

LAW FOR THE LAYMAN

Part 2

by Malcolm Smith

We promised last week that we would trace the development of the common law and the growth of self-determination by a study of the various courses offered in this subject on the Dalhousie campus. Naturally a review of such a wide field in the limited space at our disposal must be selective, and that is the policy which will here be followed. By this we mean that we will only deal with those courses which it is not intrinsically dangerous to analyse.

Our first topic is that of Property. This course is chiefly remarkable for the fact that nobody knows anything about it. Do you? Apart from the fact that (a) states consist of a defined or definable territory and that this is owned by the ruling classes property law is—perhaps deliberately vague. It consists in the main of vague terms and generalities which have no relation to the res (latin: the thing). For instance it is an established rule of English law that a feeoffee-in-fee cannot be arranged with a meiner. Why, nobody knows, and this has sometimes led to injustice, known as the Descent of Property Act, because things have got into a rather low state. Among the long line of English martyrs such as Francis Bacon (who discovered tobacco and scared his servant by smoking it so that the poor villain attempted to extinguish his master with a bucket of water—hence the jocular form of address: "Smoked Bacon") must be listed the poet Shelley, whose contribution to English law is chiefly remarkable for the fact of the Rule he established that even if you don't know the law it is taken to exist. This became known as Drawing the Line in Shelley's Case because Shelley was an Englishman and therefore an individualist and good to have around because of the Natioal Jest (this was a large sum of money the Americans said England owed them for winning the Great Peace and has been the favorite joke in international circles for 20 years). It arose chiefly because of all men being equal, even in the colonies, where it was even said some men were more equal than others, and it was declared that it was unfair for Shelley, even if he was a poet, to allow his land to descend unto his heirs as tenants in tail-fee for ever because it was immortal and against the Munro Doctrine.

land belonging to everybody all at once because of the government being the agent of everyone and therefore the Sovereign body, i.e., the queen. This is all rather confusing because at the same time as everybody became equal the Married Women's Property Act was passed which said that nobody could hold land except married women, which was considered by some as a tribute to the queen.

This led to Free Association within the Commonwealth as the men wanted to get the land back and form a property-owning democracy, which was everything that everybody wanted and therefore very democratic. In the United States of America this took form of General Motors, which owned America, being owned by small - shareholders, which rather rankled in Texas, but there was nothing that could be done about it.

Around the same time an astute Canadian stayed up late one night consulting the ghosts of former glories and as a result noticed that the sun was setting on the British Empire. Realizing that here was an opportunity to get back at the woman he declared next day that Canada no longer had Dominion (i.e., held) from sea to sea and that free association must stop and the post boxes be painted green and that would make us like the United States.

This, of course, reduced the power of the women and led to the Universal Declaration of Human Rights, which was very nice but impracticable because the army marches on its stomach and women said in that case they wouldn't slave over the stoves all day. All this came to an end with a Declaration of Universal Human Suffering which declared that somebody ought to suffer for this and it should be the women, who were to be tied to railings and run over by horses etc.

THE REVUE REVIEWED

The opening chorus "borrowed from 14 unsuspecting composers" set the mood well and gave the show a solid opening. This was one of the brighter moments musically, for composer David Murray did not set the chorus an easy task yet they performed admirably. The chief flaw arose from the fact that Dalhousie does not have an outstanding soloist. Choral work with a soloist requires one.

Marlene Matthews seemed to lose much of her vitality in her rendition of Get Happy which certainly did not have the necessary tempo and verve. She looked and sounded much more like the Marlene Matthews of Take Back Your Mink in her solo, Stereophonic Sound. Anne Stacey, too, acquitted herself more admirably in her solo than when accompanied by the chorus. This was no fault of the chorus. There is just enough volume and resonance in Miss Stacey's voice to deliver a song in company. In Judy Wilson Dalhousie has a new singer whose talents obviously favor torch songs. Her husky throatiness would be very pleasing were she given a happier choice of songs. She has insufficient volume in the lower range for choral work but let us hope that her talent for torch songs will not be denied us in the future. The choral portion of the programme was dealt a severe blow by the unavoidable absence of Carmel Romo which left a gap which was not liked. One felt that omission rather than unrehearsed performance by fill-ins would have done more justice to the work of a basically sound chorus.

