” were the Dean and two others. In 1933, when I went there, they were Sid Smith (the Dean), Horace Read (who had just gone off to Harvard to do his S.J.D. and whose place I was taking, supposedly for one year only) and Vince MacDonald. They were “men” because they had what in these learned days we should call “tenure”. The “boy”, so-called, was taken on for three years only; the first year he got \$1800, the second year \$2100, the third year \$2500 and in the fourth \$1800, or he left, which of course he always did.

The normal load was, as I remember it, four courses. In any event, the courses I took over from Horace were first year Property (3 hours a week throughout the year), second year Bills & Notes — shades of a black-letter past — (2 hours a week throughout the year), third year Conflicts (3 hours a week before Christmas and third year Trusts (3 hours a week after Christmas). For a starter as ignorant as I was this was quite a load — particularly since we really and truly used “case method” (which takes a lot of preparation) and we were required to maintain “the ever-open door policy” (which meant that the time we needed for preparation was cut into by students wanting, under the guise of asking questions, to chew the fat). The result was that we certainly knew our students, were mostly not very profound in our knowledge of our subjects, and were sometimes not too well prepared. We were all however full-time in a sense one never gets today; for there was no moonlighting (indeed, little opportunity for it in depression Halifax) and any spare time we had went into writing articles and case comments.

A number of “practical subjects” were farmed out to members of the Bar from downtown; they, out of the goodness of their heart, came up at five o’clock for \$2.00 per lecture which they were expected to, and did, turn back. Odd as that seems today, criminal law was a down-town subject, done by the Crown Prosecutor for the county; so was evidence, done by a judge of the Supreme Court; and so of course was procedure, done by an eminent practitioner; so also, curiously enough, was history of English law, an immensely boring resume of the least relevant parts of Holdsworth, done by a scholarly ex-student of his who had become a successful and, I may say, expert and learned real estate practitioner. The weakness of having down-town men was, of course, that clients’ demands had to take priority and quite often they didn’t turn up or sent a junior to “read their notes”. The strength was the genuine interest they had in the school — they attended all faculty meetings — which ensured the continuance of the easy-going, understanding and helpful attitude of practising lawyers generally to the School and to what, with all faults, it was trying to do. During the war, by the

way, when there were only two full-time teachers and a handful of students but the full curriculum still had to be given, it was the down-town lawyers who kept the School open by taking on — and doing carefully and imaginatively — subjects that would normally be done by a full-time man. A Dal man of those days has no idea how different the easy-going, understanding and helpful attitude of the local Bar was from what I found in Toronto when I went to the Osgoode Hall Law School in 1944.

A word or two about personalities. Sid Smith, who left in 1934 to become President of Manitoba, was a model of what a dean ought to be. He expected a great deal of his teachers but no more than he expected of — and performed — himself. Immensely hardworking, and with a wide range of outside interests, he was always prepared for his classes: a real inspiration, and lesson, to a young beginner like me. And what is even better, he moved about the building, kicked open doors instead of using the door-handle, treated his colleagues (however young) as equals and generally fostered by his acts that feeling of “equal participation” among his little staff that everybody lets off words about today but actually does very little about. In later years (when we teachers consisted of Dean Vince MacDonald, George Curtis, Gordon Cowan and myself) it was wittily said of one of us by a student “that he spent before Christmas talking himself into a hole and after Christmas talking himself out of it”. Our attitude towards scholarship was devoted but light-hearted. I particularly remember how George Crouse ( a great loss to the world of legal scholarship) and I, who shared an office for a year and were each working on an article at that time, competed with one another in the number of footnotes (which, and rightly, we regarded with derision) we could squash into our respective pieces of learning.

I come next to the students. First, there were very few of them; from 1933 until the beginning of the war the normal size of the whole school was around 70; thereafter, of course, we had only a handful. This meant that we knew our students and they knew us. We knew, for instance, and cared that Mr. X couldn't afford a decent winter coat, that Mr. Y was a bright fellow who would make a good lawyer but had better things to do than get good marks or that Mr. Z was a decent man without many brains who needed (and got!) extra help to enable him to get through. As to the four of us, they knew us inside out and, as a result, were merciful to our deficiencies and were not over-awed by our prowess, such as it was. Quite the happiest of the memories I have of the Dal of the thirties is my students there. The relationship was natural and easy; as I said earlier, we accepted one another and trusted one another, with all faults.

Second, they were not on the whole very good students — excepting always a few outstandingly able ones whose names I could mention if I was going in these notes to name names, which I am not. In most ways they were no better and no worse than the students I ran into later at Osgoode, U.B.C. and the U. of T.; in native ability, they were about par for the course, given the fact that in Canada it is the solid B, rather than the imaginative A or raffish C man who is attracted into law at all; and they were about par for the course in industry and drive, given again the fact that law students in Canada don't work, and won't work, as hard as they should. Where they fell below what seems to me, in the light of hindsight, to be the national average was in their previous education. Too many of them were unable to read or write, using those words in their university sense — so that at Dal I suffered reading exam papers in a way I have never suffered since; except with the really good ones, I had to make my own sense out of their ill-assembled, random jotting down of thoughts. And they were surprisingly ill-informed; so that looking back at the things I talked to them about in order to

put the "law" I was giving them in perspective, I shudder at the contemptuous reception I should get from law students now if I dared to assume that they did not already know them.

In view of my criticisms in the last paragraph, I had better add three thoughts. First, the group of students we were getting at this period was, because of the depression, unrepresentative; we had far too many fellows sent there by well-off Dad for the one and only reason that there was no job for the boy and we took people we should have rejected but for the one and only fact that the School needed their fees. Second, they may have been ill-informed about things of the mind, but they knew a lot about "life" (which is more that I did) and maybe it is this knowledge, sometimes called commonsense, and not book knowledge that a lawyer really needs. And third, the hindsight with which I have been judging them may be unfair, for it may well be that educational standards throughout Canada have risen sharply since I left Dal in 1944.

And now for curriculum and methods of teaching. What we taught was substantially the same as what was taught at Osgoode, Saskatchewan and Alberta, the only other common law schools then in existence, viz. The MacRae curriculum of the twenties. The emphasis was on close case analysis of strictly legal concepts, almost entirely in the field of private law; as far as I can remember the only public law course in 1933 revolved around the BNA Act with special emphasis on the commas, but in 1937 we did add one on legislation and administrative law. The first year was substantially the same then as it is now: contracts, torts, crimes, property, procedure (plus history of english law now jettisoned, and quite properly, at most schools). The second year was the practitioner's bread and butter year, comprising Property II (Wills, Easements and Landlord and Tenant!), Agency, Bills & Notes, Sale of Goods, Corporations and Equity. The third year was a "frill" year: trusts, evidence, mortgages, constitutional law & conflicts. I have obviously forgotten some subjects, but those I have remembered and set out are enough to give the picture. Looking back at it now I ought, I suppose, to feel ashamed — so remote was what we were teaching both from the lawyer's professional life outside (no real estate transactions or family law and a course content in bills & notes, sales of goods, corporations, wills and trusts that had little or no connection with the realities of a commercial or estates practice) and from a university's concern with the place of law in society. I don't feel ashamed at all. Like all other law schools on this continent we were at the end of the Langdellian period and our single over-riding aim in all courses, whatever their name and whatever their content, was always how to analyze problems and how to handle legal concepts. What we were teaching, and teaching rather well, was legal method. Personally I much prefer doing what we try to do now viz. relate what we do to the realities of professional life around us and to the function that each "subject" performs in society, but I wonder whether my students today are as well trained and as well able to grapple with a problem (any problem!) as were my Dal students of the thirties.

A word about "case method". The only thing we teachers had in common was that we all used case — and periodical literature — material and that, one and all, we did not bother overmuch with coverage but sank shafts and sank them deep. Vinnie MacDonald was a straight lecturer with a sophisticated discussion and reconciliation of cases; George Curtis a question and answer, true case method, man and John Willis, as he still is, a case a day (if he is lucky) or a case a week (if he is unlucky) man, the argument being mainly with himself. Repeating what I said above, we felt our job was to teach our students to "think like lawyers" and we felt we were wasting their time (much as we enjoyed it ourselves) if we strayed off into discussing "office problems" or "policy".

I come last, and last is where it belongs, to "plant". The Forrest Building, into a small part of which the law school was fitted, was by modern standards deplorable. It suited me fine — and would still suit me — for two reasons. First, the classrooms were small, "homey" and had windows. I felt at home and natural there in a way I do not in the sterile, impersonal, windowless affairs I am saddled with now. I remember with gratitude the sense of "humanity" and "reality" I had in the third year room when, as often happened, I could see Mac the janitor's dog barking at me through the open window. Second, we were not hived off, as law schools are now, in our own building. We shared the building and our lives with others who had interests other than ours — dentistry, botany, zoology and a number of "academic" medical subjects, such as anatomy and physiology: we had, that is to say, a built-in protection against overestimating the importance of the discipline that happened to be ours. And since I have mentioned Mac I add, perhaps irrelevantly, that he, an ex-sailor turner janitor, was one of most truly educated men I have ever met.

The collection of books in the library was, on the whole, pretty good and, regarded as a student's library, far better than the Student's Library I found at the Osgoode Hall Law School in 1944. We took all the then worthwhile legal periodicals and, though I may be wrong in this, our small collection of books on the borderland of law and other disciplines was, for the date, more extensive than I have since found at any other school. It was not, of course, a research library and would certainly not meet the mindless "number of books" test that is fashionable now; but for our needs and our student's needs it was good enough. Furthermore I personally was better served for law reports for my own personal use than I have ever been since; in my own office I had a complete set of Chancery and Probate reports and if I wanted Appeal Cases or King's Bench all I had to do was walk down the passage to the Dean's office which had a complete set of them.

What I have written about building and library sounds, I know, like the nostalgic maunderings of a square. That is, of course, what I am; "making do with what I had" brought me unsought dividends in the way of acquiring a habit of doing my own thinking that has, to quote Old Father William, "lasted the rest of my life", and for that too I am grateful. One last square, nostalgic reminiscence: we teachers did all the physical book shifting that was necessary when we reorganized the library, as we did from time to time. That too gave a certain "wholeness" to our "scholarly lives" that I wouldn't have missed for worlds. Had any of us been bloody geniuses, the library and the plant would, no doubt, have been inadequate for our proper development — but none of us were and so the world lost nothing by these inadequacies.

That is all I have to say about Dalhousie and the Law School in the thirties. All? Is that really all? Where are the names? Where are the anecdotes? What about the time when old So and So ...? From all of that I have deliberately shied off. It would have made what I have written more lively and more "real", but the trouble is that if I had put it in I should have been writing my own autobiography; fascinating, oh how fascinating, to me but for others merely boring. That is why I have, quite deliberately, tried to describe as impersonally as I can what we were doing at the Law School and what it felt like to be at Dal in the years 1933-44 when I was a young teacher there.

# R. Graham Murray



*R. Graham Murray is Professor of Law at Dalhousie University.*

Dean Macdonald has asked me to write a few words about Professor John Willis, recalling the period of the 1930's and '40's, when John made his first appearance as a law professor at Dalhousie. "...All art . . . . appeals primarily to the senses...My task, which I am trying to achieve, is by the power of the written word to make you hear, to make you feel — it is, before all, to make you see. That — and no more and it is everything..." I like to think of John Willis, one of the greatest law teachers that any of us has ever know, as, first and foremost, an artist. His art was his teaching; his teaching was an art. Still, Joseph Conrad's classic statement of the artist's creed may seem a strange place in which to find a clue to the genius of John Willis, law teacher.

