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by Mackay

McGILL UNIVERSITY
MONTREAL

September 18th, 1922.

FACULTY OF LAW
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Sir Arthur Currie, K.C.M.G.,
Principal of McGill University,
Montreal, Que.

Dear Principal,

In a casual conversation with you last May, I ventured to suggest certain proposals which I had in mind as a result of my two years experience in McGill and which may possibly be of some interest to the University. I also suggested that I should set these proposals down in the form of memorandum in writing for your ~~most~~^{most} serious consideration, if indeed you should think them worth consideration.

I am now venturing to write to you at some length for the purpose of carrying out this suggestion. I need scarcely say, too, at the outset that these proposals are somewhat in the nature of a blind venture. Indeed all proposals are necessarily more or less blind at birth. Having thought the matter over, however, during the summer months, I am quite convinced that once the general principle is recognized, the academic details may be easily and almost immediately set in working order in McGill.

The University faculties in which I am chiefly interested are the newly organized faculty of Graduate Study and Research and the Faculty of Law. The relationship between these two faculties may not seem very intimate at first, but only a little reflection is needed to show that this relationship is really much more intimate than is generally recognized. University legal education, intended, as it is, for intensive applied professional uses of a serious public service nature, ought to belong to the very highest degree and grade of thorough, impartial, scholarly training that any university can afford to offer. The better class of schools in the United States have long recognized this fact both in principle and practice. Harvard, Cornell, Columbia and several others have long since placed their law schools on a strictly graduate basis.

The importance of graduate work cannot be over-estimated at McGill. Bold and decided effort in this direction is more essential to the future of McGill than in any other Canadian University. The reasons why this is true are numerous and obvious. Most of the other recognized universities of Canada are more or less Provincial in character and most of them are supported altogether or almost altogether by funds derived from the Provincial Exchequer. Each of them, therefore, has a large Provincial constituency of its own, and it is only natural that university students in the different Provinces should attend their own institutions, unless they be ambitious enough to desire

a grade of university education distinctly higher and better than their home institutions are able to offer. This is obviously, too, made all the more probable by the fact that travelling expenses, university fees, and the general cost of living are much higher - in some cases a hundred percent higher - in Montreal than in the localities where the several Provincial institutions are located.

On the other hand, it is usually distinctly difficult for these state supported institutions to set a high standard of university education. Everyone who wishes to attend, whether adequately prepared to attend or not, claims the right to attend an institution supported out of public funds. Any attempt to create a university so supported for the benefit of the select ambitious scholar is firmly and hotly resented by the general public. The results are always in such cases a marked tendency to lower the standard tests, popular outline lecturing to large unwieldy classes, numerous expensive ventures into easy popular subjects and departments of study falsely supposed to be of greater utility than the standard essential subjects, coupled, as these tendencies always are, with rapidly increasing budgets chargeable to land, buildings, equipment, administration, maintenance and general overhead expense accounts. In some of these institutions, I will venture to say that of my personal knowledge more than three-quarters of student enrolment is far below standard grade. In some of them, large masses of students are admitted to special courses and to various groups of short popular courses without being required to possess even an elementary school education.

Please notice that I am not finding fault with these institutions. On the contrary, they are doing, I believe, exactly what it is their clear duty to do. They are doing, in other words, for higher and further education what the free public school system of this continent has already done for secondary and elementary education. Nevertheless, every educationist knows that the standard of work done in the free compulsory public school is distinctly below the standard which ~~is~~ obtained in the better class of private school in Europe and New England. The free public school aims at the adequate education of the average, indifferent human unit. It aims at an average and, therefore, of necessity, hits a low average. The point is that there is always a place in every community for an institution prepared to recognize the claims of the young man or woman of exceptional promise. But of that no more at present.

Compare McGill. McGill is not a Provincial University, It has virtually no pre-empted territory of its own. Its constituency is smaller and daily growing smaller, owing to the pressure of French influence on the North and the growth of many progressive institutions of higher education in English speaking provinces, East and West and South. McGill must be Federal and National or nothing. If it cannot expand outward, it must expand upward, or stand still, or possibly go under. The conclusion is clear; it is alike the duty and the destiny of McGill to stand stoutly by the claims of thorough scholarship and more especially, as I shall show later, by the claims of exceptional scholarship and thorough training in relation to subjects of distinctively Canadian national interest and importance. Nothing really stands in the way of this undertaking.

Supported as she is by funds derived from the munificence of private persons keenly interested personally in the claims of higher education, McGill may set her standards as high as she chooses and no one can complain. Higher standards and, if necessary, fewer numbers, should, I suggest, be the general direction of McGill policy in the future. That is the main reason why, as I have said, bold and decided action in the direction of advanced post-graduate education should be undertaken at McGill as soon as possible.

There are, however, several subjects and departments of study in which McGill cannot reasonably expect to undertake post-graduate work at present. Some of these subjects are the following, viz: Classics, Philosophy, Ancient and Continental European History, English Literature, and possibly Pure Mathematics, Moderns, and some branches of Pure Science of a highly theoretical, speculative and expensive character. In these subjects of world-wide significance and European origin, McGill cannot really hope to compete successfully at present with the more liberally endowed and better equipped universities of Europe and the United States. And it must not be forgotten - as it all too often is - that it is most appalling fraud to induce any student, especially any student of sufficient promise to undertake post-graduate work, to attend a university, knowing well that better opportunities for his work exist in any other available institution. In these subjects, it would, I suggest, be better for McGill to devote all her energies to the task of maintaining a high and, if possible, a very high standard of undergraduate work and then to send her distinguished graduates abroad for their post-graduate training. ~~There~~, as everywhere, the claims of the student are paramount and ultimate and no honest institution can possibly overlook that fact.

There are, however, some other subjects, which I have already referred to as subjects of distinctly Canadian interest and importance, which just because they arise out of conditions peculiarly Canadian and ought to be in close touch with distinctive-ly Canadian problems, ~~which~~ can only be successfully carried to completion in our home universities. The subjects to which I refer are Canadian, British and Imperial History, including the History of the United States, Economics, Political Science, Government and Law, and I will add Education and Psychology, because there is always an educational and psychological factor in every subject of human study and in every pursuit of human interest. Generally speaking, it is impossible to obtain specially trained men from abroad to undertake these subjects I have just named. I know of more than one university in Canada which has been waiting for several years past to make appointments in these departments and which have not been made because men up to the standard have not been forthcoming. **Why should not McGill undertake to meet this demand?** Besides there is the whole field of the civil and diplomatic service. I am told, for example, that the now projected Canadian Department of External Affairs at Washington will soon call for a whole corps of men, and they should be men, everybody knows, of the very finest and thorough training for their work that any institution of learning in Canada can possibly produce.

Only last June, too, we listened to a most interesting appeal at the University Conference in Winnipeg, calling for overseas recruits for the Imperial Colonial services in other parts of the Empire. Everybody knows that our public services everywhere at home are in constant pressing need of trained qualified men. Finally, although more remotely, no university can afford to overlook the claims of Platform, Parliament and Press, and last but not least, the Bar and the Bench. **Why should not McGill venture out into this larger field?** open for men of superior education. Let me turn now to legal education.

University legal education in Canada is in a deplorable position and McGill is no exception. Hitherto the McGill Law School has belonged to the type which I have elsewhere called the Collateral type, that is to say, it has been devoted to the task of coaching local law clerks in classes, or perhaps I should say in class formation, for the purpose of admission to the local bar. In other words, it has been engaged in doing for the profession what the profession is bound by contract to do for its own clerks. This is the type of law school found virtually everywhere in Canada. Frankly I have never thought that a university should recognize this work by granting a degree. Three years of lectures done after hours falls far short of the requirements for any other degree. Even an arts degree calls for four years of full time study and an arts degree is always an amateur thing compared with a degree intended for serious professional uses. Furthermore, as long as the number of lectures, the hours of lecturing, the subjects of study, the character and extent of the examinations and the membership of the Board of Examiners are determined by the profession, there is really no room left for university independence, personal influence and progress. This aspect of the present system seems to me to be all but fatal.

Recent ventures in McGill I fear are not going to succeed. I say this not because our ideas are unsound, but because we are not, I think, going about them in the right way. We are to some extent at least attempting to build up two law schools, a civil law school and a common law school, when one good school is really beyond our resources. Furthermore, there exists here, as in all the Canadian universities, the fundamental cleavage between the claims of education and the claims of professional practice, one faction emphasizing the necessity of a preliminary arts degree and through comprehensive courses in the supposedly more educative subjects, such as Constitutional History, Constitutional Law, International Law, Roman Law, Obligations, General Jurisprudence, etc., and the other emphasizing the claims of office attendance, close contact with the local profession and heavier courses in the supposedly more practical subjects, such as Company Organization, The Administration of Estates, Local Statute Law, Office and Court Procedure, etc. The result is an almost complete break down at the center, ending in the frequently pitiful confusion of the student. Some decision on this issue, it seems to me, must be reached if we are to proceed any further with university legal education, here or elsewhere in Canada.

The real question is what can a university really do for the education of the lawyer? For my ^{own} part while, I believe, that Court Procedure, for example, may be made just as interesting and just as educative as any other subject. I do not believe that a university Law School can teach the student to practice. On the last analysis practice must be learned by practice. The most that the university can do is to so teach and train the student that he may reasonably expect to begin to practice as soon as possible with marked distinction and success, provided always he possesses the necessary powers of assiduity and application. I am not referring now in any way to the old hackneyed, stupid distinction between training and instruction. Both are necessary and abundant opportunity for independent study and reflection is much more important than either. In any case, no proud profession can possibly afford to overlook the claims of sound and finished scholarship, and the chief duty of a university is, I should say, to see that these claims are handsomely recognized. In any case, so far as the work on the Common Law side at McGill is concerned, it is absurd to suppose that we can teach the student all the details of local statute law and procedure in the numerous jurisdictions from which they enrol and in which they expect to practice in the future. Their home schools cannot do that. The only real point is that the home school is in a little better position to pretend to do so than McGill. The best that we can do for these students, then, is to offer them a sound, comprehensive, thorough, scholarly course preparatory to the further study and practice of law at home. How easily this can be done, even with our present meagre equipment, I shall show later on.

I have always held that the law student should have two years of full-time office practice before coming up for admission or call, and I am inclined to think that the profession will agree with me in this almost unanimously. I do not think either that the university summer vacation is worth haggling over. Whether these two years are put in consecutively or not, or whether they are taken before or after a full-time three years study course in the University Law School, is a matter of indifference, be they two full years of honest, diligent, responsible, preliminary practice. That, it seems to me, is the only way in which we can recognize the the obviously sound claims of those who believe in practical training. But two years of office practice puts a compulsory degree in arts completely out of court. Four years in Arts, three years in Law, and two years of office practice, nine years in all - the way is too long. The whole course is too miscellaneous and scatter-brained. No other profession calls for so long a period of desultory miscellaneous work. Something must be done to forshorten and intensify. What is needed is not so much more arts education, as more sound, comprehensive advanced education in the law itself. After all, this sorry screed composed of high and noble ideas, let me now offer my practical suggestions. These suggestions are the following:-

1. That the group of departments which I have described as public service studies of distinctly Canadian interest and importance, viz: Canadian, British and Imperial History, Economics,

Political Science, Government and Law be consolidated into a single closely correlated university section, and for that purpose, that:-

2. Standard courses, that is, courses of two or three hours a week, both elementary and advanced, in International Law Constitutional Law, Roman Law, ~~Critical~~ and Comparative Jurisprudence, Obligations, Contracts and Torts, and possibly some other subjects, such, for example, as Canadian Company Law, including Banking and Railway Law, be added to the courses of study in arts covering this section and that,

3. Special Graduate and ^{Summer}~~Summer~~ courses leading to the degrees of M.A., LL.M. and Ph.D., be provided for in this section of university work at McGill. I am confident that with our present teaching force and equipment we could successfully undertake this work, although one or two outstanding appointments might be necessary in two or three years time.

If these suggestions were adopted, the following results would obtain:-

1. It would enable McGill to feature studies leading to Canadian services, both in her undergraduate work and in the newly projected faculty of specialized graduate studies, and thus to meet the great demand which I outlined in the first part of this letter.
2. A four years course leading to the degree of B.A., aiming pointedly at the study of law. Students would be able to take special or honour courses in law subjects, such, as, International and Constitutional Law, during their junior and senior years in Arts. The old idea which I have heard mooted and which has been tried in some places of allowing the student to take his first year in Law as his fourth year in Arts is, I think, wholly unfair to the departments in Arts chiefly concerned. No student can do special or honour work in Arts and a full first year in Law during his final year in Arts.
3. A five year course leading to the degrees of LL.B. and B.C.L., two years in Arts, preferably in such subjects as Latin, French, History, Political Science, and like studies of recognized utility in Law, and three years of full time intensive study of pure law. I would also in the case of promising adults over twenty-one years of age accept some years of competent real experience in Financial or Commercial offices in lieu of the preliminary two years in Arts. All students registered for the LL.B. course would be required to take, and all the better class of students registered for the B.C.L. course, would be encouraged to take this five year training. I am inclined to think that this five year course followed by the two years of office practice meets the requirements of the legal profession better than any other course on this continent.
4. By properly shaping their courses, students taking the B.A. aiming at Law would be able to complete their work for the LL.B. and B.C.L. degrees in two further years of study, thus taking both degrees in six years.
5. The present course in Law could continue as it is. So far

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as International and Constitutional Law are concerned, I should be quite willing to give the few lectures required by the Bar Association gratuitously. Indeed, I think that I could prepare the students for these examinations better by a short course of elementary coaching lectures than I could in the more comprehensive courses which I am now trying to give and which will be made much more comprehensive if these suggestions are adopted.

I need not add in closing that you are at liberty to make what use you will of this extended memorandum. Doubtless Dean Greenshields will be interested, and, if it affected the Law School alone, I should submit it through him. Dean Laing, Professors Basil Williams, Leacock, Hemmeson and my colleague, Smith, may be interested. The Faculty of Law will have to be consulted should you think the memorandum worthy of their consideration. Possibly the whole thing might be laid on the table for discussion at a joint meeting of the Law Club of which Judge Howard is secretary and all others interested who might care to attend. I am hopeful that the Board of Governors with their more comprehensive sense on all matters of a public service character will appreciate at once what I am driving at. Should the suggestions meet with general preliminary approval, I suppose that they would ultimately have to take the form of a resolution by Corporation coupled with a recommendation to the Board that it provide the necessary ways and means and make the necessary appointments as soon as possible. A convocation pronouncement, especially upon the public service features of the scheme, would, I feel, meet at once with wide-spread public approval and applause.

As I have already said, I am sorry to trouble you with this long memorandum, but I do not know how you can prevent it unless you are willing to issue an edict commanding your subordinate officers to abstain from thinking seriously about university matters during the summer vacation months.

Yours very sincerely,

Ira A. MacCallay

Montreal, December 20th, 1923.

Sir Arthur W. Currie, G.C.M.G., K.C.B.,
Principal and Vice-Chancellor,
McGill University,
Montreal.

Dear Sir Arthur,

The special committee appointed at a meeting of the Faculty of Law held on the 27th September last, to enquire into and report upon certain questions affecting the policy and work of the Faculty of Law and having special reference to the subjects of instruction and degrees granted, have met and considered the questions which have been submitted to them, but, inasmuch as all the members of the committee are not in entire agreement, the undersigned beg to submit the following report, which they understand will be followed by an expression of the views of the remaining members of the committee.

1. LL.B. course. The committee have carefully considered the problem raised by the small registration of students for this course.

In view of the legislation at present in force in the other provinces of Canada which does not recognize this course as the equivalent of a common-law course of study in those provinces accompanied by office attendance, it seems manifest that the present course leading to an LL.B. degree cannot be made sufficiently attractive to induce students from other parts of Canada to attend in sufficient numbers the instruction offered by McGill on this subject. It is not surprising to us that this should be so, because, in the first place, a faculty which purports to cover the whole

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field of the common law with a necessarily limited staff can never successfully compete with such institutions as Columbia, Harvard, Winnipeg or Toronto, where a considerable number of instructors - some of them recognized specialists - devote their time to the teaching of common-law subjects; and secondly, because of the enormous disadvantage under which a common-law school will labour if it is established and maintained in a province in which the common law is not practised in the courts. It would seem about as difficult to successfully maintain a school of common law in a locality where there are no common-law courts as it would be to maintain a medical faculty where no hospitals existed and no clinical facilities were available.

Even, therefore, if the staff of such a school could be very largely increased, so as to compare with that of law schools in the United States and in the other provinces of Canada, there would still exist the great disadvantage resulting from the absence of a common-law atmosphere in this province. While we are convinced that some instruction in common law would prove useful to the lawyers in this province who are in constant communication with those in the other parts of Canada, and while we would therefore regard with favour the maintenance of a limited course of lectures on comparative law in the different parts of the Dominion, we think that the more ambitious scheme of founding and maintaining in McGill a national law school which would equip students for practice in all the provinces of Canada is, for the present at least, doomed to failure.

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

For these reasons, we have no hesitation in recommending the discontinuance of the LL.B. degree and the course leading thereto.

2. Enlargement of the curriculum. It has been suggested that the present curriculum leading to the degree of B.C.L. is unduly rigid and offers no opportunities for those students who do not intend to devote themselves to the practice of law but desire to be equipped for public life. It is therefore suggested that additional and more advanced teaching should be provided in such subjects as constitutional law, comparative constitutional law, public international law and diplomacy, and private international law, and that optional facilities should be given to students to elect these subjects instead of some of those prescribed in the regular course.

However desirable it undoubtedly is to broaden the instruction given in the faculty of law, it appears to us doubtful whether any of the regular students proceeding to the degree of B.C.L. could be induced to take these additional lectures as optional subjects, inasmuch as the programme of studies imposed upon the law student appears to be sufficiently heavy to take up the whole of his available time, having regard to the time he must at present necessarily spend in a law office concurrently with his academic studies. To what extent such advanced studies would appeal to other students, we are unable to say. Nor can we form an estimate of the number of persons who would be attracted if such advanced studies formed the subject of a postgraduate course.

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The experiment might be made for a year or two in order to test the demand for such instruction and the faculty could then decide whether this extension work should be continued or not.

3. Full-time and part-time professors. Opinions are very much divided upon this subject, and the undersigned hesitate to express any very strong opinion as to the advisability of increasing to any considerable extent the number of full-time professors.

It is generally considered that there should be some of the professors who devote their whole time to instruction, and there are some subjects, like Roman law, international law, constitutional law, comparative law and public law, which are usually ^{and} efficiently taught by men who are not engaged in active practice. On the other hand, we would think it to be a distinct disadvantage if the number of full-time professors should be largely increased and the faculty should thus become divorced from the active practitioners, upon whom a great many students look as perhaps more authoritative exponents of the law as it actually exists. It must, of course, not be forgotten that the study of law has not for its main object the creation of a theoretical system of jurisprudence, but the application of the rules of law to actually existing disputes and the administration of justice.

There is also the practical consideration resulting from the difficulty of offering remuneration sufficient to induce competent men of wide experience

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at the Bar to accept positions as full-time professors. For this reason, it would always be difficult to have a faculty composed of a large number of full-time professors whose knowledge and experience would make their teaching valuable. It is manifestly better to have part-time professors whose competence is undoubted, even though they may deliver but a limited number of lectures, than to have a large number of full-time professors, some of whom, at least, would be men of little experience at the Bar and others, men who have been failures.

4. Academic study and office attendance. In the present state of the law, which requires three years' clerkship in an office from students who intend to practise in this province, it seems impossible to carry out the suggestion which has been made that the students should give the greater part, if not the whole, of their attention to their academic studies, office attendance being given a definitely subordinate place during the period of the university sessions. The student is obliged by law to give a reasonable amount of his time to office attendance, and the practitioner to whom he is articulated cannot conscientiously certify his attendance unless it has been real and substantial. While it might possibly be better if the student could pursue his academic studies for three years and then devote one year's intensive study to office work, it is idle to hope that the student will prolong his course of studies beyond the three years established by law.

Until, therefore, the law on this subject is changed, we think that it is out of the question to

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

ask the students to discontinue or practically discontinue
their office attendance.

Yours very truly,

W. H. D. H. H.
Arthur W. Currie
Arthur W. Currie

Faculty of Law,
McGill University,
Montreal, 12th October, 1922

Sir Arthur Currie, G.C.M.G.,
Principal,
McGill University.

Dear Principal,

At the meeting of this Faculty on the 10th October, the following resolution was unanimously passed on the motion of Mr. Justice Martin, seconded by myself:-

"That the attention of the Governors be called to the fact that results from the establishment of a Common Law course at McGill have not proved satisfactory in point of view of attendance, and having regard to the expense of teaching such course as compared with the revenue derived therefrom, the question of continuing such course after present students have graduated should be considered and determined."

It may assist the Governors in considering the policy to be adopted if I bring the following facts to their notice.

The teaching of Common Law at McGill began in 1918. No special staff was available for the purpose, Dean Lee himself giving such instruction as was possible. Naturally very little could be done under such conditions. Two students took the examinations in 1919, one of whom failed.

In 1919 I was myself added to the staff and an extension of the teaching became possible, though we were still unable to meet the requirements of a complete common law curriculum. In 1920 three students took the examinations for the second year, and nine for the first. (Two of the second year students must have been admitted on advanced standing, but I can find no record of this.)

In 1920 Professor Mackay joined us, and it now became possible to organise a complete curriculum. The arrangements for the session of 1920-21 were necessarily provisional, since Professor Mackay was not appointed until after the session had begun. In 1921 nineteen students took the sessional examination. Of these six passed in the third year, four second, and eight first. (Several of the third

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year had been advanced on account of military service). One first year student failed.

The organised curriculum took effect for the first time in September, 1921. This year is also marked by the raising of our standard of admission, by the extension of the session to thirty teaching weeks, by our election to the Association of American Law Schools, and by the recognition of our degrees by the State of New York. McGill was the first and is still the only law school in Canada to comply with all the conditions for election and recognition respectively. Nineteen students took the examinations in 1922 - five third year, eight second, and six first. Of these two failed, one in the second year, and one in the first.

For the present session we have a registration of fifteen students, - seven in the third year, five in the second, and three in the first, as well as one partial student who proposes to enter later in the ordinary way. All the three new students are B.A.'s. Previously to this, only one graduate student had registered for common law in the Faculty.

Previous to last year common law students received the degree of B.C.L. Since 1921 they have received the degree of LL.B., thus distinguishing them from the civilians and at the same time conforming to the general practice of law schools on this continent.

In this connection I should point out, to avoid any possible confusion, that another LL.B. course, consisting of two years in Arts and two in Law, was introduced in 1918. For various reasons this experiment was not successful, and it came to an end with the graduating class of 1922.

Of the students now in the Faculty, I find that they propose to practise as follows:- Ontario (3), Nova Scotia (2), Manitoba (1), Alberta (1), Newfoundland (1), West Indies (1), New York (1), Pennsylvania (1), Palestine (2), two being undecided.

The graduates of this course are also now very widely scattered, and several of them are practising at the bar in various jurisdictions.

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I now pass to the charge which the course imposes on the University. Our staff of fourteen teachers is at present organised as follows:-

	<u>Whole Time</u>	<u>Part Time</u>
Professors	2	6
Assistant Professors	1	1
Lecturers	1	3

Of these the two whole-time professors are both common lawyers. The cost varies somewhat from year to year according to the distribution of work. For the present session I estimate \$25,125, of which the common law teachers will receive \$11,000. or 43.8%.

Of the lectures given by the latter during the current session 25.9% are on subjects prescribed by the Quebec Bar regulations and are attended by B.C.L. students. The LL.B. students similarly attend many of the lectures given by the civilian teachers.

After allowing for withdrawals the total number of regular students in the present session amounts to 53 for the B.C.L. course and 15 for the LL.B., the latter being therefore 22% of the whole. One partial student is studying common law. In addition, there are five graduates entered for the LL.M. Of these two are working on common law topics, and three on commercial law, which is common ground to both systems.

If you will allow me to prolong this letter a little more, I should like to add a word or two of general comment.

The common law course was started with a view to supplying a professional training for students proceeding to the Bar. There were only three constituencies from which such students could come-- Canada, the United States, and the West Indies. Of these the provincial bar societies in Canada have shown themselves chiefly concerned to erect protective fences around their own law schools and to penalize so far as possible any student who attempts to study outside his own province. In marked contrast to this we have met in the United States with the utmost courtesy and sympathetic encouragement, both from the great law schools and from

The Principal ---4.

the state bar authorities. At the same time the differences between Canadian and American law in many important matters are so far-reaching that we cannot reasonably expect to attract any large number of American students. With regard to the West Indies we made inquiries in 1920 as to their possible attitude, but there does not seem to be much likelihood of the authorities there departing from their present practice of sending students to be called to the bar in England. On the whole, therefore, it would appear that we are not likely in the immediate future to attract very many students of the ordinary professional type.

Without committing myself to every detail, I should like to express my general agreement with the constructive proposals outlined in Professor Mackay's letter to yourself. I do not agree with him in thinking that we are at present unable to offer a good professional course, and in this our students would confirm my view. At the same time I think that we should frame the LL.B. course chiefly with an eye to those who aim at entering the public service and other activities, which we can do without failing to meet the needs of the purely professional student. The curricula of the law schools in France are all framed upon these lines and they attract many students of the type whom Professor Mackay has in view. We must avoid making a course which is a mixture of Arts and Law: that was the essential defect of the LL.B. curriculum of 1918. Our scheme should contemplate at least three years given wholly to the study of law, but with the weight laid upon the cultural rather than on the technical side of legal study. That is to say, the new course should emphasize such subjects as constitutional and international law, diplomacy, legislation, etc., and give less time to procedure, real property law, and other purely technical matters.

I am sorry to have written at such length, but it saves time in the end to deal with the whole question in one letter. I would add that I do not wish any personal rights or interest of my own to stand in the way of any proposed reconstruction, and I desire to hold myself entirely at the disposal of the University.

Sincerely yours,

W. A. Smith

McGill University,

Faculty of Law,

Montreal, April 30th, 1925.

