

WPK

December 16th, 1927.

Professor H. A. Smith,
Faculty of Law,
McGill University.

Dear Professor Smith:-

Let me acknowledge with mixed feelings your letter of December 14th informing me that you have been elected to the chair of International Law at the University of London. I can most sincerely say that I shall be sorry to see you leave the staff of McGill University, where I have always regarded you as a most valued member of the Law Faculty. I know the battle you have helped to fight here and I think you are entitled to the satisfaction of sharing in any measure of victory that has been won.

I also know that you have always looked upon the separation from your family as something of a temporary character to be remedied as soon as a position was offered to you by one of the great Law Schools of the Motherland. I congratulate you on your election to the chair above mentioned and I believe you will fill it with credit to yourself and to the School. The Law School of the University of London should have, in my opinion, a very bright and useful future.

Yours faithfully,

Principal.

*File
Faculty of Law
H.A. Smith*



*copy when
materially ready*

PRIVATE & CONFIDENTIAL

April 7th, 1926.

My dear Sir Arthur :-

If by any chance you read the first page of this morning's Gazette, you will no doubt have been struck with the, somewhat, erratic intellectual gyrations and gymnastics indulged in by our friend, Herbert Smith. Whatever opinion you may have with respect to his utterances in the London Times, I think you will agree with me, that it is most unfortunate that he could not refrain from offering to the English public, through the columns of the London Times, a gratuitous insult to the men with whom he sits around the board, and whose bread he eats. Personally, I look upon it as "not playing cricket", and even disloyalty. You may not know; he does not know, but most of what I call the "down-town" members of our Faculty know, that I have steadfastly fought in Smith's defence almost ever since his advent here. I tell you now, that he is heartily detested by most of the members of our Faculty. I thought that I had matters smoothed



2.

over somewhat, and here he takes the first opportunity on arriving in England, to rush into print in disparagement of, not only the men with whom he works, as I have said, but the whole profession in this Province. He has, again, brought about his head a hornet's nest. I have been smothered and stifled with telephone messages, commencing at my breakfast table. Not only what he says is utterly uncalled for, but it is absolutely untrue. Some of the members of His Majesty's Privy Council have said to me, and to others, that of the members of the Bar throughout the Empire, who appear before that Body, none are more skilful, learned and better trained than the French Canadian lawyer of the Province of Quebec. Of these, the very best are graduates of our Faculty.

Smith's intercourse with the members of the profession in Quebec has been largely limited to the teaching Staff of our Faculty, which makes the reflection all the more disloyal and unfair. The majority of the members of the profession here will come to the conclusion that Smith's opinion, "that the general educational level of the legal profession in Canada is



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far below that which prevails at the English Bar, and this shows itself in the inferior character of the work done" must be based largely, if not entirely, upon his daily intercourse with fellow Professors in the Law Faculty of McGill. I am certain of this, because I know who his associates are in the Legal profession.

My first impulse was, to write to Smith. I restrained that impulse lest I should give utterance to something that I might subsequently regret. I do not yet say that I will not do so, but I will be wise enough to sleep over it. I do not ask you to do anything in the matter, except to treat this as a purely personal and confidential communication.

Before Smith left for England, I invited him to luncheon with me, and I showed him a draft of comments on the question of the establishment of the Central School in London, along the lines which I propose to deal with the subject, if I say anything. I discussed it with Smith, and I admit I got some ideas from him, and that was the purpose of the discussion. The other day I asked Stephen Leacock to luncheon with me, for the very same



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purpose, and I got as many, and, better, ideas from him. Smith reaches London and publishes in a letter in the London Times the very ideas which he really got from me, and not I from him. I do not suppose that I can blame him very much for that, but I do not like it.

As I told you last night, I will send you the letters, &c., exchanged between the Secretary of the Congress of Universities at a later date.

I will make a personal effort to have as large an attendance of the Law Faculty at the Convocation as possible. Judge Surveyer is away. Professors Macdougall and Chipman are absent. I am afraid Judge Martin will not be able to attend; but such as are available I think, on the receipt of a copy of your letter, will be present.

With kind regards,

Yours sincerely,

General Sir Arthur Currie,

Principal McGill University,

C i t y.



March 15th, 1921.

My dear Sir Arthur :-

I have consulted the members of our Faculty, with the exception of Professor Smith, and they have asked me to write to you, requesting you to recommend that a sum of at least \$1000.00 be paid by way of bonus to Professor Smith for the following reasons:-

During the Session about coming to a close he has practically - with little assistance- done all the work usually done by the Dean, and so far as the Faculty is concerned, his work has been satisfactory. In addition, he has delivered all the lectures required to cover his course.

As you are aware, the salary of the Dean, \$6⁵000.00, has not been touched. My information is that after providing for the remuneration paid to the Professors and Lecturers, the Law Faculty will add to its surplus some \$7500.00. We are, therefore, of opinion that it is only just and right that this bonus should be granted. It will not be considered as establishing a precedent, but is paid only under the exceptional



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circumstances which prevailed during the last year.

Bespeaking your good offices, and thanking you
in advance,

I remain,

Yours faithfully,

A handwritten signature in dark ink, which appears to read "R. G. Finlayson", is written over the typed phrase "Yours faithfully". The signature is written in a cursive style with a long horizontal flourish at the end.

Sir Arthur Currie,

Principal McGill University,

C i t y.

March
Fifteenth
1921.

Hon. Mr. Justice Greenshields,
Judges' Chambers,
Montreal.