John himself will laugh at the suggestion. And it does seem strange to link together, in this way, the melancholy Pole and our much revered law teacher, who simply bubbles over with wit and good humour. But nothing else will do the trick. Fidelity to one's craft, be it writing or teaching — and John Willis is the master of both — is a noble moral value. For both Joseph Conrad and John Willis there were few other values which so obviously demanded the best that each of them had to offer. To compare John Willis to Joseph Conrad is to consider him an artist. He will disavow the intention to be any such person. Indeed, I can hear him say, "What nonsense!" But if Conrad's statement is slightly amended so as to read: "... by the power of the spoken and the written word...", it beautifully and precisely captures the John Willis we know: "...before all, to make you see."

John Willis does his "stuff", as he calls it, equally well, in writing, and by the spoken word. His writing is memorable in that, unlike the writing of other jurists, John writes just as he talks — brilliantly, wittily, succinctly. The strange vocabulary used by lawyers, by which at times they confuse even themselves, he avoids, calling most of it — in his own unique vocabulary — simply "nonsense." Some writers of legal articles, write them, of course, to display the learning they possess. John Willis, in all his writing, does, perhaps, the reverse. He skilfully conceals the magnitude of his researches into the law, in the books as well as in action. What this means to the fortunate reader of any John Willis article is that, refreshingly, he reads that rarity in legal writing, a powerful writer's incisive analysis of the matter under discussion, not what some learned lord justice, or jurist less learned than the writer himself, has pontificated on the subject.

John Willis the writer, is, in short — to borrow from his own vocabulary — a "rare bird" in the legal world. He is an original thinker who really does have something to say about significant legal problems; but he has never been, or perhaps better, has never allowed himself to be, a prolific writer. The truth is, I guess, that John Willis, always a perfectionist, will not publish what he does not believe to be his very best. For this rigorous self-discipline we all admire him, particularly in view of the fact that even the second-best from John Willis, if that were a possibility, would put to shame what most writers have to offer. We hope that, down there in his delightful Sandy Cove, Digby County, John will, at last, let himself go in print.

Now, what does one say about Professor John Willis, law teacher, the real John Willis, that is? I say the real John Willis, because his writings, although always a sheer delight to read, are, as we all know, but a pale reflection of the man himself. To know something about Willis one must have attended his lectures. For John Willis needed the lecture room, just as the lecture room needed him. He lectured or, more accurately, talked to us there with the sure and certain touch, and apparent ease and pleasure, of any master craftsman at home in his own workshop.

“Now, I don’t want this to sound silly, if you know what I mean, but...” is the familiar preface to an inimitable Willis performance. If you counted them all, his performances would number many thousands. Yet, as they say in show business or in the world of sport, he was always “up” for each lecture, always thoroughly prepared; he never, nay, could never, let his audience down. And what a performance it was. Here was a man, an intellectual giant, prepared to entertain us many times a month with a dramatic and instructive show in which were employed, as it were, all the skills of a top researcher, clever scriptwriter, consummate actor, effective communicator, and penetrating critic of the law. Is it any wonder, as I have heard him say, that he was drained, physically and emotionally, at the end of each show. None of us was aware, I am sure, of the hours of sheer drudgery that a single John Willis performance demanded of the performer.

It was not, of course, a traditional lecture. There were fireworks, and laughter, and endless queries about all sorts of matters that were supposed to be taking place in the legal world, but didn’t. “But that’s not what really happens, of course,” was a familiar expose of the law as it appears in the books, which we gleefully accepted as the revelation of some mighty secret which our professor alone knew but was prepared to share with us. The fact that the ponderous materials we thought we must master could be so easily and convincingly demonstrated to contain more than a bit of nonsense delighted us beyond our boldest imaginings. Here’s one fellow, we concluded, who really does know what’s going on. What a pity that those charged with applying the law don’t know what he knows. Of course, we didn’t know either. The amusing and exciting thoughts of our teacher tumbled out so fast that we were never quite sure of much that we were hearing. But it all sounded like delightful heresy, and that was more than enough to satisfy our slow-witted but eager minds.

When examinations came we were sure we would pay the price for our lack of application, not to the law books, but to what was in the mind of John Willis. Most of us didn’t; that is to say, we passed the tough Willis exam paper. I have often thought that John Willis marked many of his papers with his eyes firmly closed. Of course I don’t really believe that happened. But I do believe that John Willis was consistently kind and generous to all his students. Which is to say, in the end, that in addition to everything else John Willis has shared with the world — his unusual intellect, his unsurpassed talent as writer and lecturer — is his deep compassion for, and understanding of, lesser human beings than himself. Over the many years of his teaching, he was forever tolerant of, and kind to, us, his students — with not an intellect in the lot of us to match his own.

# J.W.G. Macdougall



*J.W.G. Macdougall is Executive Vice-President of Canadian National Railways in Montreal.*

The end of the great depression and the start of the second world war was not a "normal" period in life, if there is such a thing. We were working on minimum budgets and many of us, myself included, had a gap of several years between high school and university because we lacked the seven or eight hundred dollars needed for the eight-month college year. We were also conscious of the approach of war and, during our last year, 1939-40, we saw it begin and the first troops go overseas. The Athenia was sunk and the German Graf Spee went down at the Battle of the River Plate. Most of us went off to war in the spring of '40 and all came back, I think, except Stuart Lane of Vancouver. He was the class leader each year, full of fun, handsome, and a great friend. He sank with the motor torpedo boats trying to relieve the Aussies at Tobruk. His class of 1940 remembers his name with the Stuart Clarke Lane Memorial Prize given each year to a top student in second year law.

The Forrest Building housed the med and law schools. We had three classrooms furnished with long, low benches painted black. These benches had eight-inch backs which prevented snoozing. We thought of Dal, fashioned on the Harvard model, as the top law school in Canada, which it was. The names of many illustrious Canadians were carved on the desk tops. The School had a sense of history, a place where many great men in our nation had started their careers. The list of former students who had become illustrious in law, industry, public service and elsewhere was impressive and inspiring to young men on the threshold.

## **The staff**

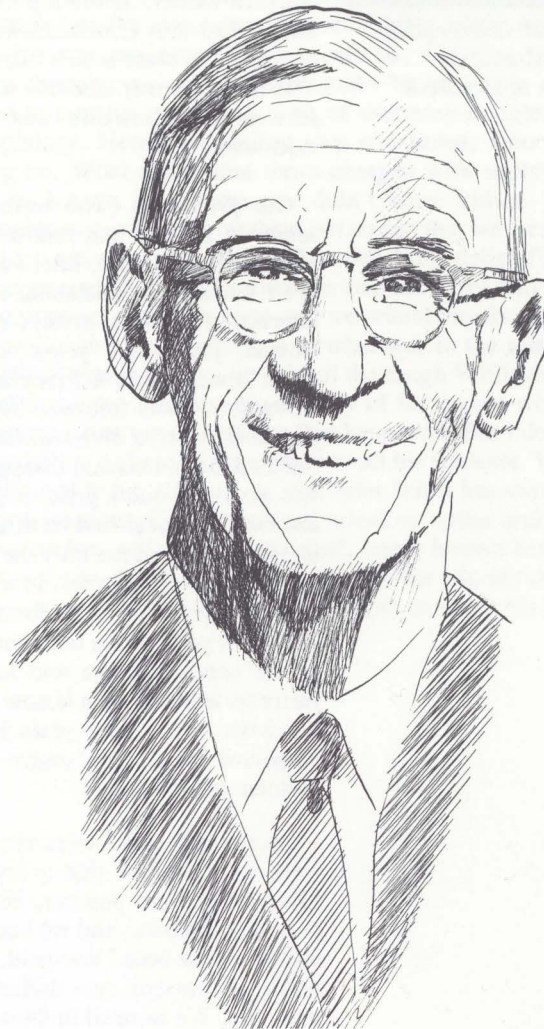
Our professors (who were leaders and friends) were outstanding. All have achieved success and renown as lawyers, judges and teachers. The Dean was Vincent MacDonald, afterwards a judge of the supreme court of Nova Scotia. Well known for his labour-law activities as writer and arbitrator, he was an interesting lecturer, always ready with a talk, a joke or a bit of fun. Gordon Cowan, just a few years older than the students, but with a mind like an encyclopedia, was a first-class teacher. His distinguished career at the bar in Nova Scotia was followed by his elevation to the bench, where he is now chief justice of the trial division. George Curtis always left us hanging on a point as he finished the period and disappeared out the door with his arms full of books. He was good fun and a great help and friend to us all. John Willis we grew to love and admire, but at first he threw us off. He was brilliant and challenging, and we learned from him not only the law but what it should be. Sometimes we confused the two but our imagination was stretched and our brains were pushed to be more than sponges. We were fortunate young men. These teachers gave us a great deal. It is good to see their success: Vince and Gordon as distinguished members of the bench; George and John as top teachers to so many fine lawyers and business leaders. John is now retired in Sandy Cove, Nova Scotia, with Dorothy; we wish them many years in which to enjoy the fruits of a life of service, respected by all, the source of help and inspiration to hundreds of men and women across Canada.

## **The city**

People in Halifax were very hospitable. Homes were open to us; some doors were wide enough that a few of us were honoured by marrying a daughter! Fraternities were popular. None of us had any money. Board cost thirty-two dollars per month, and we had the rest of our \$35-\$40 allowance to splash about with after the board was paid. Our fun was home-made. An occasional forty oz. bottle of rum cost two dollars delivered. Parties were run on a shoe string but great fun. We were all in the same box so no one fussed about it.

Saturday football and hockey games saw many law men starring in the line-ups. DeWolfe, Gunter, Armstrong, Conner, Crease, Bird, Buckley are names from law who made the headlines. The tea-dances at Shirreff Hall or at a frat house, after games, were great fun. A theatre show only cost thirty-five cents and a coke five cents. Of course the two dollar rum occasionally got us into trouble. Just occasionally. I remember the late and lovable Cameron MacNeill in the pokey on Saturday night for a minor misdemeanour. All the forensic talent of the Forrest Building could not spring him before Monday morning. No wonder he objected when his classmates took to looking at him through the rungs on the back of our library chairs! In third year, several of us lost our house and I wound up as a roomer with Mr. MacLeod, the janitor of the Forrest Building. Very convenient in the morning. I could make class in less than sixty seconds after waking and get breakfast at the break before the start of the second hour. MacLeod was a great pal to everyone and a raconteur to boot.

Three enjoyable years — enriching, challenging, hard work, poor-pocket fun, and outstanding leadership. We were privileged.



*Sketch of John Willis  
by Prof. B.T. Edmeades  
1975*



# Leonard A. Kitz



*Leonard A. Kitz is a partner in the firm of Kitz, Matheson, Green and MacIsaac in Halifax.*

The late J.F. Rutledge, K.C., lectured us on procedure. "One of the attributes of good counsel", he said, "is robust health and strength." As we left the lecture we joked at this requirement, and now, years later, walking wearily from struggle in court, that feeble joke comes back to taunt me.

We were sixteen students in the class of '38, and after a short time we were on a first name basis with almost all our professors. Most of us divided into bull session groups to meet once a week to review our work, followed by beer and cheese. Then to Norman's Cafe on Morris and Hollis for a big plate of steamed clams. It was a graduate's aim, in his first year of practice on his own, to make expenses.

Many graduates saw service in the war. My closest law school friend was Ab Hanway, killed flying with the R.C.A.F. His wit and bright good humour was lost to the profession. Should an outside professional do the School photograph? Not a bit of it. Ab Hanway and I would. We posed and shot the group. A Chase and Sanborn coffee can served as a reflector in developing, and the prints were washed in the boarding house bath-tub. They sold for 75¢ or, a discount, two quarts of beer delivered.

