

THE DALHOUSIE GAZETTE

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No. 5

LAW SUPPLEMENT

75 YEARS OF PROGRESS

By EDWARD J. FLINN

On October 30th, 1833, in the chamber of the Legislative Assembly, Dean Richard C. Weldon delivered an Inaugural Address which officially brought into being the Law School of Dalhousie University. With 500 volumes accumulated for a library, one full-time professor, Dean Weldon, and five voluntary lecturers, the first classes of the law school were begun on October 31st, 1833, with 52 students in attendance.

Little did these people then realize that this law school was to become known as a training school for great men, and an unequalled leader in teaching the common law in Canada.

The first quarters of our law school were situated in the then new High School at the corner of Brunswick and Sackville streets. The fee was \$150 a year for board, tuition and books. The High School quarters were soon found to be too small and wholly inadequate. Consequently, the law school, after untiring efforts on the part of many, entered its second home, the Haliburton house on Morris Street.

Two years later in 1837, a new building having been constructed and space being specifically provided for legal education, the law school acquired a home where it was to stay for more than 60 years. This, of course, was the Forrest Building.

Richard C. Weldon, often referred to as the Father of Dal Law School, had in his mind many other things than simply an education in law. In his Inaugural Address, he addressed the assembled students:

"In drawing up our curriculum we have not forgotten the duty which every university owes to the State, the duty which Aristotle saw and emphasized so long ago, of teaching the young man the science of government . . ."

"We may fairly hope that some of our students will, in their riper years, be called upon to discharge public duties."

This idea of public duty was fundamental with Weldon, who himself was a member of parliament while Dean of the law school. The idea was of such great importance that the semester in the law school was changed to run from the first week in September to the middle of February so that Weldon could attend his sessions of parliament. The school year previously ran from the end of October to the beginning of April.

As will be seen below, Weldon's ideas and hopes were certainly to bear fruit. His ideas are still a fundamental part of our law school and his hopes have been realized a hundredfold.

DEAN McRAE

In 1914, after Dean Weldon's many years of endless and unselfish service to the law school, Don-

ald A. McRae was appointed to fill the vacancy as dean. It was Dean McRae who sent Sidney E. Smith, (now the Secretary of State for External Affairs in the Dominion Cabinet), upon graduation, to Harvard University for the purpose of studying what is called the "case method" of teaching law. The following year, 1921, this method was introduced at Dalhousie and to legal education in Canada. Other Canadian law schools followed Dalhousie's precedent, and today the "case method" of teaching is used throughout the common law schools in Canada. During Dean McRae's period as administrative head and lecturer, the courses were strengthened and entrance standards were raised.

DEAN JOHN READ

From 1924-29 John E. Read served as the third dean of the Law School. He introduced a series of annual lectures on various legal subjects by visiting lecturers. Later, Dean John Read was to become an undisputed leader in the field of International Law and to become a member of the International Court of Justice at The Hague, the first Canadian to serve in such a capacity.

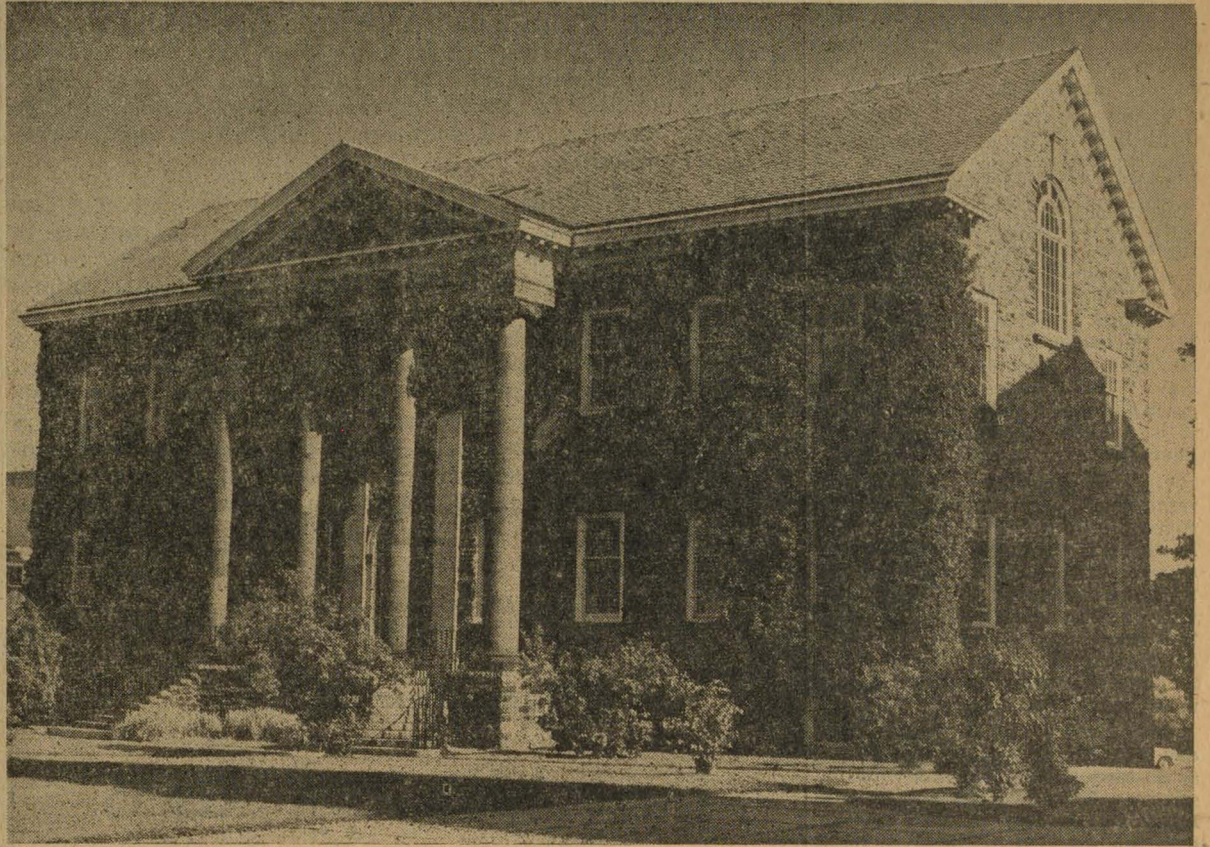
During the twenties, the law school was to lose some of its professors who left Dalhousie to take positions lecturing in other North American law schools. Three of these gentlemen were to return and become future deans. They were: Dean Sidney E. Smith, 1929-34; Dean V.C. MacDonald, 1934-50 (now a Judge of the Supreme Court of Nova Scotia) and our present Dean H. E. Read.

The law school's history from the thirties to the present day has been marked with nothing but success. Enrollment has grown, the faculty enlarged. Graduates are now spread across the country, and the name of Dalhousie Law School has created an overwhelming influence in legal circles throughout the country.

LAW SCHOOL TODAY

The fourth and present home of the law school was occupied in 1952, 30 years later. It had been occupied, since its building, by the Arts faculty, "temporarily." The teaching staff has now reached eight full time professors and the Library now number more than 30,000 volumes. Already, plans for expansion are in the making.

What is the present position of this law school which struggled for



THE LAW SCHOOL TODAY

its existence in the late nineteenth and early twentieth centuries?

In 1952, at the opening of the University of British Columbia's new Law School, Right Honourable Louis St. Laurent, himself a lawyer, said:

"Dean George Curtis came to Vancouver from Dalhousie Law School, which we in Laval are inclined to regard as our only possible peer among law schools in Canada."

A distinguished Chief Justice of Canada, Sir Lyman Duff, said of our law school:

"Of this I am sure the contribution of the Law School of Dalhousie to the education of lawyers in Canada, to the elevation and maintenance of professional standards in point of mastery of legal principle, and otherwise, cannot be over emphasized or exaggerated . . . There is hardly a province in Canada in which graduates of Dalhousie Law School are not to be found among the Bench or among the leaders of the Bar."

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

Dalhousie Law School has given Canada more prime ministers, provincial premiers, cabinet ministers, supreme court judges, university presidents and civic leaders than any other school in the country.

Dalhousians have sat on every provincial supreme court in the country, The Supreme Court of Canada, the Exchequer Court, the International Court of Justice, and a host of lesser benches.

