

UNB FACULTY OF LAW: A RECOLLECTION FORTY YEARS ONWARD

R.G.L. Fairweather*

Just how reliable are recollections after forty years? Some details of the years I spent at the Faculty of Law in Saint John have been dimmed by time and the preoccupation of life and career, others are burnished by friends made during student days who have remained constant ever since.

The building in which the classrooms were located, on the corner of Princess and Canterbury Streets in the heart of old Saint John, is hardly an architectural triumph, but its formidable construction and imposing title, The Provincial Building, survive to this day, although judges and students have long since departed for more commodious quarters at the University Campus in Fredericton or offices more suitable for judges located in several cities across the province.

And yet where else could a student meet the Chief Justice (J.B.M. Baxter) and other Supreme Court Justices in the Law Library, in the hallways and even in the washrooms of that venerable old building. Of course, several of the judges gave courses and the Dean was a scholarly member of the Court of Appeal, William Henry Harrison. The Dean was accessible, friendly and not at all indifferent to the concerns of those of us who had our undergraduate days interrupted by active service in the armed forces. Mr. Justice Harrison had himself served with distinction in the First World War.

The registrar of the Faculty was Mary Lousie Lynch, Q.C. who was later appointed, the first woman, to the newly established National Parole Board of Canada where she served with dedication for the remainder of her career. Miss Lynch, who is now in her eighty-first year, lives in Ottawa and astounds her younger friends by her energy and abiding interest in cultural life and public affairs. Forty years ago she was confessor, adviser and friend of all students exercising light-handed authority over us in the name of the Dean. On one occasion, I am informed, she faced down several students who were indulging in a noisy poker game well after the regular closing time for the Provincial Building. In fact, it used to be said of one of my fellow students that he spent most of his days at law school slouched over a bridge or poker table. His ability to get high marks at exam time mystified those among us who were anxious plodders.

But to return to the Building for a minute, I recall it as being both gloomy and grimy and I suppose the grime was accounted for by the coal burning furnaces. The province directed that its buildings be heated with lower grade New Brunswick soft coal with the result that the janitor was often in despair as he tried valiantly to accommodate the idiosyncrasies of judges, civil servants and students who occupied the premises. When despair overcame the poor man he

*Class of 1949. Chairman, Immigration and Refugee Board.

would take refuge in the products of the N.B.L.C.B. which was conveniently located in the basement.

There was no full-time faculty although H.O. McInerney, Judge of Probate for the City and County of Saint John, was listed as being Professor of Law. He was a courtly, handsome man with a very resonant voice. Listening to Judge McInerney explain the compact theory of Confederation, bolstered by what I later came to believe were perverse and wrong-headed decisions of the Privy Council, I was almost convinced that the Fathers of Confederation really had intended to establish a nation hobbled by centrifugal provincial forces.

Adrian Gilbert, Q.C., a New Brunswick Rhodes Scholar in the early 1920s, taught us practice and procedure and jurisprudence. He was undoubtedly one of the preeminent barristers of his day and although his style of lecturing was anything but sparkling he made up for that by his knowledge of the practical aspects of trial preparation and pleading about which he had few equals.

Erskine Carter (also a New Brunswick Rhodes Scholar) and I went to see Cyrus Inches, Q.C. to ask him to buy a ticket to the Law School Ball. As well as being a bachelor, he was a very busy lawyer, much in demand all across the Province. We found Mr. Inches in his library pouring over a decision of Mr. Justice Ivan Rand of the Supreme Court of Canada. Mr. Inches said to us, "Boys, if you can tell me what the legal philosopher Rand J. was attempting to say in that obtuse paragraph, I'll buy ten tickets to your dance." Memory has long since closed the door on our reply, but he did buy some tickets.

My grandfather began his legal practice in Saint John in 1867 and my father, who taught insurance and trusts at the Law School, had a busy practice until his appointment to the Bench in 1935. My sister earned her B.C.L. in the same year and won first prize in her final year. The "Fairweather" firm where I was first a student and later a young practitioner, was located at 42 Princess Street, just across the street from the Provincial Building. In those days in Saint John there were lots of single practitioners, several partnerships and five or six larger firms of six or eight lawyers. I recall the profession as being what is now termed collegial but was then known as friendly and helpful. We veterans were in a hurry and hoped to be given a chance to do something for our city and province in the context of the free country which had emerged from the war unscarred physically but forever diminished by irreparable loss of men and women killed between 1939 and war's end in 1945. I have happy and grateful memories of my days at Law School and of those who prepared me for the rest of the journey for it has been truly said that it is the journey and not the arrival that matters.