Another person killed was Edward Arab, a year ahead of me, who was usually first or second in scholastic work and was boxing champion of the maritimes. A street in Halifax perpetuates his name. Duncan John Chisholm, now a judge, who lived at that same boarding house, would agree sometimes to go for the small amount of jointly owned booze, but insisted on the grand gesture of hiring two taxis, one for himself and, travelling separately, one for the treasured liquid.

One day in the library I came across a tattered, dusty and clearly seldom-used volume with the delightful title of "Angel on Waters" and inserted a piece of rice paper offering a prize of two dollars to anybody who might come across it. That was forty years ago, or almost. Long enough, and I hereby withdraw the offer.

I plucked down from the Notable British Trials series the Trial of Captain Kidd. The interesting thing about Kidd is not the nonsense of buried treasure, but that he was searched out, due to a change in government, to embarrass his erstwhile highly placed political backers, and was tricked indeed by an amnesty declaration into surrender. A fictionalized account of the event won a prize which I used for half a year in Europe. The late Harvey Harris, Q.C., wrote a good book on Kidd and of the fortunes spent looking for his gold. I think Harris and I are the only two who did well out of that complex character.

A speaking programme at the Law School, with individual constructive criticism, was a worthwhile exercise which, I regret, is no longer extant.

Most students agree that their professional school years are the happiest of their university experience. Certainly they were for me.

# Moffatt Hancock



*Moffatt Hancock is Marion Rice Kirkwood Professor of Law at Stanford University in California.*

## **I tried to keep the students alive and awake**

I came to the Law School because Caesar Wright recommended me to Vincent MacDonald. Vincent was in Ottawa at the time and I made an overnight trip from Toronto and had lunch and spent the day with him. We discussed the possibility of me coming to the school. I did not hear anything for quite a long time but about May or June of the year I joined the faculty I received letters inviting me to join.

The Law School of 1945 was very different from the school of today. It consisted of some rather shakey old rooms at the end of the Forrest Building. These rooms reeked with the atmosphere of the 1880's. There were pictures on the wall that were kind of interesting and inspiring, pictures of the graduating classes; great big huge-framed pictures of everyone who had graduated. You could look at those pictures and see old friends like Larry MacKenzie and Sidney Smith.

The classrooms, although not really large, were quite adequate. There were benches for the students to sit on and tables for them to put their books on, and a nice raised dias for the instructor. The facilities were in every way satisfactory except perhaps that there were not quite enough of them to take care of the large number of students. When we had classes of eighty students we had to expand into a room known as the Munro Room.

The main problem we had was with the library. With a couple of hundred students in the Law School there was not enough room in the library as it was then constituted. Vincent MacDonald devised a plan, since the room had a very high ceiling, of putting in a kind of gallery that would cover about half the space, so that we would in effect increase the size of the open area by about half. Vincent thought that this new addition, which worked very well, should be known as "the gallery," or perhaps "the mezzaine"; but the students, being real Nova Scotians, had only one word for it; it was the "poop deck".

I have rather a colorful reputation as a teacher, but I really can't say that I used anything but standard law school techniques. I emphasized the case method a little more than had been traditional. I never stopped and lectured the students for very long. I never, ever dictated notes to them. I tried to keep them going and to stimulate discussion. At this I was very successful because they were older men and they were not timid in speaking up, or very few were; and some of them came to class, you might almost say, spoiling for a fight. They loved to argue and debate in the traditional law school manner. I always tried to keep the class moving along certain lines. I didn't allow long digressions that took us far afield. I managed to ensure that, though we seemed to be having an informal debate, we were working through the problems of the cases.

I tended to walk around in the classroom. I didn't just sit in the lecturer's chair. I walked back and forth. I can't remember why I was standing on the chairs one day, but something about getting up there must have appealed to me; possibly I wanted to write in the space at the very top of the blackboard. It is so long ago that I have forgotten. I was always mobile. I tried to keep the students alive and awake and entertained at all times.

I taught what would seem an extraordinary number of courses by modern standards. In my first year here I taught real property, legal history, and equity, all in the first term. I also helped out a little with a course in insurance. It kept me going. Fortunately I was a bachelor and so had no family demands on my time. Like my colleagues, Jimmy Milner and Tom Feeney, who started in after my first year, we worked day and night to keep the classes prepared. After the first

year I stopped teaching legal history but I took over a course in conflict of laws and mortgages; so that was just more work.

#### **We had no committees at all**

There was very little administrative work. We had no committees at all and the faculty met only at examination time, to pass on the marks. As the senior professor, I was supposed to write up the minutes after the meeting. Decisions were often made without calling a meeting. Vincent MacDonald would decide on what he thought was a good course of action and then he would talk it over with me and perhaps Jimmy Milner. We would make suggestions and then Vince would go ahead and do what was in accord with the outcome of the discussion.

The first year I was here there was just myself, Vincent and Jimmy on the faculty. Jimmy was just starting to teach. I had had about nine years experience and of course Vincent was an old pro. The next year we took Tom Feeny on, and for the remaining years of my tenure there were the four of us and that was all. In order to cover a large segment of the curriculum it was necessary for each of us to cover at least three different classes at a time, and occasionally four. There were also a number of part-time lecturers. Mr. Hanway taught procedure, Rolly Ritchie, insurance, and Mr. Jones taught insurance. My memory is a little fuzzy as to what other part-time courses there were and who taught what. Somebody taught a course in admiralty and there was a course in divorce. There were no elective courses because our resources were so small.

#### **The intense atmosphere of the place**

The thing I found most interesting about Dalhousie was the intense atmosphere of the place. The men who had been in the armed forces were getting back to what they called 'civvy street'. They wanted to be trained and well trained and trained quickly. They wanted to catch up with the years they had lost while they were in the services. Some of them had lost as many as six years. They were on the whole very eager and determined students. And that made the Law School an exciting place to be. To have students who are keen, who want to know, who have ability, who are more mature than most students, is very, very exciting. They had a sense of humor and a sense of scepticism. They were delightful, keen, sharp, hard working. It must also be said though that when you have a small school like this there is an intensely friendly atmosphere. Everybody gets to know everybody else; the members of the faculty get to know one another quite well. In my case I got to know a number of the students well because I met with them on informal occasions in which we would have a drink of rum or beer and sit around and talk informally about the law, about life, about everything.

There was no meeting place that was especially well established. I used to maintain what I called the 'Friday afternoon club', which met when the last class of the day was over at one o'clock on Friday. I would invite Jimmy Hendry and Alex Hart and perhaps some other people and we would go up to my room at Kings and bend an elbow and review the work of the week and the politics of the day and talk about all sorts of things.

#### **They had their peculiarities**

The faculty was a small but competent group. I never saw anybody work harder than Jimmy Milner and of course Vincent was an experienced pro and a great master of constitutional law. He had advised the government on various situations and he could talk about constitutional law with the air of a man who had told prime ministers what the law is and what it isn't. They had their peculiarities. Tom Feeny always taught in a fairly stentorian voice. You could hear him all over the first floor of the school. He really took command of his class and of course he had some pretty large classes. He had a very definite and

assured manner for one who had graduated just recently; but I approve of this approach on the part of young teachers. There was a section of the Wills Act that Tom was not familiar with. It had to do with wills executed outside the province. When one of the students mentioned that a will would be valid even though holographic and executed outside the province Tom insisted that it could not be and that there was no such section. 'Well', the student said, 'its right here in the Wills Act! 'I'll eat the Wills Act', says Tom, 'if you can show me that!' Well, the student did show it to him. I don't know what he did about eating it.

The mock parliament was a well established tradition at that time. I once played the part of the gentleman usher of the black rod. I got dressed up in my suit of tails, which was as close as I could get to the appropriate eighteenth century costume, but unfortunately nobody could locate a black rod. I was quite annoyed at having to go through that delightful old role without it. The mock parliament lasted for several nights and everybody enjoyed it enormously. The parties followed traditional lines but there were many spirited sallies and debates back and forth across the house. It is a great institution.

One of my colleagues in California has only three rules, which he announces to students at the beginning of the year; be present, be prepared, and be on time. But I have not myself found it necessary to be a classroom disciplinarian. It was my impression that the students here at Dalhousie generally followed those rules. As I said, they all felt that they had given some of the best years of their lives to the armed services. They were anxious to get ahead. I don't recall any difficulties with lack of preparation. I am sure that there were times when people were not prepared, but somebody else would answer the question. We would pass it over quickly. I don't recall any problems with them coming in late, or of staying away, unless of course they were ill. The attendance was good; people were here on time; and the preparation was better than I have ever seen it anywhere else.

As far as grading goes, we did have rather high failure rates. We did not go on the assumption that once a person got into law school he or she was more or less established. All of us were in favour of strict grading and of dropping people out who were not working hard or did not have the aptitude. It was rather sad in a small school where you get to be friendly with people, but we maintained high grading rates. Of course it was possible to get back in by working in the summer and passing supplementals; but subject to that we were pretty tough graders.

### **There wasn't much going on during the week**

The dress in school today is very casual but in those days everyone wore shirts and ties and jackets. Some of the students were wearing out old army trousers and bits of army uniforms that were suitable for civilian wear. Apart from that they dressed as any normal group of civilians would.

Besides the occasional tipping of the elbow, and the plays put on by the glee and drama club, the only other extra curricula activities were the balls. There was the medics ball, the arts ball and the Law School ball. There was also a Sadie Hawkins Dance, to which the girls invited the boys. People wore costumes based on Al Cap's comic strip. Some of them were quite interesting, one was dressed up as the Wolf Girl and there were a host of Daisy Maes. There was also the supper dance at the Nova Scotian on Saturday night; but beyond that there wasn't much going on during the week and that was a good thing because the boys stayed home and studied.

I don't think there was much opportunity for the students to get to know faculty in other divisions of the university. They got to know their law professors very well however. A student beginning in the year I came would have taken a course in legal history and a course in real property from me. In the second year

he would take equity and in the third year conflict of laws and mortgages. If he didn't know Moffatt Hancock by then he would have had some remarkable capacity for separating himself from his environment. He probably saw all too much of me, but the same would be true of the other instructors because the courses were all required.

The Weldon tradition of public service and research was also evident in the faculty of the time. There were a good many articles that had been written by professors in the school so the students must have been conscious of the fact that professors did something other than teach. Of course I had written a book on conflict of laws and some articles that were in the *Canadian Bar Review*. Vincent MacDonald had written a great many articles on torts, and sale of goods. In fact there was a pamphlet containing all Vincent's articles on sale of goods which was known as "The Gospel According to Saint Vincent". Jimmy Milner, I know, found time to write an article during the summer of his first year here. Then of course there were a lot of interesting articles that had been written by John Willis who had been on the faculty only a few years before, especially his famous article on "Statutory Interpretation in a Nutshell", and the book of articles he had edited on administrative law. The students could not have escaped the feeling that their professors were men who wrote as well as taught.

#### **They wanted to be lawyers**

Dalhousie students then were, I would say, from the maritime provinces only. The old fashioned and parochial rules of the Ontario Bar, and the cost of transferring, made it imperative that Ontario students go to Osgoode, the only law school in Ontario at that time. Judging from the students that we see at Stanford, the Law School is attracting quite a different type of student than it was twenty years ago. We get quite a number of students today who have never really thought much about studying law. They got very high grades as undergraduates and feel that they ought to go on to graduate school. They don't like medicine or science so it settles down to a choice between law and business and they end up choosing law. For some of them life is not terribly happy because they don't fall in love with the law and they are not really keen about it. They don't visualize themselves as some day being professional lawyers. Of the students that I taught at Dalhousie, all were quite firm in their own minds that they wanted to be lawyers. They had an idea of what lawyering was about, it may have been incorrect, but they had made up their minds that that was what they wanted. They worked more steadily and more consistently than the students I see today. The class of students today is more wide-ranging; there are some idealists who come in because they want to change the established order or reform the United States. There are also some who are just about the same as the Dalhousie students; they have wanted to be lawyers for several years; they want to go to a good law school and study hard.