A former President of the Bar Society of Saskatchewan, E. M. Hall, Q.C., said:

"The Bar of this province has been enriched by many leaders who received their education at Dalhousie. Our debt to your Law School for these and other contributions is gratefully acknowledged."

This year, Dalhousie Law School celebrates its 75th anniversary.

Three-quarters of a century of great tradition has been made, and we, the present students, are fortunate and, indeed, proud to have such a tradition behind us. It is, of course, our job, and the job of those who are to follow us, to do our utmost to assist in the preservation of this tradition, with the hope of continuing an endless chain of success and prosperity for an institution which is truly serving its purpose.

Welcome to the Alumni

The Law Students' Society is happy to take this opportunity to welcome you to the ceremonies commemorating the 75th anniversary of the founding of the Dalhousie Law School.

We hope that this will be an opportunity for you to renew old acquaintances, make new friends and witness the progress being made by your alma mater.

We, the current students of the Law School, recognize your accomplishments and realize the high standards you have set for us. It is our hope that we can meet these standards, for it would be difficult to surpass them.

Again, may we welcome you and say "Will ye nae come back again?"

Acknowledgements

The production and publication of an eight page addition to the University newspaper appears, to the reader, a deceptively simple project. But with some knowledge of the work behind this edition, I would like to take time to thank those who have made its publication possible.

Credit must be given to both the writers of the articles and to many Law students who did the research needed before the writing could be done. The tenor of the paper has been that of factual accuracy. That the research done bore fruit is evident in the lengthy article on the history of the Moot Courts. This carefully collated material, the work of many, has given us an opportunity to add something to the written history of the Law School.

Thanks must also be given to Miss Judy Bell and those of the regular Gazette staff and to Dave Fox and his Advertising Bureau who gave invaluable assistance in the technical end of the production and who lightened our burden by taking care of the time-consuming necessities of correspondence and advertising.

I would also like to thank Dean H. E. Read, Professor G. V. V. Nichols and Professor W. A. MacKay. Without their encouragement, guidance and constructive criticism it is doubtful if the paper would have ever gone to press.

We hope that this supplement in some small way contributes to the success of the 75th Weekend celebrations. If through its content our Alumni can feel that some of the tradition and pride that has grown with the Law School is still living, then those of us who are still students of the Law at Dalhousie can feel that our work has been amply rewarded.

And if the University in general can gain from reading this paper, some idea of the part that our institution has played in the development and history of our country over the last 75 years, then our work will be doubly rewarded.

DAVID HILTON,
Editor, Law Supplement.

FIRST WOMAN GRADUATE



Miss Frances Fish

A graduate of the class of 1918, Miss Francis Fish was the first woman to graduate from the Dalhousie Law School. In her way, she led to the success that female graduates from Dalhousie have played at the Bar.

Admitted to the Bar of Nova Scotia, again setting a precedent, and now a member of the New Brunswick Bar, Miss Fish obtained a Ph.D. from the University of Chicago before ending her academic career.

Now conducting a successful practice in Newcastle, N. B., Miss Fish, is also Deputy Magistrate and Judge of Probate for the County of Northumberland.

A Message from the Dean

For seventy-five years graduates of Dalhousie Law School have continued to earn a reputation throughout Canada for high standards of professional competence and ethical behaviour and for public service in the community. The school is committed to advancement of learning through teaching on the highest possible level of efficacy and integrity. Through the devoted and self-sacrificing services of both full-time and part-time members of the faculty and the benefactions of a few of our graduates, much has been accomplished gradually to enhance the quality of instruction and otherwise to maintain the position of this law school as one of the best in Canada. This year for the first time there are eight full-time members on the faculty, all with distinguished records of accomplishment. The library has been built to a total of 32,000 volumes. Thirty-three large fellowships for post-graduate study in law at other universities have been awarded to Dalhousie students since 1950, and there has been an increasing demand for their services across Canada by large law firms, industrial and commercial institutions and government departments.

The stage has now been reached, however, when it has become obvious that Dalhousie Law School cannot continue to hold a place of leadership and fulfill its responsibility to the country if it is to be limited to gradual improvement. Immediate steps must be taken to reorganize and augment the library, to increase salaries, to provide additional scholarships and to enlarge the law school building. Large financial expenditures must be made if we are to be able to provide lawyers with an education that will assist them to play an effective and enlightened part in the period of rapid development of law that must occur in the wake of the accelerated economic growth and social change now occurring in Canada.

HORACE E. READ,
Dean

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THE HISTORY OF THE MOOT COURT

By GLORIA READ

"Centered around the Law School are many landmarks of former days, customs which trace their origin to the time when today's Great and Near Greats were but fledglings in the law, and usages and ceremonies which have become a ritual to the present day members of the Law Society. And listed as chief among them is the Moot Court"

Gazette, October 4, 1955.

The Dalhousie Law School has held Moot Courts every year since it was established in 1883. The Supreme Moot Court of Dalhousie is modeled on the Supreme Court of Nova Scotia, following the rules of procedure set out in successive Judicature Acts of Nova Scotia. This means that the Supreme Moot Court is an Appeal Court, but unlike the Supreme Court of Nova Scotia, its decision is final.

Although the cases have always been argued by the Law students, it is only in recent years that the bench has consisted of third year students. Since approximately 1915 students have organized the courts, almost entirely free from faculty control.

Moot Courts have been held to train Law students in Court Procedure, in preparation, and in argument of cases. They afford Law students an opportunity to review case law on the subjects concerned. Undoubtedly these courts have been of great service to the student as they have been a laboratory where he has learned to use many of the tools of his trade.

The inauguration ceremony of the Law School took place on Nov. 1st, 1883. The *Gazette* stated on Nov. 3rd, "the students are beginning to inquire when the Moot Court is to be started." On Dec. 24th, 1883, the following appeared, "A Moot Court has been organized among the students of 1st year." The first Moot Court was recorded in detail, Messrs. Gregory, Troop, Hensley and Crowe argued before B. Russell, Esq., then professor and afterwards a Justice of the Supreme Court of Nova Scotia. The case involved the following contract question: whether the mailing of a letter by the offeree or the receipt of it by the offeror constituted acceptance of a contract.

Either Dean Weldon or one of the Assistant Professors selected the facts for the cases, received and corrected the factums and acted as

Justice. Occasionally two Professors sat together on the Bench. From the careful, detailed reports of each case, it can be seen that the Courts proceeded in a mood of high seriousness. The professors were very exacting. On Nov. 3rd, 1888, the following appears in the *Gazette*:

"One of our coming Lawyers, who was arguing a case in the Moot Court in a manner 'rather more Parliamentary than Legal' on being continually interrogated by the presiding Judge, took his seat exclaiming, 'I will not interrupt your Lordship again'."

At this time the senior counsel were generally third year students. Occasionally they argued two cases a year.

"The sessions of Moot Court have progressed so well this year, that cases are soon to be allotted to members of the third year class for the second time. Although such allotment has been published in the calendar every year, the number of students in the second and third years has heretofore been too great even to allow everyone an opportunity of arguing a single case. We are pleased to note that better arrangements have been made this year to give the students more practice in court pleading. It has been frequently suggested that two of the third year men should sit with the Dean and give judgment at each trial. This certainly would be of practical benefit to us, and would perhaps create a greater general interest in Moot Courts." Nov. 1897.

Third year students had acted as Justices on certain occasions. One report states that, "Hanright J. rendered an excellent extempore judgment, reviewing and criticizing the cases as cited by the Counsel on both sides. The Judge showed a clear insight into the most difficult parts of the law of contracts."—*Gazette*, Dec. 26, 1885. However, Professors continued to act as Jus-



JUNIOR COUNSEL stand before the Learned Law Lords presenting his first case at the Bar. The bench consists of third-year students who set the fact situation to be argued. The grounds of appeal are prepared by senior counsel who are responsible for the factums and the argument. First year students get their initiation to Court Room procedure by arguing one of the grounds of appeal for their Seniors.

tics until approximately 1915. During this early period, occasional lectures were given to the students on how to prepare a case for trial.

Dean Weldon preferred Constitutional Cases. Some cases argued before him were: The Constitutionality of the Repeal by Manitoba of the Dominion Act of 1870, which made French an official language of Manitoba; The Constitutionality of sections of the Nova Scotia Act; the Interpretation to be given "harbors" as used in the British North America Act.