Dear Mr. Justice Greenshields:-

I have your letter
of March 15th in which you recommend that a
bonus be paid Professor Smith for the extra work
thrown on his shoulders during the year 192--21.

I shall have much pleasure in placing
this recommendation before the Finance Committee.

Yours faithfully,

Principal.

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McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW
~~ROBERT W. LEE, M.A., D.C.L., K.C.~~
~~DEAN~~

746 UNIVERSITY STREET
TELEPHONE: UPTOWN 5920

November 30th, 1921.

The Principal,
McGill University,
Montreal.

Dear Principal:

In acknowledging your letter of the 28th November, I need hardly say that it never occurred to me to doubt the correctness of your attitude in all your relations with the Faculty and its individual members.

With your position, as explained in the latter part of your letter, I am in entire agreement.

Very sincerely yours,

HAS-u-

HAS/S.

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January
Thirtieth
1922.

Professor H. A. Smith,
Faculty of Law.

Dear Professor Smith:-

Your letter of the 28th
is acknowledged and contents noted.

I hope we may have the matter
of the Deanship arranged before the session of
1922-23 opens.

Yours faithfully,

Principal.

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW
OFFICE OF THE DEAN

28th January, 1922

The Principal
McGill University

Dear Principal:

It seems desirable that I should put on paper what I have already told you personally--that I hope the Governors may soon be able to appoint a permanent Dean and to relieve me of my present administrative duties after the close of this session.

The existing arrangement was suggested by Dean Lee in January, 1920. At first I absolutely declined, but he told me that he would not feel justified in accepting the Oxford invitation unless I would consent. Being unwilling to create an obstacle in his career I very reluctantly consented to act as Secretary for one year only.

When he resigned about a year ago the question came up again. The efforts made to find a Dean proved unsuccessful, and I was again pressed to remain in charge of the office. I am still of the opinion, which I urged upon Dean Lee, that the arrangement is administratively unsound, and in this I believe that you agree with me. Furthermore, it seems very undesirable that the University should for any length of time advertise to the world its inability to fill the office of Dean.

Next session I hope that the work will be more of a routine nature, and perhaps this may make it easier to fill the post. The rapid developments of the last two years have made the work altogether exceptional, and at

present I am conscious that my own efficiency is somewhat impaired by fatigue. Except for Sundays I have not had a day to myself since the beginning of September, and a nervous injury which I received in France makes exceptional strain a little difficult for me. Of course I do not wish to emphasise the personal aspect of the question except in so far as it affects the interests of the Faculty.

Perhaps I ought to make it perfectly clear that I do not wish my own name to be considered in any circumstances as that of a candidate for the office of Dean.

Very sincerely yours

Hamilton



March 28th, 1923.

My dear Principal :-

Yours of yesterday's date, enclosing letter from Sir Henry Miers, reached me this morning, and I hasten to report to you as fully, and I trust, as faithfully as my knowledge and sense of fairness permit.

Teaching
qualifications

Ever since Smith has been with us, his teaching has been confined to the Common law, and not having had the opportunity of judging his efficiency by results in the way of examinations, I am perhaps unable to speak with such certainty as I would with respect to others of my Colleagues in the Faculty. This much I can say without hesitation, -I am satisfied that Smith possesses the capacity to a high degree of thoroughly mastering any subject connected with Law which he proposes at any given time to teach. I am satisfied that he would not undertake to teach a subject without having mastered it in all its details.



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With equal certainty I may state my opinion, that having mastered his subject, he possesses in a marked degree the ability to convey to others in a clear, concise and understandable manner that knowledge, which, of course, is a valuable asset to a teacher and to the taught. I would add to this, that he has given great consideration to the different methods of teaching law, and has adopted what he thinks best in various systems, and I have no doubt the whole has resulted in increased efficiency.

Capacity as Organizer

Upon this subject I can speak with more certainty and assurance. Smith possesses initiative to a considerable, if not, marked degree. He is methodical and masters details readily, with precision and accuracy. I think, moreover, that he is capable of selecting the best men for any particular place or work. He applies himself most diligently to what he undertakes, and I think, upon the whole, could induce others under him to give their best parts to their



3.

respective ~~work~~ *tasks*

What I have here written under the above heading, would apply to the question, as to his qualifications for the "Head of a Department".

His influence on
Professional men

It is difficult to express with any degree of definiteness upon a question so general in its nature and terms. I believe Professional men coming in contact with Smith, and dealing with any subject of common interest to them all, would listen with much attention and be subjected to considerable influence by what he said, and their attitude on any particular question might be determined to some, if not a great extent, by the views by him expressed. He is a ready, logical and convincing speaker; has a facile pen, and a thorough and polished command of the English language. It must not be forgotten that he came here from the scholastic atmosphere of Oxford to encounter entirely new conditions



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and it may not be surprising that it required a little time to fit in with the new situation.

Relations with
students and
Colleagues

I believe to-day his relations with our students are extremely happy. I think he possesses to the fullest extent their respect, and perhaps to no less extent, their admiration. I believe he is a "popular Professor", and I am sure the expression will convey to you what I intend it should. The popularity is founded upon courteous considerate treatment, and work well done.

With respect to his Colleagues. At the outset of his connection with our Faculty, in the minds of some of its members, perhaps he was regarded as a sort of an "interloper." I do not use the word with any personal meaning, but it was due to the fact that the teaching of the Common law in our Faculty by some of its members, was not regarded with favor, but the contrary. I am pleased to say that



5.