There were no activists at Dalhousie then. I don't think there was any discontent at all. These were all men who had been in the services; the government was subsidizing their education, and they were pleased with the state of affairs. Of course they were concerned about their own careers, but I don't recall any kind of political activism. There were some grits and there were some Tories and they had varying views about the political events of the day, but that was the only ground of difference or distinction.

#### **A little stimulus to help you carry on**

No account of the Law School in those days would be complete without some kind of complimentary reference to Vincent MacDonald. He was our leader and he inspired the students to keep the school going. He was a very genial man with

a great sense of humour, a very robust sense of humour. Vincent was equal to any occasion in repartee; he was a friendly, hospitable man. I don't know how many evenings I've spent in his home, either talking to him or playing cribbage or bending the elbow. I do remember one time when the whole faculty was there. It wouldn't have been a very big party at that; there was Tom and Jimmy Milner and myself; we got into a game of four handed cribbage and Vince was very far behind and in danger of being skunked. In his genial way he just managed to tip the table over and the cribbage board and cards went all over the floor and the game had to be terminated.

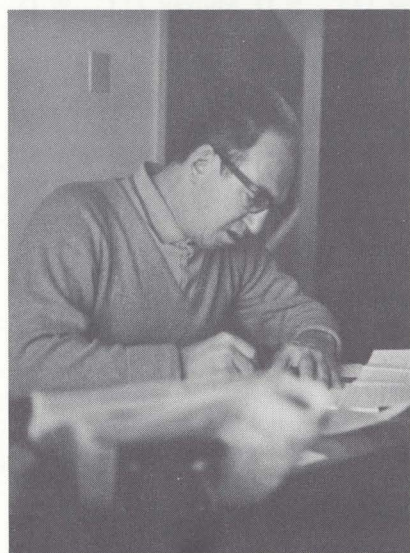
Vincent was also an expert on canon law relating to the days of fast and abstinence from whiskey, etcetera. When Tom would be over there for a party, Vince would say, "Can I get you a little drink of whiskey?"; and Tom would say, "Oh Vince, you know that we shouldn't be doing that on this day." Vince would reply, "No, the canon law says that if you are a teacher you have an exception; you are required, because of the exactions and difficulties of the profession, to have a little stimulus to help you carry on with your work."

I mentioned the stentorian tones of Tom Feeny and his willingness to eat the Wills Act. All I can say about my other colleagues is that I know from talking to the students that they were extremely effective. From my own point of view, I can only say that I have always tried in the classroom to be enthusiastic. I think that that is the first point of good classroom performance; you've got to be enthusiastic about what you are teaching. You've got to come out there year after year and get excited and all worked up over Adams & Lindsell or the Polemis case as if they were the greatest issues of law and justice that the world has ever had to deal with. You have to make the students feel that the case is of great significance and that the arguments are important. But you also have to have a certain sense of humour, you have to make the occasional witty aside, so that the students will relax. You have to be responsive to what they are thinking. You have to take their questions seriously, even though they may seem somewhat naive. But the main thing is to hold the attention of the students. I wear fancy vests and big rings. And I like to keep on my feet as much and walk around as much as possible. When I was teaching at Dalhousie I had a lovely set of fashionable, well cut suits from Toronto tailors and I wore a different suit every day and made kind of a show in that particular way.

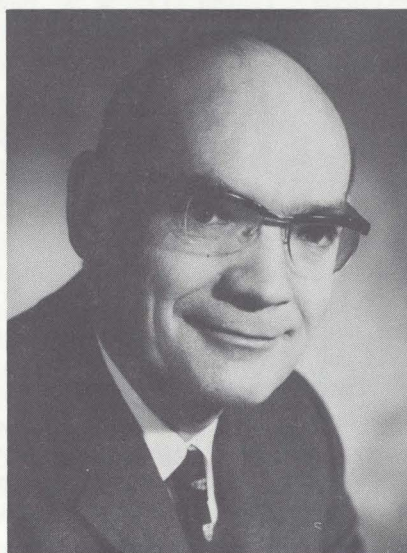
### **It's a dream come true**

Judging from what I've seen, the progress of Canadian law schools has been simply magnificent. It seems almost incredible to one who remembers those barren days when a school's full time faculty would be no more than three or four, as it was in the old days back at Dalhousie. What was true here was true of all other Canadian law schools. Now they have large buildings and large faculties and a great deal of progress has been made. It's a dream come true. It's the dream of people like Cecil Wright and Sidney Smith and Vincent MacDonald and Dean Weldon who believed in the importance of good law schools and who worked hard and sometimes were frustrated year after year after year at not being able to get financial support. I feel a sense of thrill and excitement at seeing these developments. In the course of our lives through this vale of tears we see many sorrows and disappointments; but here is a case where the dreams of men who worked very hard and clung very tenaciously to their ideals has come true.

*Mock parliament in the Munro Room 1936*



*J.M. Hendry*



*J.B. Milner*



*T.G. Feene*

# Peter O Hearn



*Peter J.T. O'Hearn is a Judge of the County Court in Halifax.*

## **The teaching staff**

Martin Haley, Clinton Havey and I had been discharged from the services for medical reasons. We came to the Law School in the fall of 1944, when the war was so very much on. We were, I think, the first ex-servicemen students of this period, so it is probably fair enough to start then.

The School was still occupying the north wing of the Forrest Building with three classrooms and three offices on the main floor and the library on the second floor. The largest classroom, called the 'Moot Court Room', was large enough to accommodate the whole School, but that was no marvel as the enrollment hardly exceeded twenty-nine. Two-thirds of the senior class consisted of Newfoundlanders — Kevin Barry, Ted King, Claude Matthews and Bill Proudfoot — with Frances Clancy of Vancouver and Bill Reddin from the Island, making up the balance of the six. Bill Reddin had been a teacher for some years and was even more mature than the veterans in comparison with the rest of the School. Even so, we were happy in the belief that those who attended the Law School during the war had maintained its traditional standards. Ted King, in particular, had been active in university life and gained the Malcolm Honour Award in 1945.

What about the School itself? We were still using the old desks and seats and they were extremely uncomfortable, especially to anyone with a back injury, such as I had. Past students had been at pains to carve their initials in them, and those there in my time took this as a sound precedent and followed suit. One set of better known initials were those of R. B. Bennett, but there were quite a few other marks attributable to distinguished graduates. It is a pity that some of them were not suitably preserved.

The full-time staff consisted of Dean V. C. MacDonald and George Curtis, who left at the end of the year to start the law school at U.B.C. Many "down-town" lawyers also lectured during this period. The ones that stand out are Gordon S. Cowan, Q.C., R. M. Fielding, Q.C., N.D. Murray, Q.C., W.D. Outhit, Q.C., and Mr. Justice John Doull.

Gordon Cowan, now chief justice of the trial division, taught property law and taught it well. He was just as demanding as any full-time professor, which was not surprising because he had taught law on a full-time basis at Dalhousie and then at the Manitoba Law School. R. M. Fielding, then crown prosecutor for Halifax county, taught criminal law and was unjustly accused of emphasizing the law of rape rather too much in order to maintain class interest. Gordon Cooper, now Mr. Justice Cooper of our court of appeal, was probably the most lucid classroom lecturer I have ever listened to. N.D. Murray's style was bright and breezy. He specialized in debunking and I think he made his subject sound a little easier than it really was. W. D. Outhit, then registrar of probate of Halifax county and later chairman of the board of public utilities, not only covered his subject very thoroughly and clearly but supplied a great many useful precedents.

Mr. Justice Doull carried on a tradition of some standing that a judge of the supreme court should be the lecturer in evidence. He covered the subject well but rather dryly and in such a small voice that it required a certain effort to keep up with him. He was succeeded in the task by Mr. Justice J.H. MacQuarrie, who believed in research and who, I am told, really flooded his classes with a host of citations.

To get back to the full-time staff. George Curtis was a very amiable, very gentlemanly and very knowledgeable lecturer who gave us a great deal of background material under the guise of teaching the history of English law. Dean MacDonald was known to everyone as V.C. or Vince, although not to his face,



and received the kind of esteem and affection that the deans of the law school have customarily enjoyed, despite his manner of lecturing. His style consisted of dictating his notes, slowly and even grandiloquently, with such illustrations and parentheses as might occur to him. He would pause only to squash any brash student who dared to interrupt with a question or a qualm. I found this very frustrating as I had many questions and qualms and he insisted upon leaving a good many questions unanswered. This, I think, was one of many factors that turned me against the British North America Act. V.C. exhibited the same absolute neutrality about the answers when, after he was appointed a judge of the supreme court, he had to deal with criminal trials, so that I think many juries were as baffled as his students. Nevertheless, he became a very good judge and was justly described by Chief Justice Ilesley, after his death in 1964, as perhaps our most distinguished member — although it is likely that not all the other judges present agreed.

Jim Milner arrived in the fall of 1945, together with Moffatt Hancock, formerly of Toronto, and the first of a host of ex-servicemen jumped the enrollment from twenty-nine to one hundred and ten. Jim Milner was a very whole-hearted man who took a great interest in his students and his subjects. He later became a Canadian expert on planning law. His characteristic at Dalhousie was to explore both sides of any question without suggesting any preference. He carried this practice into examinations, where he would ask students to give the arguments for both the plaintiff and the defendant. "Moe" Hancock had a style all his own, rivalling John Willis's in his attack on guff and other stuff, but with a somewhat different approach and technique. He attacked his subject by analyzing a series of problems, using illustrative cases from the Canadian Abridgement, to view the topic from every side. But what gave his approach color was the deft use of stock characters and stock phrases lifted, we thought, from old silent movies. He recently returned to the Law School and gave the present students a sample of his style but they, poor souls, lacked the background to appreciate properly this teatro del'art.

### Students and students' activities

During the 1944-45 year, Law School people were fairly active in campus politics and other affairs. Bob McCleave was president of sodales and Allan Blakeney was on the student council. With the influx of ex-servicement the lawyer's traditional interest in politics and organizations again came to the fore. Clint Havey became president of the student council, defeating Bill Mingo, who was then still in the arts faculty. Allan Blakeney became vice-president of the student council and was, even then, pushing the C.C.F. brand of socialism. In all these post-war years, The Dalhousie Gazette was a very lively campus paper, with Bill Mingo succeeding Jim McLaren as editor and Jim McLaren and Bob McCleave doing a column as 'J. Cricket McGosh'. Blair Dunlop was also involved in this effort. The Law School pretty well carried the debating effort for the university, with Al Blakeney, Clint Havey, Jim Saunders, Mark Yeoman, Lloyd Soper, Phil Arlett and others doing most of the work. In the 1946-47 term, Gordon Black and I met a visiting Osgoode Hall debating team, the first occasion of such a challenge, and went down in defeat. R.L. Stanfield was one of the judges and the Osgoode Hall team consisted of Victor Betts and E.S. Kirkland. Needless to say, the Osgoode team must have done a superb job.

