

## THE HONOURABLE IVAN C. RAND

A week or so before our new law building was opened I saw Mr. Justice Rand—one refers most naturally to him by his judicial title. He was very pleased that we had survived our period of testing and had won a basis for a promising future. Not long after our opening, Mr. Justice Rand died, and this School lost a valued supporter.

The Honourable Ivan C. Rand throughout his career maintained his close association with New Brunswick. He often spoke in his visits to us of his education at Mount Allison, of his boyhood in Moncton, of his recollections of baseball in southern New Brunswick, and of his experiences in provincial politics. He returned in the summers to his cottage near Northumberland Strait.

Our Law School was a beneficiary of his continuing interest in his Province, in its legal profession, and in the education of its youth. He served as chairman of our Sir James Dunn Law Scholarships Selection Committee and after his resignation from the Deanship of Western Ontario he consented to join our Faculty as an Honorary Visiting Professor. During the academic year 1964-65, he delivered a series of lectures, ranging over a variety of topics, a series of particular value, not so much for their precise content, as for the incisive insights that darted forth from the lecturer's sophisticated mind.

This tribute to Mr. Justice Rand is of necessity brief. The truest tributes will in time take shape in the detailed and searching analyses and critiques of his judgments that will inevitably be written by scholars. He was a great Canadian jurist and his authoritative opinions are the authentic sources of his unique and in a sense pioneering contributions to a distinctive, non-imitative Canadian jurisprudence.

Naturally, as a law dean, I try to recall some at least of his ideas on legal education, ideas expressed in his talks and articles or in conversation. These ideas were, of course, products of his experience in law and public service and of his philosophy of law. One, incidentally, regrets that after retiring he did not write down his philosophy of law and his conception of the role of judicial decision-making. Law was in a sense deprived when Dean Rand responded to the requests of governments to help solve their problems; but then, anyway, he might not have written as many of us wished he would: he had, I believe, difficulty in realizing that what was obvious to him might not be to others.

In an address at the Law School on the occasion of the sesqui-centennial of the University, Mr. Justice Rand reminded our students

of the pervasive role of law in social ordering, that "the task of the law is the working out and application of rules and formulas to the reconciliation of conflicts between the multifarious interests of the community." In reference to their future, he said to the students: "You are, in short, to exercise the function of harmonizing the infinite variety of social relations, by the endless repair of clash and disorder . . . In essence, law is a part of the field of government."

There was, here, emphasis on law as a rational systematizing agency ranging over extensive reaches of conduct public and private. And to this end he urged the students to become "artists in thinking", to acquire and develop "the disciplined imagination".

I know how unscientific it is to prejudge academic research. I suspect, however, that when the scholarly studies are made we will find it impossible to fit him into nice jurisprudential categories. It was one of his strengths that he was not classifiable within conventional structures.

We at U.N.B. Law found in Ivan C. Rand a warm and interested friend.

WILLIAM F. RYAN