Dear Sir,

I am enclosing you a copy of a draft report in connection with the re-organization of the Law Faculty, also a draft curriculum.

You will receive further notice as to the date of the next meeting of the committee.

Yours truly,

C. S. Lemaire.

McGill University,
Faculty of Law,
Montreal, April 30th, 1925.

The Principal,
McGill University,
Montreal.

Dear Mr. Principal,

We have carefully considered the situation created by the amendment to the Bar Act passed at the last session of the Legislature to which permits a student holding a recognized degree in law to be admitted to the Bar after one year of subsequent clerkship. In this connection we have also examined the majority and minority reports submitted by the special committee early in 1924, the report prepared by Professors MacDougall and Mackay, approved by the Faculty and accepted by Corporation as the basis of the re-organization of this Faculty, the resolution of the Faculty of 15th October, 1924, condemning the existing system of concurrent University and office attendance and asking that the law be amended so as to permit of a full time law course, followed by one year of practical office work, and, finally, the comments on the lecture system contained in your report for 1923 - 24.

Leaving aside for the moment any question of instructional method, we feel that the University is definitely committed to the policy of offering the best possible legal education based mainly on the study of the Roman and Civil systems and of devoting all its available resources to this purpose. The Faculty is also on record as being of opinion that three years should be devoted exclusively to the systematic study of law at the University. Your committee thoroughly approves these decisions and recommends that:

The Principal ----B.

"The course of study is to be based on the assumption that the student is devoting his entire time to his University work and pressure is to be applied through the arrangement of lectures, etc., to prevent office attendance."

Up to the present the calls on the students' time have been such that it has been impossible to expect from them much reading or independent study, and in consequence the lecturers have been forced to adopt the method, justly criticised in your report for 1923-24, of attempting "to prepare a series of lectures upon a given subject, including in these lectures a complete summary of the knowledge which they think necessary to the student and they examine him as to his knowledge of the contents of their series of lectures."

Your report goes on to say:

"The method which makes study collateral to lectures seems to be exactly the reverse of that which should be followed. The primary object of a University training is education, not the passing of examinations. The only method obtaining education, of becoming fitted to meet with and wrestle with the problems of life is for the student himself to meet with and wrestle with the problems of learning. Lectures should be co-ordinated with other study, instead of study being a more or less unimportant adjunct to lectures."

The soundness of these views appears to your committee to be beyond question and it believes that the elimination of concurrent office attendance makes their application to this Faculty not only possible but essential. It therefore recommends that:

"The responsibility for acquiring information and for forming his own opinion must be placed on the student; the function of the teacher not being so much the furnishing of information and ready-made opinions concerning law as arousing interest, direct reading, assisting in the solution of difficulties, and training the mind in legal thinking, and in consequence the timetable should be arranged in such a way as best to secure adequate preparation for discussion in class and at the same time adequate discussion in class of the problems raised by private study."

The Principal ----3.

The adoption of this general conception of education will place much more work on the student, more particularly owing to the lack of convenient text-books in practically all subjects. In the opinion of your committee this very lack is by no means an entirely regrettable circumstance. The student, not being able to replace the unintelligent memorizing of lecture notes with the equally unintelligent memorizing of cram books, will have to turn to the sources of our law and will study for himself the processes of legal reasoning as exemplified in the works of the Roman jurists, of Pothier, of the modern French writers and in the decisions of our own courts. Add to this time for thinking, time and opportunity for discussion with the other students and with the staff, and every student will in his three years at McGill be able to lay the foundations of a good legal education.

While accepting and endorsing the above general principles of education, your committee realizes that the teacher must have a wide discretion in their application to his particular subject.

Before leaving this point we wish to add that we fully agree with you:

"that so far as concerns purely academic matters, the duty of the University to the undergraduate is not to fill his head with a mixed assortment of knowledge of various subjects, but to teach him how to work. For the young man who has not enough ambition to devote himself to making the most of such guidance, to working upon his own initiative in order to gain an education, there is no real place at a University. The University, on the other hand, is doing less than its duty if it fails to inspire such ambition in the minds of its students, and it should be our aim so to conduct our teaching that at least some of the men who come to McGill without any very definite idea, should, even during their first year, gain a conception of educational methods which will enable them to obtain the greatest benefit from their college course."

The Principal ----4.

The adoption of these recommendations as to teaching method will result in a substantial reduction of class hours per subject, with a corresponding reduction in the calls made by each class on the time of the staff and on class-room accommodation. Advantage should be taken of the time and accommodation thus saved to effect a separation of second and third year classes. This is desirable for a number of reasons. It will result for one thing in small groups of students who have reached the same state of developments, thus greatly facilitating profitable class-room discussion, and, for another, it will permit the adoption of a simple, logically arranged curriculum.

In this connection your committee ^{has prepared} ~~submits~~ a tentative curriculum ^{incorporating} ~~hereto annexed~~ to the following features of which it directs attention.

1. Greater attention to Roman Law as the basis of legal education.
2. The recognition that Civil Law and to a lesser extent Commercial Law should each be treated as one subject.
3. The handling of Civil Law in first and second years before Commercial Law is dealt with in third year.
4. The study of Civil Procedure in second and third year.
5. The introduction of a third year course on Comparative Law.
6. The discontinuance of the following courses:
 - (a) Jurisprudence, as being already covered by Roman Law, Civil and Comparative Law.
 - (b) Public Utilities, as being unnecessary.
 - (c) Notarial Law, as being of minor educational value.

A draft is hereto attached.

The question of adding courses in such subjects as Trademarks, Patents and Workmen's Compensation has been considered, but it is felt that until the new curricula has been in force and there has been ample opportunity of seeing it in

operation, no attempt should be made to add new courses in special subjects.

The re-arrangement of the curriculum will render necessary the preparation of lists of suggested readings in every course on which the examinations will be based. This will involve careful study in order to ensure satisfactory courses and close co-operation to ensure proper proportion between them. We suggest that in addition to the regular sessional readings summer readings be prescribed as an integral part of the course.

Your committee feels that a re-consideration of our examination system is desirable. At present a student attends a number of lectures, reads a few cases or extracts from theoretical works and immediately passes an examination prepared by his lecturer. Naturally he is able to foresee the type of paper to be set and instead of studying his subject prepares for the specific examination paper he anticipates. This can be rendered more difficult if not entirely eliminated

1. if examinations are held at less frequent intervals;
2. if they are conducted by an examination board;
3. if every student is subjected to a thorough oral examination; and
4. if the final examination cover the whole or substantially the whole of the three years' work.

It is therefore recommended that:

1. Examinations be held -

- (a) at the end of the first session covering the year's work.
- (b) at the end of the second session covering the second year's work, and the final examination in Roman Law on the work of both years to be also held at this time.
- (c) at the end of the course on the work of the three years except

The Principal ---- 6.

This will not only render cramming more difficult but will enable courses to be allotted on a basis of weeks instead of terms and will greatly simplify the task of allotting time to courses. It will also save two to three weeks in January which are now lost owing to cramming, to writing examinations and the inevitable re-action. The teacher remains, of course, quite free to test his students from time to time by test papers, quizzes, general discussion, or any way he sees fit.

2. That all candidates who successfully pass the written papers be subjected to a thorough oral examination.
3. That ultimately all papers be set and marked by an examination committee and until such time as this proves feasible the oral examination be conducted by an examination board.

The Principal --- 7.

In conclusion your committee wishes to point out that in submitting a draft ^{curriculum} it fully realizes that the draft is tentative and ~~would~~ ^{will} have to be modified from time to time in the light of experience.

There still remains a great deal of work to be done in working out the details of the suggested readings, and it will be necessary to take up with the General Council of the Bar the question of amending their regulations so as to recognise our course, even though we do not comply with their present regulations as to lecture requirements. We suggest in this connection that the Bar be requested to abolish all formal requirements as to the course and that in exchange we offer the Bar the privilege of supervising our examination papers and the standard exacted from students, and in addition representation on our examination board. While certain inconveniences may attach to this proposal, we feel that they are more than counterbalanced by the advantages gained. The change should take effect with the class entering the Faculty in the fall of 1926.

The whole respectfully submitted.

FIRST YEAR.

ROMAN LAW. The amount of work in Roman Law is greatly increased, the student being expected to devote about half his time to this subject.

3 hours -- session -- marks 300.

CIVIL LAW. This will be handled as one subject and the course will include an introduction to the study of law, Persons and Property, its acquisition, including acquisitive prescription.

2 hours -- session -- marks 300.

CRIMINAL LAW AND PROCEDURE No change.

1 hour -- session -- marks 200.

CONSTITUTIONAL LAW. A first term course dealing with the constitution in its historical and political aspects.

1 hour -- 1st term -- marks 100.

EVIDENCE. A second term course which should be a great help to students in understanding much of the work of the senior years.

1 hour -- End term -- marks 100.

PUBLIC INTERNATIONAL LAW.

1 hour -- session -- marks 200.

SECOND YEAR.

CIVIL LAW. (a) Obligations (excluding evidence)

3 1/2 hours -- 1st term--

(b) Real & Personal Sureties, Special Contracts, Registration.

3 1/2 hours -- End term --

(c) Marriage Covenants, Gifts, Wills, Substitutions, Successions.

1 hour -- session -- marks 300.

CONSTITUTIONAL LAW.

1 hour -- session -- marks 200.

LEGAL HISTORY.

1 hour -- 1st term - marks 100.

CONFLICT OF LAWS.

1 hour -- 1st term - marks 100.

CIVIL PROCEDURE.

1 hour -- End term - marks 100.

MUNICIPAL LAW.

1 hour -- End term - marks 100.

THIRD YEAR.

<u>COMMERCIAL LAW.</u>	(a) Corporations and Bankruptcy, etc., 1 hour -- session -- marks 200
	(b) General Introduction to Study of Commercial Law, Insurance. 1 hour -- session -- marks 200
	(c) Negotiable Instruments, Banking, Carriers (land) 1 hour -- session -- marks 200
	(d) Maritime Law 1 hour -- session -- marks 200
<u>CIVIL PROCEDURE.</u>	2 hours -- session -- marks 400
<u>COMPARATIVE LAW.</u>	1 hour -- session -- marks 300

NUMBER OF LECTURES.

<u>SUBJECT.</u>	<u>PROPOSED.</u>	<u>NOW.</u>	<u>REQUIRED BY BAR.</u>
Roman Law	120	125	103
Civil, Commercial and Maritime Law	330	630	413
Civil Procedure (including Evidence)	90	150	103
Public & Private International Law.	45	60	21
Criminal Law	30	75	69
Constitutional & Administrative Law	60	75	21
Comparative Law	30	---	30
	<hr/> 705	1125	750

McGILL UNIVERSITY
MONTREAL.

FACULTY OF ARTS.
OFFICE OF THE DEAN.

March 13, 1924.

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Faculty of Law
Faculty of Arts
maxwell*

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when Maxwell
was signed*

Sir Arthur Currie,
Principal, McGill University.

My dear Principal,

I enclose the final report of
the Law Faculty signed by Mr. Gordon W. MacDougall
and myself.

Yours very truly,

Ira A. MacLay

Encl.

McGILL UNIVERSITY
MONTREAL

1924.

FACULTY OF LAW
OFFICE OF THE DEAN

MEETING OF CORPORATION REPORT OF THE
FACULTY OF LAW.

At a meeting of the Faculty of Law held on the 27th of September last, it was suggested by the Principal, and unanimously approved by the members of the Faculty present, that a special committee be appointed by the Principal to enquire into and report upon some current questions of interest affecting the policy and work of the McGill Law School. The Principal accordingly named the following persons to be members of this committee, viz: Mr. Eugene Lafleur, K.C., LL.D., convener, Mr. G.H. Montgomery, K.C., Mr. Arnold Wainwright, K.C., Vice-Dean H.A. Smith, and Dr. Ira A. Mackay. This committee held two meetings in the office of the Dean of the Law Faculty and as the result of its deliberations submitted two written reports for the information of the Principal and the Faculty, a majority report dated December 20th, 1923, signed by Dr. Lafleur and by Messrs. Montgomery and Wainwright, and a minority report dated January 30th, 1924, signed by Professors Smith and Mackay.

At a subsequent meeting of the Faculty held on the 21st of February, 1924, the two committee reports mentioned above were brought down by the Principal and submitted to the Faculty, and after careful consideration and discussion of the recommendations and suggestions contained in both of them, the Faculty now begs leave to adopt the following final report for its own future guidance and the approval of Corporation.

THE B. C. L. DEGREE.

The chief aim and duty of the McGill Faculty of Law is the efficient and scholarly training of law students in the existing law

of the Province of Quebec. This has always been the recognized aim and duty of the Faculty and no departure from the principle was intended when a few years ago - to be more definite in 1919-1920 - the Faculty began to offer separate courses of study in subjects peculiar to English law to students attending the McGill Law School and intending to practice law in the purely English speaking provinces of Canada and elsewhere. Any impression that the paramount claims of students engaged in the study of Quebec law were in any way prejudiced or neglected by this experiment is, in the opinion of the Faculty, quite unfounded. On the contrary the number of hours of instruction devoted to the study of the existing law of the Province of Quebec has in the meantime been substantially increased. Library facilities have been distinctly improved and the number of students using the library has been multiplied. No students registered on the civil side have attended any lectures or instruction in English law, while all students on the English side have regularly attended the usual lectures on all subjects common to both systems given under the regular instructors trained in the law of this Province. In other words, the existing civil law of the Province of Quebec has always been recognized by the Faculty as the base and foundation of its work. Law schools founded upon the study of civil law and leading later to the more special study of English law have long existed at Oxford and Cambridge, and no doubt the originators of the experiment mentioned above justly felt that McGill offered promising ground for a similar school devoted to the study of all-Canadian law.

THE LL.B. COURSE.

The number of students registered for this course has all along been distinctly disappointing. This result is doubtless due

to a complication of causes. The signers of the majority report stress the fact that the common law is not practiced in the courts of the Province of Quebec, and that the resulting absence of a common law atmosphere in the courts and law offices of Montreal presents a very great initial obstacle in the way of founding a school of Common Law at McGill with any possibility of serious ultimate success. The signers of the minority report on their part think that the difference in teaching content between the two systems of law in Canada is very much over-emphasized and they point to the admittedly great success of the law schools at Oxford, Cambridge, Harvard, Columbia and other universities, where the law student is in no way affiliated with the local courts or offices during the three sessions devoted exclusively to the study of law at the University. There are, however, two cogent difficulties fully recognized by all parties interested, viz: (1) insufficient funds at present at the disposal of the McGill Law School, and (2) the practice which obtains in all the Provinces of Canada by which students-at-law before being admitted to practice are compelled by the authorities of the local bar to serve a period of at least nominal apprenticeship in a local law office and attend lectures in a local law school. In the Province of Ontario, for example, all students before being allowed to practice in the province are compelled to serve under articles of apprenticeship in a Toronto office and attend lectures at Osgoode Hall for a period of three years. This last difficulty is clearly insurmountable at present by any action open to McGill. Indeed most of the university law schools in the English speaking provinces have been able to make very little progress in the past in the face of these rules and regulations of the local bar authorities in their own provinces.

After carefully considering all these difficulties, the members of the committee unanimously recommended that the LL.B. course be discontinued and that no new students be registered for this degree after the close of the present session. The members of the Faculty, have unanimously approved this recommendation. The members of the Faculty wish to add that while recognizing that this recommendation will render it unnecessary to have a professor devoting his whole-time to common law teaching, they, nevertheless, deem it desirable for the present at least that one member of the full-time staff should be a recognized specialist trained in English law competent to give instruction in some of the subjects common to both systems and especially in comparative law.

THE ENLARGEMENT OF THE CURRICULUM.

It has been suggested that the present curriculum leading to the degree of B.C.L. is unduly rigid and technical and that it offers no adequate opportunities for intending practitioners who wish to take fuller advantage of their years spent at the University to enlarge their educational outlook, or for those students who do not intend to practice law at all, but who desire, nevertheless, to follow a course of study in law for the purpose of equipping themselves for public service or for purely educational reasons. It is, therefore, suggested that additional and more advanced teaching should be offered in such quasi-legal subjects as constitutional law, comparative constitutional law and international law, and that optional facilities should be given to students in the law school to elect these advanced subjects should they so desire. It is also suggested that these subjects be offered as elective studies in the Faculty of Arts and that intending law students in that faculty be encouraged to complete these studies before beginning the more strictly professional work of the law school.

Indeed the Faculty wishes to put itself on record as being in favour without qualification of the closest possible affiliation between the Faculty of Arts and the Faculty of Law at McGill designed to encourage intending members of the legal profession to enlarge their university education before being admitted to practice.

ACADEMIC STUDY AND OFFICE ATTENDANCE.

This question has been seriously considered in all the provinces for years past without arriving at any very satisfactory final solution. It is admitted that there are some factors in the education of a lawyer which the university can do better than the offices and that there are other factors which the offices can do better than the university. An adequate training, for example, in the more fundamental, comprehensive, scholarly subjects in the law, as in all the professions, can be best acquired in a university, and an adequate, technical training in local statutes, practice and business routine in the office. The real question, however, is how the student shall be required or allowed to divide his time between the university and the office. Shall he be required to attend both the university and the office concurrently, devoting a part of the working day to each, or shall he be allowed to devote the whole of the time spent in the University to his university studies and in addition be required to devote at least one year to continuous, intensive office practice before being permitted to practice on his own account? This problem is made all the more difficult by the great variety of ways in which the student-clerk is treated in the different offices. In some offices he is welcomed and receives valuable training and assistance in his studies, while in others he is either not welcomed at all or is allowed to attend in a merely nominal

desultory fashion. The chief difficulty on this point, however, springs from the fact that under the present state of the law in this province the student is compelled to serve three years in a law office before being admitted to practice, and, is therefore, virtually compelled to attend the university and the office concurrently. Under these circumstances the university has no option but to respect the law as it actually exists and is, therefore, powerless to make any change until the law is amended. The members of the Faculty, therefore, recommend on this point that negotiations be undertaken with the other law schools in the province for the purpose of finding a formula which may be satisfactory to all parties interested and which may meet with the approval of the General Council of the Bar of the Province and the Legislature.

FULL-TIME AND PART-TIME PROFESSORS.

Whether the professor be a full-time professor devoting the major part of his time and effort to teaching and the minor part to research, writing and special counsel work as at Harvard and Columbus, for example, or a part-time professor devoting the minor part of his time and effort to teaching and the major part to business practice, is after all more a question of degree than of principle. The best exponents of legal education now admit everywhere that there is room for both these classes of professors on the staff of every law school properly designed to give the student the double benefit of keeping in touch for a time with the advantages of university life on the one hand, and with the realities of the profession he is to practice in after life on the other. The Faculty feels that this problem at present is really much more a matter of administration than of policy. The only policy that can be recommended is to appoint the very best

available teaching exponent of the law in each subject or group of subjects as vacancies occur from time to time on the teaching staff.

Finally the Faculty wishes unanimously to thank the members of the special committee for the time and labour which they have given to this subject.

All of which is respectfully submitted.

J. W. Mac Donnell

Geo. S. Mackay

At a meeting of the Faculty held on the 14th day of March 1924, it was moved by Professor *Martin* and seconded by *Professor Surwyl* and carried that the Faculty accept the above report for its own future guidance and the approval of Corporation.

A. Sturrock

Principal.

The Law Faculty of McGill University;
its past, present and future.

1. The object of this memorandum is to consider the possibilities of development of the Faculty of Law, and to formulate a policy; incidentally I shall speak of its past history and present standing.

To reduce to writing a dream or aspiration with regard to the future of an institution is no easy matter; but I shall attempt it. The value of such speculations depends upon the solid foundation of fact upon which they rest.

2. The facts which furnish such foundation for my argument are these:-

a) Montreal is and will continue to be the principal city of Canada.

b) Canada is and will more and more become the pivotal point of the Empire, particularly in its relations with the United States of America.

c) Montreal, the meeting point of the two world-wide systems of law, the Common Law of England and the Civil Law of Rome and Continental Europe, offers unique opportunities for the comparative study of those two systems.

3. The conclusion I draw from these facts is that Montreal, more than any place in the world, is fitted to be the scene of a great school of law in which the science of law will be studied in its comparative and international aspects. Such a school of law would be a place of world-resort and world-wide influence and renown.

4. The path of advance for a university school of law is not obscure or uncertain. The lines of development have been ascertained by the experience of the law schools of the United States of America, extending, in some cases, over more than a century.

The Harvard Law School is the best known of these. In the recently published "Centennial History of the Harvard Law School" the essential conditions of progress are clearly indicated. They are not matter of controversy but of incontrovertible fact.

5. The essential conditions of efficiency in a law school are principally the following:-

- a) The professors must give their whole time to the law school.
- b) The students must give their whole time to the law school.
- c) Professors must be chosen not on account of their success in professional life, at the Bar, or on the Bench, but because they are qualified to teach and study law.

6. The Law Faculty of McGill University was organized in the year 1853. From that date until the year 1918 the scope of its aspirations was limited to preparing students for the practice of their profession as advocates or notaries in the Province of Quebec. For many years its staff was drawn exclusively from the Bench and practising members of the Bar. Dr. F.P. Walton, appointed Dean in 1897, was the first "professeur de carrière" associated with the Faculty. Under his administration educational standards were raised and the general efficiency of the Faculty advanced, but the scope of its activities continued to be limited to preparing students for practising in this province.

7. Thus limiting its outlook and endeavour, the Faculty could never expect to attract a large number of students, and since the year 1878 it has had a formidable rival in the Law Faculty of Laval (Montreal). In fact, the number of students in the Faculty has always been small. From the statistics of the decennial period 1904-1914 which are before me, (Appendix A) I find the average attendance in the three years together (omitting partial students) to have been 44.4. During that period the first year entry was

most often below 20. The top limit was reached in 1913-14 with a first year registration of 30. In time to come a gradual increase may be expected commensurate with growth of population of the city. A few more French students may find their way to us rather than to Laval, but that is all. It is plain that as a provincial institution the Faculty has nothing before it but a future of respectable mediocrity.

8. During the last few years, the Faculty, while at the same time increasing the efficiency of its existing courses of study, has conceived larger ambitions and laid a solid foundation for their realization. Thus it has:-

a) duplicated the course for the B.C.L. degree so as to adapt it to the needs of students who intend to practise in a Common Law jurisdiction. The old three year course is now known as "Course A", the new three year course as "Course B".

b) lengthened the course for students who intend to practise in this province from three years to four except for returned soldiers and graduates. This is known as "Course C".

c) procured the institution of a new degree of Bachelor of Laws (LL.B.) designed for persons who wish to study law, but not with a view to practise.

d) procured the institution of a post-graduate degree of Master of Laws (LL.M.) analogous to the degree of Master of Arts.

e) remodelled the conditions of admission to the degree of Doctor of Civil Law.

f) established a combined course for the LL.B. and B.C.L. degrees extending over four years.

9. In anticipation of these developments the Board of Governors so long ago as 1916 authorised the appointment of a second full-time professor who would take charge of the new subjects introduced into our curriculum. During the past summer I was fortunate enough to be able to recommend for the new chair Mr. Herbert Arthur Smith, Fellow of Magdalen College, Oxford, whose appointment, one may

anticipate, will bring a great accession of strength to the Faculty. His duties will be two-fold:-

- a) to provide new courses for students who intend to practise law in the Province of Quebec;
- b) to direct the studies and undertake the tuition of those who do not.

10. The institution of the above courses has involved a very extensive enlargement of the scope of our teaching. In future all students will take a course of lectures on jurisprudence in their first or second year. This will supply the knowledge of fundamental legal principles and of comparative law in which our students have hitherto been very deficient. In addition to this all students who are taking the B Course and the C Course for the B.C.L., or the Course for the LL.B., will attend lectures on the elements of the Common Law and its history. These courses of lectures will be delivered by Professor Smith. The curriculum of the second and third years for the Common Law students (Course B) has not yet been worked out in detail. In consultation with Professor Smith I shall frame a program which, if it is to be effective, must not fall short of what is provided at Osgoode Hall or Dalhousie University. We must be prepared to compete with these law schools and beat them on their own ground.

11. The courses of study for the new degrees took effect last session. By making use of existing material and postponing the new subjects to the second year, it was possible to get the LL.B. and Course C students started without any addition to the staff. Two men registered for the LL.B. - both M.A.s of McGill, engaged in teaching work in the city. This was wholly unexpected, and suggested a new source from which the number of students in our Faculty may be augmented, namely, graduates in Arts or Science who, from one motive or another, may wish to supplement their previous studies with a knowledge of legal principles. Two men and one woman registered for the combined LL.B. and B.C.L. (Course C), which was

optional last year and has since been made obligatory except ~~in~~ for graduates and returned soldiers. In addition to this two men presented themselves for the B.C.L. (Course B). This was embarrassing, as the program called for lectures in jurisprudence and common law which were not then available. However, I explained the situation to them, and they expressed themselves satisfied with my offer of tuition in these subjects. The result was that we started last session with a considerable accession of students attracted by the new courses.

12. The first year registration this year is phenomenal. It exceeds 80 and is not yet complete. The great majority is made up of men who mean to qualify for practice in this province. With regard to these the increase of numbers is abnormal and affords no indication of future advance. What is much more significant and encouraging is that eleven men have already registered for the B Course in the first year, and three in the second. They come from all over Canada and beyond. (Appendix B) Our Faculty has ceased to be a merely provincial institution. The success of the Common Law course seems assured. The LL.B. course, on the other hand, has not yet established itself in favour. The idea that law can be profitably studied by men who do not intend to practise is novel and has not yet taken hold of the public imagination, but it will do so. So far there has been this year only one entry for this course, the candidate being, like the two who entered last session, and who have passed into their second year, a schoolmaster engaged in educational work in the city.

13. I mentioned above as one of the essential conditions of efficiency in a law school that the students should give the whole of their time to their law school studies. This condition is present in the case of the Course B students and some of the students for the LL.B. Another condition was that the professors should give their whole time to the work as such. This is so entirely the case that the experience of the American law schools affords in the number of their whole time teachers an easy measure of the success and standing of a law school. I would almost venture to

say that the calculation may be reduced to a proportion in arithmetic. A law school with two full-time professors will be twice as efficient as a law school with one; a law school with four will be twice as efficient as a law school with two. Efficiency of course means, amongst other things, success in attracting students. Here again, provided conditions are favourable, one may expect an increase in students commensurate with the increase in the numbers of the professoriate.

