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CECIL A. WRIGHT

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CECIL A. WRIGHT—A TRIBUTE

The academic year 1966-67 just ended, marked the fortieth consecutive year for Cecil Augustus Wright as a law teacher, the nineteenth consecutive year as a law school Dean. Tragically for his family, for law teachers everywhere, for Bench and Bar, for law students now in course, and for young men and women contemplating the study of law in the years ahead, the close of this academic year was also the close of a life dedicated to the law and to instruction in its ideals. He had so much more to give, had his strength not ebbed in only his sixty-third year.

Caesar, as he was affectionately called by all who knew him and, indeed, by all who studied under him, was truly a prodigy in the law. A Harvard S.J.D. while still age twenty-two (after graduating at the top of his class successively from the University of Western Ontario and Osgoode Hall Law School), a full time lecturer (as the title was then) at Osgoode Hall Law School at age twenty-three, he brought a brilliant intellect and matchless analytical powers to the examination of legal principles and to the teaching of law. He was not content to examine only the flowered manifestations of the law, the results of accepted and often inarticulated propositions, but he struck deeply and vigorously at the root conceptions. He shook Canadian law out of its undue subservience to English decision, he opened the windows on developments in sister common law jurisdictions like Australia and the United States, and he brought into focus the scholarship of law teachers, particularly the giants in American legal education, and the abundant fruits of legal research found in university law reviews and the law journals.

He had his golden periods and his periods of strain. It was fortunate for him that in his early teaching years, beginning in 1927, he served under Dean John D. Falconbridge in whom he found an understanding and encouraging colleague. Such hostility as there may have been originally to Wright's case method of teaching, so new at the time, to his technique of stripping the decided cases of their enveloping words, soon abated; and he earned, by the force of his mind and his forensic ability, the respect of all his students and the admiration and devotion of the

better ones. His case books, first in jurisprudence, then in contracts, then in agency and finally in torts, set a style and a mood that ultimately prevailed for all of common law legal education in Canada. He had an unparalleled grasp of property law, and his lectures in wills and trusts mesmerized where they did not awe by the cogency and skill of his dissection of the decisions. His last work in this field was the writing of the report on perpetuities for the Ontario Law Reform Commission which resulted in the translation of his draft Act into effective legislation in 1966.

From 1935 to 1945 inclusive, he was Editor of *The Canadian Bar Review*. This was indeed one of the great phases of his career, and certainly an astonishingly productive span of years in terms of scholarly writing. Almost single-handedly, as any scrutiny of the volumes of the *Review* for those years will disclose, he lifted that publication into the front ranks of learned legal journals. He had started writing for *The Canadian Bar Review* in 1928, and for the next quarter century his contributions flowed through its pages. Other legal periodicals, like *The University of Toronto Law Journal*, were likewise beneficiaries of the fruits of his enquiring mind.

Fully occupied as he was in teaching and writing, he took on additional duties in 1942, becoming Editor of the *Dominion Law Reports* and of the *Canadian Criminal Cases*; and for the succeeding twenty-five years he charted in them, with clarity and accuracy, the course of Canadian law screened through the decided cases. He lent his reputation and his skill in negotiation to the resolution of many labour-management disputes during the second world war years. Numerous demands upon him for counsel's opinion cut in heavily on what little leisure time remained to him.

He had convictions about the law, about law teaching and legal education, and about the role of lawyers in a society of growing complexity. If law was to serve social needs in a democratic polity; if Bench and Bar were to be alert to their creative roles; if lawyer-influenced legislatures were to be intelligent about the reach as well as the substance of legislation, there must be rigorous training in full-time, well-staffed and library-oriented law schools, in which students would learn that the law is not a discipline apart, but a reflection, hopefully, of the best social thought which we are capable of bringing to bear upon it. He resented the obvious fact that neither the lawyer nor the law appeared to enjoy much public esteem, and he saw in this a failure of the profession

to make the public conscious of the social force of law and its educative element, and a failure too to be concerned with its progressive development. All of these matters were the main-spring of his resolve to try to liberate legal education, to widen its horizons and to inspire his students to take up the teaching of law as a career worthy of the attention of the best brains of the country.

Looking about him in his native Province of Ontario (which now has five and will soon have six law schools) and viewing the evolution of other first class law schools across Canada, he could, as the decade of the sixties opened, count his mission accomplished. Perhaps nothing certifies this so emphatically as the offer to him, a month or so before his death, of an honorary degree by the Law Society of Upper Canada, an offer which he accepted with great appreciation, and along with it an invitation to deliver the Convocation address to the graduating students of Osgoode Hall Law School. He had lectured there for twenty-two years, and had been Dean one year before resigning on a question of principle and moving, as Dean and as Professor of Law, to the Faculty of Law of the University of Toronto in 1949 where he remained to the end of his days.

His quest for excellence, which he pursued with passion, gave the appearance of crusading to many whom he was seeking to influence. Yet he was essentially a conservative in his attitude to the law as a profession. He was fond of saying that the function of a law school was to produce lawyers; and by this he meant persons, who, educated though they be in his kind of law school, would nonetheless understand that lawyering has a technique, is an art and has behind it a long and honourable tradition. Doubters would do well to read his published speech on "The University Law Schools" in the *Canadian Bar Review*.¹

Caesar Wright was a proud and sensitive man. He believed so thoroughly in the worth of what he was doing, was so wholly wrapped up in his work, that it was difficult to think of him other than as a lawyer and a law teacher. In this respect he was hard on himself; and issues on which he fought and principles for which he stood touched him personally as well as professionally in a way that would not be true of many similarly involved. He was a stimulating companion, provocative and witty in conversation; and no one could have regretted more than he that the pressures

¹ (1950), 28 Can. Bar Rev. 140.

on him, especially in the past few years, prevented him from being his gregarious self, save on isolated occasions.

Administration took a good deal of his time. It was not only administration in the Law School which he led to distinction that was sustained during a period of expansion; but he was also called upon, as a senior Dean and because of his qualities, to participate in the wider administration of the great University of which the Faculty of Law was a part.

All law schools in Canada, and not only the two at which he taught, carry some imprint of his work in the cause that was closest to his heart. He would wish for himself no better memorial than the knowledge that his aspirations are shared by younger colleagues who will pursue them with equal dedication and pass them on in turn to successors *ad infinitum*.

BORA LASKIN*

May 3rd, 1967.

*The Hon. Bora Laskin, of the Court of Appeal of Ontario, Toronto.