

# THE SIXTH DEAN

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The early 1950's were years of significant change in the history of the University of New Brunswick Law School, commencing with the appointment of two young, full-time professors to the faculty in the autumn of 1950, continuing with the acquisition of an extensive law library and culminating in the move to handsome new quarters in September, 1953 - the library and building having been acquired through the munificence of Lord Beaverbrook who had taken a keen interest in the development of the school and its students. All these events occurred during the deanship of Mr. Justice William Henry Harrison.

Since its founding in Saint John in 1892 as Kings College Law School, the University of New Brunswick Law School has had eleven Deans. The early Deans of the faculty were either members of the judiciary or leading lawyers of the day. Comprising their number were Dr. Allen O. Earle (1892-1902), the first Dean, Dr. Silas Alward (1902-1916), Honourable H.A. McKeown (1916-1924), then Chief Justice of the Supreme Court, King's Bench Division, Sir Douglas Hazen (1924-1938), then Chief Justice of New Brunswick, Honourable J.B.M. Baxter (1938-1946), then Chief Justice of New Brunswick and Honourable William Henry Harrison (1947-1955) then a member of the Court of Appeal and Chancery Division of the Supreme Court of New Brunswick.<sup>1</sup> One can say that a tradition was established with the appointment of Mr. Justice McKeown in 1916 that a senior Saint John member of the judiciary be Dean of the School, since such appointments prevailed until William F. Ryan was named Dean to succeed Mr. Justice Harrison on the latter's death in 1955.

Mr. Justice Harrison became the sixth Dean of the Law Faculty in 1947 (the year that Lord Beaverbrook was installed as the first Chancellor of the University), assuming the leadership of the school at a critical time in its history. He was no stranger to the faculty, having lectured in evidence for several years commencing in 1911 and resuming his association with the School upon his elevation to the bench in 1935.

A son of Legh Richmond Harrison, a Saint John lawyer, William Henry Harrison was born on September 25, 1880. In a long and distinguished career, the younger Harrison gained prominence as a scholar, a corporate lawyer, a soldier, a legislator, a teacher and a jurist while remaining deeply rooted in his Anglican faith. He attended Rothesay Collegiate School and the University of New Brunswick. After receiving a Bachelor of Arts degree from that institution, he pursued his legal studies at Harvard University, graduating with a Bachelor of Laws degree in the class of 1903. Harrison was admitted to the Bar of New Brunswick later that year as an attorney and as a barrister in 1904. He read law with J. Douglas Hazen (then leader of the Conservative opposition in the New Bruns-

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<sup>1</sup>H.O. McNerney, "Notes on the Law School History" (1948) 1(2) UNB LJ at 14.

wick legislature, later to become Attorney-General, Premier and, finally, Chief Justice of the Province) and opened his own office in his native city following admission to the bar.

It was not long before Harrison attracted the attention of Henry A. Powell, K.C., a leading practitioner and parliamentarian. Powell had practised law in Sackville from his admission to the bar in 1880 until he moved to Saint John in the early part of the present century. Learned, in demand as a lecturer on the humanities, Powell would most certainly have been an influential mentor for Harrison. The firm of Powell & Harrison was founded in or about the year 1907 and continued until 1918 even during Harrison's absence on military service during the First World War.

Harrison served overseas during the 1914-1918 conflict, receiving the Distinguished Service Order for gallant conduct in the field. He commanded the 2nd Canadian Division Ammunition Column as Lieutenant-Colonel. Upon his return to Canada, he commanded the 3rd New Brunswick Medium Brigade, Royal Canadian Artillery from 1919 to 1922. At this time, he and Powell dissolved their partnership. Perhaps the years of separation brought on by the war had wrought changes in their relationship. In any event, Harrison joined two well-known Saint John lawyers in 1919, namely, Alexander P. Barnhill, K.C. and Charles F. Sanford to form the firm of Barnhill, Sanford & Harrison. Following Barnhill's retirement from active practice a few years later, the firm continued as Sanford & Harrison (except for a brief period in the late 1920's when the firm was known as Sanford, Harrison & Anglin) until Harrison's appointment to the Appeal Division of the Supreme Court of New Brunswick in August, 1935.<sup>2</sup>