14. I have said "provided conditions are favourable". This is an important qualification. One is dealing with factors which are largely unknown, but not wholly so. In the first place Montreal is the principal city of Canada. It has already something of the glamour of a capital. It is a pleasant place to live in. This is in our favour. Next; do the regulations of the Provincial Bar Association put obstacles in our way? Not seriously. In some provinces no objection would be made to students attending our law school during the course of their apprenticeship. It is not so in Ontario. There every student must be articled in the province and must attend courses at Osgoode Hall during his apprenticeship. But in all the provinces the term of apprenticeship is reduced in favour of a graduate in any Faculty. Thus an Ontario ~~whoxkaxxnox~~ student who had not previously graduated in Arts would have to attend the office for five years, during three of which he would attend classes at Osgoode Hall. By taking a degree at McGill he would reduce the term under articles from five years to three, so that in regard to the time spent in qualifying himself for practice the choice would be between six years with the McGill degree and five years without it. Once our law school is firmly established in public esteem, men will be willing to prolong their course of training by one year in order to take advantage of our courses and obtain our degree. Further, the declared policy of the Canadian Bar Association in favour of a free interchange of students between the several provinces will operate in our favour. I see, therefore, nothing to prevent us drawing upon the whole of Canada for our students. How far we shall do so will depend, not upon circumstances outside our control, but

upon the quality of our own teaching. Finally, our reputation as a law school once made, we may expect an increasing accession of students from the United States of America, as well as from Europe and other parts of the world, particularly perhaps in connection with our post-graduate courses.

15. The conclusion to which my remarks is directed is to urge upon the Board of Governors an enterprising and progressive policy in all matters affecting the Faculty of Law, in order that we may at an early date out-distance competitors and establish ourselves as the premier law school of Canada. By undertaking to teach Common Law we have issued a challenge to the world which must be made good. By creating a post-graduate degree in Law involving resident study, we have invited persons to come to us whose interest in law does not consist in getting through examinations. All this implies a very high standard and a rapid addition to our staff of full-time professors. Happily this Faculty has already a moderate endowment, and its income will be increased by fees. Further, I assume that it will benefit by any fund which in the course of the next few years will be raised for the benefit of the University generally. Other matters are present to my mind affecting the Faculty, such as the part which it ought to play in university extension, but this memorandum is already long enough. It will serve to indicate some of the designs which I have for the advancement of the Faculty, and which, if I continue to be Dean of the Faculty, I shall hope to see effected.

Appendix A

Register of students in the Faculty of Law.

1858-59	1859-60	1860-61	1861-62	1862-63	1863-64	1864-65
31	45	47	42	55	48	56
1865-66	1866-67	1867-68	1868-69	1869-70	1870-71	1871-72
61	54	52	46	31	29	42
1872-73	1873-74	1874-75	1875-76	1876-77	1877-78	1878-79
40	42	48	78	78	102	83
1879-80	1880-81	1881-82	1882-83	1883-84	1884-85	1885-86
69	67	64	42	26	30	33
1886-87	1887-88	1888-89	1889-90	1890-91	1891-92	1892-93
16	16	14	13	18	25	31
1893-94	1894-95	1895-96	1896-97	1897-98	1898-99	1899-1900
30	30	43	47	45	64	63
1900-01	1901-02	1902-03	1903-04	1904-05	1905-06	1906-07
60	47	40	40	28	27	32
1907-08	1908-09	1909-10	1910-11	1911-12	1912-13	1913-14
35	38	47	60	58	53	66
1914-15	1915-16	1916-17	1917-18	1918-19	1919-20	
61	59	49	41	47		

Appendix B

List of Course B Students
and places from which they come.

Session 1919-20

First Year

Amirkhanian, A	Armenia
Armstrong, T.A.	Barbadoes, B.W.I.
Boright, W.N.	Magog, P.Q.
Crosby, R.R.G.	Nova Scotia
Gibson, S.H.	Trinidad, B.W.I.
Hankin, F.	Montreal
Hartley, R.W.	British Columbia
Mackenzie, C.	New Brunswick
McLeod, R.	Nova Scotia
Parsons, R.A.	Newfoundland
Weisman, E.	Ontario

Second Year

McKeen, H.	Nova Scotia
Moscovich, M.E.	Alberta
Walker, B.	Bermuda, B.W.I.

The Law Faculty of McGill University;
its past, present and future.

1. The object of this memorandum is to consider the possibilities of development of the Faculty of Law, and to formulate a policy; incidentally I shall speak of its past history and present standing.

To reduce to writing a dream or aspiration with regard to the future of an institution is no easy matter; but I shall attempt it. The value of such speculations depends upon the solid foundation of fact upon which they rest.

2. The facts which furnish such foundation for my argument are these:-

a) Montreal is and will continue to be the principal city of Canada.

b) Canada is and will more and more become the pivotal point of the Empire, particularly in its relations with the United States of America.

c) Montreal, the meeting point of the two world-wide systems of law, the Common Law of England and the Civil Law of Rome and Continental Europe, offers unique opportunities for the comparative study of those two systems.

3. The conclusion I draw from these facts is that Montreal, more than any place in the world, is fitted to be the scene of a great school of law in which the science of law will be studied in its comparative and international aspects. Such a school of law would be a place of world-resort and world-wide influence and renown.

4. The path of advance for a university school of law is not obscure or uncertain. The lines of development have been ascertained by the experience of the law schools of the United States of America, extending, in some cases, over more than a century.

The Harvard Law School is the best known of these. In the recently published "Centennial History of the Harvard Law School" the essential conditions of progress are clearly indicated. They are not matter of controversy but of incontrovertible fact.

5. The essential conditions of efficiency in a law school are principally the following:-

- a) The professors must give their whole time to the law school.
- b) The students must give their whole time to the law school.
- c) Professors must be chosen not on account of their success in professional life, at the Bar, or on the Bench, but because they are qualified to teach and study law.

6. The Law Faculty of McGill University was organized in the year 1853. From that date until the year 1918 the scope of its aspirations was limited to preparing students for the practice of their profession as advocates or notaries in the Province of Quebec. For many years its staff was drawn exclusively from the Bench and practising members of the Bar. Dr. F.F. Walton, appointed Dean in 1897, was the first "professeur de carrière" associated with the Faculty. Under his administration educational standards were raised and the general efficiency of the Faculty advanced, but the scope of its activities continued to be limited to preparing students for practising in this province.

7. Thus limiting its outlook and endeavour, the Faculty could never expect to attract a large number of students, and since the year 1878 it has had a formidable rival in the Law Faculty of Laval (Montreal). In fact, the number of students in the Faculty has always been small. From the statistics of the decennial period 1904-1914 which are before me, (Appendix A) I find the average attendance in the three years together (omitting partial students) to have been 44.4. During that period the first year entry was

most often below 20. The top limit was reached in 1913-14 with a first year registration of 30. In time to come a gradual increase may be expected commensurate with growth of population of the city. A few more French students may find their way to us rather than to Laval, but that is all. It is plain that as a provincial institution the Faculty has nothing before it but a future of respectable mediocrity.

8. During the last few years, the Faculty, while at the same time increasing the efficiency of its existing courses of study, has conceived larger ambitions and laid a solid foundation for their realization. Thus it has:-

a) duplicated the course for the B.C.L. degree so as to adapt it to the needs of students who intend to practise in a Common Law jurisdiction. The old three year course is now known as "Course A", the new three year course as "Course B".

b) lengthened the course for students who intend to practise in this province from three years to four except for returned soldiers and graduates. This is known as "Course C".

c) procured the institution of a new degree of Bachelor of Laws (LL.B.) designed for persons who wish to study law, but not with a view to practise.

d) procured the institution of a post-graduate degree of Master of Laws (LL.M.) analogous to the degree of Master of Arts.

e) remodelled the conditions of admission to the degree of Doctor of Civil Law.

f) established a combined course for the LL.B. and B.C.L. degrees extending over four years.

9. In anticipation of these developments the Board of Governors so long ago as 1916 authorised the appointment of a second full-time professor who would take charge of the new subjects introduced into our curriculum. During the past summer I was fortunate enough to be able to recommend for the new chair Mr. Herbert Arthur Smith, Fellow of Magdalen College, Oxford, whose appointment, one may

anticipate, will bring a great accession of strength to the Faculty. His duties will be two-fold:-

a) to provide new courses for students who intend to practise law in the Province of Quebec;

b) to direct the studies and undertake the tuition of those who do not.

10. The institution of the above courses has involved a very extensive enlargement of the scope of our teaching. In future all students will take a course of lectures on jurisprudence in their first or second year. This will supply the knowledge of fundamental legal principles and of comparative law in which our students have hitherto been very deficient. In addition to this all students who are taking the B Course and the C Course for the B.C.L., or the Course for the LL.B., will attend lectures on the elements of the Common Law and its history. These courses of lectures will be delivered by Professor Smith. The curriculum of the second and third years for the Common Law students (Course B) has not yet been worked out in detail. In consultation with Professor Smith I shall frame a program which, if it is to be effective, must not fall short of what is provided at Osgoode Hall or Dalhousie University. We must be prepared to compete with these law schools and beat them on their own ground.

11. The courses of study for the new degrees took effect last session. By making use of existing material and postponing the new subjects to the second year, it was possible to get the LL.B. and Course C students started without any addition to the staff. Two men registered for the LL.B. - both M.A.s of McGill, engaged in teaching work in the city. This was wholly unexpected, and suggested a new source from which the number of students in our Faculty may be augmented, namely, graduates in Arts or Science who, from one motive or another, may wish to supplement their previous studies with a knowledge of legal principles. Two men and one woman registered for the combined LL.B. and B.C.L. (Course C), which was

optional last year and has since been made obligatory except ~~in~~ for graduates and returned soldiers. In addition to this two men presented themselves for the B.C.L. (Course B). This was embarrassing, as the program called for lectures in jurisprudence and common law which were not then available. However, I explained the situation to them, and they expressed themselves satisfied with my offer of tuition in these subjects. The result was that we started last session with a considerable accession of students attracted by the new courses.

12. The first year registration this year is phenomenal. It exceeds 80 and is not yet complete. The great majority is made up of men who mean to qualify for practice in this province. With regard to these the increase of numbers is abnormal and affords no indication of future advance. What is much more significant and encouraging is that eleven men have already registered for the B Course in the first year, and three in the second. They come from all over Canada and beyond. (Appendix B) Our Faculty has ceased to be a merely provincial institution. The success of the Common Law course seems assured. The LL.B. course, on the other hand, has not yet established itself in favour. The idea that law can be profitably studied by men who do not intend to practise is novel and has not yet taken hold of the public imagination, but it will do so. So far there has been this year only one entry for this course, the candidate being, like the two who entered last session, and who have passed into their second year, a schoolmaster engaged in educational work in the city.

13. I mentioned above as one of the essential conditions of efficiency in a law school that the students should give the whole of their time to their law school studies. This condition is present in the case of the Course B students and some of the students for the LL.B. Another condition was that the professors should give their whole time to the work as such. This is so entirely the case that the experience of the American law schools affords in the number of their whole time teachers an easy measure of the success and standing of a law school. I would almost venture to

say that the calculation may be reduced to a proportion in arithmetic. A law school with two full-time professors will be twice as efficient as a law school with one; a law school with four will be twice as efficient as a law school with two. Efficiency of course means, amongst other things, success in attracting students. Here again, provided conditions are favourable, one may expect an increase in students commensurate with the increase in the numbers of the professoriate.

14. I have said "provided conditions are favourable". This is an important qualification. One is dealing with factors which are largely unknown, but not wholly so. In the first place Montreal is the principal city of Canada. It has already something of the glamour of a capital. It is a pleasant place to live in. This is in our favour. Next; do the regulations of the Provincial Bar Association put obstacles in our way? Not seriously. In some provinces no objection would be made to students attending our law school during the course of their apprenticeship. It is not so in Ontario. There every student must be articulated in the province and must attend courses at Osgoode Hall during his apprenticeship. But in all the provinces the term of apprenticeship is reduced in favour of a graduate in any Faculty. Thus an Ontario ~~whom~~ student who had not previously graduated in Arts would have to attend the office for five years, during three of which he would attend classes at Osgoode Hall. By taking a degree at McGill he would reduce the term under articles from five years to three, so that in regard to the time spent in qualifying himself for practice the choice would be between six years with the McGill degree and five years without it. Once our law school is firmly established in public esteem, men will be willing to prolong their course of training by one year in order to take advantage of our courses and obtain our degree. Further, the declared policy of the Canadian Bar Association in favour of a free interchange of students between the several provinces will operate in our favour. I see, therefore, nothing to prevent us drawing upon the whole of Canada for our students. How far we shall do so will depend, not upon circumstances outside our control, but

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Appendix B

List of Course B Students
and places from which they come.

Session 1919-20

First Year

Amirkhanian, A	Armenia
Armstrong, T.A.	Barbadoes, B.W.I.
Boright, W.N.	Magog, P.Q.
Crosby, R.R.G.	Nova Scotia
Gibson, S.H.	Trinidad, B.W.I.
Hankin, F.	Montreal
Hartley, R.W.	British Columbia
Mackenzie, C.	New Brunswick
McLeod, R.	Nova Scotia
Parsons, R.A.	Newfoundland
Weisman, E.	Ontario

Second Year

McKeen, H.	Nova Scotia
Moscovich, M.E.	Alberta
Walker, B.	Bermuda, B.W.I.

copy
Faculty of Law
Committee and
Administration

March 31st, 1925.

Hon. Mr. Justice Greenshields,
Court House,
Montreal.

My dear Dean:-

I have your letter of yesterday with reference to a committee to make careful study of recent legislation affecting our Law course.

I quite approve of the membership of the committee named by you but I most respectfully suggest that you add to it another member of the active Bar. I believe in our keeping in the closest possible touch with the profession. I also believe that we must always have teachers on our staff who are also engaged in the active practice of the profession. May I also suggest that you name one of the younger and rising members of the profession. You know much better than I who are such.

Yours faithfully,

Principal.



March 30th, 1925.

My dear Mr. Principal :-

Referring to our conversation on Saturday morning, with reference to the new legislation affecting future law students of ours and other Faculties, I would suggest the appointment of a Committee to make a careful study of the legislation, having regard to its possible effect, and also having regard to the necessity of any changes in our Curriculum. If I may be permitted, I would suggest a Committee of five, composed of, Professors, Surveyer, Wainwright, Corbett, LeMessurier and myself. If you approve of the personnel of the Committee, and will communicate the fact to me, I will notify the members of the appointment, and will arrange for early meetings to consider the matter.

Yours sincerely,

R. A. Greenhalgh

General, Sir Arthur Currie,

Principal McGill University,

C i t y.

CHAIR OF CONSTITUTIONAL AND FEDERAL LAW.

FIRST YEAR

	<u>UNITS</u>	
Comparative Law (Jurisprudence)	2	(Yearly)
Criminal Law	2	

SECOND AND THIRD YEARS.

(a)

Admiralty, Merchant Shipping & Carriers	3)	
Principles of Insurance	2)	Alternate
Constitutional Law	2)	years.
Public International Law *	2)	

(b)

A selection of the following:

Trade Marks, Patents and Copyright (Exchequer Court Practice)
Comparative Legislation
Advanced Admiralty Law
Advanced Constitutional Law.

*(The suggested allotment of Public International Law to this chair is dependent on no other and more satisfactory arrangements being made.)

It is proposed, in addition to the regular courses now required for the B.C.L. degree, to institute the extra and advanced courses in Constitutional Law, Admiralty Law, the Law of Trade Marks, Patents and Copyright, (including Exchequer Court Practice) and in Comparative Legislation, above mentioned. A number of these special courses will probably be assigned to the chair of Constitutional and Federal Law. For the session 1924-25 a beginning will be made with two units in Advanced Constitutional Law.

March 21st, 1924.

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

Dear Professor Smith:-

After consideration of the questions involved by the abolition of the LL.B. course, I am prepared to recommend,-

(1) That the professorship of Jurisprudence and Common Law be suspended, with a view to replacing it at some future date by a professorship in some other subject.

(2) That the professorship of Constitutional Law be changed to the professorship of Constitutional and Federal Law.

The subjects for instruction in which the Professor of Constitutional and Federal Law would be responsible would be, generally speaking, the Law of the Constitution, and of the constitutions of other countries, so far as necessary or desirable, and such branches of law, subjects of Federal legislation, as may appear appropriate.

Professor H.A. Smith - 2 -

For the time being, and subject to minor changes, it is proposed that there be allotted the subjects shewn on the attached schedule.

I am prepared to recommend that you be appointed to this chair as professor at a salary of \$

Yours faithfully,

Principal.

CHAIR OF CONSTITUTIONAL AND FEDERAL LAW.

FIRST YEAR

	<u>UNITS</u>	HRS. PR. WK. PR. <u>YEAR.</u> HRS. PR.
Comparative Law (Jurisprudence)	2	(Yearly)
Criminal Law	2	

SECOND AND THIRD YEARS.

(a)

Admiralty, Merchant Shipping & Carriers	3)	1 $\frac{1}{2}$
)	
Principles of Insurance	2)	Alternate 1
)	
Constitutional Law	2)	years. 1
)	
Public International Law *	2)	1

(b)

A selection of the following:

Trade Marks, Patents and Copyright (Exchequer Court Practice)

Comparative Legislation

Advanced Admiralty Law

Advanced Constitutional Law.

* (The suggested allotment of Public International Law to this chair is dependent on no other and more satisfactory arrangements being made.)

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CHAIR OF CONSTITUTIONAL AND FEDERAL LAW.

FIRST YEAR

	<u>UNITS</u>		HRS per WEEK per year
Comparative Law (Jurisprudence)	2	(Yearly)	1
Criminal Law	2		1

SECOND AND THIRD YEARS.

(a)

Admiralty, Merchant Shipping & Carriers	3)		1½
Principles of Insurance	2)	Alternate	1
Constitutional Law	2)	years.	1
Public International Law*	2)		1

(b)

A selection of the following:

Trade Marks, Patents and Copyright (Exchequer Court Practice)
Comparative Legislation
Advanced Admiralty Law
Advanced Constitutional Law.

*(The suggested allotment of Public International Law to this chair is dependent on no other and more satisfactory arrangements being made.)

It is proposed, in addition to the regular courses now required for the B.C.L. degree, to institute the extra and advanced courses in Constitutional Law, Admiralty Law, the Law of Trade Marks, Patents and Copyright, (including Exchequer Court Practice) and in Comparative Legislation, above mentioned. A number of these special courses will probably be assigned to the chair of Constitutional and Federal Law. For the session 1924-25 a beginning will be made with two units in Advanced Constitutional Law.

McGILL UNIVERSITY
MONTREAL

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

746 UNIVERSITY STREET
TELEPHONE: UPTOWN 5920

21st September, 1921

The Principal
McGill University

Dear Principal:

In case the Governors should consider the advisability of appropriating any part of the Eddy bequest to the needs of the Law Faculty I am venturing to take this opportunity of laying before you--on my own responsibility only--a draft scheme for the organisation of our teaching on a fully whole-time basis. You will of course understand that in offering these suggestions I do not wish to disparage in the least ~~the~~ degree the work done by our part-time colleagues. No one is more conscious than myself of the debt which the University owes them. At the same time--putting personal questions apart--experience has now pretty conclusively proved that the reputation and efficiency of a law school suffer in more ways than one, if the staff are unable to give an undivided attention to the work of the school.

Finance naturally comes first. The stipends paid to the part-time staff will amount this session to \$8650. If we can add to this \$7350 from other sources, we should have a sum of \$16,000, which would provide for three chairs or lectureships at an average of \$5000 each, leaving a margin of ~~\$2000~~ \$1000 for occasional teaching on minor subjects by outside lecturers. I would suggest that the chairs should be entitled and the work distributed as follows:-

(1)-Gale Professor of Roman Law (now represented by Mr Rose): Roman Law, Quebec Real Property, and Quebec Legal History.

(2)-Professor of Civil Law:- The Code subjects of Persons, Obligations, Wills, Successions, Marriage Covenants, and some minor Code topics.

(3)-Professor of Criminal Law and Procedure:- Criminal Law and Procedure, Evidence, and Quebec Civil Procedure.

(4)-Professor of Commercial Law:- Corporations, Bankruptcy, Sales, Insurance, Shipping, and Negotiable Instruments.

(5)-Professor of Constitutional Law:- Constitutional Law, Public International Law, and a number of common law subjects.

(6)-Professor of Jurisprudence and Common Law:- Jurisprudence, Private International Law, and the remaining common law subjects.

The first four would not handle any common law subjects, except in so far as the Dominion law is uniform, and should be appointed from the Quebec Bar. The last two should be members of the Bar in some common law jurisdiction.

The first four would have about six or seven hours lecturing a week, and the last two seven or eight. Eight hours a week is considered on good authority to be about the maximum that is compatible with efficient teaching.

Certain subjects required by the Quebec Bar are assigned, as at present, to the two common law chairs. Approximately 75% of the total amount of teaching given in the Faculty would be in subjects required by the Quebec Bar. Perhaps I ought to make it quite clear that my proposals do not involve any increase in or further endowment of the common law teaching, but relate only to the course of study already prescribed for Quebec students.

I have confined my suggestions to what is immediately ~~prac-~~

practicable, and the scheme outlined in this letter covers the whole of the teaching as at present organised. But before concluding I should like to add that in my opinion a University holding the rank of McGill should contemplate in the early future the establishment of a chair of International Law, to be filled by a jurist of real distinction. For the present, however, this may be regarded as a luxury, and I do not include it in my scheme.

If only one or two additional chairs can be endowed, I would suggest that Civil Law should be given precedence, and that the second place should be assigned to Commercial Law. If you wish, I can calculate the figures involved in each case.

I have only ventured to trouble you with this long letter because it has occurred to me that, in determining questions of policy, it may be of assistance to yourself and the Governors to have before you in black and white a scheme covering the whole organisation of our teaching.

Sincerely yours

A. S. M. U.

Secretary of the Faculty

DEVELOPMENT OF THE LAW FACULTY

Without repeating the arguments used in previous letters and memoranda I would draw attention to the enclosed statistics and the analysis of inquiries recently received. The essential facts of the situation may be summarised as follows:-

(1)-So long as the Faculty is content to be a mere auxiliary to the Quebec Bar it must be content to remain a very minor part of the University. Although this work has been efficiently and faithfully performed, the limited aim has prevented the Faculty from arousing any interest or attaining any reputation outside the Province.

(2)-The action of the University in founding a common law course "designed to meet the needs of students who intend to practise law in a common law jurisdiction" (Calendar, p.260) implies an undertaking that the teaching given shall be adequate for that purpose and shall meet the usual requirements of the Bar in those jurisdictions.

(3)-The provision of a single professor is utterly insufficient for this, and we are compelled to omit the teaching of many subjects which are everywhere required by the Bar authorities.

(4)-The initial registration has been most encouraging, and the correspondence analysed elsewhere shews that there is a wide-spread demand for a common law education at McGill University.

(5)-Unless this demand is promptly met by sufficient and efficient teaching we will get the reputation of promising more than we can perform, and the new school will rapidly die out. The present opportunity is not likely to recur, and the Faculty will relapse into a position of obscurity with a purely provincial future before it. The injury done will not be confined to the Faculty, but will gravely affect the whole reputation of the University.

*Common to both
Civil & Criminal
Criminal Law
Law
Bills
Exchange
Bankruptcy*

(6)-It should be very clearly understood that the new development does not imply the least hostility to the teaching of the civil law and the preparation of men for the Quebec Bar. This work is and must remain the first charge upon the energies of the Faculty, and its efficiency should be stimulated by the presence of a strong common law school. The converse is also true --that the opportunity of studying the civil law at close quarters is one of the strongest attractions which we can offer to students from other jurisdictions. Each side of our work stands to gain by the efficiency of the other.

(7)-The position of Montreal gives us the opportunity of buiding up a law school in which both the civil law and the ~~XXXX~~ common law systems can be taught with the maximum of efficiency, as it will be possible to study them in actual operation side by side. If such a school is created, it will be absolutely unique in the world, and the possibilities arising from its development are almost incalculable.

29-9-20

HA Smith

15-12-1920

McGILL UNIVERSITY
MONTREAL

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

746 UNIVERSITY STREET
TELEPHONE: UPTOWN 5920

Dear Principal:

I enclose an extract from the minutes of our Faculty meeting of the 14th September. I understand that Professor Howard, when he expressed his wish for the strengthening of the Civil Law teaching, was referring only to an increase in the remuneration of the present staff. At the next meeting, held on the 8th October, he expressed himself as being strongly opposed to Dr Mackay's proposal for the establishment of a whole-time chair in Civil Law. The proposal, in which some of us would have concurred, was therefore not pressed.

Sincerely yours

W.A. Smith

STATISTICS

It should be clearly understood that, so long as the Faculty confined itself to training men for the Quebec Bar, it was a very small affair. Down to the beginning of the war the total number of students at any one time varied from 16 in 1886 to 102 in 1877. The average for the period 1904-1914 was 44.4.

Last session was abnormal, owing to there being a number of returned soldiers. The total was 134, of whom 87 were first year, 34 second, and 13 third. *The registration for this session is expected to be small.*

The number of students taking the common law course (B) was 14, of whom 11 were first year and 3 second. Two came from this Province, the remainder from British Columbia, Alberta, Ontario, New Brunswick, Nova Scotia (3), Newfoundland, Bermuda, Barbados, Trinidad, and Armenia.

7 students were taking the LL.B. course, which is intended as part of a general education for those who wish to study legal principles, but do not intend to practise. Five of these were of distinctly more than average ability, and belong to a type which it is most desirable to attract to the University. This side of our work cannot be properly developed with our present staff.