Smith has now established a firm position with his Colleagues. He is regarded as an able, serious and conscientious member of our Body, whose loyalty and devotion to the Faculty, and to the University, is unquestioned. I am satisfied that every member of our Faculty would join me in the expression of a sincere hope that we may not lose him.

As to the possibility of this event becoming an actuality, I can only venture the merest conjecture. In complete absence of knowledge as to the nature of the position he might be called upon to fill at Manchester, my opinion as to whether he would accept it or not, would be of little value. I am however of opinion, that Smith is happy in his work, and would not lightly sever his connection with our University. Possibly the larger Western life has "gripped" him a bit.

I do not know of anything more to be added. The feeling is not absent, that what I have said may be of little use. If there is anything, my dear



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Sir Arthur, that I can further say or do in the matter,
I am, as ever, yours to command.

I return Sir Henry Miers letter to you.

Yours faithfully

H. H. Jones

General Sir Arthur W. Currie, G.C.M.G., K.C.B.

Principal McGill University,

C i t y.

Enclos.

December 18th, 1923.

Professor H. A. Smith,
Vice-Dean, Faculty of Law,
McGill University.

My dear Professor Smith:-

With reference to your letter of the 13th of December, I am willing to accept your resignation as Vice-Dean as from the 1st of March, 1924.

Should Dean Greenshields not return at that time, I presume you will be willing to continue to discharge the functions of your office until such time as he does come back.

Yours faithfully,

Principal.

McGILL UNIVERSITY
MONTREAL

13th December, 1923.

FACULTY OF LAW
OFFICE OF THE DEAN

The Principal,
McGill University,
Montreal.

Dear Mr. Principal,

I have very carefully considered everything which you said to me a week ago upon the subject of my proposed resignation, and the fullest reflection leads me to adhere to my view that the interests of the University would be best served by my resignation of the office of Vice-Dean as from the 1st March, 1924.

We are, I think, agreed that it would not be possible for two officers to direct the business of the Faculty simultaneously, unless their mutual relations were precisely and unambiguously defined. I am quite unable to frame any form of words which would not cause legitimate offence as amounting in substance to an injunction to the Dean to abstain from interference with the actual business.

Ever since I came to Montreal the Dean has always been a very good friend of mine, and we have never had any personal friction of any kind, so I cannot make myself a party to any action which would hurt his feelings or make him think that his very real devotion to the Faculty was not properly appreciated. The practical consequence of any such step would almost certainly be his immediate resignation, in which case your own difficulties would be increased rather than diminished. In the circumstances I do not see any feasible alternative to my original proposal, which eliminates the question of dual control, and enables you to make a decision without being embarrassed by difficulties of a personal nature.

Faithfully yours,

W. A. Smith
Vice Dean.

McGILL UNIVERSITY
MONTREAL

January 8th, 1924.

FACULTY OF LAW
OFFICE OF THE DEAN

The Principal,
McGill University,
Montreal.

Dear Mr. Principal,

You may recollect that in the course of last term Professor Howard took strong objection to my action in changing the hours of his lectures as a consequence of the re-arrangement which the unforeseen events of the summer had rendered necessary. With a view to meeting his objection I recently arranged that next term he should have the early morning hour on Monday and Wednesday which he had desired to have in the first term. Professor Howard now refuses his consent to this arrangement on the ground that in previous years he had always lectured at 5.00 p.m. on Wednesday and Friday in the second term, though lecturing on Monday and Wednesday mornings in the first term. He does not allege that it is either impossible or inconvenient for him to lecture at the hours which I have requested, but takes the ground that his lecture hours cannot be changed except by vote of the Faculty.

On the 5th May, 1922, the Faculty resolved (Professor Howard being present and dissenting) that all lectures should so far as possible be given in the morning hours. This decision was taken for very substantial reasons which are familiar to you, and it clearly precludes me from arranging any lectures at 5.00 p.m. except in cases of necessity.

Since it is a matter of immediate urgency to prepare

The Principal ---2.

the lecture schedules for next term I am most reluctantly compelled to lay the matter before you and to ask for your assistance, my efforts to convince Professor Howard having entirely failed. I may add that it has been my invariable practice to inform each lecturer some time in advance of the hours assigned to him, and in cases where these hours have proved inconvenient I have always found it possible to make a re-arrangement. All the other members of the staff have invariably shown themselves most willing to co-operate with me in this difficult matter of the time-table. Without such friendly co-operation the administration of this Faculty, at no time an easy task, would be entirely beyond my powers.

As things stand it is impossible for me to announce the lectures for next term, and Professor Howard threatens to resign unless his views prevail. If his position should be accepted, it will clearly become impossible either for me or for anyone else to administer the affairs of the Faculty, and in that case I must ask that you will allow my resignation of the office of Vice-Dean to take effect immediately, instead of on the 1st March.

I will add that Professor Howard's criticism of my action was expressed in the first instance to my secretary, and in somewhat vigorous terms. He made no attempt to communicate with me, although I was in the next room at the time, and I only learned his views directly by telephoning to him after hearing Miss Sim's statement. I am wholly at a loss to understand his

The Principal ----3.

reason for disregarding the ordinary courtesies in this matter,
and some explanation would appear to be desirable.

~~A copy of this letter is being sent to Professor Howard.~~

I am,

Faithfully yours,

H. Smith
Vice-Dean.

PS. - I have withheld for the moment the copy which I was going to
send to Professor Howard.

H. C. S.

January 9th, 1924.

Professor H. A. Smith,
Vice-Dean, Faculty of Law,
McGill University.