COMPARING NOTES



What the well-dressed Nigerian will wear is shown by Bredu Pabi and Nita Sedaris. This piece of hand-woven cloth known as a "akwete" cloth, was brought in Enugu in Eastern Nigeria, where recently much effort has been directed towards developing native handicrafts. "Akwete" cloth is draped in a somewhat similar style as the "kente" cloth of the Gold Coast, worn by Mr. Pabi. Nigeria and the Gold Coast were two of the West African countries which they visited as Dal representatives in a WUSC-conducted study tour this past summer.

The solo numbers were performed very well. The inclusion of some of Tom Lehrer's songs did much for the show. They are very clever, were well done and provided a continuity which past reviews lacked. "Dixie" by Dave Brown and "A Hunting Song" by Mary Patterson were the highlights of this group. David Peel's "Irish Ballad" enacted in pantomime by Brenda Murphy suffered from inaudibility as Mr. Peel continually strayed from the microphone. David Murray's sepulchral rendition of "I'll Hold Your Hand in Mine" was very effective but slightly too gruesome. Diane Eager, though she sang well, did not sell her song convincingly because she looked too innocent. The vocal highlight was "Lizzie Borden" sung and enacted very well by the cast. The most disturbing feature of the musical portion of the show was an extremely loud piano. Upon that the pianist was not wearing iron gloves I was informed that such volume was necessary for the chorus to hear the music. Thus in our Acoustically flawless gymnasium (I was sharply censured last year for calling it otherwise) the audience is torn between the choice of an audible off-key chorus. This is unfortunate.

The low point was achieved by the kick line of Something's Gotta Give, with poorly executed choreography which was completely unsuited to the music. The award for consistent excellence must go to the skits. The chief flaw was that some were over long with a tendency to sag in the middle. The G. & S. number was well handled with well - deserved praise to Graeme Nicholson as the laughing Oriental. Mental Health in the Home lampooning contemporary practise was consistently good with fine characterization of the 'guests' and a typed portrayal of a meddling Mental Health Official by David Peel. Dover Beach contained some of the best lines of the evening but was marred at times by poor voice projection. The Bird Watchers, too, suffered from this deficiency due to the casts' having to deliver their lines from most uncompromising positions. This skit was redeemed by Dave Brown's portrayal of a tree . . . if only there had been a dog. Behind the Scenes with Art was a well-aimed proof as much present day Canadian art packaged abroad and delivered C.O.D. Dave Murray playing four parts as the Dentist carried it off quite well though there are certain limitations to this form. The last skit, The Silent Movie was brilliant throughout. There was no star, all roles were played very well and if one might use the term the choreography was superb. There was a perfect marriage of action and music.

WHERE THE MONEY YOU GIVE TO WUSC GOES

Having had some indication to the nature of WUS and its work generally, awareness of its activities may be heightened with a few particular examples.

Since 1950, when World University Service was adopted as the new title for this international organization, centres have been operating and services given in over 30 countries. In 1951 a WUS Hostel was opened in Calcutta, the first WUS Sanatorium was opened in Tambaram near Madras, a Southeast Asian Student Health Conference was held at Singapore at which plans were prepared for the development of WUS sanatoria and health services in Southeast Asia, emergency aid was given to student victims of the Assam earthquake and to members of the University College of West Indies who suffered losses in the hurricane. In 1952 a hostel for refugee students was opened in Paris. 1953 saw the development of WUS activities in Africa, the resumption of relief work in Korea, and emergency help given to student victims of Greek earthquakes and Japanese floods. In 1954 a WUS student centre was opened in Salonika and 76 full scholarships were provided for refugee students in Switzerland.

This list, as impressive as it is, is far from being a complete account of WUS activities in the past few years, and is offered as evidence to any who might have any doubts as to the way in which WUS spends its money.