Although active in the Conservative Party for many years, it was not until 1925 that Harrison stood for election. He won a seat in Saint John City which he held for ten years, finally losing in the Liberal sweep of the Province in the election which took place on June 27, 1935. Always a leading vote-getter, Harrison also held important government positions, including President of the Executive Committee and Minister Without Portfolio from 1931 to 1933 and Attorney-General from 1933 until the defeat of the Tilley government in 1935.

Following his appointment to the Supreme Court of New Brunswick on August 14, 1935 and as a member of the judiciary residing in Saint John, Mr. Justice Harrison renewed his association with the Law School, becoming a lecturer in equity. Since members of the Court of Appeal also sat as judges in the Chancery Division, the choice of legal subject was an obvious one. He continued to lecture in equity and also in trusts almost until his death twenty years later.

In recognition of his many achievements, his alma mater, the University of New Brunswick, awarded him an honorary Doctors of Laws degree in 1936. Mr.

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<sup>2</sup>Mr. Justice Harrison's career prior to his appointment to the Court of Appeal is reviewed at greater length by the writer in *One Hundred Years in the Practice of Law: 1888-1988* (Saint John, 1988) in chapter five.

Justice Harrison was further recognized in 1949 when the University of King's College conferred upon him the degree of Doctor of Canon Law, *honoris causa*.

At the outbreak of the Second World War, Mr. Justice Harrison was nearing his sixtieth year. Nevertheless, he took upon himself the position of Chairman of the Board of Referees under the *Excess Profits Tax Act* which involved sittings across Canada and required the interpretation and application of legislation with scant precedent. He served as first Chairman of this board throughout most of the war, resigning in January, 1945.

The challenge upon Harrison's accession to the deanship in 1947 was to create a law school worthy of recognition by academic standards that were rapidly developing following the end of the Second World War. This is not to say that the school lacked individual scholastic achievement; indeed, in the years immediately following that conflict, two graduates went to Oxford as Rhodes Scholars (Erskine Carter in 1947 and Gerard V. La Forest in 1949) while several graduates went to the University of London as Beaverbrook Overseas Scholars (David M. Dickson in 1947, George A. McAllister in 1948, William F. Ryan in 1949, Vernon Copp in 1950, Edward Fanjoy, Wallace D. Macaulay, John L. Ryan and Harold E. Stafford in 1951). Nevertheless, to an extent (but not unexpectedly), the post-war academic years were ones of upheaval; they were not years of planning. Veterans of the war wanted to get on with their lives by completing their professional training (in many instances, interrupted by the war) as quickly as possible. The law school quite properly strove to accommodate them by conducting accelerated courses. By 1947, however, the rush was over, making it an appropriate time to reflect upon the school's future and to plot its course for the coming decades.

When Harrison became Dean, the Law School had only one full-time professor and even that person, H.O. McInerney, had other important duties. Judge McInerney, the first professor, served as Judge of Probate for Saint John Country from 1916 until his death in 1963. His appointment as Professor of Law was made in 1923 when responsibility for the Law School was assumed by the University of New Brunswick. Judge McInerney served as professor until 1950, teaching a host of subjects, including torts, real property, conflict of laws and constitutional law. His long association with the law school and the lasting contributions he made, often at considerable personal sacrifice, have not been given the recognition they deserve. Both McInerney and Harrison were familiar figures at the School for many years - impressive in bearing and eloquent in speech - and shared personal qualities that endeared them to the students. Subjects that were not taught by Judge McInerney or Mr. Justice Harrison were assigned to practising Saint John lawyers.