Dear Professor Smith:-

I am returning herewith the letter which Mr. Justice Howard addressed to you on the 8th instant.

I note by his postscript that he has accepted the lecture hours assigned to him, so there is no reason for my intervention. I expect he will make some reference to his views when the Faculty discusses the Lafleur report. You know my views, which are that I believe the Faculty came to a proper decision when it resolved that all lectures should, so far as possible, be given in the morning hours. I think also that once a thing becomes the policy of a Faculty it is entitled to the unswerving loyalty of every member of the Faculty.

Regarding the last paragraph of your letter, it seems to me that it deals with something which is of concern only to Mr. Justice Howard and yourself. If I were you I would say nothing about it. The Principal of a university can scarcely be held responsible for the good manners of the members of the staff.

Yours faithfully,

Principal.

MCGILL UNIVERSITY
MONTREAL

FACULTY OF LAW

9th December, 1927

The Principal
McGill University
Montreal

Dear Mr Principal:

The Dean tells me that he has forwarded to you my application for leave of absence, and it occurs to me that perhaps I should add a few words with regard to my plans.

It would probably be quite easy for me to obtain temporary teaching work at Oxford, and I could in any case occupy my time fully with study and writing. But I do not wish to teach, and I have written so much during the last few years that I would much prefer to do some practical work, and indeed I think that mine own usefulness as a professor would best be served in this way. My own preference would be to obtain some temporary official work at Geneva, or perhaps in London under the Foreign Office or the Dominions Office, my object being to get some inside knowledge of the actual working of international and constitutional machinery. I hope this would meet with your approval.

At the same time I realise that the University would have the first claim on my time, and I therefore writing ^{am} to say that I should be quite willing to undertake any special work that might be of service either to the University or ^{to} the Government of Canada, if I should be asked to do so.

Believe me

Yours faithfully

H. A. Smith



Dec. 6th, 1927.

My dear Sir Arthur :-

I enclose you herewith letter I this morning received from Professor Smith, which speaks for itself, and leaves little, if anything, for me to add.

Smith is now delivering 25 lectures on a part of the Criminal Code. These I would take, if he is granted leave. He also lectures on Negotiable instruments. The subject is not difficult, and the lectures are not numerous. I am satisfied we could easily arrange to have some one take his place. He also delivers 25 or 30 lectures on Constitutional Law. At the moment I have no one to suggest to replace him, but no doubt an arrangement would be easy to bring about.

For the reasons disclosed in his letter, and under the circumstances, I would support his application. At the present time his work in the Faculty is confined entirely to teaching. I will take the opportunity



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of seeing you, at your convenience, some day soon, when we may have a word together in the matter.

With kind regards,

Yours sincerely,

Herfrenskelds

Sir Arthur Currie,

Principal McGill University,

C i t y.

Enclos.

LAW IN THE EMPIRE.

A SCHOOL OF ADVANCED STUDIES.

PROPOSED CENTRE IN LONDON.

TO THE EDITOR OF THE TIMES.

Sir,—Among the subjects proposed for discussion this year at the triennial Congress of the Universities of the British Empire appears the title "The Establishment in London of an Advanced School of Legal Study." In one form or another this idea has found expression at various times during the last 50 years, and the weighty support which it has always received is alone sufficient to secure for the proposal the most careful consideration. But it is likely that at the actual sittings of the Congress the legal profession throughout the Empire will be only incidentally represented, and in any event the time available for discussion must necessarily be very limited. I am therefore taking the liberty of asking for the hospitality of your columns in order to put forward some suggestions which may perhaps serve as a preliminary basis for the fuller discussion of this proposal by others better qualified than myself.

The scheme will fail if we either try to do the wrong thing or try to do the right thing in the wrong way. May I therefore offer as briefly as possible two negative and three positive suggestions?

In the first place, the whole idea should be kept clear of the least suspicion of propaganda. In certain parts of the Empire, notably Quebec and South Africa, there is a very strong local sentiment which is intensely jealous of any encroachment of the English common law upon the traditional civil law system of the country. If there is the slightest ground for suspecting that this proposal forms part of a movement for propagating the English common law throughout the Dominions at the expense of other existing systems, it will obtain no support outside the present common law jurisdictions. Throughout this discussion it will therefore be prudent for the devotees of the common law to exercise self-restraint in singing the praises of their deity, and it will also be wise to avoid all politico-sentimental talk about "drawing closer the bonds of Empire," the supernatural wisdom of the Privy Council, and similar forms of Imperialist propaganda. The scheme should be discussed solely upon its technical merits as a means for the scientific study of law and the practical improvement of legislation.

Secondly, it is important that no proposal should be made to interfere with or to duplicate the existing systems for admission to the legal profession in various parts of the Empire. Upon this point local professional feeling is very strong in many parts of the Dominions, and in Canada it has hitherto proved impossible for the provincial Bar societies to agree even upon uniform standards and methods of legal education within the Dominion. Any proposal to create a body in London with co-ordinate power to prepare students in whole or in part for the provincial Bars would arouse an hostility that would probably be fatal.