The common law course (Course B for the B.C.L.) and the LL.B. were first organised in 1918, and my own chair was not ~~established~~ established until 1919. Both ^(courses) are therefore in their infancy, and at present it cannot be honestly said that we give adequate instruction in either.

ANALYSIS OF INQUIRIES

The following analysis of letters found among the Dean's papers ~~xxx~~ or recently received by me will serve to shew the ~~xxx~~ widespread interest taken in the development of our common law teaching. This office has hitherto lacked a secretariat, and the Dean's papers are therefore incomplete in many respects, so it is probable that no record remains of many inquiries.

- 1.-W.H.Wynne, Hafford, Sask. B.A., Queen's. Wishes to practise in U.S.A.
- 2.-A.P.Shakery, Kamloops, B.C. Educated in England For B.C.Bar
- 3.-A.O.Potter, B.Sc. Asst. Prof. of Economics at Pennsylvania College, Gettysburg, Pa. For Ontario Bar.
- 4.-J.E.Porter, Andover, N.B. Has done two years law at Dalhousie, and wishes to complete at McGill
- 5.-D.K.MacTavish, Queen's Univ., Kingston, Ont. Wishes to practise in Ontario.
- 6.-N.Edwards, New York City. Wishes to practise in West Indies.
- 7.-M.MacDonald, Wolfville, N.S. General inquiry.
- 8.-J.E.Carberry. Student at Queen's. Wishes to practise in West Indies. Returned soldier (Imp.forces).
- 9.-A.A.Cphoon, Ottawa. Wishes to practise in Ontario.
- 10.-L.F.Callahan, Seattle ,Wash., U.S.A. Law student of the Univ. of Washington. Wishes to complete course and take degree at McGill.
- 11.-H.R.Codrington, New York City. General inquiry.
- 12.-W.M.Brandon, Hamilton, Ont. B.C.L., Trinity Univ., Toronto. Wishes to proceed to McGill D.C.L.
- 13.-R.D.Newsome, Charlottetown, P.E.I. General inquiry.

- 14.-E.D.Smith, St Thomas, Ont. Wishes to practise in Ontario.
- 15.-R.R.Parrot, Washington, D.C. In practice at Washington.
Desires McGill D.C.L.
- 16.-G.W.MacDonald, Campbeltown, N.B. General inquiry.
- 17.-H.G.Fox, Toronto. B.A.Toronto. In practice at Toronto.
Wishes to obtain McGill degree.
- 18.-R.Lett, Oxford, England. Rhodes scholar from B.C. Wishes
to practise in B.C.
- 19.-Miss ^{M.}Sim, Montreal. Wishes to take common law course as
part of a general education.
- 20.-A.Ram, Montreal. Wishes to practise in Nova Scotia.
- 21.-H.P.Mackeen, Halifax. B.C.L., McGill. Says that the N.S.
Bar will admit him, provided that he passes our examination in
certain subjects on which we do not lecture.
- 22.-E.M.Kojima, Tokio and Los Angeles. Member of legal firms in
Japan and U.S.A. Wishes to write on copyright for McGill de-
gree of D.C.L.

31-8-1920

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

MCGILL UNIVERSITY
MONTREAL

Cur. Oryan

746 UNIVERSITY STREET
TELEPHONE: UPTOWN 5920

Dear Principal:

At Judge Greenshields' request I ~~have~~ written him the letter of which I am now sending you a copy, together with some earlier papers bearing on the same subject. Perhaps you would be good enough to return me these at your leisure, as I have no other copies. They are probably already on the files of your office.

Very truly yours

Herbert A. Smith

31st August, 1920

Copy

Faculty of Law
McGill University
Montreal

The Hon. Mr Justice Greenshields
53 Simpson Street, Montreal

My dear Judge:

I am writing to you to suggest that you should call a Faculty meeting at the earliest opportunity in order to discuss the question, which has now become urgent, of making adequate provision for the Common Law side of our teaching during the coming session.

The situation at present is somewhat critical. In 1918 the Governors decided to extend the usefulness of the McGill Law Faculty by providing a course of study for students from the various common law jurisdictions, and in 1919 further effect was given to this decision by the appointment of myself to my present chair. Last session the Governors sanctioned the establishment of a second "full-time" professorship, and negotiations were opened with Professor I.S. Mackay of Saskatchewan, but circumstances arose which prevented any appointment being made before Dean Lee left for England.

I have called the situation critical, because it really amounts to this--that we have proclaimed to all the world our readiness to give an education in English Law before we are properly equipped for doing so. Obviously no one man can profess to cover so wide a field while maintaining the standards which a great university should require, and I am afraid that the world will not believe in our claims until they see that more adequate provision is made to meet them.

In the mean time inquiries are continually coming in from prospective students in all parts of this continent and in the

West Indies, who are anxious to know whether McGill can give them an education in English Law ~~provided~~ equivalent to that provided by other universities. At present it is very difficult to give them a satisfactory reply, and some of them are being lost to us in consequence. I fear that the opportunity presented by the present year may be very difficult to recapture at a later time.

There need be no fear that this new development will in any way compete with or diminish the importance of the civil law teaching which it is the primary function of our Faculty to supply to those students who are training professionally for the Quebec Bar. On the contrary, I believe that the presence of a strong common law school will be the greatest stimulus to these students and will give the keener men among them the opportunity of acquiring a much wider and deeper knowledge of legal principles than they could otherwise obtain. Similarly I am convinced that the opportunity here presented of studying the civil law system at close quarters should prove one of the chief attractions which we can offer to men from other jurisdictions.

I may sum up this letter in a word by saying that there is no use in doing things by halves. Unless we are prepared to offer to all comers a really first class education in English Law, it would be much better, in my opinion, not to have embarked upon this venture at all.

Very sincerely yours

H.C.S.

PS.-I am sending a copy of this letter to the Principal.

August
Nineteenth
1920.

Professor Herbert A. Smith, M.A.,
427 Elm Ave.,
Westmount, Que.

Dear Professor Smith:-

I beg to acknowledge
receipt of your letter of the 17th instant,
with memorandum attached as stated.

In connection with this, I
would be glad if you would call upon me at
my office as soon as convenient to yourself.
I shall not be leaving the city for some time
now. Some time during the forenoon would,
probably, be most convenient.

Yours faithfully,

Principal.

17-8-1920

Law Faculty
McGill University

Dear Principal:

I should be much obliged if you would be kind enough to look over the enclosed draft. The idea was suggested to me last session by some inquiries made by West Indian students, who were anxious to be able to obtain admission to ~~the~~ their local bar without having to eat dinners at the Inns of Court in London. The Law Faculty approved the draft at a meeting last April, but Lee decided not to circulate the letter to the various West Indian authorities until I returned from England and could deal with any correspondence that might arise.

Until a couple of years ago our Faculty hardly aimed at anything more than training men for the Quebec Bar. It was Lee's idea to make McGill a Dominion law school which should take the same place in Canada that Harvard does in the United States, and at his suggestion the Governors decided to found the chair which I now hold. Last session the Governors sanctioned his proposal for a second chair of English Law, but this has not yet been filled.

Whether the West Indies will respond to our advances remains to be seen, but if they are willing to work with us it should mean a considerable development for our Faculty. In view of the trade agreement just concluded at Ottawa I believe that the present moment is opportune for an effort on our part.

I am here for part of each day, and my house is at 427 Elm Avenue (Westmount 1248.W).

Yours very truly
Herbert C. Smith

, 1920

Faculty of Law
McGill University
Montreal, Canada

The Honourable the Chief Justice }
Attorney-General } of each Colony in the W.I.

Dear Sir:

From inquiries which have recently reached the Law Faculty of this University it appears that there are numerous students in the West ^{Indies and other British possessions} who would be anxious to avail themselves of the ~~own~~ course of legal study provided by McGill if they could be assured that it would facilitate their admission to the practice of law in their respective Colonies. I ^{have the honour} ~~am~~ therefore ~~directed~~ by the ~~Governors~~ to invite your attention to the scheme of legal education provided by this University in order that you may have an opportunity of considering how far it meets the requirements of the Bar in your Colony.

As you are no doubt aware, the law of the Province of Quebec is in part based on the civil law of France, and the Code of the Province is largely modelled upon the Code Napoleon. On the other hand the criminal law, the law of evidence, the law relating to negotiable ^{instruments} ~~evidence~~, and the bulk of the law governing ordinary commercial matters are substantially the same as the law of England. Montreal is therefore almost unique in the opportunities which it offers to the student of acquiring a working knowledge of the two principal systems of law now governing the civilized world, and it was this consideration which moved the ^{University} ~~Governors~~ in the summer of 1919 to institute a special course for the benefit of those students who desired to practise, not in this Province, but in jurisdictions governed by English law. In the opinion of the ^{Faculty} ~~Governors~~ the experience of this session has amply justified the new departure. Among those attending the course have been several students from the West Indies, and the ^{W.I.} ~~Governors~~ believed that it would be in the interest both of the Colonies and ^{of} the University if the McGill course of study were to be formally recognised as part of the qualification for admission to practice at the various Colonial Bars.

The courses of study, as at present arranged, may be briefly described as follows:-

The degrees granted in the Faculty are the LL.B., B.C.L., LL.M., and D.C.L. The two latter are for graduate students only, and are awarded upon the production of original work of sufficient merit.

The LL.B. is designed to supply a wide and sound education in law, both for those who do not intend to follow the profession, and for those who do. To the former class it offers as part of a general education a training in the methods of legal thought and affords the opportunity of studying legal science in relation to social and commercial life. ~~For the latter class~~ It is intended chiefly for students who are looking forward to a career in business, journalism, or public life. For the latter class--those who intend to practise law--the LL.B. ~~curriculum~~ curriculum provides a valuable course of preliminary study.

The course of study for the LL.B. degree extends over four years. The first two years are taken in the Faculty of Arts, ~~in~~ law being taken in the third and fourth years. I enclose a programme of the lectures which will enable you to appreciate the scope of the course. Under the heading "English Law" instruction is given in the principles of the law of Contracts, Torts, and Real Property, together with so much of legal history as is necessary to a proper understanding of those subjects. The lectures on Jurisprudence are delivered from the point of view of the English law.

For the degree of B.C.L. the Faculty provides three courses of study. Two of these (Courses A and B) extend over three years, and one (Course C) occupies four years.

Course A is primarily designed for those students who wish to practise law in the Province of Quebec, and might with advantage be taken by those who wish to be admitted to the Bar in St Lucia. It is open to students who have previously graduated in other faculties and to ~~retired~~ retired soldiers. Arrangements could probably be made for extending it to students from St Lucia who satisfy the requirements of the Matriculation Board of the University.

Course B is designed to meet the needs of those students who ^{wish to} practise law in a jurisdiction where English law prevails. It ^{is} is open to ^{all} ~~those~~ students who satisfy the requirements of the Matriculation Board. I invite your attention to the enclosed

time-table of the lectures for this course

The four year course (C) is intended for those candidates for the B.C.L. degree (other than Course B) students) who are ^{have} ~~not~~ ^{in other Faculties} neither graduated nor returned soldiers. It is unlikely that West Indian students will wish to take this course. Arrangements also exist for the combined study of the LL.B. and B.C.L. courses, but with the details of these I need not trouble you. The great majority of West Indian students ^{would} ~~would~~ probably wish to take either the B.C.L. (Course B) or the LL.B.

~~The registration fee in the Faculty of Law is \$5-00, and total fees for the session at present amount to \$37-00, which sum includes athletics and the Union. The question of raising the sessional fee is at present under consideration. The graduation fee is \$12-50.~~

In conclusion I would say that it is ^{our} ~~the~~ earnest desire of the ~~Governors~~ to see the Law Faculty of McGill University developed into a central school of law which shall fully meet the needs of students from all the British possessions in the New World. I should therefore greatly value any suggestions or criticisms from you which would assist the Faculty to render a greater service to the cause of legal education in the Empire, and any counsel which you may feel disposed to offer will receive the most careful consideration ~~from the Governors and from the Faculty of Law.~~

I am, Sir,

~~Yours faithfully~~

H.A.S.

^{Your obedient servant}
~~Secretary~~
~~Deeds~~ of the Faculty of Law

Distribution

To "The Honourable the Chief Justice" and ~~to~~ "The Honourable
the Attorney-General" at:-

Nassau, Bahamas

Bridgetown, Barbados

Hamilton, Bermuda

Georgetown, British Guiana

Belize, British Honduras

Kingston, Jamaica

St John's, Antigua, Leeward Islands ~~Port of Spain, Trinidad~~

Port of Spain, Trinidad

St George's, Grenada, Windward Islands

Castries, St Lucia, Windward Islands

Kingstown St Vincent, Windward Islands

General

November
Twentieth
1919.

Prof. Herbert Smith,
Faculty of Law,
746 University Street,
Montreal.

Dear Professor Smith:-

Confirming my message by
telephone yesterday, I have much pleasure in
approving of the appointment of Mr. Bernstein
to the Macdonald Travelling Scholarship awarded
to the student who attained the highest standing in
the examinations held in the year 1918.

Yours very sincerely,

Acting Principal.

MEMORANDUM.

The following message was given by telephone by Mrs. Lee on Novr. 19th. 1919.

The student who came out top 1918 examinations applies to be granted the Macdonald Travelling Scholarship and the funds are available for that, and the Law Faculty at its meeting on Thursday last, at which Dean Lee was not present, agreed to the application subject to the approval of the Acting Principal and Dean Lee.

They would be glad if Dean Adams would kindly give his authorization, as Mr. Bernstein wants to make his arrangements.

Dean Lee has approved.

November
Twenty-second
1919.

Prof. Herbert Smith,
Faculty of Law,
746 University Street.

Dear Sir:-

Please accept my best thanks for the copy of the Minutes of the meeting of the Faculty of Law held on November 13th, when I was in Ottawa.

I have noted the contents of these Minutes, and am returning the copy in case you may require it.

I have already written to you my formal approval of the appointment of Mr. Bernstein B.C.L. to the Macdonald Travelling Scholarship in respect to the year 1917-18.

Yours very truly,

FDA/MC.
Encl.

Acting Principal.

123
JAMES PARKER HALL, PRESIDENT
UNIVERSITY OF CHICAGO LAW SCHOOL, CHICAGO

HENRY CRAIG JONES, SECRETARY-TREASURER
UNIVERSITY OF ILLINOIS, URBANA

ASSOCIATION OF AMERICAN LAW SCHOOLS

EXECUTIVE COMMITTEE

PRESIDENT, EX-OFFICIO
SECRETARY-TREASURER, EX-OFFICIO
ARTHUR L. CORBIN,
YALE LAW SCHOOL, NEW HAVEN, CONN.
GEORGE G. BOGERT,
CORNELL UNIVERSITY, ITHACA, NEW YORK
THOMAS A. LARREMORE,
TULANE UNIVERSITY, NEW ORLEANS, LA.

Chicago, Dec. 16, 1922

Principal A. W. Currie,
McGill University,
Montreal, Canada.

My dear Sir:

Your letter of December 14 is received, and I shall be glad to present it to the members of the Association at its meeting the end of this month. Whatever their pleasure may be, we are much indebted to you for your courteous invitation.

Very sincerely yours,

JPHall
President

JPH:EHC

123

December
Fourteenth
1922.

Dear Professor Hall:-

On behalf of the Governors of McGill University I am writing to express the hope that the Association of American Law Schools may find it possible to hold its annual meeting at Montreal in December, 1923.

If this invitation should prove acceptable I need hardly say that we should be very pleased to put the University buildings at the disposal of the Association for the purpose of the meetings and to extend to all the members such courtesies as are in our power.

The Faculty of Law desires to associate itself cordially with this invitation, and we shall look forward with sincere pleasure to the opportunity of welcoming you if the Association finds it possible to accept our suggestion.

Yours faithfully,

Principal and Vice-Chancellor.

Professor James Parker Hall,
The Law School,
University of Chicago,
Chicago, Ill.

November
Twenty-eighth
1921.

Hon. Mr. Justice Greenshields,
Acting Dean, Faculty of Law,
McGill University.

My dear Dean:-

I am forwarding you herewith a copy
of a letter received to-day from Mr. W.D. Lighthall,
together with a copy of my reply thereto.

Yours faithfully,

Principal.

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February 1st. 1922.

My dear Sir Arthur :-

I am greatly indebted to you for your kind letter to Capt. Bradshaw. I am sure that it will be of use to me, and I greatly appreciate it.

I had an interview with Judge Lafontaine, Dean of the Law Faculty of the University of Montreal. He is entirely sympathetic and will gladly cooperate with McGill in any steps that may be taken to ameliorate or cure the present existing conditions. Judge Martin will see the Dean of Laval at Quebec and obtain support from there, if possible.

I have discussed the matter fully with Judge Martin and Judge Surveyer, and they know my views on the matter. I will be away, of course, when the meeting takes place, but Judge Martin will fully

November 12, 1924.

Hon. J.E. Martin,
374 Wood Ave.,
Westmount.

Dear Sir:-

At a recent meeting of the Faculty of Law it was decided to appoint a Committee to consider the question of optional subjects. I beg to advise that the following have named as members of this committee:-

Dean R.A.E. Greenshields (ex officio)

Professor J.E. Martin

Professor H.A. Smith

Professor E.E. Howard.

The Dean will act as convenor.

Yours faithfully,

Principal.



October 18th, 1924.

My dear Bovey :-

At a recent meeting of the Faculty it was decided to appoint a Committee to consider the question of optional subjects. The Principal was to name that Committee, and he asked me to suggest names. After consultation with some of the members of the Faculty I beg to submit the following:

Professor J. E. Martin
" H. A. Smith
" E. E. Howard

I will act with the Committee, as ex-officio, if it meets with the Principal's approval.

Yours sincerely,

R. A. Greenfield

Colonel Bovey,

Principal's Office,

McGill University,

C i t y.

January 3rd, 1924.

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

Dear Mr. Vice-Dean:-

I have given careful consideration to your letter of December 12th and to the proposal for a Summer School which you have there outlined.

I feel quite sure that the course would be an extremely interesting one, but I am not yet quite convinced as to its drawing power and would like to talk it over with people more in touch with the sources from which you might expect to obtain students.

There is, however, another point, and that is we must, I think, be prepared to find accommodation for students attending courses here, and we shall be hard put to it to get enough room for those coming for the French School. Macdonald is going to be full by reason of their own summer courses so that we cannot look for any help from them. Taking all this into consideration, while I do not wish you to think that the project is definitely set aside, I feel that it will be impossible to make arrangements this year.

Yours faithfully,

Principal.

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW
OFFICE OF THE DEAN

12th December, 1923.

*done
hand full
McNeill*

The Principal,
McGill University,
Montreal.

Dear Mr. Principal,

In accordance with your suggestion I have drafted a rough scheme for a summer school, the general title of which would be "Canadian Government and Economics".

The scheme covers five weeks, of which four would be devoted to lecturing and one to examinations. In each of the first four weeks there would be three hours lecturing on five mornings, with one lecture on Saturdays - a total of sixty-four (64) lectures. The remainder of the time would be devoted to private reading, informal discussion, and recreation. I do not think it would be wise to overload the course with lectures.

Apart from administrative expenses, the cost of instruction at \$25 per lecture would amount to \$1600, which would be met by forty students paying \$40 each. At this rate about sixty students should make the venture self-supporting, and the cost would, I think, be low enough to attract a fair number. It amounts to \$8 a week in addition to the cost of living.

The draft scheme of lectures is only a suggestion, and doubtless admits of considerable improvement.

Faithfully yours,

HA Smith

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW
OFFICE OF THE DEAN

12th December, 1923.

Scheme of Lectures.

<u>Subjects.</u>	<u>No. of Lectures.</u>
History of French Canada to 1763	4
General History of Canada	12
Constitution and Government	16
Foreign Relations	4
Social & Industrial Problems:-	
Immigration	
Education	
Labour Disputes & Arbitration	
Transportation	8
Economic Resources:-	
Agriculture	
Fisheries	
Forests	
Minerals	
Water Power	12
Banking and Public Finance	4
Geography	<u>4</u>
	<u>64</u>



Sept. 11th, 1924.

My dear Mr. Principal :-

The enclosed is a copy of a letter which I propose to send to Professor Smith, if it meets with your approval. I will not, however, send it to him until I hear from you. I will telephone you in the morning.

Yours sincerely,

R. A. Greenshield

General Sir Arthur Currie,
Principal McGill University,
C i t y.

Enclos.



November 14th, 1924.

My dear Mr. Principal :-

I have yours of the 12th instant, informing me of your choice of the Committee to consider the question of optional subjects. I shall take the matter up at once, and call the Committee together to consider the matter carefully.

With kind regards,

Yours sincerely,

A handwritten signature in cursive script, reading "R. H. French", with a decorative flourish underneath.

General, Sir Arthur Currie,

Principal McGill University,

C i t y.



Nov. 12th, 1925.

My dear Mr. Principal :-

With further reference to my letter to you of yesterday's date, I wish to state that I omitted to refer to the concluding paragraph of your letter of the 10th instant. I quite agree with you, that a petition would carry much more weight "if endorsed by the Law Faculties of the Universities, rather than as a petition from a Student body". I may say, that I have discussed this whole matter on more occasions than one with the Dean of the Law Faculty of the University of Montreal, with a view to a united action. He did not, however, see his way to move at the present time. Had he consented, I would have at once brought the matter up before our Faculty. I may tell you that I consider the petition as but a very thin end of the wedge. My hope is, sometime, to have our degree of B.C.L. accepted as an Admission to Practice, without further examination. You will understand that where students do not go forward to the degree of B.C.L. at our University, but follow an office for five years, an examination must take place. In my opinion, the final examination in our Faculty for the



2.

degree of B.C.L. is much more thorough and exhaustice, and a very much better test of a student's knowledge of the law than the semi-annual, ofttimes ill-prepared and ill-digested, examination submitted by the "learned men of the East", composing the Examining Board of the Council of the Bar, and I shall not cease to endeavor to get the Bar Act amended in that sense. I admit that I am not altogether hopeful of any success. With all respect, I am not free from the idea that these semi-annual Bar examinations, accompanied by the student-payment of substantial fees which enable the Examining body to indulge in semi-annual "junketings" to various parts of the Province of Quebec, may seriously obstruct the bringing about of what I desire, and which desire is abundantly shared by some, if not many, of the members of the teaching Staff of our Faculty.

The petition in question was prepared by Mr. Justice Rinfret of the Supreme Court, who is, as you know, one of our Professors. It was signed by Mr. Justice Surveyer, another Professor, who added his qualifications as a Judge of the Superior Court and a Professor of the Law Faculty of McGill. Neither Mr. Justice Rinfret



3.

Surveyer nor myself undertook to speak for any one but ourselves. So far as I am concerned, I propose to attach to the petition a statement, that my signature is an evidence of my individual opinion and desire, and, as I said in my former letter, is in no way an expression of desire or opinion emanating from the Faculty.

I will, as I said in my former letter, take an early opportunity on my return from Quebec to see you personally.

With kind regards,

Yours sincerely,

A handwritten signature in cursive script, which appears to read "R. P. F. Shields", is written over the typed name "R. P. F. Shields". The signature is written in dark ink and is quite fluid.

Sir Arthur Currie,

Principal McGill University,

C i t y.



Nov. 18th, 1925.

My dear Sir Arthur :-

I am enclosing you herewith a translation
of the Petition about which we have corresponded.

Yours sincerely,

A handwritten signature in cursive script, which appears to be "J. H. French", is written over a horizontal line.

Sir Arthur Currie,

Principal McGill University,

City.

Enclos.

To the Batonnier General, and the Members of the
General Council of the Bar of the
Province of Quebec.

The humble petition of the undersigned
respectfully represents:

1. That they are law students, and are desirous
of completing their studies in the science of law to
the end that they may qualify to become members of the Bar.

2. That since a certain number of years the custom
followed has been, that a student in order to be admitted
to the practice of law, should pass an examination before
a Committee of the Bar upon all the different matters
and subjects which form the different branches of the
law of the Province.

3. That since a certain number of years the courses
of study in the different Universities have been considerably
raised. The Law courses have been improved and have been
followed more studiously than heretofore, due largely to
strict regulations, both as to courses of study and
examinations.

4. That the Faculties of Law exact from the students
a certain maximum of points on all subjects before he
can obtain his degree of Bachelor of Law.

5. That except in the case of certain students, the
regulations of the Bar require a degree before the student
can proceed to his final examination for Admission to
practice.

6. That the undersigned are of opinion that in the
interest of the Bar, as well as that of the student, it
would be advisable to so modify the regulation with
respect to the final examination, that the student who had

2.

submitted to and successfully passed the University examinations on all secondary subjects, to wit, Roman law, Constitutional law, International law, Legal history and Municipal law, and who had obtained his degree, should not be further submitted to an examination by the Bar, except upon the principal subjects, to wit, the whole body of Civil law, Civil procedure, Criminal law, Commercial law and Maritime law.

And your Petitioners are of opinion that both the Bar and the student would gain thereby.

The student, because thereby he would be relieved from a number of subjects which, although having a certain importance in the study of law, a profound knowledge of the same is not of the same value as a knowledge of the principal subjects above mentioned.

Moreover, the student would have more time to devote to the study of our law, properly speaking, and would thereby be in a better position to prepare himself for his final examination.

The Bar, on its part, would find its interest in changing the system, and would be enabled to make a more thorough examination of the student on the more important subjects.

The Bar examination being had only upon the principal matters, could, and would be more exhaustive and thorough, and thereby more effectively testing the qualification of the candidate to the extent of his knowledge of the law.

For these reasons the undersigned humbly pray, that the present petition be given serious consideration;

3.

that a report be made to the Attorney General of the decision arrived at with respect to the said petition, and the hope is expressed, that the Bar Act will be amended at the next Session of the Legislature to the effect, that from and after the first of July, 1926, the examination for Admission to practice law for such candidates as hold a University diploma will take place only upon the following subjects:

Civil law
Civil procedure
Criminal law
Commercial law
Maritime law

And your Petitioners as in duty bound will ever pray.



Ottawa, Ont.,

9th December 1919.

Dear Sir, -

I beg to acknowledge your letter of the 8th instant, together with memorandum concerning the Law Faculty of McGill University, and to say that ^{the} same will be placed before the Prime Minister on his return to the city.

