

Faculty of Law

By E. A. LUCAS

"No great task was ever accomplished without enthusiasm." When young Dean Curtis first stood on the raw patch of ground that was to become the site of the new Law School, all he had was his appointment and his ideas, but he affixed to the freehold the incorporeal hereditament of enthusiasm. The first physical fixture to reach the ground was an army hut, sawn in two, so as to be brought on a couple of trucks. And the Law School became a going concern.

"Army huts?" said an old soldier to me. "Imagine people trying to sit down and study law in an army hut!" So the Dean took Elmore Meredith and me into the first one. Bright. Warm. Spacious. Long shelves along the sides, already well lined with law books. Handsome tables, made right out there. Bright new paint work. And the young men and women! One might have thought that the arrival of the President of the University, the Dean of the Faculty, and two inquisitive-looking strangers would have been met by glances and whispers. Not a head was raised. These young people were studying law! "They're eager," smiled the Dean.

They are learning law differently from the way they did in my day. When I started, I was told to get Indermaur on Common Law and read it. So I started in by learning about offer and acceptance and performance and breach of it. Writing my First Intermediate, I had whole passages practically letter-perfect, ready for the hardy perennial questions. Those days are gone forever. . . . You have been wondering what the new students have been doing, cluttering up the Library, reading Law Reports of all things, at their age. Well, here is how they learn law nowadays; I attended a lecture to find out.

The subject was the requisites of a memorandum under the Statute of Frauds. Days before, the class had been given a list of half a dozen border-line cases; they had read summaries of the facts and the judgments in a big case book they have out there, and the Reports themselves at the Court House Library. They brought to the lecture their own head notes of the six cases. The Dean started off with a short rescript of the requirements of a memorandum, and asked Mr. Blue to read his notes on the first case.

"Have you any further observations to make?" And there was an impromptu reply. "You disagree with the judgment; any one supporting it?" Hands went up, and their comments were listened to. The subject matter, the bargain, the price, the signature, were taken apart and put together. They came to the Auctioneer's case, where the auctioneer's clerk (the Dean called him "the little man in the bowler hat" so they would remember him) said to the successful bidder, "Name, please?" and wrote it down in his book. Was this the signature of the party to be charged therewith? "The Court says, 'Yes.' What do you say?" "I say the memorandum was not signed by the purchaser, but was a record made by the vendor." "Did you see who the judge was?" "Mr. Justice Denman may have been wrong." The debates were punctuated by half a dozen laughs like that. The Dean commented on the generous principle of importing a legal fiction into a case. There was a brisk hour of this and by the time those young protagonists had put forward their opinions,



Law School Students and Faculty Staff at the entrance to Law School Buildings at the University of British Columbia.



The Formal Opening of the Faculty of Law took place at Brock Memorial Hall, Thursday, January 17th, 1946.

ON THE PODIUM:

C. M. O'Brian, K.C. (Vice-President for British Columbia of the Canadian Bar Association); R. H. Tupper ("Dean Emeritus" of the Law School); C. H. Locke, K.C. (Treasurer of the Law Society); The Hon. R. L. Maitland, K.C. (Attorney-General); The Hon. Eric W. Hamber (Chancellor of the University) at the Rostrum; Dr. N. A. MacKenzie (President); Hon. W. B. Farris (Chief Justice of the Supreme Court); Hon. Gordon McG. Sloan (Chief Justice of British Columbia); Hon. L. Chevrier, K.C. (Minister of Transport).

backed or attacked by others, and questioned, corrected and commented on by the Dean, they must have gone away, as I did, with a vivid picture of the angles of judicial interpretation of the Statute of Frauds.

The Christmas examination paper on Contracts consisted of a series of moot cases upon which the students wrote their opinions, giving their reasons and their authorities. An example:—On the centre-field fence of a ball park there was a large target painted, with these words under it: "Players hitting Bull's-Eye Get \$1000. Target Cigarette Company." The Plaintiff, without having seen the sign, stepped up to the plate with the bases loaded, and whango, hit the bull's-eye. Should he succeed in recovering the \$1000? The Dean read me one answer Precise, concise, well-reasoned, and inclusive of all the pro and con factors. Written by a freshman.