My first positive suggestion, therefore, is that on its teaching side the proposed school should confine itself strictly to the instruction of well-prepared students who have already taken a degree in law or otherwise qualified themselves for admission to practise in their respective countries. Some of these students will come at their own cost, but many will require financial assistance, and they should stay at least two years. In most cases they will probably take the opportunity of "eating dinners" and being called to the English Bar. The work should be arranged in such a manner as to permit of concurrent attendance in chambers or offices. In Canada, at any rate, the apprenticeship part of legal education has, under modern conditions, largely degenerated into a useless form, and an inside acquaintance with good English practice would be of the highest educational value to students from this Dominion. The general educational level of the profession in Canada is far below that which prevails at the English Bar, and this shows itself in the very inferior character of the work done, when judged by English professional standards. If even a small number of Canadian students could be put through a good course of advanced study, coupled with some practical experience, a very real benefit would be conferred on the legal profession and the public in the Dominion.

On its scientific side the main work of the school should be the advanced study of comparative law and legislation. In France this branch of study has lately come into considerable prominence, but, so far as I know, it is almost entirely neglected throughout the British Empire. At Columbia University, in New York, private endowment has created a "Legislative Drafting Research Fund," and the assistance of this department is being continually sought in the drafting of legislation throughout the United States. Our own Society of Comparative Legislation already does much valuable literary work in this connexion, but its resources are, of course, very limited, and its labours are at present known only to a few scholars.

Under present conditions much of the enormous legislative energy annually expended throughout the Empire is largely running to waste. There is a vast amount of needlessly bad draftsmanship, and a vast amount of quite unnecessary local variation. In Canada the work of the Commissioners on Uniformity of Legislation has done much to correct this evil, and the labours of a similar body in the United States have resulted in the general adoption of uniform State laws upon such subjects as sale of goods, negotiable instruments, and other commercial matters. A bureau of this kind, located in London and provided with the necessary support, could undoubtedly render invaluable service to the Empire as a whole.

Lastly, it is essential that the school should be equipped with a real library of Imperial law. At present such libraries can be found at Harvard and Columbia, and possibly at one or two other American universities, but it is rather humiliating to reflect that no such library in a complete form can be found in the British Dominions. Among the English libraries several have large collections of Colonial reports and statutes, but there is much overlapping, and no library that I know is complete in the sense in which those of Harvard and Columbia are complete. That such a library in London would be of immense value in a score of ways requires no demonstration.

I offer these remarks for what they are worth, fully conscious that many criticisms and improvements will immediately suggest themselves to more competent judges. I have only written, since I fear lest another excellent proposal may end in talk merely because we have neglected in good time to define our objective and the means whereby we hope to reach it.

I am, &c.,

HERBERT A. SMITH.

Faculty of Law, McGill University, Montreal.



TELEGRAPHIC ADDRESS:
RITZOTEL-LONDON.

TELEPHONE: REGENT 60.

RESTAURANT
GRILL ROOM.

Ritz Hotel.
Piccadilly.
London, W.1. W. 1.
April 10 -

Dear Sir Arthur

The enclosed clipping
from the Times of the
7th instant was handed
to me this afternoon
by Charles Lavette R.C.
Deputy A. G. of Quebec
He tells me he is sending
searched copies to Tascheron
Dauderand & one or

two other public political
factory. He appears
very much increased
that a decader of our
law faculty should
make such comments.
I told him I thought
he was very much
exaggerating the importance
of the matter but still
it might do us a lot
of harm in public and
William Smith may be quite

Correct in his conclusions
it is really rather tactless
of him. I do not
wish to add to your trouble
but I thought you should
know about this. Don't
try to answer this letter.

I shall be back towards
the end of May and will
have a talk with you
about it then

Very sincerely yours
Gordon MacDougal

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW

5th December, 1927

Hon. Mr Justice Greenshields
The Court House
Montreal

My dear Judge:

You may remember that I spoke to you a little time ago about the possibility of my applying for leave of absence during the session of 1928-29, and I am now writing to ask you to be good enough to submit my formal application to the Principal, if it meets with your approval.

This is now my ninth year of service at McGill, and I have not hitherto asked for more than three or four days leave during the whole of this period. Meanwhile the Faculty has changed greatly. Nine years ago it was scarcely more than an organisation for supplementing office work by early morning and evening lectures. To-day it is an integral part of the life of the University and has also obtained a certain amount of international recognition. In the achievement of this result I think that I may fairly claim to have done my share; certainly the development of the Faculty meant a great deal of additional work for me during the four years that I was in charge of the administration.

Since coming to McGill I have published two small books, besides contributing extensively--perhaps even excessively--to legal reviews in Canada, England, and the United States. Another book by Professor Corbett and myself will be published next year.

You know enough of my affairs to be aware that it would be almost impossible for me to bring my family back to Canada at the present time. The doctor's orders made it imperative for us to take Kenneth to Europe two years ago, and the children are still too young for the family to be divided. For the next year or two at least we should not be justified in bringing Kenneth back to Canada for the winter, and the situation is now further complicated by the fact that Patrick has been admitted to the Royal Naval College at Dartmouth, and provision must therefore be made for his holidays. I only mention these domestic details in order to make it clear that our present position is not due to any lack of interest in the University or to any failure to realise the social obligations of academic life.

Our private means are just about sufficient to bridge the gap between my salary and the present cost of our family, but I should of course be quite willing to pay the expenses of any temporary lecturers who might be engaged to lecture during my absence.

I am making early application in order that any necessary adjustments may be arranged in good time, and I will ask you to be kind enough to forward this letter to the Principal with any recommendations that you may wish to make.

Believe me,

Very sincerely yours

W. Smith

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW

17th Decembe, 1927

Dear Mr. Principal:

Very many thanks for your kind note. As you say, it is a great relief to me to have my difficult domestic problems solved in this way, and I am glad to have the opportunity of re-joining my family and setting up a home again. At the same time I shall feel a real sense of loss in parting from many good friends at McGill, and I hope that they will not forget to look me up whenever they happen to visit Oxford or London.