Readily recognizable in the late 1940's at the University of New Brunswick Law School on a comparison with other Canadian law schools, were a deficiency in physical plant, library and trained faculty members. The School was operating in a single classroom on the top floor of the Provincial Building in Saint John. Although this building also housed various court rooms, judges' chambers and the

Saint John Law Society library, it was essentially a depressing environment for the students who did not even have a common room. Nevertheless, faculty and students made the best of their situation with there being a considerable measure of extra-curricular activity on the part of the student body, including the inauguration of a student publication in 1947, the Law School Journal, and participation in intercollegiate debates throughout the Maritime Provinces and in other parts of Canada.

Perhaps the greatest deficiency was the lack of a suitable library. Writing in 1950, a contributor to the U.N.B. Law School Journal pointed out that, in 1949, the school "possessed" one-tenth of the volumes deemed necessary for a proper law school by the Association of American Law Schools. . . and "less than one per cent of the active volumes in use in the eleven Canadian law schools."<sup>3</sup> In 1950, Lord Beaverbrook donated a large collection of legal publications to the School, including law reports, textbooks, works of reference, legal periodicals and leisure reading. It would be difficult, indeed, to overstate the importance of this gesture of generosity to the development of the School.

It was also at this time that William F. Ryan and George A. McAllister joined the faculty, the former as Associate Professor of Law and the latter as Professor of Law, succeeding Judge McInerney. Both new professors had received their Master of Laws degrees at Columbia University. With two young and vigorous professors, the School was poised to meet the demand for lawyers in New Brunswick whose training would be more structured and in tune with developments in other Canadian Law Schools, in particular, the use of the case book method of teaching.

Also, commencing with the 1951 fall term, the first year of law was made available on the main campus of the university in Fredericton. Dr. Joseph Sears was appointed Professor of Law at this time, teaching courses in Fredericton.

Through the continuing generosity of Lord Beaverbrook, the third basic need of the school was satisfied in late 1951. The school's main benefactor announced the donation to the University of New Brunswick of a building in Saint John for use as a Law School: the former F.P. Starr property, a gracious and imposing structure, located at the corner of Coburg and Carleton Streets, which had adequate space for classrooms, library, offices and common rooms. The necessary renovations were undertaken and, in the autumn of 1953, somewhat awestruck and not quite believing fully in their good fortune, faculty and students moved to their new premises, understandably named Beaverbrook House. As a member of the third year class, the writer vividly recalls the first visit to the new building with its gleaming hardwood floors and small window panes, its brick exterior with white trim, as different from the former quarters in the Provincial Building as youth is from old age.

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<sup>3</sup>[Anon.] "The Chancellor's Gift to the Library" (1950) 4(1) UNB LJ at 6.

Beaverbrook had developed the practice of visiting New Brunswick each fall. On his annual visit in 1953, he was accompanied by the author and Labor Member of Parliament, Tom Driberg, whom we were told was writing a biography of Beaverbrook. *Beaverbrook*, sub-titled *A Study in Power and Frustration*,<sup>4</sup> contains a description of Beaverbrook's visit to the Law School during his 1953 trip, in particular, events which took place at a dinner Beaverbrook held for the faculty members, during which the school's benefactor outlined in vivid language his vision of the Law School thusly:

It is not to be merely a provincial law school. Not at all! It is to serve the whole nation, the whole of Canada, from coast to coast. More and more, as the years go on, the brightest of all the young men in the whole wide Dominion will be drawn to this outstanding Law School at Saint John. Don't you want to build it up into that? Don't you? Because that's my idea, that's the inspiration I should like to leave with you. Do you agree?<sup>5</sup>

His continued prodding, according to Driberg, only elicited lukewarm response, upsetting Beaverbrook. To be fair to the faculty, one must recall that the School had only recently emerged from the cocoon-like atmosphere which characterized the first sixty years of its existence.