This new method was not invented here. In fact, it is not new at all, having been the method at Harvard and Dalhousie for a number of years. Of course they study the text books; but as commentaries on the decided cases.

Right next to the library-study are the offices of the staff, with the doors open. Open, so that Dean Curtis and Professor Read can be going out among them, or the students can come in, to get pointers on why one piece of the jigsaw picture of a legal problem does not seem to fit. And all the other factors in and around the question of how and why is a good lawyer good. "That is what keeps my enthusiasm incandescent," smiled the Dean.

George Curtis took his LL.B. at Saskatchewan; B.A., B.C.L., as a Rhodes scholar at Oxford. Practised law at Regina, and from 1934 to 1945 was the Viscount Bennett Professor of Law at Dalhousie. The Alumni News of that Famous University gently said to him on his departure, "He became the fast friend of the student body. His memory will long linger at Dalhousie." When it comes to incandescence, if the students supply the current, I should opine that he is the generator. At my advanced age, and from my waning point of view I have come to value my brethren-at-law not so much for their force and skill in handling the bright, heavy weapons of our profession, but more for the qualities that make a likable human being. And George Curtis is likable in much the same way as Reg Tupper is likable, if you gather me.

When Dr. Mackenzie at the opening ceremonies, appointed Reg to be Dean Emeritus of the Law School, no voice from the scintillant array of forensic chivalry and beauty present was heard to voice any preliminary objection to jurisdiction. So Reg is Dean Emeritus. To him and to Wallace Farris and the others who have worked for years to get the Law Faculty established, the thanks of the profession, and especially of our undergraduate members, are richly due.

Professor Fred Read, the other member of the staff, the members of the Bar should also know. He is not quite so quick and easy to know as George Curtis. There is a glow of inside fineness about him which accounts for the way Dr. Mackenzie and Dean Curtis speak of him. He, too, comes from the prairies. LL.B., Manitoba. Eleven years lecturer and nine years Professor of Law, Manitoba Law School. Sometime Editor of the Manitoba Law Reports and the Manitoba Bar News, author of the sixth edition of Maclaren on Bills, joint author of Corroboration in Criminal Cases, and a frequent contributor to legal periodicals, he brings

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a well-equipped arsenal of equipment to the task of teaching the young idea how to shoot.

I have not quite come to the point in our acquaintance of calling the President of the University, Larry. But it won't sound jerky when I do, because the President lives and moves not in any secluded tower devoting himself to meditation, but right out here, right now. At the centre of the many-segmented circle of his activities he is a smooth-running concern, and I would by no means fool you. He has been working close in at the founding of the new Law School, as he comes here from the University of Toronto and Dalhousie with an illustrious record as head of the Law Faculties there, especially in his top line of International Law. Aside from the illustrious record for a moment, it was he, when the new Law School had no roof over its head, and no money to pay for one, wangled the delivery of the army huts on the trucks, as I mentioned above. A going concern? And that is just one small thing.

Now let's have a look at the student body. The earnest young men and women, intent upon devoting their lives and their talents to upholding the great principle that there can be no liberty without the supremacy of the law. And so on and so on. I have spoken of them at work. You have all seen them in the Court House Library. Eager, as George Curtis said, is the word for them. Well, at the Formal Opening of the Faculty in Brock Hall, I mingled amongst them, hoping that my black-and-white clothes and my general air of august senectitude would not abash them. Well here is the sort of thing that took place: Partaking of the delightful refreshments we were served with, I happened to say that I particularly enjoyed certain little celair effects in paper cups, and admitted having eaten four of them. A large young smiler was at once in front of me with a tray of them, so I took another, thinking how thoughtful he was. He was just as insistent, in his really courtly way that I have another. No, no! I finally had to put my hands behind my back. And they dropped an celair in them. And they went on from there, always smiling, always so nice about it, putting an celair in my hand any moment I thought it was over and unlenched my fists.