My technical knowledge of international law is still somewhat elementary, but I hope that I shall be able to read it up sufficiently to make a plausible showing next autumn.

Faithfully yours

W. S. W.

September 18, 1924.

Professor H.A. Smith,
Faculty of Law,
McGill University.

Dear Professor Smith:

I am directed by the Principal to acknowledge the
receipt of your letter of yesterday's date.

Yours faithfully,

Wilfrid Bovey.

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW
~~OFFICE OF THE DEAN~~

29th March, 1924

The Principal
McGill University
Montreal

Dear Mr Principal:

I am quite willing to accept the arrangement proposed in your letter of the 21st March, which has only just reached me, and I will do my best to discharge the duties of the new chair for so long as I may remain here.

It seems to me doubtful whether insurance properly should be assigned to such a chair, but that is a matter of detail which could be discussed at any time, and it does not affect or qualify my consent to the arrangement which you propose.

In addition to the work mentioned in the schedule I am prepared to undertake the instruction of the remaining LL.B. students until they graduate in 1926.

Yours faithfully

H.A. Smith

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW

29th March, 1924

Confidential

My dear Mr. Principal:

It seems only right to tell you without delay that I am seriously considering the possibility of applying for the post of Director of Legal Studies to the Law Society in London. Since the appointment is undoubtedly an attractive one there would certainly be strong competition, and therefore it is quite probable that candidates better qualified than myself would come forward.

At the same time I feel that it is due to you to let you know at once what is in my mind, and I will inform you at once of any decision which I may make.

For many reasons I should be very reluctant to leave Canada for England. On the other hand the

opposition to legal education, both within and without the Faculty, seems to be so powerful and so persistent that I am beginning to despair of the possibility of creating a genuine law school here within any reasonable time. A man who allows himself to remain in a school of no reputation after a certain age runs a considerable risk of being stalled there for life, and I feel that I owe it to myself and to my family to consider very carefully any outside possibilities that may present themselves. Apart from yourself, I do not think that there is anyone of any authority or influence in practical law who takes the slightest interest in my ideals or attaches any value whatever to the anxious and difficult work which I have tried to do during the past four years. The openly contemptuous language of the majority report is probably a pretty fair statement of the opinions held in influential quarters.

Very sincerely yours
H. S. Smith

Personal

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW
OFFICE OF THE DEAN

23rd February, 1924.

Dear Mr. Prinschel:

I have received a notice inviting me to attend a meeting of Deans in your office on the 25th February. The items on the agenda all appear to involve questions of policy that will become effective only after my term of office has expired, and it therefore appears very undesirable that I should offer any official opinion upon them a few days before I vacate office, having regard to the reasons which have compelled my resignation.

The majority of my colleagues have by now made it fairly plain to me that in their opinion my previous education and professional training are such as to render me unfit for executive responsibility in the Faculty of Law. That being so, it is clear that I cannot claim to represent the views of the Faculty, and any opinion officially expressed by me might easily embarrass my successor, who will presumably enjoy the confidence which I am unable to command.

For the information of the Deans I may point out that the proposed shortening of the session will exclude this Faculty from membership in the Association of American Law Schools and will also deprive us of the recognition at present granted to us by the State of New York. The desirability of taking such a step involves a serious question of policy upon which it would be improper for a person in my position to express any official opinion.

In so far as my private views, privately expressed, are of any value to you, they will always be at your service, to be understood that

They are are never to be taken as expressing the wishes of the Faculty. I am
the more glad to be able to promise this assistance — if it is of any use —
since your continued support and encouragement have alone rendered ~~the~~ tolerable
the thankless labours and the many indignities of the past four years.

Perhaps I should apologize for troubling you with a letter which only
states what is obvious, but I am anxious that my absence from your
meeting should not by any possibility be misunderstood. I am writing
quite informally, so that this letter need not go on file, and of course
you need not trouble to acknowledge it.

Sincerely yours

H. B. Smith

December 5th, 1923

Professor H. A. Smith,
Vice-Dean, Faculty of Law,
McGill University.

Dear Mr. Vice-Dean:-

I beg to acknowledge your letter of December 5th in which you propose that you should resign from the office of Vice-Dean as from the 1st of March, 1924.

I do not feel that it would be quite right to make a change of this nature in the middle of the year, and I do not think, therefore, that it is possible for me to accept your resignation as at that date. I have, however, no objection to accepting it as of the end of the present year, June 30th.

Yours faithfully,

Principal.

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW
OFFICE OF THE DEAN

December 5th, 1923.

The Principal,
McGill University,
Montreal.

Dear Mr. Principal,

Chief Justice Lafontaine told me at dinner last Saturday that he expected Mr. Justice Greenshields to return and resume his judicial duties during the month of March.

It is clear that the duties and responsibilities assigned to the Dean by the statutes (ch. X, s. 1), cannot be shared or delegated, and any attempt to divide the responsibility would be obviously contrary to sound principles of administration. I am sure that you would not wish me to continue to assist the Dean in a merely clerical capacity without any executive responsibility, nor would I wish myself to risk any repetition of the events of the summer, when the Dean thought fit to make important recommendations to you without even informing me of his action.

I will therefore ask you to accept my resignation of the office of Vice-Dean as from the 1st March, 1924. I am writing some months in advance of the date in order to avoid causing you any embarrassment which a shorter notice might possibly occasion.