Very truly yours,

George Duskard
Associate Private Secretary.

Professor Frank D. Adams,
McGill University,
Montreal.

December
Eighth
1919.

Rt. Hon. Sir Robert L. Borden,
Ottawa, Ont.

Dear Sir:-

I have the pleasure of enclosing
herewith a memorandum concerning the Law Faculty
of McGill University; its past, present and future,
which has been submitted to me by the Dean of the
Faculty, Dr. Robert W. Lee.

Yours very sincerely,

Acting Principal.

Also sent to:
Sir Auckland Geddes,
Richard B. Angus Esq.,
Sir Thos. Roddick,
F. Howard Wilson Esq.,
Sir Vincent Meredith, Bart.,
Sir Herbert S. Holt,
J. K. L. Ross Esq.,
F. W. Molson Esq.

TO THE FINANCE COMMITTEE:

I desire to recommend for your approval the following scale of remuneration to those members of the Bar of the Province of Quebec who teach in the Faculty of Law:

<u>Subject</u>	<u>No. of Lectures</u>	<u>Remuneration if given by Professor</u>	<u>Remuneration if given by Lecturer</u>
Roman Law	100	\$2,400. <i>fee</i>	\$1,500.
Civil Law, Real Property, etc.	50	1,200. <i>master</i>	750.
Private International Law	25	600.	375.
Persons and Civil Procedure	125	3,000.	1,875.
Obligations	50	1,200.	750.
Criminal Law	50	1,200.	750.
Company Law	25	600.	375.
Law of Evidence	25	600.	375.
Marriage Covenants, Lease, Hire, Prescriptions, Minor Contracts	50	1,200.	750.
Commercial Law, Bills of Exchange, Banking, Merchant Shipping and Carriers	25	600.	375.
Wills, Substitutions, Successions, Gifts inter vivos	25	600.	375.
Commercial Law Covering Insurance, Sales of Moveables	25	600.	375.
Municipal Law Parochial Law	25	600.	375.
Mandate, Partnership Legal History	50	1,200.	750.

English Law and Jurisprudence ----- These are now delivered and probably will be by full-time Professor.

Public International Law is covered, and probably always will be, by full-time Professor.

This will increase the annual expenditure by \$ 3750. over last year. On the other hand the fees this year show an increase of \$ over last year.

66

RECEIPTS AND DISBURSEMENTS.

FACULTY OF LAW.

For the year ending June 30th, 1920.

RECEIPTS.

Balance on July 1st, 1919.			\$	18.05
Income from the following funds:-			\$	987.50
Macdonald Auxilary Fund			\$	987.50
" Endowment	\$232,500.	13,-		252.50
" Travelling Scholarship				
in Law (part year)	20,000.	1,-		244.00
Agnes L. Gale Fund	25,000.	1,-		555.00
Elizabeth Torrance Medal Fund	1,125.			69.98
Alex Morris Exhibition	1,000.			62.20
Faculty of Law Endowment	91,400.	5,-		685.08
				<u>\$22,856.26</u>
 Fees:-				
Sessional			\$11,751.25	
Law Undergrad. Soc.			124.70	<u>\$11,875.95</u>
 Gift:-				
Junior Bar Assoc. for Prize.			15.00	
Montreal Bar for Prize			50.00	<u>65.00</u>
Text Book Lending Library				118.50
Deductions from Caution Money				5.50
Advances to Special Funds				<u>6.00</u>
				<u>\$34,945.26</u>

the year 16000

RECEIPTS AND DISBURSEMENTS.

FACULTY OF LAW.

For the year ending June 30th, 1920.

DISBURSEMENTS.

Salaries for Instruction and Deanship.	\$16,858.26	
Invigilation of Examinations	121.00	
Janitors and Cleaning	239.53	
Repairs and Improvements	226.64	
Furniture	76.40	
Library Shelving 1920-21	139.29	
Improvements:- Alterations to building	45.72	
Light and Heat	448.10	
Insurance	39.08	
Water	90.00	
Books, Periodicals and Binding	973.62	
Text Book Lending Library	287.22	
Care of Books in Library	1,055.50	
Printing	91.48	
Stat'y and Postage	103.13	
Scholarships and Prizes	756.03	
Morris Exhibition	50.00	
Macdonald Travelling Scholarship in Law	1,250.00	
Montreal Bar Prize Prize	50.00	
Junior Bar Prize	15.00	
Travelling Expenses	752.00	
Miscellaneous	213.84.	<u>\$23,881.84</u>
Law Undergrad. Soc.		115.00
Mrs F. P. Carvell (annuity)		1800.00
Revenue Capitalized		8600.00
Unexpended balances of special funds		91.88
Bal. carried forward to 1st. July, 1920.		456.54
		<u>\$34,945.26</u>

66

MCGILL UNIVERSITY
MONTREAL

1st December, 1920

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

746 UNIVERSITY STREET
TELEPHONE: UPTOWN 5920

LECTURES IN NOTARIAL LAW

At its meeting on the ~~21st~~ 30th November the Faculty considered the petition of the notarial students asking that special provision should be made for their needs.

The Faculty were of opinion that these students should be exempted from attendance at the lectures on Civil Procedure, and that the Governors should be asked to sanction the provision of lectures on School and Parish Law, Redaction des Actes, and the Liabilities of Notaries.

Subject to the approval of the Governors the Faculty appointed a Committee consisting of Professors Surveyer, Howard, and Smith to advise upon the appointment of a lecturer and to arrange all necessary details. It was anticipated that the provision of about twenty-five or thirty lectures in alternate years would meet the special needs of the notarial students.

W.A. Smith

Secretary of the Faculty

FACULTY OF LAW

Lectures for the B.C.L., Course "B"

The arrangements for the present session are provisional, as Dr Mackay did not join the Faculty until the middle of October. The remarks which follow are therefore based upon the permanent curriculum intended to come into operation next session. It will be understood that some details as to the hours of work and the distribution of lectures among the professors cannot be finally settled at present.

The lectures to be delivered by myself every year will be about 125-140 in number. Of these about 40 (those on Jurisprudence and Comparative Law) will be for all students, both civilians and common lawyers. The remainder (those on Contracts and Torts) will be for common lawyers only.

In addition I will give about 40 lectures in alternate years on Pleading and Procedure, which will be for common lawyers only.

The lectures to be delivered by Dr Mackay annually will be about 50 in number, covering Legal History (British and Canadian) Real Property, and Land Titles. These will all be for the common lawyers.

The rest of his lectures will be given in alternate years. In one year he will deliver about 25 lectures on Public International Law for all students. In the other year he will give about 125 lectures on Constitutional Law, Mortgages and Suretyship, Wills and Administrations, and Equity. Of these the 50 lectures on Constitutional Law will be for all students.

The result may be thus summarised:-The total number of lectures to be delivered ^(by us) in two years will be about 550, of which about ~~150~~¹⁶⁰ will be for all students and the remainder for the common lawyers only.

It would also be possible for us and for Dean Lee, if he returns, to take on some of the lectures now entrusted to other lecturers on subjects in which the law is common to the whole Dominion or practically so. These subjects would be Shipping and Carriers, Insurance, Negotiable Instruments and Banking, and Private International Law. These subjects are all lectured on in alternate years, and the present cost of them to the Faculty amounts to \$1125-00 in the two years. *All these lectures are for all students.*

Dr Mackay's lectures on Constitutional Law were formerly given by Dean Lee, who also gave private instruction last year to a couple of students ^(the English law of) on Real Property. Apart from that no provision has hitherto been made for the subjects on which ~~Dr. Mackay~~ will lecture, nor for the lectures on Pleading and Procedure which I will deliver. In future it will always be essential that our lecturer on Real Property should be familiar, as Dr Mackay is, with the law of Western Canada.

From what I have said it is obvious that we have not hitherto been able to offer an efficient course of instruction in English law, and our registration for this course has naturally been extremely small. In the future I believe that our course will be the best in Canada, provided our standard of teaching is sufficiently high. Professor Falconbridge of Toronto admitted to me the other day that our course was much ^{more comprehensive} ~~better~~ than that given by Osgoode & Hall. The new development has already excited much interest. The outline of our curriculum published in the "Gazette" of the 1st November was widely reproduced in Western Canada, and the current issue of the "Canadian Law Times" contains a paragraph of cordial congratulation to McGill upon its decision. It is therefore reasonable to expect that there will be a considerable registration for the "B" course next session, and in the

future the growth of the Faculty will depend upon the reputation which we may acquire.

At present there are 20 students taking this course, each of whom pays \$100-00 per session in fees. The fee paid by the "A" students is \$150-00.

If it were decided to have another full-time professor in civil law it would be possible to assign to him work which costs about \$2000 or 2250 at present rates or \$2750-3000 if the rates are raised by ~~\$5~~ \$5 a lecture.

15th December, 1920

H.A. Smith

McGILL UNIVERSITY
MONTREAL

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

746 UNIVERSITY STREET
TELEPHONE: UPTOWN 5920

Extract from the minutes of the Faculty, 14th September, 1920:—

The Faculty again discussed the question of an appointment to the new Chair of Constitutional Law. After prolonged consideration the following ^{resolution} ~~motion~~ was adopted on the motion of Professor Marler, seconded by Professor Surveyer:—

"In view of the recommendation of Dean Lee the appointment of Dr Mackay as Professor of Constitutional Law is approved by this Faculty. At the same time the Faculty desires to draw the attention of the Governors to the difference between the remuneration offered to Dr Mackay and that received by the Civil Law Professors, since this difference will tend to make more difficult the replacement of Civil Law Professors as future vacancies occur."

Professor Howard desired that his dissent from the resolution should be recorded ~~upon~~ the ground:—

"That the teaching of the Civil Law has not yet been sufficiently strengthened to warrant the appointment of another Common Law Professor."

There were present at the meeting:—The Acting Dean, Professors Marler, Howard, Surveyer, Smith, and Martin.

Certified true copy

HA Smith

15th December, 1920

Secretary of the Faculty

66

The following is an extract from "The
(December, 1920)
Canadian Law Times" :-

" It is with great pleasure that we announce that the Law Faculty of McGill University has completed a three-year Curriculum in English Law. It is intended to be a counterpart of the Curriculum on Civil Law, which has so long contributed to the advantage of the Students of Quebec and made McGill University quite famous. It is only right that in a British country such a University as McGill should have its leading feature the exposition and teaching of the great principles of English Law as we have them embodied in the Common Law of England and in the Equity Jurisprudence which has, within the last couple of centuries, grown up as an adjunct of the Common Law and as an ameliorative of some of its harshnesses and injustices.

" We congratulate McGill University on this new development and wish it every success-- a success which is almost certain to be achieved so long as the chair of Constitutional Law is held by men of the character for learning and ability of Doctor Mackay. "



December 22nd, 1920.

Sir Arthur Currie,
Principal,
McGill University,
Montreal.

My dear Sir Arthur Currie:-

In the course of our conversation of a week ago with regard to the curricula in the Faculty of Law, I stated that the General Council of the Bar of this Province had included in the course of study for those seeking admission to the practice of Law a course on the English Common Law, concerning which you desired more exact information. I have looked the matter up and find the case to be as follows:-

By-Laws Nos. 51 to 54 inclusive of the Bar of the Province of Quebec determine the curriculum to be followed by Universities and Law Schools undertaking the teaching of candidates for the practice of Law. By-Law 52 deals with the course of study. During the session 1916-17, the following paragraph was added to By-Law 52:

"Comparative Law: 30 lectures.

This course comprises a concise enquiry into the English common law, and a general knowledge of the main principles underlying the civil and commercial laws of the other Provinces of Canada."

This subject of Comparative Law was also inserted in By-Law 46, dealing with the examination for the practice of law and the amount of marks to be given to each subject, but by a footnote it was provided as follows:-

"Subsection 9 of section 46 and the last subsection of section 52 of the By-Laws of the Bar (1917) respecting Comparative Law will be in force only when the universities shall have established and given such course in Comparative Law."

This, to my mind, shows that our French-Canadian confrères are fully alive to the importance to a Quebec lawyer



2.

of having a general knowledge of the Common Law, particularly as developed in the other Provinces of Canada, for this action on the part of the General Council of the Bar was taken, as far as I know, without any prompting from our Faculty or from the English members of the Bar. I have very great doubts that, if our Faculty had endeavoured to give them a lead in this direction, it would have met with success.

We, of course, met the situation promptly by putting on a course on the Common Law.

For your more complete information I enclose herewith a copy of the Bar Act and the By-Laws of the Bar as they stood on the 25th October, 1917, in which I have marked those hereinbefore referred to.

Yours faithfully,

E. Edmund Howard.

Faculty of Law,
McGill University,
Montreal, Canada,
August 21, 1920.

Dear Sir:-

From inquiries which have recently reached the Law Faculty of this University, it appears that there are numerous students in the West Indies and other British possessions who would be anxious to avail themselves of the course of legal study provided by McGill if they could be assured that it would facilitate their admission to the practice of law in their respective Colonies. I have the honour, therefore, to invite your attention to the scheme of legal education provided by this University in order that you may have an opportunity of considering how far it meets the requirements of the Bar in your Colony.

As you are no doubt aware, the law of the Province of Quebec is in part based on the civil law of France, and the Code of the Province is largely modelled upon the Code Napoleon. On the other hand, the criminal law, the law of evidence, the law relating to negotiable instruments, and the bulk of the law governing ordinary commercial matters, are substantially the same as the law of England. Montreal is, therefore, almost unique in the opportunities which it offers to the student of acquiring a working knowledge of the two principal systems of law now governing the civilized world, and it was this consideration which moved the University in the summer of 1919 to institute a special course for the benefit of those students who desired to practise, not in this Province, but in jurisdictions governed by English law. In the opinion of the Faculty, the experience of this session has amply justified the new departure. Among those attending the course have been students from the West Indies, and it is believed that it would be in the interest, both of the Colonies and of the

University if the McGill course of study were to be formally recognized as part of the qualification for admission to practice at the various Colonial Bars.

The courses of study, as at present arranged, may be briefly described as follows:

The degrees granted in the Faculty are the LL.B., B.C.L., LL.M. and D.C.L. The two latter are for graduate students only, and are awarded upon the production of original work of sufficient merit.

The LL.B. is designed to supply a wide and sound education in law, both for those who do not intend to follow the profession, and for those who do. To the former class it offers as part of a general education a training in the methods of legal thought and affords the opportunity of studying legal science in relation to social and commercial life. It is intended chiefly for students who are looking forward to a career in business, journalism or public life. For the latter class- those who intend to practise law- the LL.B. curriculum provides a valuable course of preliminary study.

The course of study for the LL.B. degree extends over four years. The first two years are taken in the Faculty of Arts, law being taken in the third and fourth years. I enclose a programme of the lectures which will enable you to appreciate the scope of the course. Under the heading "English Law" instruction is given in the principles of the law of Contracts, Torts and Real Property, together with so much of legal history as is necessary to a proper understanding of these subjects. The lectures on Jurisprudence are delivered from the point of view of the English law.

For the degree of B.C.L. the Faculty provides three courses of study. Two of these (Courses A & B) extend over three years, and one (Course C) occupies four years.

Course A is primarily designed for those students who wish to practise law in the Province of Quebec, and might with advantage be

Taken by those who wished to be admitted to the Bar in St. Lucia. It is open to students who have previously graduated in other faculties. Arrangements could probably be made for extending it to students from St. Lucia who satisfy the requirements of the Matriculation Board of the University.

Course B. is designed to meet the needs of those students who wish to practise law in a jurisdiction where English Law prevails. It is open to all students who satisfy the requirements of the Matriculation Board. I invite your attention to the enclosed time table of the lectures for this course.

The four year course (C) is intended for those candidates for the B.C.L. degree (other than Course B Students) who have not graduated in the other Faculties. It is unlikely that West Indian students will wish to take this course. Arrangements also exist for the combined study of the LL.B. and B.C.L. courses, but with the details of these I need not trouble you. The great majority of West Indian students would probably wish to take either the B.C.L. (Course B) or the LL.B.

In conclusion I would say that it is our earnest desire to see the Law Faculty of McGill University develop into a central School of Law which shall fully meet the needs of students from all the British possessions in the New World. I should, therefore, greatly value any suggestions or criticisms from you which would assist the Faculty to render a greater service to the cause of legal education in the Empire, and any counsel which you may feel disposed to offer will receive most careful consideration.

I am, Sir,

Your obedient servant,

Report of Committee on Legal Education

Your Committee has been so recently appointed that it does not intend to do more than submit, for the consideration of the Association, certain general propositions. Legal education falls within the statutory jurisdiction of the Law Society, and therefore it would be an assumption for this Association to do more than give its views and pass them on for the consideration of the Benchers.

For some time it has been apparent to members of the profession that we should endeavour to bring our Law School to such a state of perfection as will make it the equal of any other great schools in other jurisdictions. During the anxious years of the war, we were forced to mark time, but now that the attendance in the school has grown, and with it have come surprising revenues, we should no longer delay in making a careful survey and in seeking reforms and in bringing them about. Our desire should always be to improve our profession, and we must not object to give the students who follow us, advantages and inspiration which it was not our good fortune to enjoy.

XX
It is a matter of more than passing interest, that McGill University is on the eve of establishing a complete course in the principles of English-law, and proposes to attract students from the eight other provinces of Canada. McGill's aim is to set up a national school of law, which will serve in the fullest manner the legal needs of the Dominion. The following objects are set down by the Secretary of the Faculty, in a recent magazine article:- (*Can. Law Times, Jan. 1921*)

- (1) To provide a sound professional training for the practising lawyer, whether he is going to practise in Quebec or elsewhere;
- (2) To meet the needs of that growing body of men and women, who do not intend to practise law, but wish to acquire a sound knowledge of legal principles as part of their education for business, journalism or public life;
- (3) To encourage the pure scholar and research student, leading to the development of a great legal literature in Canada;
- (4) To make McGill the focus of the best legal thought in Canada, to which all may turn with confidence who wish to obtain the most accurate and scholarly opinion procurable on any problem; and (5) To stimulate other law schools and universities in a rivalry of zeal in the service of Canada, - McGill has recently added to its staff, Professor

Ira Allan Mackay M.A., L.L.B., Ph.D. formerly an instructor in Alberta, to be professor of Constitutional Law.

X McGill is giving us an example and a challenge, which we in Ontario cannot afford to ~~disregard~~ disregard. Osgoode Hall has been an Alma Mater to many law students from the four Western provinces, and there is no reason why, with a better equipped staff and a well considered curriculum, she should not continue to be the chief centre of legal education in Canada. The following matters are therefore commende to the Association for careful consideration:-

- (1) Make the basis of entrance to the Law School and Arts degree from a standard university.
- (2) The Law Society should seek statutory power to enable ^{grant to} it to graduate students of the law school, ordinary degrees such as LL.B. (Bachelor of Laws) B.C.L. (Bachelor of Civil Law) LL.M. (Master of Laws) and the honorary degrees of LL.D. (Doctor of Laws) and D.C.L. (Doctor of Civil Law).
- (3) The time seems to have come when the teaching in the Law School should be done by professors who will give their main attention to their law lectures and the examinations of students. They should not engage in general practise, but should be allowed and encouraged to give legally opinions when specially consulted, and they should receive salaries sufficient to attract men of first rate ability and good standing in the profession. Occasional lectures on certain practical subjects might still be given by qualified men who are in active practise. The professors should also be the examiners.
- (4) The question of improving the curriculum, and in this connection of joining with the Legal Education Committee of the Canadian Bar Association, in seeking the adoption of a uniform ~~xx~~ curriculum to be used by all the common-law provinces, should be taken up. Provision should be made for certain courses of post-graduate work in the Law Schools, ~~for those students who are willing to continue their studies~~ with the object of securing a degree in addition to the mere qualification for practice, or for those who do not intend to practise at all.
- (5) The method of study ought to receive further examination and consideration, as to whether it should be based on our present ~~xxx~~ text-book system, or on the case-law mode which is being employed at Harvard and other Law Schools, or whether a judicious combination of these two

would not give the best results.

(6) The scholarship and other rewards in the Law School might be based on a requisite standing in the general classes coupled with a certain amount of ~~xi~~ original work in one of a series of named branches of the law, taking the form of a thesis or legal review. It might be a condition of the reward that the student winning it should, with the value of the scholarship, undertake an extra year or two of post-graduate work, either in our own Law School or in some other well-known Law School.

(7) Should the period of office attendance be separated from and subsequent to the Law School course? It is claimed by some, and with a good deal of reason, that the attempt to combine the two forms of study is disastrous to both, and that a man who has paid proper attention to his academic course will get as much good out of one year in the office as he would otherwise get in three.

All of which is submitted,

R.J. MacLennan (Convener)

M.H. Ludwig.

W.F. Kerr.

9th February, 1920.

COPY



CABINET DU RECTEUR

Montreal, March 14th 1922.

Sir Arthur Currie,
Principal, McGill University,
Montreal.

Dear Sir Arthur,

Replying to your letter of the 14th inst.,
I am pleased to let you know that we accept your invitation most willingly and that Montreal University has nominated as its representatives : Canon Emile Chartier, President of our Matriculation Board; Hon. Mr. Justice Demers and Mr. Antonio Perrault of our Law Faculty.

Believe me,

Yours truly,

A handwritten signature in cursive script, likely belonging to the Rector of the University of Montreal.

Rector.

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+



Quebec Seminary, March 14, 1922.

Sir A. W. Currie,
Principal,
McGill University,
Montreal.

My dear Rector;

In reply to your letter of the fourth instant, I have the honour to report that Laval University has nominated as its representatives, to meet the council of the Bar, the Hon. Mr. Justice Dorion and Professor Roy.

I have sent the names of those representatives to the Hon. J. E. Gervault, Babonier-General of the Bar.

Yours truly,
L. N. Gariépy Sec
R. U. L.



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MINISTER'S OFFICE,
DEPARTMENT OF COLONIZATION, MINES & FISHERIES,
PROVINCE OF QUEBEC.

QUEBEC, March 10th 1922.

Sir A.-W. Currie,
Principal,
McGill University,
Montreal.

Sir,

I beg to acknowledge receipt of your letter of the 4th instant and to say that I expect to be in a position during the early part of April to name a date at which it will be possible for the Members of the Council of the Bar to meet with the representatives of the Law faculties of the University.

Yours sincerely,

J. E. Lorrain

To Prof Smith,

*For your information
and return please,*

A. W. Currie

11/3/22

Chas. Chesley

Noted & copied

H. Smith

13-3-1922

April
Thirteenth
1922.

Hon. Mr. Justice Martin,
Judges' Chambers,
Court House,
Montreal.

Dear Judge Martin:-

I thank you for your letter of April 11th, outlining what occurred when the representatives of the Law Faculties of Montreal, Laval and McGill Universities met the General Council of the Bar of the Province of Quebec.

While we were not successful in having all our views prevail I am quite sure much good has resulted.

I shall be glad to lay your communication before the members of the Faculty at our next meeting.

Yours faithfully,

Principal.

WORK FOR MR TYNDALE

Alternative Schemes

(A)-Without altering the existing curriculum or disturbing the permanent professors assign to him the lectures of Messrs Johnson, Chipman, and Rinfret.

(B)-Assign to him the lectures of Messrs Johnson and Chipman, also Judge Surveyer's lectures on Persons and Profm Macdougall's biennial lectures on Private International Law.

(C)-Assign to him Mr Johnson's lectures, perhaps increasing the number. Also transfer to him Judge Martin's courses on Corporations and Bankruptcy, in each case doubling the amount of instruction given in these important subjects, and Judge Howard's first year course on Obligations. Prof. Macdougall's course might with advantage be added. The principle of this scheme is the assignment of the whole field of commercial law to one teacher.

In each case I think he ~~xxx~~ might take the biennial short course on Criminal Procedure at present taken provisionally by Mr Rose. Schemes A and B would give him about six lectures per week and C about eight.

Mr. Johnson	receives	\$375	or	\$750	in alternate year
Mr. Rinfret	"	200	or	375	"
Prof. Macdougall	"	600			"
Mr. Chipman	"	750		a year	
Prof. Howard	"	1200			
" Martin	"	600			
" Surveyer	"	600			for his lectures on Persons

2

Saving in Scheme A.	\$1325	or	\$1875	in alternate years	\$ 2350
" " B.	1725	or	2700	"	2950
" " C.	2175	or	3150	"	3412
			2175		
			<u>215325</u>		
			<u>7662</u>		
			<u>7662</u>		

W.S.M.

Lafleur, MacDougall, Macfarlane & Barclay
Advocates, Barristers &c.

EUGENE LAFLEUR, K.C.
GORDON W. MACDOUGALL, K.C.
LAWRENCE MACFARLANE, K.C.
GREGOR BARCLAY
W. B. SCOTT
HON. ADRIAN K-HUGESSEN

Cable Address "FLEURAL"

Royal Trust Building

Montreal 18th October, 1923.

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

Dear Sir Arthur,

On my return from Ottawa I find your letter of the 16th instant enclosing communication forwarded by Professor Mackay. I also received a letter from Mr. Smith enclosing some notes which he has made for the use of the committee.

I will communicate with Messrs. Wainwright and Montgomery and endeavour to fix an early date for a meeting of the committee.

Yours very truly,

EL-LGR

Lafleur

Law 123

Eugene Lafleur, Esq.,
107 St. James Street,
Montreal.

Dear Mr. Lafleur:-

I am sending you herewith a syllabus for a municipal department which was submitted to the University.

The question has been considered by the Extension Department and it has been decided that such a course in Government is not suitable for extension activities. Some of the subjects covered seem as if they might be considered in connection with the reports regarding the Law Faculty work which have already been sent you; although, of course, municipal government would only cover a small part of any course in Government which we might give.

I would be much obliged if you would return this file after your Committee has made such use of it as seems desirable.

Yours faithfully,

Wilfrid Bovey.

October 9th, 1923.