A number of the best men on the Bench and at the Bar are freely contributing of their time and effort to give the students a really imposing curriculum of lectures. With the exception of Stan Remnant who goes right out to the University twice a week to lecture on Criminal Law, the others give their lectures in the Court House. The geographical inconvenience is considerable, but it is ironed out as well as may be for the present. These extra-mural lecturers and their subjects are:

Mr. Justice Sidney Smith on Shipping, Mr. Justice Coady on Evidence, Mr. Justice Bird on Practise in the Court of Appeal, Mr. Justice Wilson on Procedure (Seniors), and Mr. Chief Justice Farris on the Legal Profession and the World Court. From the Bar, Messrs. Bray on Wills, Brazier on Procedure (Juniors), Farris on Constitutional Law, Fisher on Conflicts, Maguire on Landlord and Tenant, Remnant on Criminal Law, Sheppard on Equity, Schultz on Homicide, and the Dean Emeritus on Companies, their formation, finance and re-organization. The President of the University picks time out of the air to lecture on International Law.

Just going over that list makes me regret that I was born thirty years too soon to get such a training in law. In Pat Maitland's time as President of the Law Students' Association, I observe in the Law Stu-

dents' Annual of that year that the Honorary Vice-President of the Association "gave freely of his time to preside over moot courts and act as Judge in Chambers." Modesty restrains me from naming him. But I have no doubt I was good.

So there, my learned friends, is something of the set-up of the new Law School. I should have failed to give you the picture if I did not try to write of the spirit of the enterprise. And that is of the very essence of what they are doing out there. The atmosphere is of fresh and eager beginning. Take two hard-baked old crocks like Elmore Meredith and me. Driving back from our session with them, we never stopped talking of the inspiring effect of just looking in on the fine new adventure. The whole set-up is radiant with youth and determination. They know where they are going and they are surely on their way.

We are all familiar with the creaky croaking from the thick layer of the unthinking, "There's too many lawyers; the lawyers get it all; did you say lawyers or liars?" The real situation, past, present and future, in this or any other province, is that the progress of public and semi-public activities depends to a very large extent upon the quality, the integrity and the purposive effort of the members of the Bar. Some of us forget sometimes that the tone of the community, good, bad and mixed, is set to a very considerable extent by our profession, dusty wheezing to the contrary notwithstanding. I should like to say to every member of the big freshman class in Law that he or she is a potential leader of British Columbia. The great doors of opportunity are open before them. What they have to do is go right in and go right ahead. And if that sounds like airy unreality, I should like to say that I have seen it work in British Columbia for forty years.

It will be their privilege and responsibility to carry the flag . . . and the weight. We are waiting for them, and depending on them. I, for one, feel assured that they will be thoroughly equipped well and worthily to carry on where we leave off.

KOOTENAY BAR ASSOCIATION

Mr. Justice Harper and Judge H. W. Colgan were guests of honour at the fall meeting of the Kootenay Bar Association, held in Nelson, Saturday 17th, last. As is the practice, the get-together coincided with the Assize Court Sittings and seventeen members from Trail, Nelson and Cranbrook were present. Other guests of the Association present at the dinner were Sheriff M. E. Harper, Registrar W. A. Sturgeon, and Official Reporter Claud Tyler. Mr. Justice Harper and Judge Colgan spoke briefly at the dinner which preceded the business meeting, which was marked by informality and good fellowship. At the business meeting later in the evening, Life Memberships in the Association were presented to Mr. Justice Harper and Judge Colgan. A Life Membership was also given to Judge W. A. Nisbet who, unfortunately, was unable to attend owing to illness.

The members again reviewed the question of extension of the powers of the local judges in Supreme Court and it was moved that a resolution advocating such extension be forwarded to Chief Justice Wendell B. Farris, Attorney-General R. L. Maitland, the Benchers, and the Okanagan Bar Association.

A lengthy review of the question of setting uniform fees took place.