Faithfully yours,

Herbert A. Smith

Vice-Dean.

June 29th, 1923.

Professor H. A. Smith,
Faculty of Law,
McGill University.

Dear Professor Smith:-

This is just a brief note
to congratulate you on winning the \$200. prize
on your "Federalism in North America".

I shall look forward with much
interest to reading the book. In the meantime
I hope you are enjoying your holiday.

Yours faithfully,

Smith

April
Twenty-sixth
1923.

Sir Henry A. Miers, D.Sc., F.R.S.,
Vice-Chancellor,
The University,
Manchester, England.

My dear Vice-Chancellor:-

I am ashamed of myself that I have not replied to your letter of March 15th before this. I had a letter written giving my opinion of Professor Smith's qualifications, but deferred sending it until he gave me a definite reply as to his wishes. I think he has already written to you and told you that he would remain at McGill.

If for the sake of future referance you would care to have on file our appreciation of his work I have only this to say:

Regarding his ability as a teacher, I know that he gives much time and thought to the preparation of his work and that he possesses the ability to convey to others what he has to say in a clear, concise and understandable manner. Professor Smith has very definite views on the manner in which the study of law should be presented to students. He has investigated many of the Law Schools in the United States and is thoroughly convinced that the "case" method of teaching is the soundest method.

With regard to his powers of organization, there is no doubt that he possesses initiative and a capacity to master details readily. He is by no means inclined to let things drift and I would class him as a good organizer. He is a ready, logical

Sir Henry Miers

- 2 -

and convincing speaker and writes well. In the Law Association of Canada he is listened to with respect.

As to his relations with students and colleagues, I can safely say that they are extremely happy. He possesses to the fullest extent their respect and confidence. He is courteous, fair and sympathetic in his treatment. I think the other members of Faculty regard him as an able, serious and conscientious member of their body, loyal and devoted to the Faculty and to the University.

With all good wishes, I am,

Ever yours faithfully,

Principal.



VICE-CHANCELLOR:

SIR HENRY A. MIERS, D.Sc., F.R.S.

FROM
THE VICE-CHANCELLOR,
THE UNIVERSITY,
MANCHESTER.

March 15th 1923

Dear Principal,

This Summer we shall lose our Professor of Law, H.J. Brierly, who has been appointed to the Chair of International Law at Oxford.

A Committee of the Senate is engaged in making preliminary enquiries concerning those who might possibly be invited to occupy the vacant chair, and among those whose names have been brought to their notice is Professor H.A. Smith.

I shall be much obliged if you will let me have for the private information of the Committee your opinion concerning his qualifications as a teacher and as head of a Department. We know his distinguished academic record, and I am to some extent personally acquainted with him but his teaching experience has mainly been in Montreal. We should like to know what opportunities he has had with you for showing his capacity as an organiser and for influencing professional men in the City; in addition to your opinion concerning his powers as a teacher and his relations with students and colleagues.

I should also be very grateful if you can let me know whether there is reason to believe that Professor Smith would be available for the Manchester post, and whether he would wish to be considered for it, and whether he would accept the Chair in the event

of his receiving an invitation from us. You will of course understand that the Committee is considering the names of other persons as well.

Forgive me for troubling you with all these questions, but you will understand my anxiety to have your personal opinion of Smith and his work.

Believe me,

Yours very truly,

Henry A. Murray

General Sir Arthur W. Currie, G.C.M.G., K.C.B.,
Principal,
McGill University
Montreal
Canada

MCGILL UNIVERSITY
MONTREALFACULTY OF LAW
OFFICE OF THE DEAN

30th May, 1922

The Principal
McGill University

Dear Principal:

It has been suggested to me privately and unofficially that I might possibly be well advised to apply for the Chichele chair of international law recently vacated at Oxford by the death of Sir Erle Richards. Personally I should regard myself as an outsider, but the possibilities of the post are so great that I do not like to dismiss the suggestion altogether from my mind. But I shall do nothing until I have made further inquiries at Oxford.

I only mention it now confidentially in order to urge again the importance of putting the administration of this Faculty upon a sound and permanent footing before we separate for the summer. The appointment is hardly likely to be made before September, which would cause the maximum of inconvenience to this Faculty, in the improbable event of the choice falling on myself. It is essential that whoever handles the new students next session should be thoroughly familiar with our policy and practice. Otherwise great confusion is bound to result. I should add that our secretary, the only other person who really knows the ropes, is also thinking of giving up her work in September.

As I have said, I regard my appointment as extremely unlikely, and perhaps I may not even apply. I prefer

2.

living in Canada, and I would not be tempted back to England by anything less than the exceptional opportunities of a chair which has always been held by men of distinction. But in any event I wish to urge upon you that the Faculty has become, so far as administration is concerned, far too much of a one-man affair. It ought to be organised so that any casualty could be replaced at short notice.

I shall be mentioning the matter to Judge Greenshields, but I hope that you will not find it necessary to speak of it to any one else.

Sincerely yours

Ha Sm-ll

March
Fourteenth
1922.

Professor H.A. Smith,
Faculty of Law,
McGill University.

Dear Professor Smith:-

I have your note of today
re your accepting the editorship of the proposed
Canadian Law Review.

Rather than having any objection
to your acting in such a capacity I shall be very
pleased to have you undertake the work.

Yours faithfully,

Principal.