Dear Sir:-

At a meeting of the Faculty of Law held the twenty-seventh of September last a committee was appointed to enquire into and report upon certain questions affecting the policy and work of the Faculty of Law, having special reference to the subjects of instruction and degrees granted. The following are the members of this committee:

- Mr. Eugene Lafleur,
- Mr. Arnold Wainwright,
- Mr. G.H. Montgomery,
- Prof. H.A. Smith,
- Prof. Ira Mackay.

Mr. Eugene Lafleur has been asked to act as convener and will call a meeting when suitable to himself.

Yours faithfully,

Sent to members of committee.



Acting Chief Justice's Chambers

October 3rd, 1923.

SIR ARTHUR W. CURRIE,
PRINCIPAL AND VICE-CHANCELLOR,
MCGILL UNIVERSITY.
C I T Y.

My dear Sir Arthur Currie,-

I am in receipt of your letter of the 2nd inst. Mr. Brown evidently misunderstood me when I spoke to him over the telephone about our LL.B. course.

Mr. Justice Surveyer and I were discussing the matter in my Chambers and it occurred to me that I had never seen any acknowledgement from the Governors of the resolution the Law Faculty adopted concerning this course, pointing out that the expenditure far exceeded the revenue, and Mr. Brown stated to me that he had no recollection of that resolution ever having come before the Governors.

I had not written you concerning this matter and I did not state to Mr. Brown that I had done so, and could hardly expect to receive from you any acknowledgement of a letter that was never sent.

My only purpose in moving the resolution which was to be sent to the Governors, was to put them au courant with the financial situation of this LL.B. course and in order that the Governors could not complain later on that they had not been advised of the true situation.

I regret that I was unable to attend the Faculty



Acting Chief Justice's Chambers

-2-

meeting on Thursday last. I was absent from the city, but I understood that a strong Committee was named to deal with this matter, and I am sure we will all be pleased to receive and consider the Committee's report and decide what is best in the interests of the Faculty.

Believe me, my dear Sir Arthur,

Yours faithfully,

A large, elegant handwritten signature in black ink, which appears to be "A.C.J.S.C." written in a cursive style. The signature is written over a horizontal line.

A.C.J.S.C.

123
October 9th, 1923.

G. H. Montgomery, Esq., K.C.,
Dominion Express Building,
Montreal.

Dear Mr. Montgomery:-

I am glad to learn from your letter of the 5th of October that you are willing to serve on the Committee appointed to enquire into various questions affecting the policy and work of the McGill Law School.

The other members of the Committee are Mr. Eugene Lafleur, Mr. Arnold Wainwright, Professor H. A. Smith and Professor Ira A. Mackay. I have asked Mr. Lafleur to act as convener of the committee and to call it together when suitable to himself.

Again thanking you for undertaking this work, I am,

Yours faithfully,

Cable Address "Jonhall"

Brown, Montgomery & McMichael
Advocates, Barristers &c.

Dominion Express Building

ALBERT J. BROWN, K.C.
ROBERT C. MICHAEAL, K.C.
WALTER R. L. SHANKS, K.C.
ORVILLE S. TYNDALE
ELDRIDGE CATE

GEORGE H. MONTGOMERY, K.C.
WARWICK F. CHIPMAN, K.C.
FRANK B. COMMON
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F. CURZON DOBELL

C. RUSSELL MCKENZIE

Montreal 5th October, 1923.

Sir Arthur W. Currie, G.C.M.C., K.C.M.G.,
McGill University,
Montreal.

Dear Sir Arthur:-

I am very sorry indeed not to have seen you when you called, and regret that I was not informed that you were here.

While I feel that I have no special qualifications for the task which you ask me to undertake, I am, of course, deeply interested in the success of the law faculty, and if no more suitable name suggests itself to you, I will be pleased to serve as a member of the committee.

I assume that I will hear from Mr Lafleur as to when he wishes to take the matter up.

Yours truly

Lafleur.
Barrowright
Mont.
Smart
Mackay

123

October 9th, 1923.

Eugene Lafleur, Esq., K.C.,
107 St. James Street,
Montreal.

Dear Mr. Lafleur:-

I enclose you herewith formal notice regarding the special committee on legal education, of which you kindly agreed to act as convener.

Yours faithfully,

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW
OFFICE OF THE DEAN

12th October, 1923.

The Principal,
McGill University,
Montreal.

Dear Principal,

Would you mind reading over the annexed memorandum to see if it contains your idea of the objects for which this important committee was created? If it does, perhaps we might pass it on to Dr. Lafleur, the convenor of the committee, as a general indication to him of what the committee is to undertake. I thought possibly we might suggest to the other members of the committee that they also put down some of their ideas in writing in order that the committee, when it meets, may have something definite upon which to proceed in an orderly way. I feel personally that this committee will have to decide on some matters of very fundamental interest for the future of McGill, and that is the reason why I have put my ideas in the form in which I have and not at all because I wish the committee to accept my suggestions^{ed} report as in any sense final.

Very truly yours,

Geo. A. MacKay

October 16th, 1923.

Eugene Lafleur, Esq., K.C.,
107 St. James Street,
Montreal.

Dear Mr. Lafleur:-

I am sending you herewith a communication which has been forwarded to me by Professor Ira A. Mackay, bearing on the work of the committee appointed to consider the courses in the Faculty of Law.

In sending this, of course, I do not express any opinion regarding its contents, and wish you to feel entirely free to indicate the line to be taken by the Committee.

Yours faithfully,

Principal.

February 21st 1924.

Hon. Philippe Roy,
High Commissioner for Canada,
1719 Boulevard des Capucines,
Paris, France.

My dear Mr. Roy,

In your courteous reply to my letter of December 7th. regarding the standing of degree of Bachelor of Civil Law, you advised me that the matter had been referred to the Comite des Equivalences and that you expected an early and favourable reply.

While I do not like to bother you about this, it affects the future of one of two of our students who are at the present moment concerned, and I should be very much obliged if you could ascertain how the proposal now stands.

With kindest regards to Mrs. Roy and
to yourself,

Believe me,

Yours sincerely,

Principal.

December 7th, 1923.

Hon. Phillippe Roy,
High Commissioner for Canada,
1719 Boulevard des Capucines,
Paris, France.

Sir:-

It has been brought to my notice that students holding the degree of Bachelor of Civil Law with honours in this University are not considered to be eligible for admission to study as candidates for the degree of "docteur en droit" in the French universities.

The matter is of some importance to us, since a graduate of our Law Faculty is annually sent to France to study law in the University of Dijon under the terms of the Macdonald benefaction, and other students sometimes go to study law in France as holders of Provincial Government scholarships.

I am informed that by a decree of the 7th February, 1923, the Minister of Public Instruction ordered that candidates should be admitted to study for the doctorate who held the degrees of:- "Licence en droit de l'Universite de Montreal", "Licence en droit de l'Universite Laval", "Licence es lois de l'Universite McGill".

There is no degree given in this University bearing the title of "Licence es lois". There are two undergraduate courses in law leading respectively to the degrees of Bachelor of Civil Law (B.C.L.) and Bachelor of Laws (LL.B.) Each

course consists of three years legal study, and no student is admitted to study for either degree unless he has successfully completed one year in the Faculty of Arts or obtained an equivalent standard elsewhere. In 1925 this entrance requirement will be raised to two years in the Faculty of Arts, or its equivalent.

The majority of students entering the Faculty of Law have previously taken four years in the Faculty of Arts and obtained a degree therein.

Those students who succeed in qualifying for the degrees of B.C.L. and LL.B. are graded in three classes, of which the two higher are designated as first and second class honours, respectively. These classes correspond to the "licence en droit" of the French-speaking universities, and the students who graduate without obtaining honours at McGill are equivalent to the "bacheliers en droit".

I have, therefore, the honour to request that you will be good enough to lay before His Excellency, the Minister of Public Instruction, the facts to which I have ventured to draw your attention. Our desire is that those students who obtain first or second class honours in the final examination for the degrees of B.C.L. and LL.B. should be regarded as having obtained the "licence en lois" within the meaning of the decree of the 7th February, 1923. The practical result of this interpretation will be to place these students upon the same footing as those who follow the corresponding courses in Laval University and the

Hon. Philippe Roy - 3 -

Universite de Montreal.

With this letter I am enclosing a copy of the Annual Announcement of the Faculty of Law, which will enable His Excellency to appreciate more in detail the nature of the courses of instruction provided. I shall be happy to furnish His Excellency with any further information which may assist him in arriving at a decision.

With assurances of my highest esteem,
I have the honour to remain, my dear High Commissioner,

Ever yours faithfully,

Principal & Vice-Chancellor.

Law

ADRESSE TÉLÉGRAPHIQUE
"STADACONA - PARIS"
TÉL: CENTRAL 18-03



17 19
BOULEVARD DES CAPUCINES
PARIS

LV

3rd January 1924.

Sir,

I have the honour to acknowledge receipt of your letter of the 7th of December last, the contents of which have been communicated to Mr. Léon Bérard, the French Minister of Public Instruction.

The question will be presently raised before the "Commission des Equivalences" on the occasion of the next meeting and I have already the assurance that a favourable decision will be the outcome.

I shall not fail to let you know the reply as soon as in my possession.

I have the honour to remain,

Yours very truly,

COMMISSIONER GENERAL FOR CANADA IN FRANCE.

Sir Arthur W. Currie, G.C.M.G., K.C.B.,
Principal and Vice-Chancellor,
McGill University,
MONTREAL.

ADRESSE TÉLÉGRAPHIQUE
"STADACONA - PARIS"
TÉL: CENTRAL 18-03



17 19
BOULEVARD DES CAPUCINES
PARIS

LV

11th March 1924.

Dear Mr. Currie,

I beg to acknowledge receipt of your letter of the 21st of February and I have not lost sight of the matter, but up to the time of writing I have received no confirmation from the Ministère de l'Instruction Publique.

B. C. L. degree

x I was informed that the question had not been examined yet by the Committee of Equivalences, owing to more important matters having been put on the table, but I have the assurance from the Minister himself that any bachelor of civil law coming from McGill University will be entitled to the equivalence in order to prepare the doctorat en droit. There is no doubt that before long the official confirmation of that right will be published and forwarded to you immediately.

x Any matters pertaining to administrative decision always require some time before

Sir Arthur W. Currie, G.C.M.G., K.C.B.,
Principal and Vice-Chancellor,
McGill University,
MONTREAL.

arriving to a final conclusion, but from this moment I may assure you that there is no doubt about a successful issue.

Believe me,

Yours faithfully,

Philippe May

Commissioner General for Canada in France.

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW
OFFICE OF THE DEAN

27th July, 1923.

The Principal,
McGill University,
Montreal.

My dear Principal,

I am enclosing you an imaginary draft of some courses of study which I think suitable for a Department of Government in McGill. All these courses are fundamental, and more special courses given in the form of seminars and tutorials would naturally grow out of them to meet the needs of advanced students as they appeared.

If these courses were added to our present curriculum in History, Economics and Political Science, this section of work at McGill would, to my mind, be easily superior to that offered in any other Canadian university, and would enable us to carry students some considerable distance, if not indeed in some cases the whole distance, towards their Ph.D. degree. As a course of study in Arts suitable for students intending to study and practice law, it would, I think, be quite the best offered in any university.

I am putting the case strongly, not because I wish to urge my own ideas, least of all from any selfish motive, but solely because I believe the ideas are worth while in themselves, and of very crucial significance to the future of the university.

I am sending you this imaginary draft in order solely that you may be able to understand some of the details of one or two conversations which we have had recently. The only compulsory courses are Part II. of Course I. and Part I. of Course III. and these are com-

The Principal ----2.

pulsory for law students only. All the others are purely voluntary courses open to all qualifying students in the University especially in Arts, or even outsiders, should they wish to attend them on terms.

It seems to me, therefore, that there cannot be any valid objection to the proposal, except of course on administrative grounds, which lie wholly within your own jurisdiction and upon which I have no knowledge of my own.

Yours very truly,

Ira S. Maclay.

no TP.

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW
OFFICE OF THE DEAN

July 27th, 1923.

DEPARTMENT OF GOVERNMENT.

1. British and American Government: A comparative study of constitutional forms of government in Great Britain and the United States. The Government of England by President Lowell of Harvard, The American Commonwealth, by Lord Bryce, The Law and Custom of the Constitution by Professor Dicey. 2 hours per week throughout the year.

2. The Government of Canada: British and American sources. Part I. External relations: The Crown, the Governor General, the Judicial Committee of the Privy Council, Powers of the Imperial Parliament overseas, Canadian institutions of British origin, the growth of overseas autonomy. 2 hours per week in the first term.

Part II. Internal relations: A careful study of the B.N.A. Act, American origins, federalism, the Dominion and the provinces, Constitutional Law. 2 hours per week in the second term.

Part II
This is the present course in Constitutional Law and is compulsory for all students of Law. (See Bulletin of the Law School).

3. International Relations: Part I. The elements of International Law affecting private interests, citizenship by Birth and by statute, naturalization, immigration, international boundaries, rivers, canals, the St. Lawrence Waterways System, Marginal Seas, Territorial Waters, Vessels on the high seas and in foreign ports, ambassadors, consuls, etc. 2 hours per week during the first term.

This half year is the present course in International Law and is compulsory for all students of Law. (See bulletin of the Law School.)

Part II. Modern International Law and Relations: History, a careful study of the texts among others of the following treaties and conventions: The Treaty of Paris 1856, the Geneva Conventions, the Hague Conventions, Post war treaties, the League of Nations and after, Courts of International Law, Peace and War. 2 hours per week during the second half-year.

4. Jurisprudence: The administration of justice as a function of government, its relation to the legislature, the constitution of courts, functions of judge, jury, counsel and other court officers, the rights of the public, the aims of court procedure, arbitration, investigation, the fundamentals of law, crime and civil rights, property, possession, contracts, commerce, corporations, banks, money, the rights of employer and employee, forms of law, a comparative study of the Roman-French and English systems, codes and cases. 2 hours per week during the year.

5. Roman Law: A careful, scholarly study of Roman forms of government and law and their influence upon modern systems. 3 hours per week during the year.

October 2nd, 1923.

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

My dear Chief Justice Martin:-

During a conversation I had with Mr. A. J. Brown last Friday he told me that you had outlined to him some views you held with reference to our LL.B. course. He also intimated that you had written to me along the same lines and that you were surprised at not having received any acknowledgment of your letter.

I told Mr. Brown that I had not received your letter and I would like to give you the same assurance. We have searched our official records faithfully and there is no trace of such a letter from you. I would appreciate very much if you would accept this explanation of our seeming indifference and will you please be good enough to send me a copy of the letter.

You may have heard that at the meeting the Faculty held last Thursday afternoon some steps were taken to consider the LL.B. course with a view to making it more effective and possibly giving it a new purpose.

With all good wishes, I am,

Yours faithfully,

Brown, Montgomery & McMichael
Advocates, Barristers &c.

ALBERT J. BROWN, K.C.
ROBERT C. MICHAEL, K.C.
WALTER R. L. SHANKS, K.C.
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F. CURZON DOBELL

GEORGE H. MONTGOMERY, K.C.
WARWICK F. CHIPMAN, K.C.
FRANK B. COMMON
ELDRIDGE CATE
C. RUSSELL MCKENZIE

Call. Address "Jonhall"

Dominion Express Building

Montreal 9th July, 1923

Sir Arthur Currie, C.G.M.C. K.C.B. LL.D.
McGill University,
MONTREAL.

Dear Sir Arthur:-

re Quebec Bar Examinations

As you are doubtless interested in the outcome of the Bar Examinations, held in Quebec last week, I beg to advise you that there were in all fifteen Candidates holding B.C.L. diplomas from McGill of whom six were this year's graduates. Out of these six, five were admitted, the one who failed to pass having obtained a very low standard at McGill.

With regard to the nine former graduates, five got through. On the whole I consider this quite satisfactory.

Yours very truly,

O. S. Tyndale

PIERRE LEPAULLE

DOCTEUR EN DROIT

S.J.D. HARVARD (ETATS-UNIS)

AVOCAT À LA COUR

2, RUE DE CLICHY. PARIS (IX^e)

LOUVRE 56-48

Aug. 4, /25 .

Mr C. J. MARTIN ,
Acting Principal,
McGILL UNIVERSITY,
McGILL .

My dear Sir :

I thank you very much for your letter of July 16th. I cannot say how deeply touched I have been when I learned from you what the professors of the Law School were willing to do for me. But I must say that I cannot accept their very kind proposition, as I would not wish to be a financial burden to my colleagues of Montreal. I cannot express my feelings for their generous proposition, and I beg you to tell them that I will never forget the proposal they have made to me.

However, I hope to be some time next fall at Montreal, and I would be quite willing to deliver during my very short stay there two or three free lectures.

Yours faithfully,

Pierre Lepaulle

B
F
K

CLASSIC BEER

Every day in every way McGill University students are getting better

★
★ **COULDN'T LOCATE** ★
★ **COURT-ROOM; BAIL** ★
★ **ALLOWED TO STAND** ★

★ Leo Crestohl, 489 St. Lawrence Boulevard, charged with assault on A. Tarte, who failed to appear in court this morning and whose bail was \$100, was announced confiscated appeared this afternoon and pleaded not guilty. ★

★ Crestohl explained to the judge that he could not locate the court and his explanation was accepted, and the bail, therefore, allowed to stand. ★

★

... National and

MCGILL UNIVERSITY
MONTREAL

FACULTY OF LAW
OFFICE OF THE DEAN

February 21st, 1923.

The Principal,
McGill University,
Montreal.

Dear Mr. Principal,

Re L.D. Crestohl.

Referring to the enclosed clipping which you sent to me some days ago, I have interviewed Mr. Crestohl and find that the charge referred to arose out of the disorder which occurred in a polling booth in the St. Lawrence Ward during the recent provincial elections. Mr. Crestohl was one of the scrutineers of this booth, and the person who really started the trouble pointed him out subsequently to a policeman as one of those who had been concerned in the assault. According to Mr. Crestohl the charge was quite unfounded, and this is borne out by the fact that when the case came to trial the complainant withdrew the charge.

Mr. Crestohl published an explanation of the whole matter in the "Jewish Chronicle", which he has shown me, but I think we may consider the question closed so far as the University is concerned.

Yours faithfully,

O. S. Lyndal

THE AMERICAN LAW INSTITUTE

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WM. DRAPER LEWIS, SECRETARY
3400 CHESTNUT STREET
PHILADELPHIA, PA.

January 12, 1924.

Sir Arthur William Currie, Dean,
McGill University Faculty of Law,
Montreal, Canada.

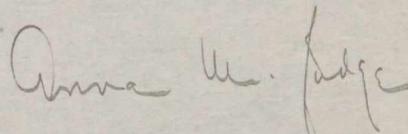
My dear Sir:

The by-laws of the American Law Institute provide that during the continuance of office the Dean of McGill University Faculty of Law shall be an ex-officio member of the Institute, and we understand that you are the Dean.

In order to insure the accuracy of our list of ex-officio members, we shall appreciate it if you will indicate on the enclosed post card whether you still hold the office of Dean of McGill University Faculty of Law.

The Annual Meeting of the Institute will be held in Washington, D. C., on Saturday, February 23. Full information in regard to the Meeting will be sent to you later in the month.

Yours very truly,



Miss Anna M. Judge,
Executive Secretary to the Director.

Recd.
J:G

Law.

Cable Address "Jenhall"

Brown, Montgomery & McMichael
Advocates, Barristers &c.

Dominion Express Building

ALBERT J. BROWN, K.C.
ROBERT C. M^cMICHAEL, K.C.
WALTER R. L. SHANKS, K.C.
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FRANK B. COMMON
LINTON H. BALLANTYNE
F. CURZON DOBELL

C. RUSSELL M^cKENZIE

Montreal 11th January, 1924

Sir Arthur Currie, G.C.M.G. K.C.B. LL.D.
Principal of McGill University,
MONTREAL.

Dear Sir Arthur,-

Knowing the interest you take in the Bar
Examinations I am enclosing you herewith copy of an official
letter which I have addressed to the Dean of the Law Faculty.

Yours faithfully,

O. S. Tyndale

1 enc.

Thanks
Jan 15/24

July 13th, 1923.

O. S. Tyndale, Esq.,
Dominion Express Building,
Montreal.

My dear Tyndale:-

Thank you very much for the
interesting information re the Quebec Bar
examination.

I think the results were highly
satisfactory and you will permit me to say that
your work was not the least contributing factor.

With all good wishes, I am,

Yours faithfully,

123

DAVIDSON, WAINWRIGHT, ELDER & HACKETT

ADVOCATES, BARRISTERS & C.

ARNOLD WAINWRIGHT, K.C.
AUBREY H. ELDER
F. WINFIELD HACKETT
W. H. BIGGAR

TRANSPORTATION BUILDING
ST. JAMES STREET

MONTREAL December 5. 1921

Sir Arthur W. Currie, G.C.M.G.

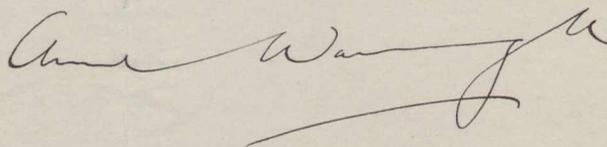
Principal and Vice-Chancellor, McGill University,
Montreal.

Dear Mr. Principal:-

I have your letter of the 28th ulto.,
and as a member of the Faculty of Law appreciate the state-
ment of your attitude therein contained.

I quite agree with the views expressed
by you relative to the Deanship of the Faculty.

Yours faithfully



Y/H

Law

September 3rd, 1924.

Pierre LePaulle, Esq.,
2 rue de Clichy,
Paris (9e), France.

Dear Mr. LePaulle:-

Thank you very much for your
letter of August 7th regarding Professor Solus.

I am referring the question
to the Faculty of Law and will advise you further.

Yours faithfully,

Principal.

September 3rd, 1924.

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

Dear Judge Greenshields:-

The Principal would like
your opinion on the enclosed letter from Pierre
Lepaulle, whom you will remember as having been
here last year.

Yours faithfully,

Wilfrid Bovey.

FACULTY OF

LAW

REPORT ON THE
LAW FACULTY
OF COLUMBIA
UNIVERSITY

19th JANUARY, 1921

FACULTY OF
LAW

FACULTY OF LAW

REPORT ON THE LAW FACULTY OF COLUMBIA UNIVERSITY

By permission of the Principal and the Acting Dean I spent five days (10th to 14th January) in investigating the organisation and methods of the Law Faculty at Columbia University. Dean Stone and his colleagues spared neither time nor trouble in their anxiety to place all information unreservedly at my disposal and to make my visit as profitable as possible. I have noted below the features which appear to me to be most important, and I will conclude with certain suggestions as to the development of our own policy. In making these suggestions I am of course aware that our present poverty renders it impossible for us to attain immediately the standard of efficiency which has been achieved by the great American law schools, but at the same time I think it is wise to have a clear vision of our objective and to keep it constantly before our minds.

Buildings:—The Law School is housed in Kent Hall, a handsome four-storied building, with internal measurements on the ground floor of 200 feet by 50. The whole of the ground floor, with the exception of the entrance hall, is devoted to the reading room of the library. On the second and third floors are the lecture rooms, the professors' private rooms, and a room for moot courts. In the top floor are rooms belonging to the Faculty of Political Science and other departments whose work is more or less connected with that of the Law School. In the basement are the students' common room and other accommodation, the offices of the "Columbia Law Review," and four tiers of book stacks containing accommodation for over 100,000 volumes.

Library:—The library contains about 80,000 effective volumes, which is approximately half the number contained in the Law Library of Harvard University. The amount annually spent upon the purchase and binding of books is about \$12,000. The staff consists of a librarian and ten subordinates of various grades. In Kent Hall the ground floor is mainly occupied by

the reading room, which contains about 20,000 volumes of those books which are in more or less daily request. The library is very extensively used by the students, and the number of volumes consulted during the session amounts to between 30,000 and 40,000 a month. This is largely due to the case method of teaching, which compels the students to do a large amount of library work. The development of the library is planned on very scientific principles, each department being added to in due proportion. The Librarian, Mr. Hicks, was good enough to spend a couple of hours in explaining everything to me, and I have noted several points for future use, though I cannot dwell upon them now. At present I will content myself with pointing out that the Columbia library is immeasurably superior to our own in every department, including those in which a Canadian University ought to be specially strong. Even in the field of purely Canadian law books their collection is very much better than ours, and in all other departments there is simply no comparison between the two libraries. It seems to me to be a matter for very real reproach that a student who wishes to pursue advanced research in the study of Canadian or British institutions should be driven to seek his material in an American rather than in a Canadian library. A very large development of our library is necessary if we are to attain even an average standard of efficiency. Furthermore our library needs to be thoroughly reorganised, properly catalogued, and placed under the control of the Faculty.

Staff:—The teaching staff consists of nineteen members, fourteen of whom give the bulk of their time to the work of the Faculty. This does not debar them from consulting work nor from an occasional appearance in court in cases involving special knowledge, but they are established in the University and do not attend law offices. The professors all have private rooms in Kent Hall, where they are continually available for consultation both by their colleagues and by their pupils. A great deal of valuable literary and research work is produced by the teaching staff, both at Columbia and at other leading American law schools.

The standard salary for a full professor at Columbia is \$10,000, but I understand that one or two individuals receive more. The full salary is not usually paid upon first appointment, the amount varying in each case according to the arrangement made with the individual. Appointments are made for three years in the first instance, and are then made permanent, subject to good behaviour and continued efficiency.

Students:—The total number of students at Columbia last session was 543. The majority of these come from New York, but a large number come from all over the Union, and a few from every part of the world, including Canada. Women students are not at present admitted, but this appears to be a subject of continual controversy.

Curriculum and Methods of Teaching:—No student is admitted unless he is either a graduate or has done at least three years college work. The regular course for the degree of LL.B. covers three years. The work of the first year is prescribed for all students, but in the senior years the students are allowed a large liberty of choice among different subjects. This seems to me to be a very sound arrangement, for it stimulates individuality and encourages men to develop their own special interests. Special courses are provided for senior students in such subjects as Roman Law, Modern Civil Law, Admiralty, etc. The total number of courses offered to students in the three years is 44.