Mr. Justice Doull of the Nova Scotia Supreme Court relates that Dean Weldon and Mr. Justice Russell disapproved of many decisions of the Privy Council and overruled them with much satisfaction.

Mr. Justice Mellish, who was known for many years as a rather impish member of the Nova Scotia Bar, believed in the old legal maxim "know thy judge well". He made it his business to study closely the decisions of Mr. Justice Russell at Dalhousie at times he

would coolly argue in the face of well known principles as laid down in Privy Council decisions. When queried from the bench as to his flagrant interpretation of well known law, he would slyly reply, "but My Lord, that decision has been overruled in the Supreme Moot Court of Dalhousie."

Sometime shortly after 1915 a transformation took place in the procedure governing the operation of the Moot Court. The workings of the Moot court became incorporated into the constitution of the Law Society. By custom, the Moot Court Committee automatically became the top three students of the previous second year. They set up the Court term, informed the classes of their respective duties, and decided on the rules to be followed that year. The judges now coming from third year, senior counsel from second year, and junior counsel from first year. This practice is still followed today.

The traditions of the Moot Court have become firmly rooted; a recent attempt to alter the workings of court was recorded in this story of the *Gazette*, dated October 23, 1950:

"A recent attempt to alter the Moot Court system met with stubborn resistance of the third year class, who rallied to the cry, 'What was good enough for R. B. Bennett is good enough for us'."

The next issue of the *Gazette* added to the story:

"When an attempt had been made to change the Moot Court system, riots flared on the campus and in an attempt to quell the riots, one of Dalhousie's 'grand old men,' Chief Justice O'Hara appeared before the crowd with can and ear trumpet and was given audience for 30 seconds after which time he flew to the Ladies Washroom to seek refuge from the irate mob. From there he was dragged out from the main door of the Law School to the gutter of Carleton Street and was thereupon swept out of the city by a street cleaning machine. The

Moot Court system was not changed."

In each of the buildings that the Law School has called its "home," there has always been one particular room set aside and designated as the Moot Court room. The old Moot Court room in the Forrest Building still remains vividly in the minds of many of the former graduates. On the Law School's 50th Anniversary, the following appeared in the *Gazette*:

"The shrine of the traditions of the school is the Moot Court room. Men now prominent in public life first tried their wings in forensic combat and in Parliamentary debate in the Moot Court room. The old seats are carved with the initials of men who through hard work and devotion to principle have brought credit upon themselves and to the school."

Today's Moot Court room serves as lecture room in the mornings and as Court room in the afternoons. The atmosphere of the old Moot Court room finds embodiment in the pictures of many eminent professors and alumni which grace the walls, and already the desks are carved beyond recognition.

In 1927, the Honorable Sidney Smith former student and Lecturer presented a plaque on which is engraved the names of the two students who achieved the highest marks in a court competition before a bench comprised usually of three members of the Bar and Supreme Court of Nova Scotia. Four students, chosen by the Moot Court Committee on the basis of marks submitted by each chief justice, argue a case which is submitted to them by the faculty. Except for a short period during the war, competition for the award has gone on every year, and a high level of achievement has been reported year after year in the *Gazette*.

THE BENCH

The Chief Justice chooses and issues the facts to be argued, receives and corrects the factums, and confers with his colleagues before the hearing. During the argument he maintains order in the courtroom through the sheriff, and questions counsel. He and his brothers then deliver judgment. The Chief Justice marks counsel on their performances.

The behaviour of the Justices is usually proper; bench after bench sits without particular incident. However there are exceptions, some of which have been preserved in the *Gazette*.

"Those present were greatly amused when Lord Koretsky fell from the bench, uttering a mystery—
(Continued on page Seven)

BIRKS

wish to extend an invitation to all members of the Dalhousie Campus to visit their store on Barrington Street opposite old Saint Paul's Church. You will find a complete selection of jewellery, watches, luggage, china, silver and many other gift items from the four corners of the earth.

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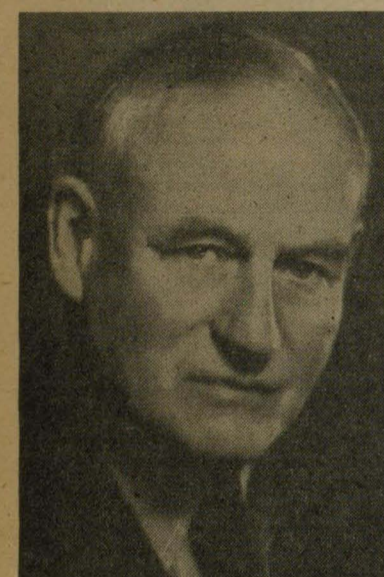
NOVA SCOTIAN HOTEL

HALIFAX

The Sir James Dunn, Bart. Chair In Law

was established at the Dalhousie Law School in 1950 as a result of a very generous gift from the Algoma Steel Corporation, Limited. The professorship was named in honour of the President of the Corporation, one of the most distinguished and loyal alumni of the Dalhousie Law School.

Sir James Dunn, Bart., was born and attended school in Bathurst, New Brunswick, and throughout a long and distinguished career, that took him from his native province, he always remained a faithful son of New Brunswick. He graduated from Dalhousie in 1898 with a Bachelor of Laws degree, having studied under Dean R. C. Weldon who left his inspiring imprint on many young men who later achieved national and international eminence.



Sir James Dunn, Bart.

Dean Weldon, in a letter of recommendation, wrote of Sir James: "This certifies that James H. Dunn is a student in the Dalhousie Law School having attended lectures during two years—that so far he has taken the highest rank of the students in his class at the Sessional Examination, that he has been Assistant Librarian in the Law School during the present year. He will be found to possess excellent ability and will be, I believe, energetic and faithful in the discharge of duties assigned to him."

While on the Dalhousie campus Sir James took an active interest in student activities, having served as Secretary of *The Gazette* in 1896-7, and as Minister of Finance in the 1896 Mock Parliament. The students' Yearbook, in his graduation year, said of Sir James: "... he came amongst us breathing out threatenings and slaughters. No person ever asked twice for his opinion, and a look of relief always rested upon the face of the professor when Jimmy stamped said professor's remarks with approval. On one occasion, Robertson, at the request of the Lecturer, discussed a very important case in Contract. It was not handled to the satisfaction of Dunn who silenced Robertson by thundering 'Lord Eldon, with whom I agree, holds a different opinion.' Jimmy, plus Lord Eldon, carried the day! Dunn was also an orator, with marvelous combinations of words and resistless logic. He enthused and convinced his audience; his very look carried consternation to the hearts of his opponents."

Upon graduation Sir James successfully practiced his chosen profession in Nova Scotia, the Northwest Territories, and in Quebec, before entering upon an outstanding career in the field of finance and industry. He was the founder of an influential firm of investment bankers in London, England, and for his

valuable services rendered during the First World War, His Majesty King George V conferred a Baronetcy upon him in 1921. In 1935 he became President of the Algoma Steel Corporation, Limited, and in that capacity he directed the large scale development of the production of steel, coke and iron ore in the Lake Superior region, an area that has played a vital part in Canada's economy both in war and peace. In recognition of his achievements in the field of public service Dalhousie granted him an Honorary Doctor of Laws degree in 1948, and he has been similarly recognized by several other universities. Sir James also served on the Board of Governors of Dalhousie and as Honorary President of the Alumni Association.

The first occupant of the Sir James Dunn, Bart. Chair in Law at Dalhousie was W. R. Lederman, B.A., LL.B., B.C.L., who held the position from its inception until July, 1958. Professor Lederman, a former Rhodes Scholar and an authority on the constitutional law of Canada, is presently Dean of the new Faculty of Law at Queen's University, Kingston, Ontario.

He has been succeeded at Dalhousie by the present incumbent, Professor J. L. Edwards, who joined the Dalhousie Law Faculty this year, coming from Queen's University, Belfast, Ireland. Professor Edwards has won a reputation as one of the leading authorities on criminal law and criminology in the British Commonwealth and is a very able lecturer. He has published many articles in leading legal periodicals such as the *Law Quarterly Review*, the *Modern Law Review*, and *Current Legislation Problems*. In his book on "Mens Rea in Statutory Offences", he made a comprehensive survey and analysis of the subject. It was published in 1955 under the auspices of the Department of Criminal Science, Faculty of Law, Cambridge University, England. He is now writing a book on "The Law Officers of the Crown" which will include a comparative study of the office of Attorney-General in the various parts of the British Commonwealth and the United States. At Dalhousie Law School he teaches Criminal Law, Criminology and Jurisprudence.

