

FIFTY YEARS OF LEGAL EDUCATION AT DALHOUSIE.

To talk about the Law School, one needs the intimacy of the camp-fire and a circle to whom "the Dean" and "Benny" are unequivocal expressions requiring no interpretation section. In such a group it is possible to stir an old memory here, and to stimulate a long-forgotten emotion there, thus inducing the listeners to paint their own pictures.

It is impossible, on the cold, white pages of the *CANADIAN BAR REVIEW*, to convey to a generation that knew not Weldon, to whom "Benny" is merely a jurist, the heart and soul of an institution vibrant with life. The readers are familiar with the general story of the School; they know its graduates; they have observed its general influence upon legal education in Canada; but they have not been initiated into its mysteries.

The foundation of the Dalhousie Law School in 1883 was an experiment. In the Eighties, the conception of a university school of law was an innovation in British institutions. It is true that the study of law, as an element in a liberal education, was no novelty, but the idea that universities should undertake the project of training men for the public profession of the law was even further from acceptance in England than in Canada.

On the other hand, the need for a law school was obvious. The old régime of legal education was even then crumbling. Indigenous to England, where it was co-ordinated with the professional system and founded upon broad and liberal public school and university education, it fulfilled the needs of the community. In different circumstances, where the two branches of the legal profession were merged and where its members were too busily engaged in the struggle for existence to devote the time that was necessary for the development of the junior ranks, the need to supplement the practical instruction of the office was recognized. It was a need, not only for strengthening professional training, but also for giving to law students the elements of a liberal education.

Bearing in mind the character of the need and also the fact that, at the time, the University Law School in the United States was reaching its modern form under the leadership of Langdell, it is not surprising that the founders incorporated the law school as an integral part of the university.

As a result of the generosity of George Munro, a Professorship was established, and Richard Chapman Weldon was appointed Dean of the Faculty of Law, and George Munro, Professor of Constitu-

tional and International Law. Closely associated with him was Benjamin Russell, later the Hon. Mr. Justice Russell, who was appointed Professor of Contracts and who devoted a large part of his time to the School. Associated with Weldon and Russell were the Rt. Hon. Sir John Thompson, the Hon. S. N. Shannon (Judge of Probate), James Thomson, Q.C., Sir Wallace Graham (later Chief Justice of Nova Scotia), the Hon. Robert Sedgewick (later a Judge of the Supreme Court of Canada), John Y. Payzant, Q.C., and the Hon. S. G. Rigby (a Judge of the Supreme Court of Nova Scotia).

In this manner was established a policy which has been followed even to the present day, namely that of combining within the school two groups, the one including men who devoted the whole, or a substantial part of their time, to academic matters; and the other, including a number of leaders of the bench and bar, primarily engaged in the practice of their profession. An even balance between the cultural and professional sides of legal education is thus insured.

In its content, the curriculum was based upon the balancing of two principles. On the one hand, its scope was sufficiently extensive to give to the student an adequate foundation for his professional needs. On the other hand, the curriculum included the cultural elements in legal education. The relationship of law to the other elements in human knowledge and in life, was not forgotten. It demonstrated that it was possible to make the study of law a liberal education and, at the same time to place the student in a position where he could readily learn to cope with the difficulties of practice after his graduation.

At Dalhousie, as in the case of most educational institutions, the influence of personality has been at least as important as that of ideas. The corporate entity is the product of two groups of personalities: the faculty and the student body. Weldon and Russell and the group of distinguished lawyers and judges who formed the original faculty, were followed by other scholars and lawyers who are worthy to rank with their predecessors: It would be invidious to refer to individuals, and tedious to set forth the entire list. It is, perhaps, possible to mention the work of the late Sidney Harrington, Q.C., the late Judge Wallace, Hector McInnes, K.C., and Judge Patterson, whose efforts on behalf of the School extended over many years and are so largely responsible for its reputation. It is also desirable to refer to the work of Dean Weldon's successor, Dr. D. A. MacRae, who was dean for a period of eleven years from 1914 to 1924. His contribution to the School was fairly comparable to that which he rendered to legal education in Canada generally. The School had established its prestige and its traditions when he took

over the deanship, but it required organization. He transformed it into an institution with the standards and methods which are essential to permanent progress and which insured the perpetuation of the development and traditions which had already been achieved.

Not less important than the influence of the teaching staff has been the character of the student body. From the beginning the Law School has been fortunate in attracting students of exceptional character and ability. Further, geographical considerations have restricted the numbers of its student body so that its classes have been small groups partaking largely of the character of a seminar or tutorial group. This has given an intimacy to the relation of teacher and pupil that would be impossible in a larger institution and has made it possible to incorporate into the teaching technique some of the elements that have characterized the tutorial system of the English universities. At the same time, the exceptional industry and capacity of the student body have insured that there would always be, in the instructional groups, a high general level of intelligence, and a sufficient number of intellectual leaders, to make the best type of instruction possible. The writer, in a period of teaching extending from 1914 to 1929, had the privilege of working with the members of thirteen different classes, and of teaching, at different times, ten different courses. The School may be regarded as the teacher's paradise, which is so rarely found in real life. There is never any occasion to prod reluctant students into activity. Most of the instruction consists in the discussion by the classes of legal principles, and their members teach themselves under the leadership of the instructor. The latter is merely their guide, philosopher and friend. His function is to preserve the *esprit de corps* of the corporate group, and to continue the traditions of the institution.

It is inevitable that one should dwell largely on the past record of an institution in marking the conclusion of its first half-century of existence. It is more difficult to speak of the present and of the future, but it would be misleading to ignore them. The tendency to encourage and develop devotion to public service is as strong to-day as it was under Weldon and Russell. Further, largely as a result of the influence of Dean MacRae, a strong impetus has been given to legal scholarship. This is evidenced in the admirable case books that have been published in recent years and in the scholarly articles and notes, originating in the School, which have appeared in this and other law publications. It may be suggested that Canadian jurisprudence is being, and is likely to be, influenced by the kind of scholarly work which is exemplified in the Law Quarterly Review, and the writings of such scholars as Dicey, Anson and Pollock. Such

work will, inevitably, come from the Canadian law schools and it may safely be predicted that the Dalhousie Law School will be one of the principal sources. Further, there is a fruitful field for research which requires combined efforts of economists, political scientists, and lawyers. At Dalhousie, where the Law School is in intimate association, day by day, with the departments of Economics and Political Science, there are exceptional opportunities for such research, and the foundations of this development are now being laid. Bearing in mind the present opportunities and the present personnel, it may be confidently predicted that the next half-century will be even more fruitful than the last.

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