The teaching is conducted on what is known as the case method, as introduced by Langdell at Harvard in 1870, and this is applied whether the law under discussion is codified or uncodified. New York has now a civil code of her own, and so have some other States, while certain parts of the law, such as sales and negotiable instruments, are codified in uniform statutes throughout nearly the whole of the Union. The case method means that the student is compelled to acquire his mastery of legal principles through studying the application of those principles in particular cases. There is no formal lecturing of the kind in which the professor dictates from a manuscript and the students copy down his notes verbatim. Before each lecture the men are given a group of cases to study. The lecture begins by the professor calling upon some student for his report upon a particular case. The student then summarises the facts, states the decision, explains the reasons for the decision, and adds any criticism that he may feel disposed to offer. Other students are then called upon for their opinions, and the professor controls the whole discussion, which he winds up by giving an analysis of the legal principle involved in the judgment. An hour of class work usually covers the discussion of three or four cases in this manner.

It is impossible in these notes to give a full description and criticism of the case method of instruction. The best analysis of the system is contained in the report made in 1914 by Professor Redlich of the University of Vienna, and published by the Carnegie Trustees. I would venture to suggest that all the

members of this Faculty should make a careful study of Dr. Redlich's report and consider the applicability of the American method to our own teaching.* It is sufficient for me to say here that I agree with the conclusions at which he has arrived, and I think that the system, subject to the reservations which he mentions, should be adopted in our own school, each teacher, of course, being left a wide discretion as to the method of handling his particular subject.

I must say that I was extremely impressed with the enthusiasm of the students, the quality of their work, and the high standard set by the examinations. There is no roll call taken at the lectures, so that attendance is entirely voluntary. Nevertheless there is hardly any evasion of lectures, for the simple reason that the student who cuts lectures cannot possibly keep abreast of the work. Under the system of dictated lectures he can borrow the notes of a fellow student, and we all know that among our own men typewritten copies of the notes are circulated from hand to hand. Under the case method of teaching this kind of slovenliness is impossible. Nor did I notice among the Columbia students any of the newspaper reading and other forms of inattention with which we are familiar. At Columbia the student who is not sufficiently interested to give his mind to the lecture is quite at liberty to stay away.

The examinations are conducted upon the same principle. Nearly all the questions consist of practical problems, which the student is required to solve, giving at the same time full reasons for the decision at which he arrives. Obviously this system leaves no room for the type of student who gets through an examination by the parrot-like reproduction of lecture notes committed to memory at the last moment. The only student who can pass the examinations is the man who both knows his law and is able to apply it in particular instances.

Relations to the Bar:—In the State of New York the Bar holds its own examinations and gives no credit for the possession of any University degree. The only concession is that which permits attendance at a law school (whether in a University or elsewhere) to be reckoned as equivalent to a period of apprenticeship in an office. The same holds true of most other States, and in general it may be said that admission to the Bar can be obtained on fairly easy terms. In one State—Indiana—

*Upon this subject reference may also be made to Lord Bryce's *American Commonwealth* (1910 edition), vol. ii, pp. 670-671, and to two articles by Dr. Hazeltine in the *Law Quarterly Review* for October, 1917, and January, 1918.

the constitution even forbids the Bar to exact any other qualification than the possession of a good moral character. From this it follows that the American law schools must stand or fall by their own merits, since they have no privileged position and derive no support from any special relation to the Bar. Men come to Columbia, not because it helps them to pass their Bar examinations, but because it makes them efficient lawyers. This is fully recognised in the profession. Dean Stone shewed me a large file of letters, from which I learned that all the best law firms in the country, as well as the Federal and State governments, are continually asking for men who are recommended by the Law Faculty of Columbia. To that we can offer no parallel. Such inquiries are very nearly unknown at McGill. The average practitioner in Montreal appears to attach no importance to the work which a man does at McGill or to the opinion of the Faculty upon his abilities.

Other Activities of the Faculty:—Students have many facilities for availing themselves of the advantages offered by other departments of the University and in particular by the Faculty of Political Science, which is one of the strongest departments of Columbia. In this Faculty the study of law is combined with that of history, economics, and other forms of political and social science, the general purpose being to train students for journalism, teaching, and the various branches of the public service.

A fund, known as the "Legislative Drafting Research Fund," has been donated to the University for the promotion of the scientific study of legislative drafting and for the collection of materials relating thereto. Under the unavoidable complexity of a federal system such an office can perform an important public service, and its guidance is being continually sought by the numerous legislatures of the country. The fund also offers special opportunities to advanced students who wish to study legislative methods or to carry on research work in connection therewith.

The Faculty does all in its power to encourage intercourse with other Universities, both in the States and elsewhere, and its members take a prominent part in the general intellectual life of the nation. The free circulation of men and ideas is evidently much more highly developed in the States than it is in Canada. The Association of American Law Schools provides a means by which the members of the principal law faculties in the country can meet once a year for the discussion of problems of common interest. The summer sessions of the Universities

offer further opportunities for teachers and students to move about among the various schools and gain a wider outlook than can be obtained in any one place. Lastly the Institute of International Education, which is a Federal body created during the war, furnishes machinery for the interchange of teachers and students between the United States and foreign countries. There were no Canadian names on the lists kept by this body, so I ventured to give my own, at the same time expressing my belief that McGill would be willing to co-operate in any such work.

The "Columbia Law Review" is one of several excellent legal periodicals well known in the States and elsewhere. It is managed entirely by the students, but obtains frequent contributions from the leading jurists of Europe and America. One of its chief features is the scientific discussion and criticism of recent cases, and its opinions are frequently cited in the courts. Similar reviews are maintained by the other leading law schools of the country. In Canada I am sorry to say that we have not a single legal periodical of anything like the same standard.

Conclusions:—I will conclude these observations by indicating briefly the policy which I think we should ourselves pursue if we really wish to raise our Faculty to a position of equality with the great law schools of the United States. In making these suggestions I do not forget that in some respects the pursuit of our ideals must for the present be greatly hampered by lack of funds.

(1) We should endeavour to have a much larger staff of professors who give their main time and attention to the work of teaching. In saying this I do not mean to cast any reflection upon those of our colleagues whose time is mainly occupied with other activities. On the contrary the University owes them a very real debt of gratitude for the amount of time and trouble which they bestow upon the work of this Faculty. What I do mean is that the work of a professor, properly considered, is of a kind which demands the full attention of any man, no matter how able or distinguished he may be. Professorial teaching involves much more than the delivery of formal lectures. In the first place it requires continual study, and this study should range over a wide field. Secondly, the professor should be in daily touch with his colleagues, and should also be readily accessible to his students. Thirdly, it is essential, if a law school is to maintain its reputation in the profession and in the world of learning, that the teaching staff should be able to make some contributions of value to legal literature. Fourthly, he should be able to interest himself in the general policy of the University

and to take his part in all matters of common University concern. From what I have said it follows that the salaries, although they cannot of course compete with the large incomes earned by busy practitioners, should be sufficient to attract men of good standing and proved practical ability. In appointing full time professors it is necessary to be on our guard against men of a purely academic and theoretical type of mind who will not command the confidence of the profession in general.

(2) It is necessary to reconsider our methods of teaching and examination. I do not wish to force my own opinions upon the Faculty, and I would therefore suggest that other members of our staff should endeavour to visit the chief American law schools and make a careful study of the methods which are there employed. So far as the case system is concerned, I would point out that it has made its way in the States entirely by virtue of its own intrinsic merits. It has met with much prejudice and opposition, but in the course of fifty years it has now won its way to almost universal acceptance. Of course it is not a cast iron system, and individual teachers can handle it in different ways according to their own judgment. The essential principle of it is that men should be compelled to use their own brains instead of being merely spoon fed by the lecturer. At any rate I would suggest that we should entirely discard the old-fashioned method of dictating lectures, and adopt the principle that nothing should be taught by lecture which can be equally well given in print. Students should be encouraged to take an active part in the work of the class-room, instead of merely copying down the professor's notes. Similarly our examinations should be set so as to test the student's grasp of legal principles instead of merely finding out how far he has succeeded in memorising his lecture notes. From what I have said it follows that we should raise our standard of admission so as to exclude those students who are intellectually unfitted or unprepared to profit by such a course of study. In all the principal American schools the students are now required to be of graduate standing.

(3) We should endeavour to do everything in our power to promote both personal intercourse and the exchange of ideas between ourselves and the other Universities of Canada and the United States. I would recommend our joining the Association of American Law Schools, if they will accept us, and taking an active part in its annual meetings. We should try to arrange for the delivery of lectures here by distinguished teachers from elsewhere, and at the same time assist our own staff to visit other Universities.

(4) Every effort should be made to obtain a permanent building suitable to our needs and in keeping with the dignity of the University. I do not think it is necessary to labour this point, but I will remark in passing that it is essential to have our library under our own roof. The library itself should be expanded to the utmost limit which our funds will allow and placed under the charge of our own librarian.

(5) My next suggestion rather concerns the University. At present McGill provides comparatively little teaching in those subjects which are dealt with elsewhere by the Faculties of Political Science. I would suggest that the scope of this department should be greatly enlarged and that it should work in the closest possible co-operation with our Faculty, the students of each Faculty being encouraged to avail themselves of the teaching provided by the other.

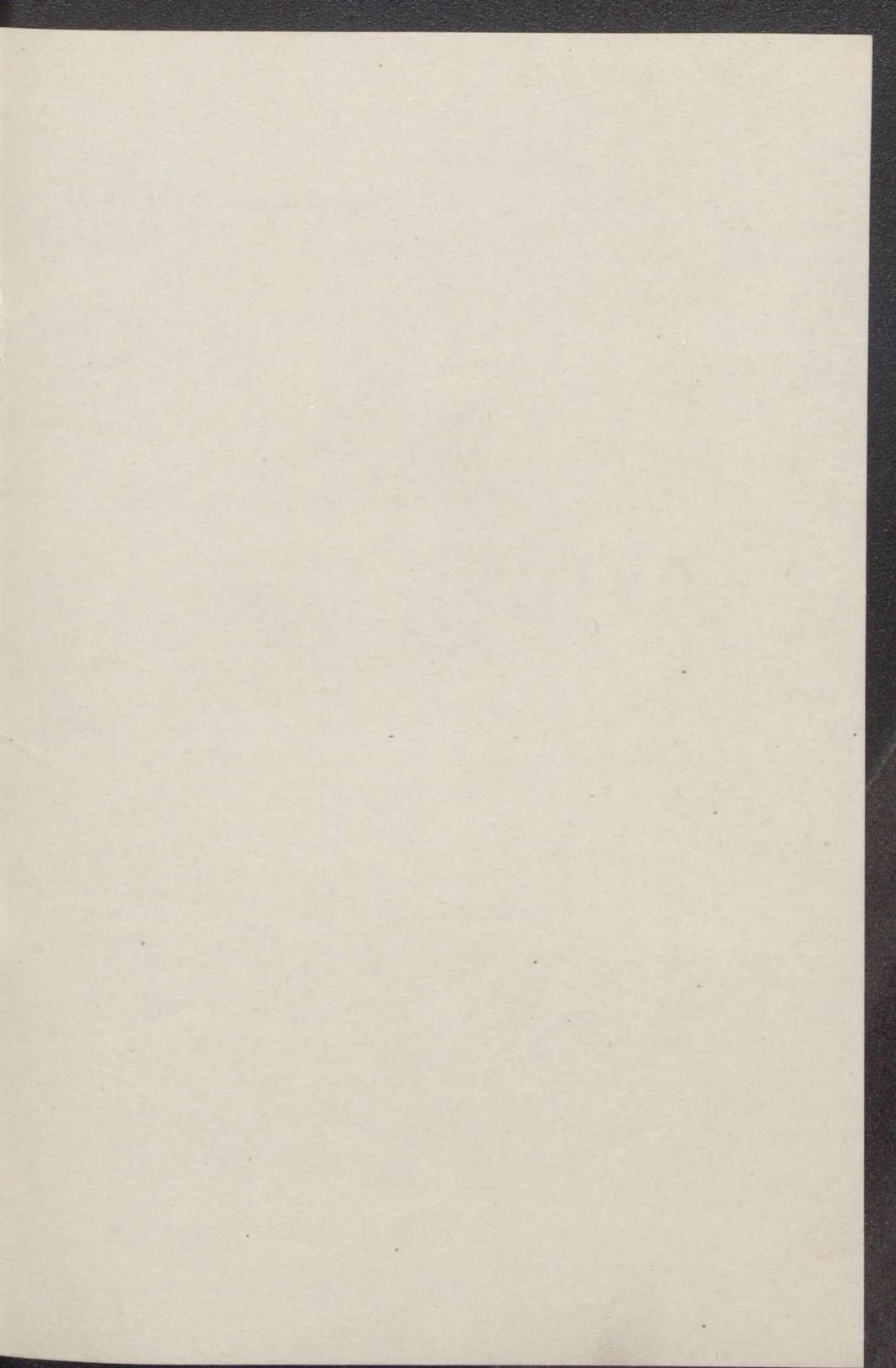
(6) In a memorandum submitted to the Principal last term I urged the establishment at McGill of a University Press on the lines of those which are successfully operated by the leading Universities of Europe and America. In the event of this proposal being carried into effect I think the Faculty should undertake to publish through the University Press a Law Review which shall give an opportunity for the expression of educated legal thought in Canada and thus assist in the development of a genuinely Canadian legal literature.

These observations and suggestions are submitted with all respect for the consideration of the Governors and the Faculty of Law.

HERBERT A. SMITH,

Secretary of the Faculty.

Faculty of Law, McGill University,
19th January, 1921.





OFFICE OF THE PRIME MINISTER

PROVINCE OF QUEBEC

QUEBEC, December 9th, 1920.

General Sir Arthur Currie,
Principal of McGill University,
381, Sherbrooke Street West,
Montreal.

My dear general,

I am sending you herewith the enclosure which should have accompanied my letter of the 6th of December. It is the textual translation of the letter I was referring to.

May I repeat that I am not ready to see in this any evidence of discrimination at McGill University between Anglo-Canadian and French-Canadian students. But it may be a good thing that you should be kept informed as to the present matter.

Yours very sincerely,

LAT/JC
Enc.

L. A. Taschereau

*Dear Dr. Nicholson,
For your report please.*

11/12/20

AWT

*The Sir William
Macdonald Travelling
Scholarship is open only
to English-speaking students
and was founded to en-
courage the study of French,
so that a promising English
student of the graduating class
in each year might
be enabled to study French in
France for a year.*

Quebec, 9 December, 1920.

As it is important for the maintenance of good understanding between our French and English Universities in Montreal that no one, in either of them, should be under any discrimination on account of his nationality or creed, I feel that I must bring to your attention an instance of what appears to be a case of discrimination.

One young student by the name of Versailles, although holding the first rank and deserving as such a scholarship for Paris, has been refused that scholarship and given \$500.00 as a compensation. Circumstances would tend to show that Versailles was discriminated against on account of his nationality and creed. I was under the impression that French-Canadians stood on equal footing with Anglo-Canadians at McGill University.

It would be most unfortunate if the facts I am alluding to were given publicity in our newspapers at the present time, and I feel it is in the interest of all those concerned to have this specific case brought immediately before General Currie who, I am given to understand, is a fair-minded and straightforward man.

December
Eighth
1920.

Hon. L. A. Taschereau,
Prime Minister,
Province of Quebec,
Quebec, P.Q.

Dear Mr. Prime Minister:-

I have the honour to
acknowledge receipt of your letter of the 6th
of December, but you neglected to make the
enclosure referred to.

I should appreciate very much if
you will forward me the translation of the letter
received by you. I have no knowledge, whatever,
of any discrimination between Anglo-Canadian
and French-Canadian students and I shall welcome
the opportunity of refuting any evidence of such
discrimination.

With the most cordial reciprocation
of your sentiments,

I am,

Ever yours faithfully,

Principal.



OFFICE OF THE PRIME MINISTER

PROVINCE OF QUEBEC

Quebec, 6 December, 1920.

General Sir Arthur Currie,
Principal, McGill University,
381, Sherbrooke Street West,
Montreal.

My dear General,

Nothing is more unpleasant to me than to have any questions brought up on account of nationality or creed.

When I paid my tribute to McGill University for the broad-mindedness and the true Canadian spirit of its governors and professors, I was giving expression to a sincere conviction of mine. On the face of it, I would refuse to acknowledge as well-founded any reproach to McGill of having discriminated between Anglo-Canadian and French-Canadian students.

I feel bound, however, to bring to your notice a letter, translation of which I am enclosing, which I have received from an old acquaintance of mine in Montreal. If you will allow me, I shall be only too pleased to set my friend right if you consider the case worthy of your attention.

My purpose in all this is simply to prevent any undue publicity that might be unfair to McGill and be taken up during the coming session when our Legislature will be called upon to confirm our contribution to your Centenary Fund.

Yours very sincerely,

L. A. Taschereau

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OFFICE OF THE PRIME MINISTER

PROVINCE OF QUEBEC

*Macdonald
Travelling Scholarship*

Quebec, 15 December, 1920.

General Sir Arthur Currie,
Principal, McGill University,
Montreal.

My dear General,

I am very much obliged to you for yours of the 13th instant. I may say that your explanations are quite satisfactory and I will be most happy to communicate them to my correspondent.

Yours sincerely,

A. A. Taschman

December
Thirteenth
1920.

Hon. L. A. Taschereau,
Premier, Province of Quebec.

Dear Mr. Premier:-

With further reference to the communication you received intimating that discrimination between French and English exists at McGill University, and giving the case of a student by the name of Versailles as evidence of such contention, let me now recite for your information the facts of this case:

I quote an extract from the will of the late Sir William Macdonald:

"I bequeath the sum of \$20,000. to
"establish a permanent travelling
"scholarship for the purpose of
"enabling the English-speaking Law
"Students to take a course of study
"in France, as I deem it of great
"importance that the English-
"speaking members of the Law pro-
"fession should be proficient in
"the French language."

In conformity with the terms of this bequest, it was held that Versailles was not eligible for the scholarship, but as a reward to him for his standing in the class, a special scholarship to the value of \$500. was given him. Rather than being blamed for any discrimination the Governors should be commended for giving Versailles assistance in a way which was not set forth as one of the regular prizes.

May I also quote an extract from a letter which I received from the Honourable Athanase David. The letter is dated "Quebec, July, 22, 1920, and in it I read:

Hon. L.A. Taschereau,

- 2 -

"Prompted moreover, by the recent
"and most generous action of the McGill
"authorities towards Mr. M. Versailles,
"and being anxious to reciprocate in
"some way, I would insist that the
"student you suggest should be of English
"descent."

I am anxious that you should
receive this letter to-day, because I know you
are in Montreal and perhaps, before you leave
you will find time to correct the erroneous
impression which exists in the mind of the writer
of the letter to you.

In conclusion I would like to give
you the assurance that McGill University seeks
at all times to promote the best possible liaison
and good feeling between the French-speaking and
English-speaking residents of Quebec. I am very
much obliged for you bringing the matter to my
attention.

With all good wishes, I am, dear
Mr. Premier,

Ever yours faithfully,

Principal.

P.S. I am more than sorry that a previous engagement
will prevent my hearing your address at the
Canadian Club to-day.

Extract from the will of the
late Sir William Macdonald

"I bequeath the sum of \$20,000

to establish a permanent Travelling
Scholarship for the purpose of
enabling the English-speaking
Law students to take a course of
studies in France as I deem
it of great importance that the
English-speaking members of
the Legal profession should
be proficient in the French
Language"

REPORT ON THE EXAMINATION FOR ADMISSION TO THE
PRACTICE OF LAW, JANUARY 9th and FOLLOWING, 1923.

CONFIDENTIAL.

The results of this examination, so far as the University is concerned, were reasonably satisfactory. According to the official record, twenty-four out of forty-five candidates who wrote were graduates of McGill. Out of the total forty-five, twenty-four were admitted, and twenty-one refused. Of the twenty-four admitted, thirteen were McGill graduates.

With respect to the McGill graduates, with three exceptions they had all presented themselves at prior examinations, some having been up as often as three times before, and it is but fair to the University to say that most of these were graduates who had not distinguished themselves in the University examinations.

As to the system followed and the character of the examination, it is useless to offer any criticisms, as the attempt already made to bring about changes therein has failed and there is no reason to hope for any material change in the near future.

As to the manner in which the examination is conducted, and particularly with regard to the impartial and equitable treatment of all candidates, irrespective of language or race, I have absolutely no criticism to offer. While I might say confidentially that one or two of the examiners are perhaps not men of very wide juridical attainments nor characterized by impartiality, the Board as a whole is satisfactory. I should particularly like to bear testimony to the absolute impartiality, the erudition and the irreproachable sense of honour of the Chairman of the Board, Mr. Ferdinand Roy, of Quebec.

As to the proportion of English examiners, the board is composed of thirteen, including the President already mentioned, who represents Laval University. The University of Montreal is represented by Antonio Ferreault, and McGill University by myself. The other ten examiners represent the different judicial districts of the Province as follows: Three from Montreal, two from Quebec, one from Three Rivers, one from Arthabasca, one from Sherbrooke, one from Cowansville and one from Hull. Of these ten all are French Canadians, save Mr. O'Brady of Sherbrooke, who is apparently half French and half Irish, and Mr. Leonard of Cowansville. It would seem that there should at least be one English examiner to represent the Montreal district, but that is a matter for the Council of the Montreal Bar, in which, of course, the University has no voice.

My experience on the Board has been invaluable and will enable me in the tutorial in class for the third year to give the prospective candidates what I hope will be useful preparation for the test.

It may be of interest to note the exact procedure at these examinations. The first written paper covers the following subjects:

- I. Civil Law.
- II. Criminal Law.
- III. Roman Law.
- IV. International Law.

The questions in these different subjects are settled by the examiners "in camera", and are immediately dictated to the students. The book of each student containing the answers is handed to the Secretary, together with a small envelope, in which is placed a slip with the candidate's name written thereon. This envelope and the book are placed in a large envelope and sealed.

The second paper, the questions in which are settled as for the first, comprises the following subjects:-

- I. Civil Procedure.
- II. Commercial and Maritime Law.
- III. Constitutional and Administrative Law.
- IV. Legal History.

The same procedure as to the books containing the answers is followed.

At the first meeting of the Board, after the second examination, three books are read in each paper and discussed in general committee in order that a kind of standard as to the answers expected may be arrived at. The Board is then divided into four groups or sub-committees of three each, (the President not forming part of any one) who proceed to examine independently the papers of the various candidates. The papers of those candidates whom the sub-committees consider to have successfully passed are put aside and their numbers are noted as being admitted. Those whom the sub-committees consider not to have reached the required standard, (it may be mentioned that one of the three members of any sub-committee is entitled to "refer", as it is called, any candidate) are put in the hands of the secretary for reference to the whole Board.

When the papers have all been examined in sub-committee, the Board again sits as a whole and the papers of those who have been referred are read aloud. If there is any doubt as to whether any particular candidate has reached the required minimum, the question is put to the vote, and if there is a majority of votes in his favour, he passes; in case of an equal vote, the candidate is refused. If the candidate does not obtain the required minimum in any particular subject, it is competent for any examiner to move that the minimum be granted. This motion is put to the vote in the usual way. When all the referred papers have thus been read before the whole Board, the Secretary for the first time opens the small envelopes containing the names of the candidates to whom the numbers have been allotted previously, and then only does anyone know the name to be attached to any given paper. In the absence, therefore, of any private mark, which is of course forbidden by regulations, or of the knowledge of the handwriting of any candidate, no examiner knows while the paper is being examined whose paper it is. Naturally by reason of the language used the examiner knows what the candidate in question is French, or either English or a Jew, but the English papers which are referred are all read by an English examiner before the Board, and in the examination of January, 1923, I personally read all the English papers that were referred, and can certify that none was refused who was worthy of admission.

March
Fourth
1922.

Hon. J.E. Perrault,
Batonnier- general,
Quebec, Que.

Dear Sir:-

In response to your letter of
February 21st, I have the honour to nominate as
the representatives of McGill University the
Hon. Mr. Justice Martin and Professor Tyndale.

These gentlemen will hold them-
selves in readiness to meet the members of the
Council of the Bar at a time and place to be
named by you.

Yours faithfully,

Principal.



MINISTER'S OFFICE,
DEPARTMENT OF COLONIZATION, MINES & FISHERIES,
PROVINCE OF QUEBEC.

QUEBEC, February 21st 1922

Sir Arthur W. Currie, G.C.M.G.,
Principal and Vice-Chancellor,
McGill University,
MONTREAL.

Sir,
I beg to acknowledge receipt of your
letter of the 14th instant, the contents of which
has been carefully noted.

If you will kindly name a representative
or representatives of your University, I will ask the
University of Montreal and the Laval University to do
the same and I will then call a general meeting of
the Council of the Bar, in the course of the month
of April, at which the question referred to in your
letter can be considered.

With best wishes, believe me,
Yours faithfully,

J. Lavault

Batonnier general,

To Prof Smith

*Please ascertain the wishes
of Law Faculty and let
me know. AWT*

*Ann. Clerkly
Noted & copied
28.2.22 R.A.S.*

March
Fourth
1922.

The Rector,
Universite Laval,
Quebec, P.Q.

My dear Rector:-

In further reference to my letter of the 14th of February, I have the honour to report that McGill University has nominated as its representatives, to meet the Council of the Bar, the Hon. Mr. Justice Martin and Professor Tyndale.

We shall be pleased to have the Universite Laval co-operate with us in this matter.

Yours faithfully,

Principal.

March
Fourth
1922.

The Rector,
University of Montreal,
Montreal.

Dear Sir:-

In further reference to my letter of February 14th I beg to report that McGill University has nominated as its representatives, to meet the Council of the Bar, the Hon. Mr. Justice Martin and Professor Tyndale.

We shall be pleased to have the University of Montreal co-operate with us in this matter.

Yours faithfully,

Principal.



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Quebec Seminary, Feb. 17th 1922

Sir W. W. Currie,
Principal,
McGill University,
Montreal.

My dear Principal;

I have received in due time the document which you have sent to me on the foregoing instant.