A native of Wales, Dr. Edwards was graduated with the degree of LL.B. from the University of Wales in 1939. He served throughout the Second World War in the British Army as an officer in the Royal Artillery and airborne troops. In 1947 he was awarded the Harmsworth Scholarship at the Inns of Court, Middle Temple, and was called to the Bar in 1948. He then won the MacMahon Postgraduate Fellowship at Cambridge University and received his Master's degree in criminal science there in 1952 and his Doctorate from the University of London in 1953. He became a Lecturer in Law at the University of London in 1951, and has been a member of its Board of Examiners since then. In 1954 he joined the Faculty of Law of Queen's University, Belfast, where he has been Assistant Dean and Adviser of Students.

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October 17th, 1958

Dear Madam Editor in Chief:

Cordially, warmly, heartily and in grateful recognition of the devoted and dedicated service to the profession of Law and the intellectual and cultural excellence of Canada, I salute the Law School of Dalhousie University in the name of seventy five rich and fruitful years in the past and all the hoped for span of ever-increasing growth and progress in the years to come.

To the distinguished Dean and his associates at Dalhousie Law School I offer sincere tribute. The noble pursuit of training men and women for the law is in very truth a task of first magnitude - that of moulding the thought and character of many of those who in the course of a few years must assume the challenging responsibility of directing the destinies of this great country.

The Honourable J. Keiller Mackay, D.S.O., V.D., Q.C., LL.D.
Lieutenant Governor of the Province of Ontario
Toronto, Ontario

Busy Program Arranged For Anniversary Weekend

To commemorate the 75th Anniversary of the founding of the Dalhousie Law School, a two-day Symposium, coupled with a special Convocation will take place on the campus this weekend.

Invitations to attend this historic event have gone out across the country to all Alumni of the Law School and it is expected that some 200 of them will return to Halifax for the occasion.

The sessions will be opened at three o'clock Friday afternoon by the Chancellor of the University, the Rt. Hon. C. D. Howe. Following the Chancellor's opening remarks, the President of the University, Dr. A. E. Kerr and the Dean of the Law School, H. E. Read, will make short addresses to the assembled lawyers, students, and visitors.

Later on Friday afternoon, two portraits of former Deans of the Law School will be formally unveiled in the lobby of the Law School. The portrait of the second Dean of the Law School Dean D. A. MacRae will be unveiled by his son, Donald MacRae and the portrait of the Honorable John E. Read who was third Dean of the Law School will be unveiled by his wife.

Friday evening, the first of the major addresses planned for the weekend will be given by Gratton O'Leary speaking at a dinner given under the auspices of the Nova Scotia Barristers' Society at the Nova Scotian Hotel. Mr. O'Leary, who is the President of the Ottawa

lowship at Cambridge University and received his Master's degree in criminal science there in 1952 and his Doctorate from the University of London in 1953. He became a Lecturer in Law at the University of London in 1951, and has been a member of its Board of Examiners since then. In 1954 he joined the Faculty of Law of Queen's University, Belfast, where he has been Assistant Dean and Adviser of Students.

Congratulations From The Alumni

It is anticipated that a very large number of graduates of Dalhousie Law School will be coming to Halifax from all parts of Canada for the 75th Anniversary celebrations this weekend. Many more, whose duties prevent their attendance in person, will be present in spirit.

Many have written to express their regret at being unable to attend and at the same time to extend congratulations and best wishes to their Law School. Three of these letters from distinguished graduates of the Dalhousie Law School, are reprinted here.

They typify the continued interest of the Alumni in the affairs of their Alma Mater which has contributed so much to the maintenance of the Dalhousie tradition.



THE UNIVERSITY OF BRITISH COLUMBIA
VANCOUVER

October 20, 1958.

The Editor,
The Dalhousie Gazette,
Dalhousie University,
Halifax, Nova Scotia.

I was delighted to get your letter of October 9th stating that you are proposing to publish a twelve page supplement to the Gazette, commemorating the 75th anniversary of the founding of the Dalhousie Law School.

My memories of Dalhousie, which go back to September, 1913, are among the happiest of my life. The Dalhousie Law School has always been a great and distinguished institution, because of the qualities and the devoted services of its teachers, and because its students, who came from all parts of the country, include among them a surprising number who go on to distinguished careers throughout Canada and the world.

I wish I could be with you and the many others who will come to Halifax to do honour to our Alma Mater, our Law School, and to the memory of these friends and teachers, and to meet, one would hope, some of those who were our associates when we too were undergraduates. Unfortunately, because I expect to be with the Canadian delegation at the UNESCO conference in Paris, I will be absent. But I am grateful for this opportunity of extending to your President, Dr. Kerr, and to the Dean of the Law School, Dr. Read, - both of whom were friends and contemporaries - and to everyone associated with Dalhousie and its Law School, my good wishes and my hopes and expectations that Dalhousie and its Law School will play an increasingly important role in our country and throughout the world.

With all good wishes, I remain,

Yours sincerely,

Norman (Larry) MacKenzie
N.A.M. MacKenzie

LT. COL. THE HON. J. KEILLER MACKAY, Lieutenant Governor of Ontario, LL.B. (Dalhousie 1922). Called to the Bars of Nova Scotia in 1922 and of Ontario in 1923. Made a King's Counsel in 1933. Appointed a Justice of the Supreme Court of Ontario in 1935. Appointed Lieutenant Governor in December, 1957.

DR. NORMAN A. M. MACKENZIE, President of the University of British Columbia, (B.A., LL.B. Dalhousie 1921 and 1923). Legal Advisor of the International Labour Office in Geneva from 1925 to 1927. Associate Professor of Law and later Professor of Constitutional and International Law at the University of Toronto from 1927 to 1940. President of the University of New Brunswick from 1940 to 1944. Appointed President of University of British Columbia in 1944.

HON. SIDNEY S. SMITH, Secretary of State for External Affairs. (B.A., King's College, 1915), (M.A., LL.B., Dalhousie, 1920 and 1921). Lecturer and Assistant Professor at Dalhousie Law School from 1921 to 1925. Lecturer at Osgoode Hall School 1925-1929. Dean of Dalhousie Law School, 1929-1934. President of the University of Manitoba 1934-44. President of the University of Toronto 1945-57. Appointed Secretary of State for External Affairs in September, 1947. Elected Member of Parliament for Hastings-Frontenac in October, 1957.

The Secretary of State for External Affairs
Canada

Ottawa, October 18, 1958.

Dear Miss Bell,

I thank you for the opportunity that you have so graciously afforded me to express my deep regret in respect of my inability to attend and take part in the Commemoration of the 75th Anniversary of the founding of one of Canada's great institutions - the Dalhousie Law School.

With some literary licence, I observe in this context - "Where your heart is, there will your treasure be also".

As a student in the Dalhousie Law School from 1915 to 1916 and then, after service overseas in the First World War, as a student once more, then as a teacher for nine years, from 1921 to 1925, and from 1929 to 1934, my identification with the Law School has been both intimate and warm. Despite wanderings to and fro in Canada I have never forgotten my first love. I have watched with exultant pride its growing stature and prestige. From reading its list of graduates, one could write in considerable measure many chapters of the history of Canada.

For the Law School I will ever pray -
Mansuet, Crescat, Floreat!

Yours faithfully,

Sidney Smith

Miss Judith Bell,
Editor-in-Chief,
The Dalhousie Gazette,
Dalhousie University,
HALIFAX, N.S.

Law Mock Parliament: An Honored Tradition

On October 30, 1886 a meeting of the Law Students of Dalhousie University unanimously approved a motion to hold a mock parliament.

Five days later the first session of the Parliament was held. The Prime Minister, Hector McInnes, brought in a draft constitution for the parliament and with minor changes it was accepted. However, his government was short-lived and at this first sitting A. A. MacKay was called on to form a new government. This was to be a familiar pattern, for in the parliaments down through the years many governments were to meet this same fate.

Unfortunately, with the passage of time the constitution was lost. We do know, however, that in its early years, sessions were held frequently during the school term, as opposed to the current practice of an annual parliament. It was not unusual for the early parliaments to be held monthly.