Tom Feeney, who graduated in 1946, having been president of the law society, joined the faculty for the 1946-47 year. Later he became dean of the common law section of the law faculty of the University of Ottawa, where he was later again joined by Jim Hendry. In that year the mock parliament was

revived with the late Leonard Fraser, Q.C. as speaker, and Neil McKelvy, a recent president of the Canadian Bar Association, as leader of the opposition. That made Neil a Tory, which some people will find strange. As Clinton Havey was too busy with the student council, I acted as Prime Minister and, I believe, Allan Blakeney, being completely consistent, was leader of the C.C.F., with Winston Smith the sole representative of Social Credit. On the inevitable defeat of the government on the last motion, Mr. Smith was asked to form a new government. A great deal was added to this occasion by the participation of Mr. Fraser, who was a very able partisan either in court or in politics, when the circumstances called for it, but who was a very charming and completely neutral, courteous and helpful speaker. It was quite usual to go outside the School to obtain a governor general, but this being a revival, after a war-time lapse, the students thought the Dean should be asked to preside and he did with éclat. Professor Hancock, dashingy garbed in white tie and tails, acted as Gentleman Usher of the Black Rod and, I believe, Scotty McLeod of the maintenance staff was Sergeant-at-Arms, with a new wooden mace turned out by Halifax Shipyards. I am not quite sure whether this mace was the one later used in university processions.

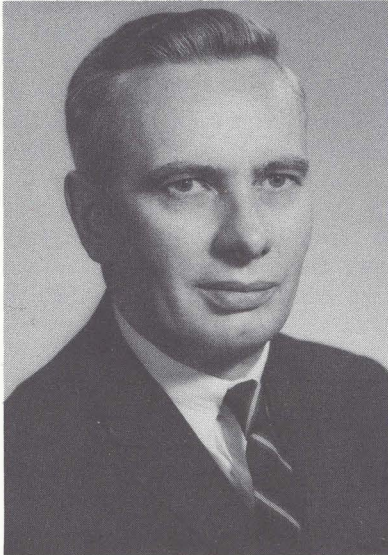
**You had to be there to really know**

Reminiscences such as these must of necessity be highly personal. Many elements, dear to others, are bound to be missed. Even if I could continue and deal merely with the members of my own class, these notes would swell to inordinate length. One thing, however, should be stressed: everybody worked very hard despite the cramped quarters and the limited extent of the library. The ex-servicemen were in deadly earnest to finish the course and get back to earning money. Many, if not most, of them were married. The competition was keen: at least half of the class would have been outstanding in any year and, I think, very much the same could have been said of the three succeeding classes.

There were personalities galore but it would be invidious to try to note more than a few: Don Black, president of the law society in my year, who died very shortly after graduation; Alex Hart, who joined the legal department of Canadian National Railways and became vice-president; D.J. Chisholm and Boyd McGillivray, who seemed to spend all their time playing cards in the common room and then desperately pumped the real students before exam time; Don Warner, the amiable guy who found he was more interested in music than law; Eileen MacLean, who was secretary of the bar society for a while and who later married George Yates and settled in Hamilton; Finlay MacDonald, who found radio and later T.V. more of an outlet than law; and Martin Haley, who, as student librarian, kept vigilant track of the reserved books. Such vigilance was essential in those days of scarce texts and huge demand and Martin was the man for the job. By coincidence, the then Chief Justice, Sir Joseph Chisholm, in addressing the law society banquet at the close of our graduating year, described a very similar librarian of bygone days who had Martin's faculty of spotting a gap in the shelves and being able to name instantly the text that belonged there. Sir Joseph was astounded at the laugh his mild and somewhat meaningless account evoked. Then there was the husband and wife team of Jean and Hugh MacPherson. But need I go on?

Describing a memory is like describing the sweet aroma of your mother's cooking. You had to be there to really know.

# A.J. MacIntosh



*A.J. MacIntosh is a partner in the firm of Blake, Cassels and Graydon in Toronto.*

Having been discharged from the navy, I arrived at the Law School in mid-October 1945. Most of my classmates were veterans. Many of them had been overseas and several, such as Harry Eisenhower, Jerry MacAdam and John Patton, had had very distinguished service careers. If we were determined not to be overawed by the Law School, Dean V.C. MacDonald made it clear that Dalhousie was not going to modify its standards for us. One memorable day in October he told us to take a good look at the person on our right and the person on our left, because one of us would not be there after Christmas. Although this seemed harsh at the time, it probably was a useful message for a group which had not been exposed to academic work for some little time. It was also a realistic approach because our numbers did shrink as the years progressed.

The faculty was small in numbers, consisting of the Dean, Vince MacDonald, Jim Milner, and Moffat Hancock as full-time professors, and a few members of the profession who lectured on a part-time basis. The teaching load was unheard of by modern standards. Moffat Hancock taught property I, history of english law, equity I, and conflict of laws, requiring some dozen hours of teaching a week. However, what the faculty lacked in numbers it certainly made up in quality. It included some of the finest legal minds I have ever met. Students were required to take all subjects offered. The faculty's objective was to provide a basic knowledge of the legal theories with which we would work in the future. The case method was used almost exclusively, which some of us, accustomed to the forces' methods of transmitting knowledge, found a rather circuitous method of teaching. Dean MacDonald met this criticism by explaining that a law school was not a trade school; it was an institution devoted to teaching students to acquire analytical skills which would serve them in the future, regardless of how the law might change. Our experience was to prove the Dean right, increasingly so in recent years as the pace of change has quickened and many laws seem to be written on water.

The course was demanding because the class, though large, was small enough to permit substantial classroom discussion. The fate of the unprepared was not pleasant to behold. Some of us did not favour the rather searching cross-examination which our fellows encountered from time to time. On occasions, when one of our number was having a difficult passage, others would intervene to effect a rescue. This was not always appreciated by members of the faculty, but an accommodation was reached and all of us learned something from the experience. Though demanding, the professors were eager to help; they maintained an open-door policy which made it easy for us to discuss whatever questions we chose.

Despite the teaching load, the faculty set a high standard and in many cases anticipated legal changes which were to occur over the next two decades. Dean MacDonald was a constitutional lawyer of stature and if, as some said, he made few changes in his notes from year to year it was because they stood the test of time. I recently found that the Dean's notes on the federal commerce power are surprisingly topical. Moffat Hancock, who had an innovative and incisive legal mind, regularly demonstrated that the law was not an exact science and that legal problems often admitted of several different solutions. Jim Milner was a quiet man who had a keen interest in the evolving nature of law. Although he was not a great lecturer, his insight into the relationship of law and the community was of value to all of us.

**Social activities**

Although the scholastic pace was brisk, the class was active in university affairs and social activities. Our members were instrumental in reviving some of the fraternities which had fallen on evil days during the war. One of the fraternities was so successfully revived that the then president, Dr. A.E. Kerr, at the instigation of a few overly-sensitive neighbours, called some of our class to his office to explain the continuing round of fraternity parties. If the allegations were true, the members, many of whom were veterans, supported by the government and by their wives, were marvelously inventive in meeting the costs of these purported orgies. The president finally decided that, though the exploits had lost nothing in the telling, it was fortunate that our purse strings and the demands of the Law School restricted our activities. He probably wished he could say "God speed" to veterans' classes as rapidly as possible.

**Politics and athletics**

Like all budding lawyers, we were interested in politics. In our second year many members of the class became active in the campaign for student council and succeeded in electing two members of the Law School, Clint Havey and Alan Blakeney, as president and vice-president of the students' council. Gordy Hart, now the Honourable Mr. Justice Hart, acted as president of the glee club, making 1946-7 a memorable year with productions of Twelfth Night, The Man Who Came to Dinner, and Trial by Jury. 1947 saw the institution of an Osgoode-Dalhousie Law School debate at Dalhousie, which Peter O'Hearn and Gordon Black, from our class, graciously lost.

The class also found time to be active in university sports. The law team won inter-faculty football competitions and placed well in other inter-faculty sports. Vince Morrison, a stalwart on our university football team, took a somewhat less than judicial approach to line play, and Dave Churchill-Smith was captain of the university hockey team. Dave Doig served as president of the athletic council and Mark Yeoman was a member of the students' council. Art Mears was the first director of publicity at Dalhousie.

Tom Giles, John Patton, Vic Wiley, and Les Clemens made a substantial contribution to the student veterans' association, in which many of us had a vital interest. Many of our members lived in converted barracks at Mulgrave Park, which served as a residence for married veterans and their families, and at Cathedral Barracks, which was a residence for single men. Those of us who didn't live there had an understandable interest in having the allowances improved. The allowance, as I recollect, amounted to ninety dollars a month for a married man. The quality of the food at the university dining hall was a cause for continuing comment by the association. The association's unremitting efforts actually led to improvement, although the university hall never became a popular dining-out establishment.

**Moot court and mock parliament**

Our period in the Law School saw the revival of the moot court and the mock parliament. In those days, the third year students presided as judges at the moot court and on one occasion the losing counsel advised us that he had never heard a more asinine decision. We were soon to find that outspoken opinions about the reasoning powers of the judges were the prerogative of their wives and of appellate courts. Our first mock parliament was the precursor of political events in Canada: the class could not produce a majority in favour of any one party. We had supporters of all three parties and some in the class were capable of supporting all three on any given day. The Liberals, under my leadership, which proved somewhat less than astute, formed the government; we were roundly defeated on a vote of want of confidence as a result of our failure to maintain

Canada's defences at a satisfactory level. However, having disciplined the government, the opposition parties were unwilling to form a government of their own, which must mark the first occasion in Canadian politics when parliamentary ambition gave way to what I suspect was a lack of energy and a desire to celebrate the event in a fitting manner.

The faculty was justly proud of the record of the Law School and found many opportunities to remind us of it. The Dean was particularly proud of the long association with Harvard Law School and the high regard in which our graduates were held there. But no one who ever sat in the old third year room in the Forrest Building needed to be reminded of the contributions of those who had gone before. Each class had for decades inscribed its initials on the old benches which had been there since the building was erected. With a little effort one could find the initials of R.B. Bennett, J.L. Ralston, Angus Macdonald, Horace Read, John Read and scores of others who had made Dalhousie Law School known throughout Canada. Many of us added our own contribution to the wood work of the School. Something of the atmosphere of the Law School was lost with the discard of the ancient benches.

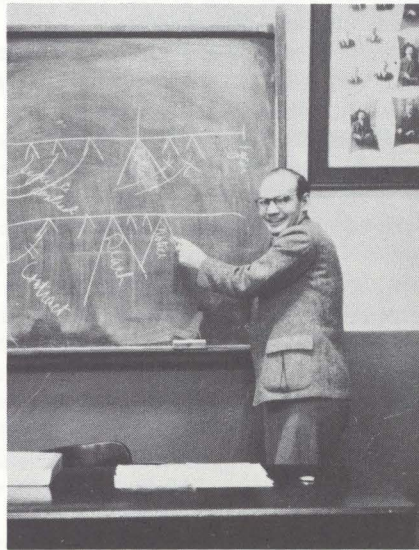
Veterans were allowed to article at the end of the first year, so that they could be admitted to the bar three months after graduation. This placed some strain on the bar as it was not accustomed to having seventy or eighty students at one time; but we were all accommodated in one way or another. Some of us learned rather quickly that the dreams of forensic glory we had acquired at Law School had little to do with actual practice; there evidently was more to be learned in the registry office than in observing the advocacy of the barristers. I articulated in New Glasgow for one summer and my first brief for my principal concerned the validity of a regulation governing the picking of blueberries in an area surprisingly known as the Garden of Eden. The next year I had the great fortune to get a job at the attorney-general's department, where the salary was two hundred dollars a month, which was more than articulated clerks ordinarily made; and, to my astonishment, it proved to be fifty dollars more than anyone thought I was worth on graduation. In common with law students of all times, many of us were interested in litigation and those who articulated with the great trial lawyers, such as Frank Smith and Harry MacKeen, were the envy of their fellows.

