

***History of Dalhousie Law School*, John Willis, Toronto: University of Toronto Press, 1979. Pp. viii, 302. \$20.00 (cloth).**

When a law teacher becomes an historian, the result is a perceptive and sharply focused commentary on legal education in Canada. This volume has a wider purpose than to chronicle the events which led to the founding of "Dalhousie's Little Law School" almost one hundred years ago. John Willis has produced an attractive and skillful narrative record of the circumstances which developed the national mould for professional training and under which Law Societies generally have relinquished their monopoly over legal education to university law schools.

In four years, Dalhousie Law School will be a centenarian. It was established at Halifax as an independent university law school in October, 1883. At that time the training of lawyers was the responsibility of practitioners. A law student in one of the common law provinces qualified professionally by entering into articles of apprenticeship, reading law under the tutelage of a lawyer and passing indifferent examinations required by the governing body of a provincial bar. It was an adaption of the English system. In his opening section the author asks the question — "How did it come about that so daring an experiment in common-law legal education was made at that time in the thoroughly English little City of Halifax?" Its founding "was an ambitious undertaking, a pioneer step not only in Canada but in what was then the British Empire". The pursuit of the "money making craft of practicing law was quite foreign to English thinking at the time". The succeeding parts tell how it all came about and more.

This fascinating book was inspired by massive research begun by Dean Emeritus Horace E. Read and continued by him for many years to the time of his death in 1975. Dean Read completed a preliminary draft of the period 1883 to 1950 and provided various memoranda during the years 1950 to 1964. Professor John Willis was asked to finish the project. Willis supplemented the Read material by further research and collected all the ingredients for the 1964 to 1976 period. The author has re-published and preserved as appendices several "capsule" histories prepared for special occasions and was assisted in his search by a series of reminiscences of former students and teachers at the School for the relatively short period 1916 to 1960 published in two special issues of *Ansul* in 1976 and 1977. The events described in the history come from numerous sources, many of them distinguished. The finished product belongs to Willis alone. In his preface he writes: — "I have deliberately kept it short, panoramic, and at a level where the reader will, I hope, be able to say, 'Willis has, as he should, told us about the problems as well as the triumphs of the school but always, always, in a voice of filial respect'". He succeeded.

The history is written in the vivid and colloquial style of an outstanding law teacher. It is not the work of a "dry-bones" historian. It is very readable. Although he was a teacher at Dalhousie Law School on two occasions, both at the beginning and end of his career, Willis manages to preserve objectivity despite his "filial respect". To do this on occasion he has written about his own personal observation in the third person and as a good pleader has repeated some of the evidence for emphasis.

Like a history, the book is divided into parts and sections supplemented by an Introduction, which is a mini-history, and an Epilogue. The events described in the sections are supported by notes at the end of the volume. The historical facts are organized so as to present a number of themes. One of the principal themes running through the narrative and supporting material is the "Weldon Tradition", which the author explains and contrasts with the Osgoode Hall method of training which continued until 1957. Without being partisan, Willis has collected the facts and interpreted one aspect of the Weldon Tradition, the tradition of national service in the public life of Canada. The first Dean of the Law School, Weldon, managed to serve as a member of Parliament while teaching at the law school. He was followed into Parliament by the first full time professor other than himself, Benjamin Russell. The terms of the school were adjusted to allow this service. The example of these two was followed by a large group of law teachers and students which included two Prime Ministers, five out of province Premiers and as many more within the Province of Nova Scotia, a number of federal and provincial cabinet ministers, judges and other notables. Thumbnail sketches of many identified individuals make entertaining reading. In the early 30's the author finds the impact of the school on the national life of Canada most evident at its 50th anniversary in 1933, which was attended by Premiers Tilley ('93) of New Brunswick, Macdonald ('21) of Nova Scotia and fortified by a congratulatory message from Prime Minister Bennett ('93). At the time of the 90th anniversary of the school, 4 Canadian Premiers were Dalhousie Law School graduates, Premiers Blakney ('47) of Saskatchewan, Regan ('52) of Nova Scotia, Hatfield ('56) of New Brunswick and Campbell ('58) of Prince Edward Island.

In the world of teaching, Willis calls attention to a large number of law teachers and students from the school who have furnished Deans for other law schools not only in Canada but in the United States. He recalls that the law school graduates have provided presidents for four Canadian Universities, The Universities of Manitoba, New Brunswick, British Columbia and Memorial College. He has managed to find room in his development of this theme to describe a number of law teachers in a most fascinating way.

The contribution of the school to professional life in Canada and elsewhere is not neglected. In the golden age of the school, (1920-1933),

law school graduates were prominent in most provinces particularly in the Atlantic area and the West.

A number of "Canadian firsts" are also identified; the first university law school in Common Law Canada; the first full time attendance for academic study in an independent law school; the first to introduce the case method of teaching modeled on Harvard Law School.

The part played by Sidney Smith ('20) while President of the University of Toronto in the events leading to the abandonment by the Law Society of Upper Canada of its monopoly over legal education in Ontario in 1957 is intimated. Western provinces had followed the Osgoode model but later superseded this model by the Dalhousie experiment in each case assisted by the graduates of Dalhousie Law School.

Minor themes also occur — the open door policy whereby a student had ready access to a teacher during the term, problems of accommodations, library problems, the advisability of widening the teaching scope by inviting outside teachers from other universities. The book includes all these things. One of the most interesting sections deals with teachers, scholars and curriculum. The author has managed to define where the liberal education of a law student should end and where his practical education should begin. He does this well despite some doubts raised by the Bar from time to time. It explains the curriculum changes which have occurred, the value of a good library and other significant events including the part played by the Moot Court of the school which was established at its inception and the Mock Parliament which became a Dalhousie tradition consistent with the Weldon theory of national service. All of these themes are favourably contrasted with the workings of similar institutions.

John Willis, an Englishman, was a double first at Oxford in Classics and Jurisprudence. After teaching school for a year he won a Commonwealth Fellowship at Harvard Law School and studied under Professor Felix Frankfurter. His book on delegation was well received. He returned to England to teach Political Science only to find the job not available because of the Great Depression. In the vernacular of the day he was 'left on the beach'. He did 'what he could' in London for a year and had the good fortune to receive an offer to teach at Dalhousie Law School for an incredibly low salary. He accepted and became one of the first 'outsiders' to teach at this Law School. There he taught and wrote, with little apparent effort, for eleven years and with this initial experience he was easily recognized as a great law teacher in the Frankfurter style. After a teaching career elsewhere in Canada he taught three more years at Dalhousie and retired as Professor Emeritus, in 1975. He is a prolific writer and has witnessed the transformation of professional law teaching from its original concept of technical legal training to its modern socio-legal approach.

The book will be devoured avidly by Dalhousie Law School buffs. In that sense it is an ideal centennial document. It deserves respectful and careful attention at university law schools, from teachers and students alike, for Willis tells what legal training is all about. It will make excellent leisure reading for judges and lawyers, as the Dalhousie influence pervades the Atlantic Provinces and still lingers in the West.

And I, as a student in the author's first class at Dalhousie Law School, with shining eyes tip my cap in respect.

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