From reports we learn that the constitution called for the opening of the session with pomp and pageantry. The students chose a dignitary to act as their Governor-General and from their own body they chose a speaker and clerk.

The parliaments continued to flourish until 1916. They were then discontinued for the remainder of the war years and the sessions were not resumed until February 1, 1921. During this period one can but deduce that the affairs of the nation were conducted by a coalition cabinet.

In 1921 the government was formed by H. P. McKeen with Angus L. Macdonald as the leader of the opposition. It would seem that at this session for the first time in the parliament's history a "third party" appeared. It was the "Farmer Labour" party with L. D. Curry and H. E. Read in its ranks.

It is not known how long this particular third party remained on the scene. In February, 1928, we

find the "Nationalist" party reared its head. Throughout the remaining history of the parliament the Conservative and Liberal parties have, during most sessions, been at the mercy of third parties, holding a balance of power. The two major parties in the election for the Seventy-second Parliament, scheduled for February of this year, may well find themselves in the same position.

This session, with but minor differences, will probably be carried out in much the same manner as the first one. Today we hold one session of two sittings. Our speaker is a prominent local figure chosen by the Law Society. But as in the first session, we too will convene parliament with the customs and traditions of the opening of the Federal Parliament.

Thus, the Mock Parliament, has become a tradition of our Law School. However, it is more than a tradition. From its parliament have come two Prime Ministers of Canada, Premiers in eight of our Provinces, Cabinet Ministers and Members of both the Federal Parliament and Provincial Legislatures.

The October 15, 1890 edition of the Dalhousie Gazette said of our parliament "... The Mock Parliament will have an excellent and enduring effect upon all who take part in it." Little did the writer realize the truth of his prediction.

Dalhousie's Law Dean Has Distinguished Record

Horace Emerson Read, O.B.E., Q.C., carrying on in the Weldon tradition, is the sixth dean of Dalhousie's famed Law School. Likeable and extremely able, Dean Read has served in his present position since 1950, continuing a colorful, honor-studded career which began with his graduation in arts at Acadia in 1921.

Dean Read was born in Port Elgin, New Brunswick, in 1898. Enlisting at the outbreak of World War I, he was intrigued by a new and deadly military weapon—the Air Force. He signed on in the R.A.F. and served as a flying officer from 1916 to 1919. He then returned to receive his B.A. from Acadia University and went on to study law at Dalhousie, receiving his LL.B. in 1924 and his Master of Law degree the following year.

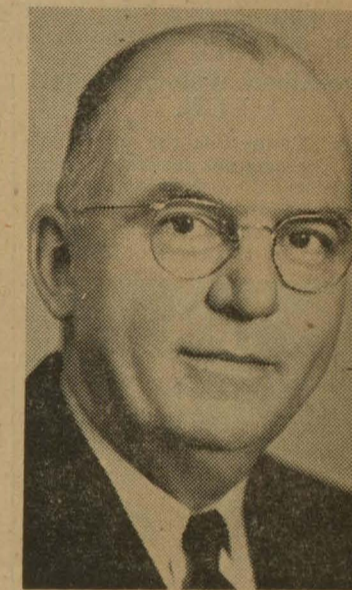
It was during this time that Dean Read developed an intense interest in contract, conflict, legislative and international law. He remained after graduation as a member of the faculty of the Law School. Beginning as an instructor of law in 1925, he advanced rapidly to become a full professor.

Leaving Dalhousie to take a post-graduate course at Harvard in 1934, he received a degree of Doctor of Jurisprudence the same year. He continued his study and teaching of law in the United States as Professor of Law at the University of Minnesota. One of the many facets of his career at that time included serving as a member of the advisory committee to the Interstate Crime Commission of 1935.

At the outbreak of the Second World War Dean Read's love of the air led him to serve as a wing commander in Minnesota's Civil Air Patrol from 1941 to 1943. A Canadian citizen, he later served in the Canadian Navy in which he served as a Commander at the war's end. In this latter capacity, he was chairman of the Canadian Naval Regulations Revision.

In 1950, Dean Read returned to Canada permanently, to become Dean of the Dalhousie Law School; and here he was to enter on perhaps the busiest phase of his career. Since then he has been an editorial advisory board member of the "bible" of Canadian law, the Canadian Bar Review. He has dealt with law as applied to labor, in his capacity as Chairman of the Nova Scotia Labor Relations Board in 1950; education in his capacity as Chairman of Educational Standards in 1953, and legislation in his capacity as Director of the Nova Scotia Center for Legislative Research since 1950.

In 1946, for his great service record, Dean Read was awarded the Order of the British Empire. A member of the King's Counsel since 1941, he received the Honorary degree of Doctor of Civil Law from



Dean Horace E. Read

his native Acadia University, in 1951. Thus, his distinguished work continues, as member of several legal associations and the author of many articles published in legal journals.

The United Nations has also seen his services, as observer of the Costa Rican National Election of 1958. The Nova Scotia government has found him invaluable as an adviser to certain commissions which they have set up.

Under Dean Read, the Law School has grown and expanded. Always widely acclaimed, the School has achieved even greater note in recent years, both in the calibre of its faculty and that of its products.

Dean Read, the Father of two grown children, now resides in Marlboro Woods, Halifax. Although his work is continuing at the same busy pace typical of his entire career, he seems also to have found peace and contentment in his office laden with legal texts and documents.

THE
DALHOUSIE STUDENTS' COUNCIL
EXTENDS THEIR CONGRATULATIONS
AND BEST WISHES
TO OUR LAW SCHOOL
ON THE OCCASION
OF THEIR
75TH ANNIVERSARY

HONORED AT CONVOCATION

Highlighting the two-day ceremonies marking the seventy-fifth founding of the Dalhousie Law School will be the Convocation to be held this Saturday afternoon.

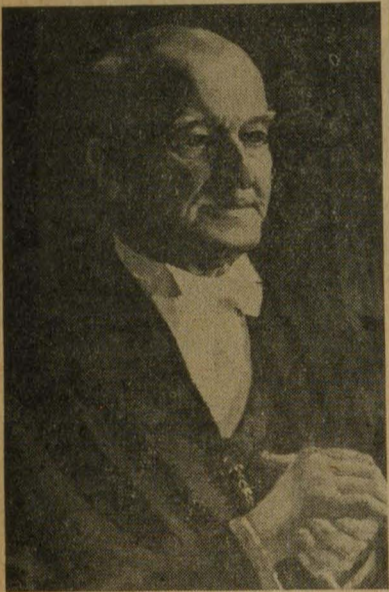
Seven honorary degrees of Doctor of Laws will be conferred by the Senate of the University. Of the recipients, only one is not connected with the legal profession directly, and two of the men being honored are graduates of Dalhousie Law School.

Two of the degrees are to be conferred in absentia. Neither Judge Bennett or Dean Falconbridge are able to make the trip to Halifax, but the other five men being honored are all taking a prominent part in the anniversary weekend.

Following is a brief biography of the men being honored by the Senate of Dalhousie University this weekend:

Judge Albert Watson Bennett, LL.B.

Judge Bennett is the sole survivor of the original graduating class of Dalhousie Law School. His name is the first entered in the records of the University in the list of graduates of the class of 1885.



Judge A. W. Bennett

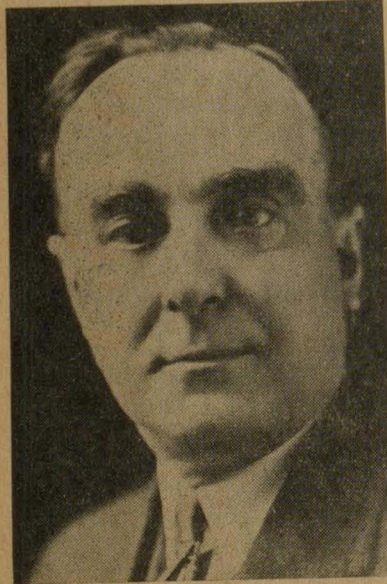
After his graduation from Dalhousie, Judge Bennett returned to his native Albert County in New Brunswick where for many years he conducted a successful practice.

Appointed to the Bench, for many years he was well known as County Court Judge for Westmorland.

Now 94 years old, Judge Bennett has lived since his retirement at his home at Alma, N.B.