Regrettably, Mr. Justice Harrison was in hospital in Boston when the Beaverbrook House was formally opened by Lord Beaverbrook and a host of legal dignitaries on October 15, 1954, but Beaverbrook paid tribute to Mr. Justice Harrison, noting the invaluable leadership he had given to the faculty.<sup>6</sup> At a special convocation of the University of New Brunswick held on that date, honorary doctor of laws degrees were conferred upon Patrick Kerwin, Chief Justice of the Supreme Court of Canada, K.C. Irving, D. Park Jamieson, Q.C., President of the Canadian Bar Association, Gordon F. Nicholson, Q.C., President of the Barristers' Society of New Brunswick, and Honourable W.J. West, Attorney-General of New Brunswick. Honorary doctor of civil laws degrees were conferred upon Dr. Elliott E. Cheatham, Professor of Law at Columbia University, Dr. F.C. Cronkite, Q.C., Dean of the College of Law at the University of Saskatchewan and Dr. G.F. Curtis, Q.C., Dean of the Law Faculty at the University of British Columbia. The ceremony, held in a theatre near Beaverbrook House, was a glittering occasion. Following the ceremony, a reception was held for the public at Beaverbrook House.

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<sup>4</sup>Driberg, *Beaverbrook, A Study in Power and Frustration* (London: Weidenfeld and Nicolson, 1956).

<sup>5</sup>*Ibid.* at 56. While attending the London School of Economics in 1954-1955, the writer and classmate, T.B. Drummie, met Driberg quite by chance and, at his request, reviewed that portion of his manuscript dealing with Beaverbrook's visits to New Brunswick.

<sup>6</sup>Saint John *Evening Times-Globe* (16 October 1954).

Mr. Justice Harrison was in failing health during his final year as Dean of the Law School. He died on July 18, 1955 in his seventy-fifth year. At a special meeting of the Saint John Law Society held on July 20, 1955, an old friend and neighbor, Arthur N. Carter, Q.C., eulogized Harrison as follows:

Mr. Justice Harrison by any standard was a great man: by any standard too, he was a great citizen and a great Judge. At this gathering of lawyers it is appropriate that we recall the place he has held as a member of our Profession. And deeply attached, though he was, to a multitude of interests and causes, to each of which he gave devoted and inspiring service and leadership, the interest which held the special place in his mind and in his heart was the Law and the administration of Justice, fearless, impartial and unsullied. It would be as a Judge, respected by laymen and revered by his fellow lawyers that he would, I believe, have wished to be remembered. That wish will be realized to the full. His place as one of the great Judges of this Province is secure. He had every quality that a great Judge should have: patience and courtesy in hearing argument; quick appreciation of the value of evidence and an inevitable sense of the right application of legal principles to facts. Moreover, he was a Judge who was also a learned lawyer - of the stature of Chief Justice Barker, and Chief Justice Baxter.

. . . for some fifteen years he lectured in the subjects of Trusts and Equity, which were peculiarly his own, at the University of New Brunswick Law School. Of the Law School too, he was Dean for the last eight years of his life. It is impossible to assess the value of such service as that; of the effect on young men in their formative years of coming into close association with a mind as alert, as well-stored, and as well-disciplined and upright as his. We do know that this influence on the young men of the latter generations has been immense and immensely good. Such may well be, although intangible, his most enduring memorial.<sup>7</sup>

The death of Mr. Justice Harrison marked the end of an era in the history of the Law School. His successor, William F. Ryan, became the school's first full-time Dean. With the passing of the years immediately after Harrison's death, the Law School moved inexorably into the academic milieu, depending less and less upon Saint John practitioners for lectures. By the end of the decade, the school's long and distinguished connection with the members of the Saint John judiciary and bar had ended with its removal to Fredericton nearer to the campus of the University of New Brunswick.

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<sup>7</sup>Minutes of a special meeting of the Saint John Law Society held on 20 July 1955.