### **The law ball**

The highlight of the social season was always the Law Ball which, in our day, was presided over by one of our classmates, Don Warner. The Law Ball, in our graduating year, proved to be a more memorable occasion than any of us had expected or wished. The procedure II class was presided over by a kindly gentleman who came from active practice to lecture twice a week. His examinations were always counted upon to provide a welcome respite from the rigorous standards demanded by the other third year teachers. On this evening, one member of our class, beset by a lack of caution, brought on by the libations of the evening, made an impromptu speech which featured in detail the characteristics of the professors. Some of us were uneasy at this unexpected turn of events and would have been happier if our friend had been locked in the registry office for the night. In conclusion, he stated, whatever we might have to fear from other professors, we could rely on the good fortune that third year classes had always had in procedure II exams. The high failure rate in the course was inevitably attributed to the remarks of our incautious comrade.

At graduation the maritime provinces were faced with the largest influx of new lawyers it had ever seen. Vince MacDonald was well known in many parts of Canada and, in my case and, I suspect, in that of my fellows, he was unstinting

in the time he gave to advising us about opportunities and in obtaining them for us. Eventually, about one-third of us followed the well-worn path of Dalhousie graduates who made their way to other parts of Canada. Reciprocal admission was not the order of the day and we had to pass a rather stiff financial examination, which took the last fifteen hundred dollars I had. However, the Dean of Osgoode Hall, who had the task of determining whether I knew sufficient about practice to make my living in Ontario, contented himself by asking what happened at Dalhousie when the son of the president of the Nova Scotia Barristers' Society failed his bar exams. He then remarked that any graduate of Dalhousie undoubtedly knew enough or would learn enough about practice to serve his clients well. Certainly the School gave us a training which was the equal of any in Canada. Many of our class did find opportunities at home and by their work at the bar and as members of the bench they have added to the reputation of the Law School.

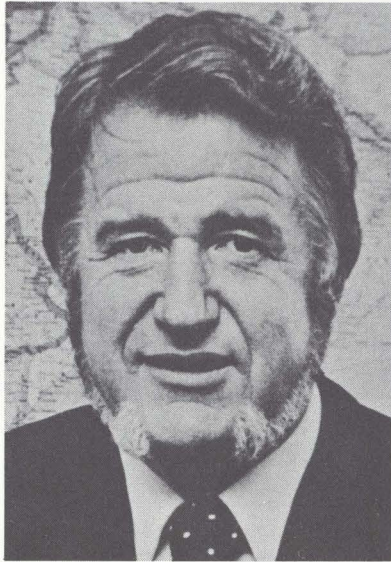


*J.B. Milner making a point*



*John E. Read and C.D. Howe 1957*

# J.W.E. Mingo



*J. W. E. Mingo is a partner in the firm of Stewart, MacKeen and Covert in Halifax.*

Those who are familiar with Dalhousie Law School only in its present, very adequate, premises on University Avenue may not appreciate how much in the last twenty-five years has changed.

Today the enrollment exceeds four hundred and fifty, of whom more than one hundred are women. The full-time teaching staff numbers more than thirty-five, thus providing a staff-student ratio of about one to thirteen. The support staff seems equally large. Applicants for first year with the minimum entrance requirements have, in recent times, averaged more than eleven hundred annually. Of these, less than one hundred and sixty are accepted, and the subsequent attrition rate for all reasons appears less than five percent. The total course load has not changed, but only eight of the courses are compulsory. The rest are selected from an impressive, if perplexing, array of electives. While I can not speak with authority, I suspect that every contemporary variety of jurisprudential thought and teaching method has its adherents among the faculty.

In the late 1940's the entire physical plant of the law school consisted of three classrooms and two staff offices on the ground floor of the north wing of the Forrest Building, a library upstairs, and a common room in the basement. In concept it seemed hardly more than a step or two removed from the single room rural school house.

Even then the Forrest Building was an antique. The interior was finished in wood and plaster, and the wood was dry and splintery, black with stain, age and wear, and it smelled "old". The east wall of the largest classroom — the only one large enough to accommodate at their initial strength the first year classes of the day — was coated with a myriad of photographs of graduates taken at an advanced stage of their careers, the great and near great in law and Canadian public life, many of them sporting ancient collars, ties and (at the time) beards.

Dean Vincent C. MacDonald occupied one of the two offices. The other was shared by the three other members of the full time teaching staff, Moffatt Hancock, Jim Milner and Tom Feeney. The staff-student ratio was about one to sixty. Some "downtown" lecturers, one secretary, one female clerk, three student librarians, and a janitor completed the complement of the faculty and administration.

Beginning in September 1945 each of the first year classes approached one hundred or more in number, most of them war veterans in their late twenties taking advantage of their D.V.A. grants. Two years or, for veterans, one year, of undergraduate work was the entrance requirement. All applicants with these or better qualifications were accepted and the examinations at the end of first and second year were the screening process. They reduced the ranks of the class of 1949, more than one hundred and ten strong on admission, to only forty-two on graduation.

Notwithstanding this "open door" policy on admission, of an enrollment which perhaps averaged two hundred and forty throughout this period, no more than two or three were women. Many of the men were married, some with children, and understandably they were more anxious, and more serious, about earning a living as soon as possible after graduation than their younger, less obligated, colleagues. The experience of earlier graduates over the preceding fifteen years having demonstrated that a law degree was no guarantee of a law practice, it was commonly accepted that the best opportunities would go to those with the best marks, and the competition for marks was intensive.

**The same courses, the same professors, the same examinations**

There were no seminars, no legislative labs, no term papers, and no optional courses. Everyone took the same courses from the same professors and wrote the same examinations. Dean MacDonald taught a full course-load along with his three faculty colleagues. He and Tom Feeney espoused the lecture method and dictated copious notes covering a great deal of black-letter law. In general, their views reflected those of the English jurists and law teachers of the day: law was regarded as a self-contained system whose concepts were fashioned and refined by decided cases, not by legitimate reference to their underlying values or to the best of current thinking in other disciplines, or by any pragmatic consideration of the consequences, but rather by the exercise of abstract, inexorable logic. For an example of this approach, turn up the chapter on causation in any old English text on negligence. Professors Hancock and Milner, on the other hand, were disciples of the socratic and problem methods of law teaching which had been developed, and were universally used, in the United States. Their insights into the legal process would be considered more contemporary today. The quality of all these men was exceedingly high. They were stars in their league; and, because each of us was exposed to all of them, and only to them, by today's standards their influence as law teachers on their students was inordinate. Even today, in retrospect, their image appears to have been larger than life.

Appeals to the Privy Council were just being abolished, and the profession still placed a higher value on strict constructionism and stare decisis than do our tribunals today. It generally viewed as heretical any suggestion that judges should "make" law, even within narrow limits, or that frequently they have in reality no other option. The changes in the scope and terms of our statute law, changes which have characterized the last ten years, and which have probably given all law a less immutable image, were then almost two decades away.

Dean MacDonald reigned over the Law School like an absolute monarch. He continually sought, not without some success, to inculcate or "program" us with the notion — now perhaps too unsophisticated to have the same credibility — that his graduates were a little special and that more in the way of public service was expected of them than of law graduates generally. In part he did this by extolling those earlier graduates who had achieved prominence in the fields of law and politics. How often did we hear references to the three who had been members of the war cabinet. If Dean MacDonald were alive today, no doubt the reference would be to the four among the ten provincial premiers.



*George F. Curtis*



# Denne Burchell



*Denne Burchell is general counsel to the Cape Breton Development Corporation in Sydney.*

I arrived at the Law School in September of 1948. Mine was the fortunate generation: too young to feel the depression and too young to go to war. With some sense of guilt, I realize that we were the beneficiaries of both great tragedies; in the first, we were cast upon our own resources; in the second, we were allowed to feel like participants in the great enterprise. Responsibility was conferred upon us when we were still children. It was a great gift. But now the war was over. We were entering Churchill's "broad sunlit uplands"; brotherhood and effective world government were just around the corner; we scarcely knew that Korea existed. It was a time of exhilaration and idealism; a time of innocence and high hope. And the veterans were coming back. We saw them as knight crusaders, every one the hero of an unquestionably just war.

The vets were a remarkable lot. The assortment of ranks and decorations was dazzling. Colonels, commanders, group captains. Some had had authentic experiences that you would only expect in the wildest and most romantic fiction. They had been through sinkings, bombardments, crashes, prison camps, and God knows what. The dark side of it was that they immediately developed a strong sense of caste. It is significant that I can still list the ranks of nearly every one of them I knew. Just as clear is my recollection that the ordinary ranks and noncommissioned officers were equally discernable. Officer types were in the vast majority. My impression is that they were about as cordial to their military inferiors as they would have been in a prison camp. If the analogy is strained, it is a fact that the ordinary ranks and non-coms felt isolated enough to grumble to us about the way they were snubbed.

## **A world that was different**

When I arrived at the Law School, there was a message waiting: the Dean wanted to see me. Is this normal, I wondered, as I presented myself to Booffy Keith who, mystery on mystery, seemed to know me. Presently I entered the Dean's office and came into that formidable presence for the first time. "So you've decided to take law." "Yes, that's true," said I, trying to look the part. "I understand you had a dance orchestra on Studley last year." "Ah — yes, I did, that's very true." I thought I sounded sincere but I knew the crew cut and jazz bow were very wrong. "We had a student here for the last few years who tried to do the same thing." "Is that so — oh yes, I know him well." "It didn't work out." "Oh, that's too bad. What a shame. Of course I'm not in his league by a long shot. Just a small group, you know." "You'll have to decide whether you want to be a lawyer or a musician." "Ah, yes — um, I think I understand, sir." He wished me luck and the interview was over. I was upset because I was counting on the revenue. But I was surprised that he took the trouble to warn me.

This was my first realization that I was entering a world that was very different from the *laissez-faire* existence on Studley where you were anonymous, and where even class attendance didn't matter if you passed in assignments and wrote good exam papers. Law School was like going back to high school and the Forrest Building contributed to the feeling. They actually called numbers at the beginning of class and kept an attendance record. By the second day, Booffy knew everyone by name. But Booffy was a phenomenon. Supremely efficient and stunningly attractive, she ran the office like a drill sergeant — and she had the whole School at her feet. A great groan went up when she was corralled by Slim Chisholm who was a kind of John Wayne figure of the time.

Indoctrination began at once. We had heard, and now the faculty told us, that the course was tough. The practice then was to let in all comers and slash for quality at the end of the first year. The Dean explained the situation in a matter of fact way: it was the best school in the country; we all had a responsibility to

maintain its traditions; he wasn't going to preside over its decline. Tom Feeney came on belligerently with the news that half of us wouldn't make it to second year — he was just about right — and the great Moffat Hancock struck an imperial pose and bellowed that heads would roll.

### **The full-time professors**

Jim Milner, the fourth of the full-time professors, lived in a reflective world of balanced probabilities. It was not his style to threaten. He preferred instead to disconcert. Our first lecture opened with the word "suppose", after which my notes recorded seventeen consecutive questions on which I waited in vain for answers. His mission was to make us think and if he was only half successful he certainly did make us worry. He was excellent.