The Hon. Charles J. Burchell, P.C., Q.C., M.A., LL.B., LL.D.

A graduate of the class of 1899, Mr. Burchell's Career has covered the world. A highly successful business man and senior partner in the Halifax firm of Burchell, Smith,



The Hon. C. J. Burchell

Jost, Burchell & Chisholm, Mr. Burchell spent many years in the public service.

An authority on Maritime Law, Mr. Burchell played a prominent part in the Commonwealth Conference on the operation of Dominion Legislation and Merchant Shipping Legislation which resulted in the eventual passing of the Statute of Westminster in 1931.

In 1939 Mr. Burchell was appointed Canadian High Commissioner to Australia and held the same position in Newfoundland and South Africa before returning to practice in 1945.

He was re-appointed High Commissioner to Newfoundland in September 1948, remaining at that post until Newfoundland joined Confederation in 1949.

Mr. Burchell was appointed to His Majesty's Privy Council for Canada in April of 1949.

For over 20 years Mr. Burchell volunteered his services to the Law School, lecturing in Shipping to the third year class.

William Orville Douglas M.A., LL.B., LL.D.

A graduate in law from Columbia University 1925, Judge Douglas took his undergraduate education



W. O. Douglas

in his native state of Washington.

Called to the New York Bar, Justice Douglas stayed on at Columbia lecturing there from 1925 to 1928.

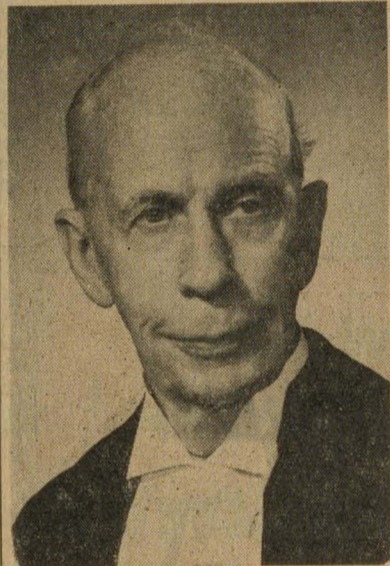
From 1928 to 1934, he was on the faculty of Law at Yale University.

In 1934, Justice Douglas turned from teaching to the public service, serving principally on the Security and Exchange Commission and was chairman of this body when in April of 1939, President Roosevelt appointed him an Associate Justice of the Supreme Court of the United States. At the time of his appointment he was one of the youngest men ever to sit on the Supreme Court of the United States.

Besides being a jurist of international note, Justice Douglas is widely known as an outdoorsman and mountain climber and has published many stories on his adventures in the Himalayas and his other expeditions.

John Delatre Falconbridge Q.C., M.A., LL.B.

Born in Toronto in 1875, Dean Falconbridge received his education there graduating with an LL.B. in 1904.



J. D. Falconbridge

His longtime association with Osgoode Hall began in 1909, and he was connected with that school until his retirement, in 1948. From 1942 till his retirement, he served as Dean of that institution.

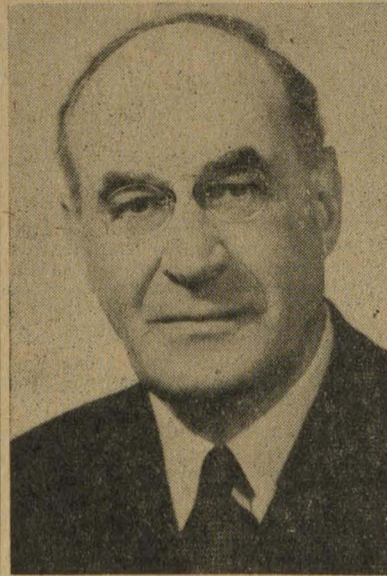
Dean Falconbridge is known to all lawyers and students of law in Canada for his many writings.

His early textbooks on the law of Banking and Bills of Exchange, Negotiable Instruments Sale of Goods and mortgages are still used in law schools in this country and his many articles and essays on private international law are among the finest contributions and have won him international repute.

Arthur Lehman Goodhart, K.B.E., Q.C., LL.D., D.C.L.

Although Professor Goodhart has spent much of his life teaching and writing in England, he was born and raised in the United States and received his first legal training in that country.

A graduate of Yale University, Professor Goodhart continued his



A. L. Goodhart

studies at Cambridge and Oxford before returning to the United States to be admitted to the New York Bar in 1915.

Professor Goodhart served as Counsel with the American military mission to Poland in 1919 and then later that year returned to Corpus Christi College, Cambridge to begin his long career as a teacher of law. In the same year he became a Barrister at Law in the Inner Temple.

In 1931 Professor Goodhart became Professor of Jurisprudence at Oxford, a position he held for 20 years.

Professor Goodhart has for many years been associated with the Law Quarterly Review and still serves as Editor of that publication.

His many articles and textbooks have marked him as one of the foremost jurists in the Common Law today.

In 1948 Professor Goodhart was made a Knight of the British Empire by George VI.

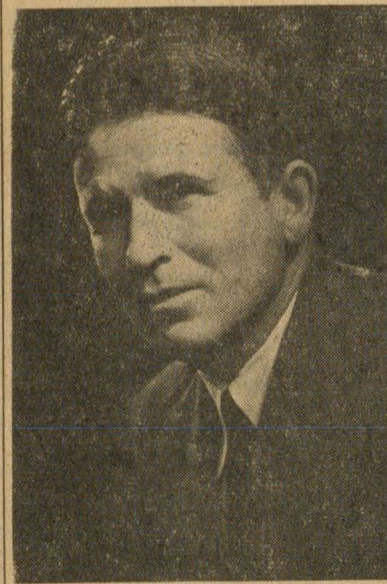


PHOTO BY KARSH, OTTAWA

Grattan O'Leary

Now President of the Ottawa Journal, Mr. Grattan O'Leary first

made his name as editorial writer on the newspaper he now heads.

A native of Gaspé, Mr. O'Leary began his career in Journalism some 50 years ago. For many years he sat in the Parliamentary Press Gallery in Ottawa and over the years he has become known as a keen observer of the Canadian scene. His knowledge of political life in Canada is renowned.

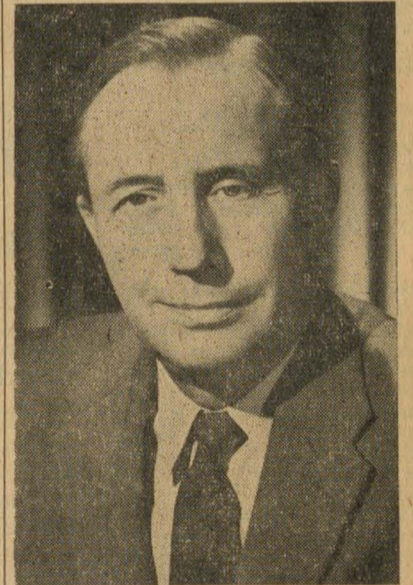
His wit and eloquence have marked his writing of the Ottawa scene, and although he has taken an active part in political life, his writing on the government has been edited with a strict impartiality.

Named as one of the ten great Journalists in Canada since Confederation, his place has been marked in the "Hall of Fame" in the parliament buildings.

His knowledge of the law and the role of lawyers in public life has won him acclaim and he has been honored by being named an honorary member of the Bar of New York.

Francis Reginald Scott, B.Litt., B.C.L., F.R.C.S.

Born in Quebec City in 1899, Professor Scott first attended Bishop's University. A Rhodes Scholar, Professor Scott returned to McGill



F. R. Scott

University where he graduated with his B.C.L. in 1927.

He joined the faculty at McGill in 1928. His lectures on Constitutional Law and his writing on that subject have been widely read across the country and his effort to preserve Civil Liberties have taken him from the classroom into the courtroom.

He was the recipient of a Gugenheim Fellowship in 1940.

Active in politics, Professor Scott served as National Chairman of the C.C.F. Party from 1942-50.

Among his writings are two volumes of poetry and he has edited several Canadian Periodicals.

A former executive member of the Canadian Political Science Association, Professor Scott is a Fellow of the Royal Society of Canada.

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DALHOUSIE LAW LIBRARY

A familiar scene in the Reading Room of the Dalhousie Law Library. The Library containing 32,000 volumes is one of the largest and best equipped legal libraries in Canada.