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW
ROBERT W. LEE, M.A., D.C.L., K.C.
DEAN

746 UNIVERSITY STREET
TELEPHONE: UPTOWN 5920

14th March, 1922

The Principal
McGill University

Dear Principal:

As you may have noticed in the papers, the Executive Council of the Canadian Bar Association is now proposing to undertake the publication of a Canadian law review, which it is hoped to make an adequate expression of legal thought in this country. The Committee in charge of the matter have done me the honour of suggesting that I should act as editor. The publication would probably begin next ^{win} ~~month~~ ~~ter~~.

I am personally disposed to accept this suggestion, but of course I would not wish to undertake any extra permanent work without informing you. The duties would be closely connected with my ordinary work, and I think that it would probably be in the interests of the University to have the proposed review edited from McGill. The question of salary has not yet been raised, but I do not imagine that they will be able to pay very much to start with.

I hope that there is no objection ~~to~~ to this from the University point of view.

Sincerely yours

W. Lee

MCGILL UNIVERSITY
MONTREAL

FACULTY OF LAW
ROBERT W. LEE, M.A., D.C.L., K.C.
DEAN

746 UNIVERSITY STREET
TELEPHONE: UPTOWN 5920

23-3-1921

Dear Principal:

Mr Justice Mignault of the Supreme Court will deliver his annual lectures on Tuesday and Thursday of next week, the 29th and 31st March, in the lecture room of the Old Medical Building at 5-00 p.m. The subject will be "The Authority of Decided Cases".

When Judge Mignault was appointed to the Supreme Court the Governors were anxious to retain such a distinguished scholar on the list of the Faculty, and he was accordingly made "Professor of Legal Ethics" on the understanding that he should deliver a couple of lectures annually upon some subject of more or less general interest. The lectures are therefore open to all who may care to attend, and I should be glad if you would let this be known to the University at large. We should be greatly pleased if you could spare the time to be present yourself on either evening.

Sincerely yours

R. Smith

Notice posted

66
February
Ninth
1921.

Professor H. A. Smith,
Faculty of Law,
McGill University.

Dear Professor Smith:-

I am returning herewith
papers dealing with the Institute of International
Education of New York.

I had already received copies and
I agree with you that it is well to keep in
touch with this Association. I shall be very glad
if you would draw my attention to the presence on
this side of the water of lecturers with whose
work you are familiar.

Yours faithfully,

Principal.

C.P. R to Philadelphia

17.60

Sleeper \$4.15 to New York

Pullman \$3.60

66
February
Fifth
1921.

Professor H. A. Smith,
Faculty of Law.

Dear Professor Smith:-

I am returning herewith
letter from the American Academy of Political
and Social Science.

With reference to your trip to
Philadelphia, the Principal wishes me to tell
you that your railway fare will be paid by the
University.

Yours sincerely,

Principal's Secretary.

February
Fourth
1921.

F. C. Gale, Esq.,
Waterville, Que.

Dear Sir:-

With reference to the matter concerning which you interviewed me, I have made due enquiry and so far as I can learn there is nothing in the rumour.

There is no doubt that Mr. Ross is somewhat dissatisfied with the way things are going, but I do not believe he has taken any such step as outlined by you.

Yours faithfully,

Principal.



Faculty of Law,

Montreal, 26th NOV., 1920.

Dear Sir,

A meeting of the Faculty of Law will be held in the Dean's Room at McGill College on Monday, the 29th day of November at 6.00 p.m. o'clock.

Yours faithfully,

H. S. H.

for the Dean.

BUSINESS:

1. Petition of Notarial Students.
2. Report of the Committee on summer course in Civil Law.
3. Question of curriculum for course "A".
4. Financial position of the Faculty.

November
Twenty-sixth
1920.

Professor H. A. Smith,
Faculty of Law,
McGill University.

Dear Professor Smith:-

The Principal wishes me to inform you that on account of absence from the city he will be unable to attend the meeting of the Law Faculty to be held on Monday, the 29th of November; but would like to see you on Wednesday, December 1st, when you can give him an account of what transpired.

Yours very truly,

Principal's Secretary.

September
Seventh
1920.

Professor H.A. Smith,
Faculty of Law,
746 University Street.

Dear Professor Smith:-

I am
enclosing herewith copy of Memorandum
by Dean Lee on the Law Faculty of McGill
University.

The Principal desires
me to thank you for your kindness
in loaning this paper to him, and to
say to you that we already have a
copy on the files in this office.

Yours very truly,

Principal's Secretary.

FACULTY OF LAW
OFFICE OF THE DEAN

MCGILL UNIVERSITY
MONTREAL

"Amberley"
Tadousac, P.Q.

9th July

Dear Principal:

I greatly appreciate your courtesy in writing to congratulate me upon the luck which I had in the David competition. Your letter has lain here awaiting my return from the junior bar examinations at Quebec, or it would have been more promptly acknowledged.

Please do not bother to read the little book, which is very elementary, and will not tell you anything you did not know before. The publishers wish me to try something more elaborate along the same lines, and I may possibly take it up during the winter, but I cannot say yet.

The senior bar examinations have markedly improved now, and the students whom I met at Quebec thought the questions quite fair. I think that the conference which you called last year has had good results, and Tyndale's influence on the board has been all to the good. I have not yet seen the pass list, but I believe that we shall have nothing to complain of.

This is one of the most beautiful places that I have ever seen, and the air is fine, especially for children. There is a good hotel for those who can afford it, and the lack of roads protects the place from the cars, Jews, and wealthy Americans who have ruined Murray Bay. You might do worse than come here, if you need a real rest.

Sincerely yours
H.A. Smith