In contrasting style, the Dean would treat us to a general discussion of his subject and then unroll one of his prepared summation pieces. And how those summation pieces would roll! They were positively serpentine. Sometimes they threatened to consume themselves in subordinate inversions while at others they cantilevered out over breathtaking grammatical abysses only to make some looping and unexpected recovery on the opposing point or, just as frequently, on the original ground. Single sentences ran on for pages and pages, and no rule of grammar or deficiency of language could deter him. I still recall shuddering over "obviousity" and "dangerosity". But his intonation was magnificent. It was pure music and we were transfixed. We were hypnotized. (I am bound to add that a few of the less hardy simply fell asleep.) We did not come to appreciate that material until the week before exams. It was wondrously crafted stuff and he must have fashioned it with great loving care and erudition.

Tom Feeney was different again. He was a veteran but seemed a young man in spite of a military mustache. He had graduated two years before and made such an impression that he was immediately hired as a professor without, I believe, any post-graduate work to support him. It may have been unfair, because he promptly encountered his former common-room cronies, including servicemen of vastly superior rank. They behaved as though they couldn't believe their eyes and, so the legend went, gave him a terrible ragging. He seemed to have done some thinking over the past summer, because he had an air of defiance that suggested he had had enough and would be a mean customer to cross. His memory was phenomenal. Not only did he have the Criminal Code memorized but also the cases on the syllabus, complete with citations in perfect detail down to the page numbers. I am sure that he had unusual powers but I am also certain that he worked furiously to perform those feats. His detractors liked to dismiss him as a mere memory artist, memory then being a discredited aspect of intelligence. But my recollection is that he taught his courses with clarity and exceptional command of his material.

These first three were certainly extraordinary, but Moffat Hancock was an unforgettable experience. Brilliant, eccentric, theatrical — none of the labels do him justice. It wasn't simply that he dramatized lectures in property I — think of it, property I —! it was the way he visualized and animated the subject. Rules and principles sprang to life; they stood like fierce sentinels, marched like robots, and sometimes they leapt into battle. "Show me an unregistered instrument", Section 17 of the Registry Act was made to say, as Moe fenced his way across the front of the class. "Show me an unregistered instrument and I shall stab it!" He invoked scenes from Gilbert and Sullivan, events and characters from Dickens, and others of his own invention. He introduced one of them while speaking of the ancient modes of conveyance and the prolix form of deed then in vogue in Nova Scotia: "And so said our rustic Nova Scotia lawyer, leaning on

his musket between attacks of the Indians, I don't know what any of these words mean but I can't go wrong if I use them all.' Sometimes he mounted the furniture to dramatize a point. You never knew what to expect except that from each dazzling hour would come some vivid and unforgettable impression. It was a wonderland that Alice might have envied.

### **Something went wrong**

That first year was the best. I suppose we had matured to some extent and had begun to assert our separate personalities as the novelty of war experiences faded and the veterans demonstrated that they were fallible and human after all. In any case, we were all thrown together in a common furnace of competition which was a great leveller. I recall feeling that we had finally melded.

But something went wrong from the beginning of second year. In the first place, Moe Hancock and Jim Milner did not return. Not that their replacements were inadequate. Professor Lederman was outstanding and there were other good newcomers who will be mentioned by memorialists of succeeding years. It is also true that for another year the Dean continued to unroll his velvet sonorities, though important color was missing. Yet none of these changes would have mattered if something else had not happened at the same time.

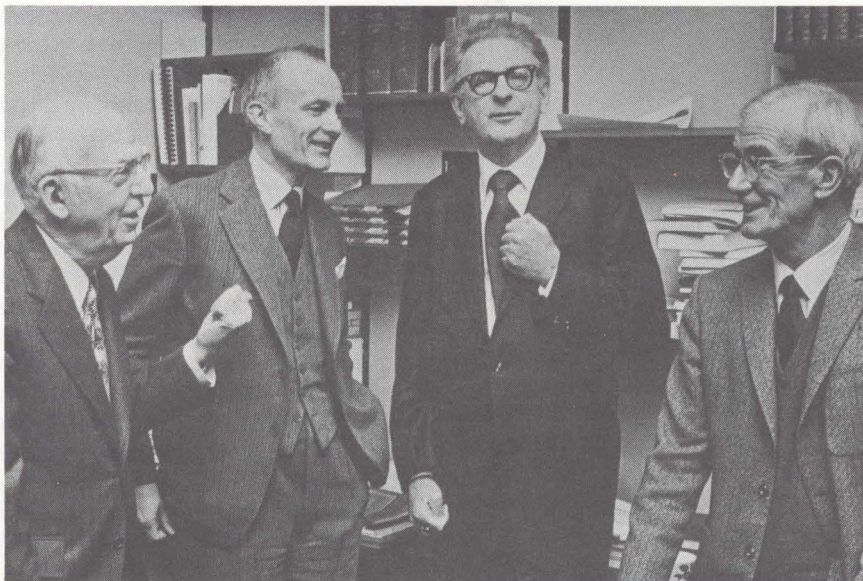
The veterans had been permitted to article after first year and they had been transformed by the experience. Now they appeared in homburgs and waistcoats, carrying impressive briefcases. Everything about them seemed different. Their chins and voices were lowered pretentiously and they intoned importantly in accents and inflexions that were strange and unfamiliar. Perhaps something like this happens to each new generation of students, but I think that in those years the symptoms were exaggerated. Obviously they were an older group in a hurry to make up for lost years. They had mainly articulated in Halifax, which was then gestating toward its great parvenu period, and the little downtown firms of those days were self-consciously strutting and striving to cultivate a Toronto style. I am not sure who the downtown idols may have been, but they certainly spawned a wholesale imitation that was hard to bear. All of that aside, there is no doubt this early term of articles gave the veterans a decided push. They started second year with new confidence and enthusiasm. The rest of us responded in different ways. Some began to imitate; others drew back in shock and alarm. For my part I concluded that I was not fitted for the role and began to wonder what I was doing in law school.

### **Third year was even more depressing**

Third year was even more depressing. The great dream of world government had been crumbling under the impact of the veto and we felt the chill of cold war. In the summer of 1950 the disillusionment of Korea broke upon us. By this time I was firmly set against the contrived style, which had become general. Even the non-veterans were transformed by their first term articles. It seemed to me that most of the class was unaware of what was happening in the world outside; they were happily engrossed in the pursuit of status, as mannered and narcissistic as amateur actors. The Dean was gone (he was now Mr. Justice Vincent MacDonald) and there was a whole range of new faces. They were good people and somehow the standard held. But it would never be the same, which is perhaps a good thing.

Of course my own experience represents only a fragment of the story of that unusual era. We were caught in a warp of time — two very different generations cast together in the afterglow of a terrible war. Naturally we youngsters had to lose something in the short term. Perhaps we were beneficiaries in the long term. It was certainly a privilege to know the veterans of a war and a depression.

*Horace E. Read  
Ronald St. John Macdonald  
Moffatt Hancock  
John Willis  
1973*



However, I still think the treatment of ordinary ranks and non-coms was shameful — surely it was time to put aside that part of the military guff — and I think the university would have been kinder had it done more screening. A large number of vets lost their grants and their places in the university through the practice of taking all comers. But with those two reservations, I don't think any of it was unfair. It is unimportant and incidental that I developed an aversion for lawyers that took a decade to wear away. Their mannerisms were extreme and many underwent sad disfigurements of personality.

Although the experience of the time was untypical, it may be of general value because a few of its features were so exaggerated. For me the lesson is that manner and style don't have much to do with competence or even respect and love of the law. When students return from their first term of articles they should be reminded that the law is not a game played by privilege olympians, but a service vocation that carries heavy social responsibilities. Its privileges should be modestly appreciated and enjoyed. Echoing the confucian aphorism that piety is the thief of virtue, we would do well to remember that pretension is the thief of professionalism ... said he pretentiously.

# J. Chisholm Lyons



*J. Chisholm Lyons is a partner in the firm of Smith, Lyons, Torrance, Stevenson and Mayor in Toronto.*

Dean Ronald St. John Macdonald asked me to write a few reminiscences of my law school days, which embraced the golden, but somewhat tarnished, years of 1948 to 1951. His request came almost too late. I have total recall of the good times but only vague remembrances of the bad times, such as conflict of laws, criminal procedure, and the sandwiches served in the basement cafeteria. During those golden years, Halifax celebrated its bi-centennial birthday, a significant historical event which was only overshadowed by the subsequent emergence of a consensus in academic circles that the graduating class of 1951 proved to be the most obscure in the long history of the university.

Time moves on and one's enemies grow older. There are disadvantages, too. I must confess that I was saddened by the removal of the Law School from Carleton Street to the main campus. It was something akin, I think, to removing the Vatican to Sydney Mines. There was a large measure of history and tradition — and dust — associated with the old school at the Forrest Building. I recall that at our law students' meetings — there was always a nice blend of wisdom and arrogance — the most enduring topic was the mustiness of the library. There was unanimity on the topic, even among those who were unaware of the location of the library. The more diligent students were suffering from mildew and certain of the more emotional members of the student body expressed the opinion there was a tuberculosis epidemic imminent because of the dank atmosphere in the library. Joe MacIntyre, who found the second world war a delightfully diverting experience, after serving in the coal mines in Cape Breton for a number of years, thought he could detect silicosis among the library-attending populace. Jack FitzPatrick, a pragmatist who had no reason to fear mildew, tuberculosis, silicosis or the hamburgers at Joe Sweet's, placed the issue in context by commenting, "If the merkiness in the library was good enough for R.B. Bennett it should be good enough for us."

The Jack FitzPatricks, the Ritchie Loves, the George Therriaults and the John Ballems followed R.B. Bennett to Calgary where they embraced the Stampeders and the Social Credit, in that order, and learned to speak American. R. B. Bennet was never heard of again but the others are constantly on everyone's lips.

## **Politics and the common room**

My most enduring memories of the Law School centre on politics and the common room and I suppose to a large measure the two entwine. It was in the common room that I learned — at considerable personal expense — bridge and casino. My teachers were Jack Hatherly, Ian Robertson and Doug Rouse; and I feel assured that if Rhodes scholarships were granted for overreaching in cards they would have been awarded several scholarships each.

The common room was short on physical comfort but long on intellectual pretensions. It offered warmth, entertainment and conversation unencumbered with academic commitment. I recall that during the world series we would all sit around and look at the radio during the baseball broadcasts. It struck me strange at the time and more peculiarly odd in retrospect that intelligent men — or allegedly so — would get their jollies looking at a radio.

Doug Rouse came from a strong Baptist-Untied Empire Loyalist background and it is difficult to imagine a crustier environment unless you combined it with Fredericton, which happens to be his home town. He flew spotter planes for the artillery in World War II, on our side, I believe. In any event, Dean Horace Read, the king of conflicts, posed an esoteric question on a conflicts exam about an Ontario resident domiciled in Manitoba who rented a car in Quebec and smashed it into a service station pump in Bangor, Maine. Doug said that he

didn't know anything about conflicts but he knew a lot about justice and the guy from Upper Canada should pay. Doug moved on to become Deputy Attorney General of New Brunswick and is now pursuing a distinguished career with the Faculty of Law of the University of New Brunswick in Fredericton — if you can call that distinguished.

I suppose the epitome of student involvement in politics was when two classmates, Earl Urquhart and Al Baccardax took several weeks off to run against each other in a by-election in Richmond County. When it was all over they came back to the common room and picked up the bridge game where they had left off. Earl won the election but Al won the game. I don't know which was more important.

There was a student from the valley — whose name I fortunately cannot recall — who spent his spare time at the Nova Scotia legislature watching the formulation of lofty legislation. I always thought that that was about as exciting as watching wet mackrel on the counters of Boutiliers Fishmarket on Granville Street. I think Jerry Regan shared my point of view as he spent most of the school year arranging to bring the Boston Bruins into Moncton for an exhibition game on the second Thursday in August and doing the broadcasting — both the play by play and the color — for tennis matches in late October, when there would be a larger broadcasting staff than spectators.