Law Library Has Long History

The Dalhousie Law School possesses one of the finest libraries in Canada. The 32,000 volumes comprises all of the important Canadian, American and English law reports, many rare volumes and collections of untold value, and current legal periodicals and texts.

In the first three years of its history, 8,000 books were donated largely by Halifax lawyers and judges who worked zealously to

make the new Law School a success. One of the most zealous was Mr. Bulmer, the first librarian. There is a legend that Mr. Bulmer would visit his lawyer friends of the day in long, flowing cloaks; he would surreptitiously 'borrow' as many of their books as he and his cloak could manage, and spirit them away to the Law School library. No self-respecting lawyer would claim them back or condemn his efforts.

The library has expanded mainly through gifts. Most prominent of the donors are Harvey Read, who, since 1950, has contributed numerous American reports, Alexander Ross, Viscount Bennett, Sir James Dunn and Senator Gordon Fogo, while the province of Nova Scotia Collection of Public Law and the MacMillan Collection have likewise substantially increased the number of volumes.

To The Dalhousie Law School, long recognized as being in the forefront of institutions of its kind in Canada, we offer our congratulations on the Seventy-Fifth Anniversary of its Founding and best wishes for a future to equal its illustrious past.

The Nova Scotia Trust Company

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Moot Court ...

(Continued from page Three)

ious Russian Oath. The necessary apology promptly followed." Oct. 20, 1939.

"The Chief Justice informed the sheriff that the triumvirate wanted air. Mr. Gingham then opened the window and gave him the air." Oct. 27, 1939.

"The court consisted of McNutt J. and McKeen J. (MacQuarrie C. J. being absent on circuit somewhere in the city)." Oct. 20, 1920.

As the Chief Justice will generally choose his facts on unclear, or undecided issues of law, his judgment usually contains new law. In this respect the student judges have unconsciously followed the course set by Dean Weldon.

The following quote from a Nov. 1946 Gazette admirably expresses the fearless attitude which many benches possess.

"The Supreme Moot Court of Dalhousie is the authoritative tribunal which discusses and decides matters of law that have passed under the gazes of such inferior judicial bodies as the Nova Scotia Supreme Court & the House of Lords. The decisions of their Lordships on the bench of the Supreme Moot Court of Dalhousie are of course final, and many have been the words of wisdom and loud and long has been the oratory expounded by the learned law lords."

Certain of the outstanding benches have been recognized by Gazette reporters, one of which was that of "C. J. Fogo, Mr. Justice MacKinnon, and Mr. Justice Read. From a legal viewpoint, this session was one of the most successful that has been held in recent years."

COUNSEL

Court starts off traditionally with counsel congratulating the Judges before him on their appointments to the honored position as Justices of the Moot Court. This takes on many forms—Fulton to Campbell, etc.

"Last Tuesday, there came before Lord Justices W. S. K. Jones, C. L. (Continued on page Eight)

The House of BUTTERWORTH

extends its good wishes to Dalhousie Law School on its 75th Anniversary and its thanks to the many graduates of that Law School throughout Canada who have been such consistent supporters of Butterworth Publications during the forty-six years we have been in Canada.

Butterworth & Co. (Canada) Limited

1367 Danforth Avenue

Toronto, Ontario

Moot Court Cont'd.

(Continued from page Seven)

R. Gray and Robert Jaffray a case which was so dry that the Justices were buying Coca-Cola themselves. Of much more interest was the speech, congratulating the Justices upon their appointment, of Junior Counsellor Cohen. Cohen was asked by the worthy judges to stop the apple-polishing and sit down. Lawyer Cohen sat." Oct. 10, 1941.

"Before the case got under way, the Junior Counsel made fine speeches of flowery congratulations to their Lordships on their elevation to the Bench. Some smacked of insincerity. Some even derided the money-making capabilities of their Lordship while at the Bar but all were received with equanimity." Oct. 12, 1945.

Counsel W. Fulton congratulated their Lordships Campbell, C. J., Dube, J., and Jones, J. as follows: "I hope your Lordships will be as successful on the bench as you have been at the bars." Oct. 17, 1958.

COUNSEL

The calibre of argument of the neophyte barristers has always been maintained at a high level. No one dares to walk into his Moot Court unprepared for any inquiry made by his seniors sitting above him.

"On more than one occasion, the Chief Justice requested the learned counsel to translate Latin maxims quoted for fear they might be of a defamatory nature."

And in 1925, this Moot was reported:

"Huggins, K.C., senior counsel for the appellant, followed. And in a more masterful address lasting something more than one hour he exhausted all the English authorities on the matter and would have done likewise of the American but the unfortunate fact that the Reports ceased at Volume one hundred and seventy three."

And some 15 years later, the Gazette showed that counsel had lost none of their adeptness:

"The argument put forward by both counsellors was brilliant and A. H. Hart showed a surprising knowledge of the 'doctrine of sensual satisfaction,' while R. W. Frankish won the case on the question, 'Did she fall, or was she pushed?'"

However, the reasoning has sometimes been questionable.

"The case opened with an attempt to dismiss Sheriff B. Cumerford. Failing in this, the respondent tried for a change in venue and various other technicalities. After being threatened with contempt of Court, the respondent quieted down and the case went on. The appellant won." Jan. 24, 1950.

"Due to the eloquence and legal bombast of Counsel for the Respondent, Mr. MacLeod, it was held perfectly permissible for two society girls to go slumming and accompany a gangster on his murderous rounds: provided they had the best of intentions." Nov. 26, 1937.

Counsel are expected to conduct themselves and do conduct themselves as they would in any court of law. They generally stand in great awe of the bench. But there have always been exceptions where counsel were blase, disinterested, or attempted to insinuate their way into the good graces of the bench.

"Mr. Trites appeared as humble as a boy in his first long pants while Mr. Hanway approached

closer to modesty by adopting a pose of lifelessness." Oct. 7, 1939.

Breaches of court etiquette seem to have been unknown in the early history of the trials. In the twenties, humor displaced the former seriousness. The Gazette report examples of this, which in the thirties and forties became more numerous. This probably resulted from student benches, and a practice which grew up at this time and was much loved, of trying in a separate trial and then fining those who showed contempt of court. Since 1954, this practice has been dropped.

"Connolly LL.B., by his rapid, insistent argument, soon had the bench like a den of caged lions. But they refused to accept his argument. So he expressed hope and faith eternal in a Superior court to the one before him." Oct. 5, 1927.

"Mr. Justice Sheehan had not touched his pop, probably fearing there was a snail in it, but one of the counsels was not afraid of snails and took a gulp as she passed the bench. It was then one-quarter full." Jan. 29, 1938.

"Counsel blandly informed the Chief Justice that he, the Chief Justice, had come to us three short years ago from a land of wilderness and summer fishing." Oct. 21, 1948.

And in a recent Trial Court, R. Carleton to Mr. Justice Edwards, variously, "I hope your Honor knows that it is the duty of this court to be unbiased"; "would your Honor tell the audience to shut-up!"; "you're wrong, I know what the law is!"

Junior Counsel's participation in the case is relatively small. By custom they purchase refreshments for the bench and "are liable to be severely penalized for contempt of court if their Lordship feel at all thirsty." Oct. 1, 1948.

Junior Counsel have also traditionally prepared the courtroom before the trial and cleared it afterwards. On Oct. 22, 1930, the following appeared in the Gazette:

"Crouse and Underhay argued a tree-falling case for two hours and Chief Justice Grahame remarked, on congratulating counsel, 'no Moot Court has ever been as exhaustively prepared. The junior counsels Kanigsberg and McDougall, appreciated this when carrying the law books back upstairs.'"

SHERIFFS AND AUDIENCE

In the early days, each court had its sheriff and deputy sheriff who called to order and maintained the dignity of the court throughout proceedings. If they were not present continuously throughout the trial strict sanctions were imposed on them. Today this procedure is not followed.

Until 1953, a number of designated 1st year students was compelled to attend the Moot Courts, on pain of fines or actions brought against them. Although this rule still exists it is un-enforced and first year students seldom observe it. However, every Moot Court has its audience, and, in the twenties, when the Gazette published invitations to attend, the audience was large and not always respectful.

"The dignity of the law was seriously threatened when two Arts students attempted to leave the courtroom without bowing to the bench on their departure, but due to the alertness of the sheriffs, they were given an opportunity to

correct their grievous error and depart in peace." Nov. 1, 1933.