There are three categories under which money is distributed. (1) International Aid. Under this fall such things as students health, food and shelter, co-operative projects, books and technical equipment, advisory and educational services. (2) Scholarship and loan funds. (3) Summer Program, which includes the Seminar and Study Tours.

All money donated by students on any Canadian campus goes towards the maintenance of the first two of the above named group of activities. The remark sometimes heard that WUS money goes toward allowing a few people to have a free good time during the summer, is a statement made in complete lack of information. Not only do participants give us a complete summer's earnings to take part in a tour or seminar, but in addition themselves pay a certain proportion of costs plus all their personal expenses. (Some universities waive fees for returning students. Dalhousie does not.) All money which goes into Summer Program comes from such sources as provincial governments, Trans-Canada Airlines, Canadian Pacific Railways, who would not make the money available for any purpose other than a seminar or study tour.

Please remember, that when you as students are asked for contributions, that money is required for, and put completely towards the International Aid Fund and the Scholarship and Loan Fund.

How Dal Established Law (And Order) Among The Canadian Pioneers

The Law School of Dalhousie University can claim unique distinction for two pioneering efforts, but its greatest endorsement, according to Dean Horace E. Read, Q.C., is the list of distinguished men who have taught and studied in the school since its founding in 1883. As part of the current Dalhousie University Expansion Appeal, the Law School seeks additional endowment to meet rising costs to expand its facilities, and to provide resources for scholarships and student loans.

The first school in the British Commonwealth devoted to the teaching of the common law, Dalhousie's Law School began in a modest way under the guidance of its first Dean, Dr. Richard Chapman Weldon. The original faculty included Benjamin Russell, later Judge of the Supreme Court of Nova Scotia, who held an active professorship in the school until 1921; the Hon. J. S. D. Thompson, then a Judge of the Supreme Court and later Prime Minister of Canada; Wallace Graham, later Chief Justice of Nova Scotia; Robert Sedgewick, later a Judge of the Supreme Court of Canada; Hon. S. L. Shannon, John Y. Payzant and James Thomson. Since then scores of lawyers and judges have given instruction in the school.

The school pioneered again in 1950 when, with encouragement of the late Hon. Angus L. Macdonald and co-operation of the Government of Nova Scotia, it established the Nova Scotia Legislative Research Centre, first of its kind in the world. The Research Centre is designed to provide students with experience in methods of legal research and of drafting effective legislation and to make the results of their work available to the Legislature.

The unique opportunities afforded by the Research Centre have attracted graduate students for advanced studies, said Dean Read, one student having come from Pakistan. On Dean Weldon's retirement in 1914, Donald A. MacRae, whose

death occurred recently in Toronto, was appointed as his successor. A graduate of Dalhousie, Dean MacRae has taught at Cornell and Princeton and, in 1925, was appointed to the staff of Osgoode Hall.

John E. Read, a full-time member of the faculty was appointed Dean. He had been educated at Dalhousie, Columbia and Oxford and served as Dean until 1929 when appointed legal adviser to the Department of External Affairs. He is now a Judge of the International Court of Justice at The Hague. One of the professors on his staff was Angus L. Macdonald, a graduate of the school who later became Premier of Nova Scotia and, during World War II, a member of the Federal Cabinet.

His successor was Sidney E. Smith, another graduate of the school, who resigned in 1934 to become President of the University of Manitoba and who is now President of the University of Toronto.

Vincent C. Macdonald, a graduate of the school who had been a full-time professor since 1930, was then appointed Dean and served until 1950 when he was elevated to the Supreme Court of Nova Scotia.

He, in turn, was succeeded by the present Dean, also a graduate of the school. Dr. Read had served as a professor under Dean Smith and, after post-graduate studies at Harvard, had been a professor of Law at the University of Minnesota. During World War II, he served as a Commander in the Royal Canadian Navy which replaced the British Admiralty regulations formerly used.

The list of graduates includes a Prime Minister of Canada, the Rt. Hon. (later Viscount) R. B. Bennett, many Canadian cabinet ministers, several judges of the Supreme Court of Canada and the Exchequer Court, judges in every province, nine provincial premiers, several lieutenant governors, and many senators and members of parliament.



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