The pervasive influence of politics on many of the lives of law students compelled them to lofty civil service jobs in Ottawa where they are either above or beneath politics — I don't know which — but certainly beyond criticism. The likes of Harry MacDonald, Saul Samuels, Orvol Troy and Donny MacLennan spend their time, I believe, buying Hull for the National Capital Commission or paving over Prince Edward Island, or both. I do know that Donny MacLennan goes to Mass every Sunday and prays to Allan MacEachen, Minister for External Affairs, who represents, as near as I can recall, the counties of Antigonish, Guysborough, Inverness, Richmond and Sable Island in the House of Commons. Donny has strong moral commitments; he only drinks South African wine in his basement. Orvol Troy takes antiquated federal justice to the Eskimos once a month in, appropriately, an antiquated DC3. The Eskimos don't like Ottawa justice because they can't chew it or wear it, but that's beside the point, because the junkets to the high arctic make for good newspaper articles.

#### **Even the courses had a local flavor**

I remember with fondness the mock parliaments where there was an overwhelming representation of Liberals and Conservatives among the student body. The only one who was available for the NDP was George Loucks but he responded well as it gave him a greater opportunity to talk. He thought the world in general and Canada in particular would be a better place in which to live if the people owned the means of manufacturing and distribution. I don't know where George is now but I assume that, like everyone else in Canada, he gets his mail three times a year. George invited David Lewis, who was then national organizer for the C.C.F., to address the law student body and I believe eight people showed up, seven from the faculty of economics at Dalhousie and George. George invited Mr. MacLeod, the building superintendent, but he refused; he already had too many bosses.

I thought at the time we were relatively sophisticated at the Law School in having married couples as students, such as Mim and George Kerr, George and Eileen Yates, and Hugh and Jean MacPherson. Paul Lee was a pioneer in that he married while a student. That presaged a whole new development for I now find that a number of our articulated students here in Upper Canada are divorced before

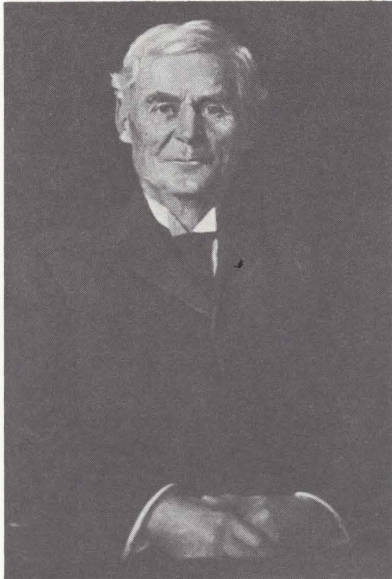
they finish their articles. That is progress in the same manner that tax reform is reform.

I see from a recent Dalhousie Law School publication that the Law School describes itself as a "national law school with an international flavor". In my time the only pretense the School had for a greater-than-Nova Scotia face to the world was Stewart Wallace from British Columbia and Al Trites from Sackville out of Stalag III. Even the courses had a local flavor, like admiralty law. I've always had the feeling that admiralty law was given solely for the benefit of Donald Kerr and I wouldn't be surprised if even today he is giving the course on the subject to an audience consisting of his son. I know that Dalhousie Law School now gives special and esoteric courses on such topics as international environmental law, costal law, and law of natural resources. In fairness to the past, it should be mentioned that there was a form of specialization, even in the late 1940's. When the late Piper MacMillan failed all his courses but torts, he declared that he was going to specialize in torts and become a tort lawyer.

I mentioned earlier that the students who graduated during the period from '48 to '51 were an undistinguished lot but I should mention Alec MacIntosh who heads a law firm here in Toronto larger than the population of his home town of Stellerton. Having said that, I think that if I were to do it all over again I'd be a Bill Mingo or a Harry Rhude or a Ron Downie or an Art Moriera and stay in Halifax and watch the tides. But then again I mightn't. After all, what chance do their children have to become Conservatives?



# Deans of the Law School 1883-1964



*Richard C. Weldon*  
*Dean 1883-1914*



*Donald A. MacRae*  
*Dean 1914-1924*



*John E. Read,*  
*Dean 1924-1929*



*Sidney E. Smith*  
*Dean 1929-1933*

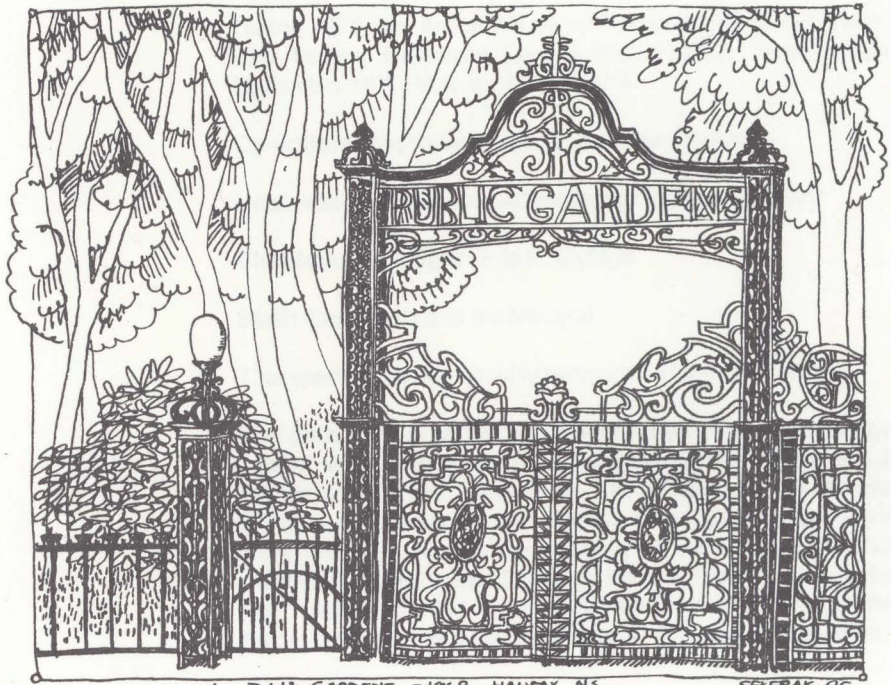


*Vincent C. MacDonald,*  
*Dean 1933-1950*



*Horace E. Read*  
*Dean 1950-1964*

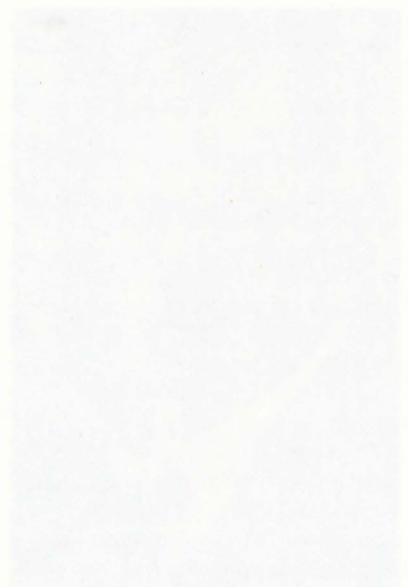
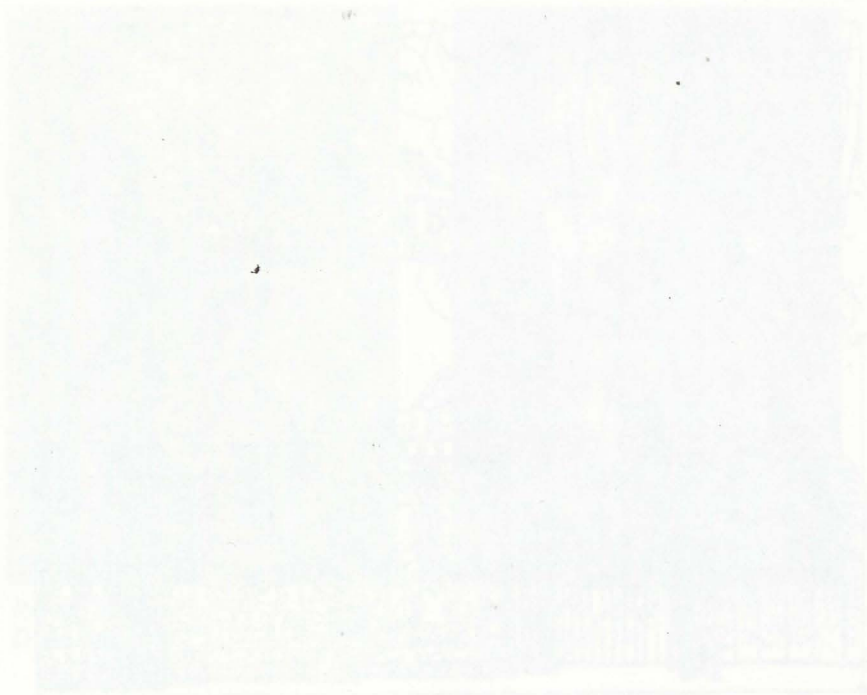




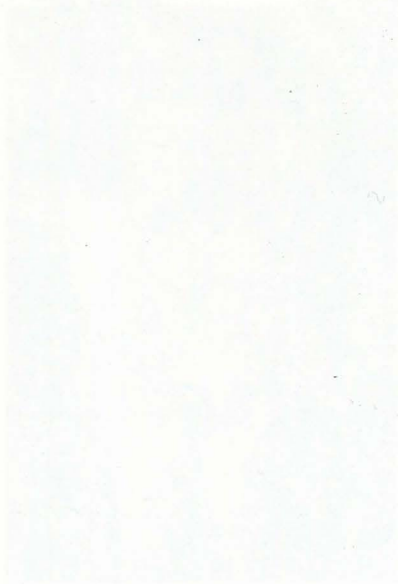
the Public GARDENS - 1867, HALIFAX, NS

SERAPAK '76

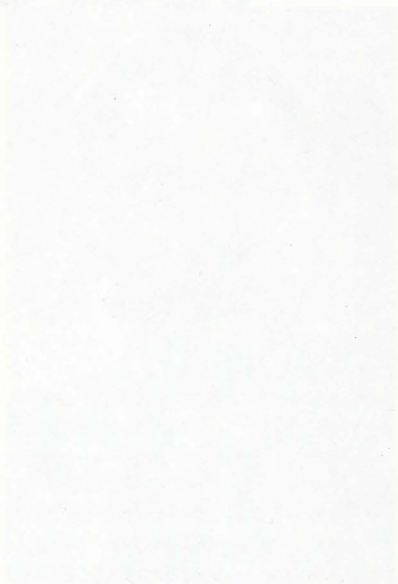
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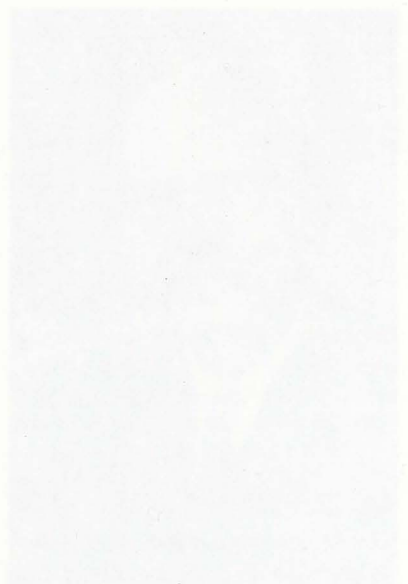
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