"Mr. Decker, in the audience, was lulled to sleep by counsel's voice, but Mr. McLeod pointed out the impropriety to the court and the offender was disturbed." Oct. 20, 1939.

WOMEN IN THE MOOT COURT

Their first recorded appearance is in the Gazette issue of Nov. 21, 1923:

"The appellant, Miss Wambolt, K.C., presented her argument in a clear and concise manner. Her learned opponents, Miss Stewart, K.C., and Miss MacIntyre, also showed they had given their case careful preparation. The occasion was one of unusual interest in that it was the first time in the history of Dalhousie that so many of the weaker (?) sex had taken an active part in Moot Court."

The performance of women received further comment on Oct. 23, 1942:

"Mr. Redden, counsel, reflected he was quite upset at seeing such beauty on the bench, and Lord Justice McMillan commented that if loquacity were the basis of success, Redden would be a wow. Miss Johnson was very vehement in her argument, pounding her fist on the table and arguing with heat and steam. Se did not hesitate to lay down the law to the judges."

And on Oct. 22, 1943:

"Two ladies, Mary Kingly and Lorraine Johnson, proved once and for all that at times beauty can be combined with brains. Their sagacity and wisdom may be said to be almost comparable with that of men."

Miss Clancy, of the '44 class, was the most controversial woman in Moot Courts. On Oct. 23, 1943 after one month at the law school, Miss Clancy had made this headline:

'MOOT COURT CLANCY SCORES AGAIN: MORE TRIAL, TRIBULATION.'

In a period when the bench enforced punctual attendance of first year students, Miss Clancy invariably appeared late, and she would disappear for unreasonable lengths of time. In one instance, Lord Chief Justice Forbes subpoenaed her for summary trial. She pleaded 'illness caused by the aroma of cigar smoke' and was let off with a warning. Miss Clancy's behaviour did not improve: "when she was not herself being fined, she was the source of fines for others who invariably sat too close during court sessions."

The last of many scrupulously reported incidences of Miss Clancy's court career is this one: "A touch of beauty was added to the musty atmosphere of the aged courtroom when, like a white lily coming to the surface of a stagnant pond, Miss Clancy rose to argue the case for the respondent."

The Law School's men have continued to suspect the "reasonableness" of women, and for this reason plus the difficulty of addressing them, men have not welcomed the opportunity of arguing before women justices. The writer will give no examples of this. However, certain colorful incidents must be noted. In 1957, Stanfield, C. J., periodically, and nonchalantly slumbered through the hearing, while counsel D. Riche and W. Chmara beat the air. In 1958, the women chief justices showed a predilection for topics of blood, adultery and murder. Most unfortunate of all was the fact that their cases in-

volved unsettled, unthought of, and befuddled points of law. Strong, C. J., heard arguments on a husband's liability for his wife's debts after the wife had committed uncondoned adultery, but before she left her husband. Blake, C. J., wondered about the legal situation of a siamese twin who had committed premeditated murder.

CASES

The topics of a period have been influenced by political and social pressures, as well as the individual preference or the sex of the chief justice. The topics have been by and large fascinating despite Ben R. Gusse's comment on Oct. 21, 1927 that the topics of the cases argued "range from the sublime to the ridiculous."

Contract, property, and constitutional cases, all then of great moment, were argued until 1915. During the two world wars and other minor wars such as the Russo-Japanese and the Boer War, the cases, in frustration of contract, shipping, the legal position of the individual, etc., were colored by the reality of war. On Dec. 7, 1921, with the Federal election pending, the following case was argued by and before men, some of whom became famous in politics and public life.

"Connolly, wrote to Bowes saying: 'I will not run, tell my friends not to vote for me in the election.' The letter was for publication. Later Connolly changed his mind (Dunlop says he does so often) and was a candidate for the nomination after all. Connolly sought an injunction against printing the letter. Dunlop said there was no libel and therefore no reason for an injunction or anything else. He sighted Arkansas Law. Mr. Murray said that every case in the books on the subject was wrong and expounded a theory of his own which seemed to convince their Lordships."

In giving his decision, McDonald, C. J., said the Liberals would win. Chipman J. did not concur, claiming that the Conservatives would carry Yarmouth and two-thirds of the Dominion. Livingston J. said it served Connolly right for writing the letter, and anyway it looked to him as if the farmers would get a majority."

In the twenties, when the Gazette gave witty, excellent reports of cases and arguments, favorite subjects were Rylands v. Fletcher and property law. The following case is cited as an example; once again many famous names appear:

"The fall term of the Dalhousie Moot Court opened with the case of ROSS v. FEDDEN with Messrs. Colquhoun and Bethune for the appellants and Messrs Ives and Read for the respondents. The case was based on RYLANDS v. FLETCHER. After hearing argument by learned counsel, decision was given in favor of the appellants."

From 1930 to the present, the greatest number of cases has been derived from Tort & Agency law. Chief Justices generally choose topics from the first year curriculum. Otherwise the topics are usually taken from Administrative law, Constitutional law and Labor law.

COURTS

Although they are seldom needed, a bench has had during the years, various weapons with which it could maintain respect and enforce its commands. One of long standing, and the one which today is most often used, is the tactic of

forcing counsel to argue another case. But of old, the benches often imposed fines or brought the offender to trial. The following quote of Sept. 28, 1933, shows the workings of and the result of the system:

"The Moot Court preserves law and order within the north wing of the Forrest Building. In addition to its more important functions, it has for some years past played the part of a charitable organization by contributing five dollars annually to the Beaver of Forrest Hall in trust for the maintenance and improvement of the Dean's bush."

These trials, occurring at isolated instances, were modeled according to the previousness of the offence on summary conviction or indictable proceedings downtown, with docket, prosecutor, witnesses and jury included. Miss Clancy was tried in a summary conviction court; many contempt of court charges were brought for which a jury was always present.

Certain rare trails were apparently unrelated to the mere enforcement of order in Moot Courts. Some of these were criminal trials. Examples:

"In the thirties a criminal action was brought against a law student for being drunk and disorderly at the law dance. The prosecutor confessed difficulty in finding law to obtain a conviction, but the public outcry against the accused was so great that the jury found him guilty, and the judge sentenced him to a 20 minute confinement."

"The criminal case concerned an act, the equal of which (quoting Kelly Morton, the prosecutor) for heinousness, had not been seen since 1911. The judges, jury and spectators were all equally shocked that such a state of affairs should exist within the borders of our fair alma mater." Oct. 1, 1930.

Oct. 4, 1927, the case of Rex V. Redmond, "Redmond was accused of trigamy. The feature of this case was the Roman witness Tom Coffin, who spoke only Latin, and who had an interpreter, Jack Atwood."

C. J. to Atwood: Ask the prisoner if he was in Hong Kong.

Atwood to Coffin: Arma virum ne cano ab oris?

Coffin: Lavinia ne venit litora multum jactatus.

C. J.: What does he say?

Atwood: He says that has often had Chop Suey in Hong Kong.

Verdict of guilty brought in by the jury."

The civil actions brought were generally in libel. On April 4, 1923, the following case of Rowe MacKenna v. The Dalhousie Gazette was heard before M. Justice Read, "the learned judge and jury were confronted in this case with a vast amount of contradictory evidence adduced by many witnesses. Arguments both loud and long were made by the learned counsel representing both parties, and when the weary jury retired, they were not in that frame of mind which is conducive to a lengthy deliberation on any matter. The verdict returned after five minutes was against the Gazette for \$3000. "The damages are to be paid in Russian Rubles at an early date. Note—by editor Horace E. READ."

"The most famous of the civil cases was Alfred Harris v. The Dalhousie Law Library Committee. On returning an overdue book, Harris was fined 10c by the committee. He refused to pay, questioning the constitutionality of the committee's imposition of the fine. A great trial ensued at which innumerable witnesses swathed and unswathed were heard. Among the swathed appeared "one professor R. G. Murray, chairman of the Law Library Committee. He professed the Chinese faith and asked to be sworn on a broken saucer, according to Chinese custom." Nov. 2, 1951.

The author hopes that this brief history does not convey the impression that Moot Courts are for entertainment only. On the contrary, it is stressed that they are of value for every student in the Law School. They are a living and important tradition.

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