You may be sure that Laval University will always give McGill University the most cordial support and cooperation in every thing that may concern the welfare of the students.

Yours truly,

C. N. Gariépy, Secr.

R. U. L.

February
Fourteenth
1922.

Hon. J.E. Perrault, K.C.,
Batonnier-General of the Bar,
Department of Colonization,
Quebec, P.Q.

Dear Sir:-

The largely increased proportion of failures among the candidates for admission to study at the recent examinations has attracted considerable attention. In view of the fact that many of these candidates are students from the three Universities of the Province, who have obtained degrees in law before attempting the examination, it seems possible that the Bar Council and the law faculties may be working along different lines in their application of the tests necessary to determine the fitness of students for the legal profession. Since it is obviously desirable that all those who are engaged in the task of training and examining candidates for the practice of law should work in entire co-operation upon common principles, I am venturing to address you with a view to removing the differences of policy, or of methods, if any should be found to exist.

The maintenance of high standards for admission to practice is a common interest of the law schools and of the profession. With this object in view important changes have recently been made in the regulations governing the Law Faculty of this University. The standard of admission has been raised, and no student can now be admitted unless he has taken one complete year in Arts or can shew an intellectual equivalent. The session has been lengthened from 26 to 30 teaching weeks, exclusive of examinations, and the number of lectures has been correspondingly increased.

The prescribed curriculum now requires attendance at courses amounting to 960 lectures instead of the 785 demanded by Article 52 of the by-laws of the Bar. To avoid any possible misapprehension I may add that this increase, in so far as Quebec students are concerned, is entirely in subjects prescribed by the Bar regulations, and that no civil law students are required to attend any lectures upon common law topics.

Any difference which exists must therefore lie, not in our respective views of the policy which should govern admission, but in our application of the tests to determine the fitness of the candidates. I am enclosing herewith specimens of examination papers recently set to students in our Law Faculty, from which you will see that the task imposed upon the McGill student is certainly not intellectually inferior to that contained in the examination for admission to study. As you will see, we seek to ascertain not only how far the student has succeeded in memorizing the provisions of the Code and other statutes, but also his intellectual power in applying the knowledge which should result from his studies.

In sending you these papers I do not wish to suggest any criticism of the papers set in the Bar examinations. For the present I am content to urge that the question is one of common concern to the profession and to the Universities, and that a solution of the difficulty can best be found by common action. Might I therefore suggest the convening of a Committee in which the Bar Council and the three law faculties of the Province should all be represented? This committee should be empowered to examine the whole question and to make such recommendations as it might think fit.

All of us who are concerned in any way with the training and examination of candidates for the Bar are engaged in a common public service. The interests of that service clearly demand that we shall work together in the fullest and most cordial co-operation. If you agree with me in thinking that our common objects can be furthered by such a conference as I have suggested I shall be ready to send you the names of our representatives without delay.

Yours faithfully,

Principal.

February
Fourteenth
1922.

Mgr. G. Gauthier,
Rector, University of Montreal,
Montreal.

My dear Rector:-

I am enclosing herewith a copy of a letter which I have addressed to the Hon. J.E. Perrault, Bâtonnier-Général of the Bar of the Province of Quebec.

May I venture to hope that in the matters mentioned therein McGill University will receive the cordial support and co-operation of the University of Montreal? There is no doubt that an unsatisfactory condition of affairs has arisen and that the time has come when the statutory regulations governing admission to the Bar of this Province should be amended.

Believe me, my dear Sir,

Ever yours faithfully,

Principal.

February
Fourteenth
1922.

The Rector,
Laval University,
Quebec, P.Q.

My dear Rector:-

I am enclosing herewith a copy of a letter which I have addressed to the Hon. J.E. Perrault, Batonnier-General of the Bar of the Province of Quebec.

May I venture to hope that in the matters mentioned therein McGill University will receive the cordial support and co-operation of Laval University? There is no doubt that an unsatisfactory condition of affairs has arisen and that the time has come when the statutory regulations governing admission to the Bar of this Province should be amended.

Believe me, my dear Rector,

Ever yours faithfully,

Principal.

QUEBEC BAR EXAMINATION

The written part of the final Bar examination consists of some thirty-six questions. All are expected to be answered, and the time allotted is six hours. Two or three questions only are allotted to each subject, and the student has to pass in every subject. Success is obtained by the student who happens to have memorised the sections of the Code or other statute dealing with the subject matter. For example the subject of "Constitutional and Administrative Law" is supposed to be covered by the two following questions:-

(1)-What are the rules governing the disavowal of Federal and Provincial statutes?

(2)-When does the seat of a senator become vacant?
ques

Each of these ~~xxx~~ questions can be answered correctly by the student who happens to have memorised ss. 55-57 and 31 of the B.N.A. Act. There is no attempt to test the student's knowledge of the distribution of Federal and Provincial powers or any other of the leading principles of our constitution.

The rest of the paper proceeds in the same manner. In criminal the only crime about which a question is asked is the somewhat rare offence of a criminal libel. In procedure we find such a question as:-"In what cases are the courts obliged to sit between June 30th and September 1st?"

I believe that there are very few judges or leading practitioners in Montreal who would not fail in at least one part of a paper composed upon these lines.



Nov. 11th, 1925.

My dear Mr. Principal:-

I duly received yours of yesterday's date, with reference to a petition to the Bar Association of the Province of Quebec, asking that certain changes be made with respect to the subjects covered by the final examination for Admission to Practice. I regret if my signature to that petition has in any way disturbed you. Some years ago - and a good many - when I was a member of the Council of the Bar, I, with some others, urged and sought to bring about practically the same change as is now sought. We were not successful, but I am still of opinion that the changes are desirable, and I shall do what I can to bring these changes about; at the same time, I have no doubt whatever that the petition of the Petitioners will not meet with success.

I want particularly, and with emphasis to assure you, that in signing the petition I did not sign the same as the Dean of the Faculty of Law, or even as a Judge of the Court of King's Bench. I was asked to let it appear that I was a Judge of the King's Bench and Dean of the Faculty of Law. I did not for one moment intend to speak



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either for one or for the other, but to give my personal support to the prayer of the petition. I have sent for the document, and will make it perfectly clear that I spoke for and represented no one but myself. It will not, therefore, appear on the petition that I am in any way connected with the Law Faculty of McGill, either as Dean or Professor.

I am leaving tomorrow for Quebec and will return only at the beginning of the week, when I shall take the first opportunity of seeing you. I understand that some other members of our Faculty have signed the petition, but of that I am not certain.

I am afraid you exceeded the prescribed limit as to the number of daily speeches while you were on your Western trip.

With kind regards,

I remain,

Yours sincerely,

Sir Arthur Currie,
Principal
McGill University,
C i t y.

P.S. So certain am I that the petition will be refused, and so little importance do I attach to my signature, that if you wish me I shall withdraw it, as I am at perfect liberty to do.

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November 29th, 1921.

My dear Sir Arthur :-

I beg to acknowledge receipt of yours of the 28th inst. with enclosures as therein stated. I also received a letter from Mr. Lighthall. I have not yet answered it, but when I do I shall take the liberty of sending you a copy of my reply. In the meantime, I quite approve of what you said in your answer, and the manner in which it was said.

Yours faithfully,

R. S. Greenfield

Sir Arthur Currie,

Principal McGill University,

C i t y.



PRIVATE & CONFIDENTIAL

January 28th, 1921.

My dear Sir Arthur :-

It would appear from reports I have received, that there is considerable talk about the result of therecent Bar examinations, and that talk, in some instances, I understand, has reached a point of adverse criticism as to our Faculty of Law.

I thought it only proper that I should write you and give you as full information as possible in the matter.

I am afraid, as sometimes happens, that those who are talking most know least about the subject matter of their ~~C~~ conversation.

I have written to the General Secretary of the Bar for a statement showing the number of candidates at the examination; from what University they came up, and the proportion that failed. I have not received that statement yet, and as I am going to Quebec to hold Court there, and may



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be away for some days, I thought it best to write you, even in the absence of the statement, which I would prefer to have had and sent to you.

Subject possibly to slight modifications, my information is, that thirty six students presented themselves for examination for admission to practice. Of these six were graduates of McGill; thirty were graduates of Montreal University, in Montreal, or Laval University, in Quebec. Of that total number, eighteen were successful, - two McGill men and sixteen from the other two Universities. The percentage of successful candidates is one-third for McGill, and a trifle over one-half for the other two.

I do not believe that this percentage or proportion would induce the conclusion that any partiality or favoritism was shown by the Examiners. That is not my explanation of the result. I am, however, satisfied of this, that out of thirty six men holding Law degrees from these Universities, more than eighteen were qualified under proper examination to be admitted to the practice of Law.



3.

There is something wrong somewhere. I find that wrong in the examination papers set by the Examiners. I have taken communication of these examination papers, and I make two observations with respect to them: First, they disclose on the part of those responsible for the questions, utter ignorance or want of knowledge of the art (if it may be so called) of examining students with a view of testing their knowledge upon any subject; Secondly: I am satisfied that if these examination papers were submitted to the practising members of the Montreal Bar, fifty per cent of them would fail to pass.

In order to impress upon you the almost complete helplessness of our Faculty to do anything in the matter, I proceed to explain to you (in case you are not familiar with the procedure) how these Examiners are selected or named:

On the first of May of each year, the members of the various local Bars of the Province (and there are some ten or twelve in number) elect their officers, including what is known as the "Council of the Bar". These officers and Council



4.

are elected by the vote of the members of the Bar, and as a rule there is considerable competition. When these Bodies are elected, they proceed to choose or select a number of men to act as Law examiners. They may be selected from the members of the Council, or from members of the Bar who are not on the Council. It is in the selection of these men that great care should be exercised. I am sorry to say - with possibly one or two exceptions - the selection made last May of the Examiners from this district was most unfortunate; and from information I have been able to obtain, the selection made from other districts was not more happy or fortunate. I could mention a number of Examiners who had to do with the last examination, that are utterly and entirely unfit for the office. The result was, the preparation of examination papers which a well taught parrot might answer as well, if not better, than an intelligent well trained student who knew something about the principles of law rather than the text of the Code. The man who started out to memorize the Articles of our Code, without understanding their meaning, would return a much better paper than the boy who used his head and not his memory.



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We had not on that Board of Examiners a member of our teaching Staff. We should have had one, and had I been Acting Dean at the time of their selection, and my attention drawn to it, I have no doubt I could have secured the desired appointment. However, it was not done, and I believe we suffered in consequence,- not, I repeat, that there was favoritism, but his influence would have been directed to submitting questions which would amount to an intelligent test of a student's knowledge. I shall do my best -if I am here at the next selection- to see that our Faculty is properly represented.

One of the Governors (whose name I withhold) reported to me a conversation had with one of his Colleagues on the governing Board. The latter happens to be a member of the Bar. This worthy, and, more or less, learned member of the governing Board, speaking with utter ignorance of the facts, gleefully pointed to the results of the January examinations as a condemnation for what he called "the innovation introduced into the Law Faculty in the shape of a teaching course on the common law."



6.

At the time this report came to me, I was greatly impressed, and am still, with the unfairness of the criticism made to a fellow Governor, who knows nothing whatever about the teaching in the Law Faculty, or about the personnel of the teachers. It does seem to me that it would have been "playing cricket" if he had come to me, or to some other member of the Faculty, and got the true facts before he proceeded with his adverse reflections.

As a matter of fact, I believe I am absolutely correct when I say, that of the four men graduates of McGill, who failed in that examination, not one of them spent three hours of this time in the study of the common law of England during this course.

However much you may have been disturbed (and I regret it exceedingly); over these reports, I assure you, and I make the statement with all the emphasis that words can give, that the teaching of the civil Law in our Faculty has not relaxed one iota. I am perfectly satisfied with the ability



7.

devotion and the loyalty of the entire Staff. The members whom we have lost by resignations have been replaced, ~~and~~ I believe *they* are teaching their respective subjects as thoroughly and as ably as did their predecessors, and I say this with profound respect for those who have left us.

I am inclined to dispose of this aspect of the criticism by the remark, that it is due entirely to a misapprehension or ignorance of the true state of facts and an ill-digested consideration of the subject concerning which the best and most devoted members of the Faculty have given careful deliberation.

I am not fearful of the future of McGill's Law Faculty. I am confident that there is not a Law school in Canada better fitted to prepare young men for future activities, in the practice of law or in cognate walks of life.

I am afraid I am trespassing, to the verge of boredom, on the time of a very busy man. My excuse is, the



8.

conviction that you should, at least, receive such information as is available; and the further excuse I offer in the fact that I feel very keenly what I consider the "unjust criticism". I am jealous of the reputation and standing of McGill.

Upon my return from Quebec, if you could spare me the time, I should like an interview, when perhaps I might supplement this letter by further information that I may obtain.

With renewed excuses,

I beg to remain,

Yours faithfully,

A handwritten signature in cursive script, appearing to read "R. S. S. S. S.", is written over the typed words "Yours faithfully,". The signature is written in dark ink and has a long, sweeping underline.

General Sir Arthur Currie,

Principal McGill University,

C i t y.

123
September
Twenty-second
1921.

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

Dear Professor Smith:-

Thank you for the suggestion
contained in your letter of September 21st.

I do not consider it would be
advisable to change from part-time professors to
full-time at one fell swoop. You know that the
next thing I have in my mind to do for the
increased efficiency of the Law course is to add
a full-time professor in Civil Law. I should be
glad if you will keep your eyes and ears open
and suggest to me the names of any men whom you
think would be desirable additions to our staff.

Yours faithfully,

Principal.

*File
Faculty of
Law
Constitution and
of McGill*

Copy

November
Twenty-eighth
1921.

W. D. Lighthall, Esq., K.C., LL.D.,
701 Montreal Trust Building,
Montreal.

Dear Mr. Lighthall:-

I beg to acknowledge receipt of your letter of November 26th, and will refer it to the Dean for such action as the Faculty of Law considers necessary.

For myself, I would not like to subscribe to the principle that those who are responsible for the examination of McGill graduates for admission to the Bar should see to it that there is always the same percentage of English-speaking students admitted as of French-speaking students. Our only responsibility lies in seeing that Bar examinations are conducted in a fair and impartial manner, and that our graduates possess sufficient knowledge of law to enable them to pass the Bar examination.

Yours faithfully,

Principal.

W. D. Lighthall, K.C.
Barrister & Solicitor

Cable Address: "Kallight"

701 Montreal Trust Building

Montreal, November 26th. 1921

Sir Arthur Currie,
Principal, McGill University
City

Dear Sir;-

As the January Bar examinations are now approaching, I respectfully call your attention to the question of specially watching over the interests of the students of the McGill Faculty of Law, so that the injustice they suffered in the July examination whereby only 41 per cent of English were allowed to pass, compared with 72 per cent of the French, be not repeated. The friends of our students will not be satisfied without an equal percentage of English being passed.

I am, dear sir,

Faithfully yours.

W. D. Lighthall

*Frankly
from
Lester
Administration*

November 10th, 1925.

Hon. Mr. Justice Greenshields,
Judges' Chambers,
The Court House,
Montreal.

My dear Dean:-

It has been intimated to me that there is in circulation amongst the law students of McGill University, and possibly of the University of Montreal, a petition to the Bar Association of the Province suggesting that the latter body drop from their requirements such subjects as Roman Law, Legal History, Public International Law, Constitutional Law, etc.

I have heard that your name appears as signatory to this petition. Will you please tell me if this is so? If you have signed I presume it is in your capacity as a Judge and not as Dean of the Faculty of Law of McGill University, though, you will appreciate, it is difficult for you to speak on matters of legal education without reference to the position you hold as head of the Law Faculty.

I should think such a petition would carry much more weight if endorsed by the Law Faculties of the Universities than as a petition from a student-body, whose wisdom in such matters might be questioned. I should like to see you some time about this.

With kindest wishes,

Yours faithfully,



Feb. 6th, 1922.

Sir Arthur Currie,
Principal,
McGill University,
Montreal.

Re Quebec Bar Examinations.

My dear Sir Arthur:

I have just returned from Quebec, where, acting upon the suggestion made at the last meeting of our Faculty, I talked over the result of the recent Bar examinations with the professors of Laval University who are members of the Board of Examiners for admission to the Bar, and I think it well to apprise you at once of the impression I brought away from these discussions.

The Examiners with whom I conferred are, as I expected, entirely sympathetic with those students who are seriously trying to qualify for practice in this Province, and the results of the two past examinations have been very disappointing to them. Their statement that they were "très découragés" with the answer papers, particularly at the January examination, reveals very clearly their attitude. I am convinced that there was no purpose on their part to limit the number of those to be admitted, but that they could not conscientiously pass any more than they did. They say that the answers were exceedingly "weak". It seems that only five out of thirty-six passed on the first reading of the papers; of the others, only four were in doubt on a second reading, and these were re-read by the full Board; two of them were given passes, while the other two failed to receive the support of the majority of the Examiners, including those most experienced in the University and on the Bar examinations.

The gentleman from Montreal whose name has been most prominently mentioned as being in favour of keeping down the number to be admitted to practice to a minimum, has undoubtedly been indiscreet on one or two occasions, but I am assured that he stands alone among the examiners and that in consequence of his occasional indiscretion in speech he has lost whatever influence he may once have had over his fellow-



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examiners, who entirely disapprove of his professed attitude. There are two or three points that I do not think advisable to discuss in a letter but which I should like to talk over with you sometime.

I may add, however, that when discussing the probable causes for the drop in the average standard of candidates for practice at the Bar, the Laval professors stated that the students now are not giving the same attention to their studies as students did a few years ago. They spoke of a number of distractions inside and outside the University that take up the time of the students and draw their attention away from their studies. Of these, athletics play a relatively small part in Laval University, but the social side of the student life seems to have developed somewhat as it has in McGill to the distinct detriment of serious study. I was told that, for these reasons, it was extremely difficult to maintain the old standard in the University, and that there are in consequence a much larger number of failures in the University examinations than there were formerly. They recognize that it is easier for a student to pass examinations in the University than at the Bar, because (1) he has the guidance of his professor in the field upon which he is to be examined and he inevitably comes to know what his professor deems most important and is therefore likely to ask questions about; (2) in the University only one subject is dealt with on each examination paper, whereas there are four or five subjects on each of the two papers at the Bar examinations, with resultant confusion in the minds of all but the best prepared students; (3) the University examinations are spread over a number of days or even weeks, whereas the Bar examinations, covering the same field, are crowded into a single day; and (4) the pass mark of the University is never more than 50%, whereas the pass mark at the Bar for the three principal fields of Law, namely, Civil, Criminal and Civil Procedure, is 66-2/3%. So it constantly happens that their graduates fail at the Bar examination, though their experience is the same as our own that a first-class man is rarely among the failures.

May I in conclusion briefly state my own opinion?

1. Anyone who has taken the Civil Law course in McGill will agree that it provides ample work for three full years for



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any student, regardless of his previous training or natural capabilities. It is a great advantage to enter the Faculty fresh from school or college. The soldier students had been overseas for a varying number of years, where, to say the least, they had got completely out of the habit of study and probably much of what they had previously learned from books had passed more or less completely out of their minds. I always thought that in these circumstances it was a mistaken kindness to these fine fellows to permit them to proceed to their degree without taking the full course. Instead of requiring less preparation than the average student, they required more, for they had the additional burden of getting back to where they were when they enlisted for overseas. Instead of that, arrangements were made to permit them to attempt to cover in two years, including a short summer session, a course which would have demanded their best efforts, when fresh from school or college, to complete in three full years. It is not surprising, therefore, that many of these students went up to their Bar examinations unprepared and failed in consequence. I am surprised that so many of them got through. What I have just said accounts for the low proportion of successful McGill men in the examinations last July and I think had much to do with the failures in January.

2. I do not think that the students are giving the same earnest attention to their Law studies as used to be the case, while the course is necessarily becoming more and more difficult with the increase in legislation and jurisprudence. There are a great many things now distracting the students' attention which either did not exist or from which they were formerly kept apart.

3. With all respect, I do not think the teaching in our Faculty is up to a proper standard. It is not sufficient for a professor or lecturer to have a wide knowledge of his subject; he should also know how to teach it, which is a very different matter. We do not recognize that teaching is an art in itself, with the consequence that little or no emphasis is placed upon the method of presenting a subject. As I had occasion to say several years ago, I do not think that the Faculty should be a coaching school for the Bar examinations, yet I do think that we should be careful to prepare our students to pass the Bar



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examinations while giving them a much broader education in law than required for that examination.

4. To my mind, the situation requires that we set ourselves earnestly and diligently to the work of better teaching in the Faculty of Law, keeping in mind that most of our students desire to practice law in this Province and that it is imperative, therefore, that we should prepare them to pass the Bar examinations. It might be well for us also to join with the other interested Universities and with the Bar Examiners to improve the system under which the Bar examinations are conducted.

I am sorry that this letter is so long, but, in view of the importance of its subject-matter to our Faculty, I am sure you will pardon me for so fully discussing it.

Yours faithfully,

E. Edmund Howard

*Mr. Law,
Curriculum and
Administration*

Coffin

October 2nd, 1923.

George Montgomery, Esq., K.C.,
145 St. James Street,
Montreal.

My dear Mr. Montgomery:-

I called at your office last Friday to see you, but as you were away from the office at the time I briefly outlined to Mr. Brown the purpose of my visit. This morning I called again, but you were engaged, and so, in order that there may be no further unnecessary delay I am writing to outline briefly what I would like you to do.

We have all been aware that for some time considerable criticism has been made of the curriculum of our Law School. We must remove all grounds for that criticism as soon as possible. Much of it, I believe, has not been deserved, owing to a lack of understanding as to just what the University is doing and as to the objective aimed at. Regarding the B.C.L. course it is our intention to prepare a memorandum just what it is, whom it is given by and the place it occupies in our Law School. It is the intention to circulate this memorandum to all members of the Bar in this city and I think we shall be able to prove that the B.C.L. course is not being sacrificed by anything the University is doing regarding an LL.B. course, but it was with particular reference to the latter that I wished to speak to you.

George Montgomery, Esq., - 2 -

I think the University has been a couple of generations ahead of the popular demand for such a course and its usefulness is being restricted and practically nullified by the restrictions by which the Bars of the different provinces hedge around entrance to the profession of law. I am of the opinion that the time has come when it would be as well for the University to discontinue giving the LL.B. course as at present outlined, but I am convinced that there is a vital necessity for some course which will prepare men for public service.

At the meeting of the Faculty held last Thursday afternoon I was authorized to constitute a committee who would take up the consideration of the LL.B. course and advise me as to what it should embrace. I suggested a committee composed of Messrs. Eugene Lafleur, Arnold Wainwright, and yourself, Professor Mackay and Professor Smith, with power to add to their number. The constitution of this committee met with the approval of the Faculty and Mr. Lafleur has promised to head up that committee. I called upon you to ask if you would be willing to serve, as the members of the Faculty insisted that I should bring every pressure to bear upon you to help.

I very much hope that you will consent to act and I can assure you that if you do you will be rendering a real service to McGill.

With all good wishes, I am,

Yours faithfully,

CREELMAN & MACPHERSON

BARRISTERS & SOLICITORS

DOMINION EXPRESS BUILDING

MONTREAL Sept. 10, 1921.

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

Dear Sir Arthur,

As one of the Elective Fellows, representing the Graduates in Law, on the Corporation of the University, I am much disturbed at the very high percentage of failures at the Quebec Bar Examinations last July of those who but a short time previously had received the Degree of B.C.L. at McGill.

The Law Faculty of McGill University is primarily intended to prepare English-speaking students for the practice of law in the Province of Quebec, and in view of the large percentage of failures at the Bar Examinations in each of the two last years it is apparent that all is not well with the course of instruction in the Faculty of Law. It is my intention to raise this question at the next meeting of Corporation when I expect to have available some data and figures.

I consider it a matter of urgency that the Law Faculty should at once re-organize its syllabus in order that those receiving the Degree of B.C.L. shall be better prepared for the Bar Examinations of the Province of Quebec. Unless something is done at once, law

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

- 2 -

students will be diverted from McGill in favor of the University of Montreal, from which institution in the last two years the percentage of successes in the Bar Examinations has been much higher.

It is openly stated that only about one-third of this year's recipients of the Degree of B.C.L. at McGill were successful in the Bar Examinations in July. When I compare this with my own graduating class of 1907, all of whom passed the Bar Examinations of that year, I am satisfied that something is radically wrong with the present system of instruction.

Yours respectfully,

J. V. Curran

*Faculty of Law
Curriculum and
Administration*

W.P.M.

September
Thirteenth
1921.

J. J. Creelman, Esq., K.C.,
Dominion Express Building,
Montreal.

Dear Mr. Creelman:-

I have your letter of September 10th with reference to certain matters in connection with our Law Faculty.

I confess that these are giving me a great deal of concern at the present time and it is my intention to go into the matter thoroughly and for that reason I am asking some members of the Law Faculty and others concerned to have dinner with me next Friday night at the University Club. I do not quite know what is the matter. I know that we have some good teachers amongst the Law Faculty and some who are probably not so good, so that it may be that the teaching in some subjects is at fault.

In the next place I think the Summer Law Course given last year, or the year before, did not amount to very much. It is unreasonable to think that students can absorb as much in a couple of months as they are asked to absorb in the regular session of a year.

I might add, though, that we at McGill are very much surprised at the results of the Bar examination. Some of our best students have been plucked, whereas, some whom we considered very indifferent have been successful. One dislikes to mention it, but yet one cannot help noticing that all of those who wrote in French were successful. Some of those who wrote in

J. J. Creelman, Esq. - 2 -

French we did not regard as strong students, certainly not to be compared with some others who failed.

I know that our Law Course has excited the suspicion of some members of the Bar and others in this Province. Grounds for suspicion, I believe, there are none. The first function of the McGill Law School is to prepare students for the practise of Law in this Province, and that function we must fulfill to the best of our ability. At the same time I am in sympathy with extending the functions of our Law School in order that we may give anyone, whether he intends to practise law or not, a good legal education.

I hope to see you on Friday night and doubtless and doubtless an interesting discussion will prevail.

Yours faithfully,

Principal.