

February 7, 1928.

Consul General of the Argentine Republic,
Ottawa, Ontario.

Dear Sir:-

With reference to your letter of January 20th
I beg to advise you as follows:-

1. The control of admission to the practice of law is vested in the legal associations of the various provinces of Canada. In order to obtain information as to the conditions under which lawyers qualified in the Argentine Republic might practise in Canada, it would be necessary for you to communicate with the secretaries of these associations. A list is appended herewith.
2. As regards your second query concerning the equivalence of high school certificates, we understand that these schools are subject to the supervision of the Government and on this basis we would accept their certificates subject for subject. It is possible that their curriculum may not cover all the subjects required by our institutions, in which case additional examinations would be necessary. It goes without saying that a knowledge of English or French is essential.

Yours faithfully,

Principal.

Consulado General
de la
Republica Argentina.

Nº 21.

OTTAWA. Ont. January 20th, 1928.

Solicitar informacion S/
rivalidacion de titulos.

To the
Honourable President
of the University of Mc Gill.
MONTREAL. Que.

Dear Sir:

At the request of the Minister of Foreign Affairs of the Republic of Argentine, I have the honour to address you with the purpose of obtaining, if possible complete information in regard to the validity in Canada of Law Degrees conferred by the Universities of the Republic of Argentine, that is, we desire to know if a Law Degree which authorizes the possesor to exercise his profession in the Argentine would be fully recognized in Canada on the basis of reciprocity, instead of having to repeat the studies or take examination in order to practice the same profession.

This information has been requested through the Department of Foreign Affairs of the Argentine by the Faculties of Law of our different Universities.

It is also desire to know if the certificates conferred by the High Schools (Universidades y Colegios Nacionales) which are equivalent to the High Schools of Canada and the United States would be accepted by the Canadians Universities without requiring entrance examination.

The object in obtaining this information is to avoid delay and unnecessary inconveniences to the students that may decide to study in either country.

Accept, Sir, my sincere appreciation for the information that you may be able to give me.

Respectfully yours.

Juan C. Margueirat.
Consul General.

Dr. Lemessurier

Dr. Nicholson

*To Prof Lemessurier
What shall I say in reply
Please pass to Dr. Nicholson
W.C.*

Wurtele Bequest

To the Acting Principal,
McGill University.

MEMO ON PLAN FOR PUBLICATION OF LEGAL
STUDIES

The Law Faculty has now unanimously approved the proposal that the Wurtele Bequest, if it is secured for the Law Faculty, be appropriated as a publishing fund. The general plan of the Faculty is to set to work on a series of treatises on the Civil Law of this province. There is no such general treatise in English, with the consequence that lawyers in other parts of Canada and in the United States have no means, unless they possess a good knowledge of French, of acquainting themselves with the law and jurisprudence of Quebec. The study of comparative law is receiving increasing attention, and it is a study of great value not only in the solution of problems arising in the conflict of laws but for the thorough understanding of fundamental legal principles. It is thought, therefore, that anything which would render the legal system of this province, which is unique on this continent, more available for comparative study, would be a worthy contribution by this Faculty to the advancement of legal learning.

There are other reasons in favour of this publication. These treatises must bring different points of view to bear upon problems discussed in the one general treatise, viz., that of Mr. Justice Mignault, which is of course written in

French. It may also be a merit that the work attempted would be carried out as an original Canadian study, whereas Mr. Justice Mignault's book is fundamentally a treatise on the law of France with Canadian notes.

The work will probably require a minimum of ten years to complete and it may run to as many as ten volumes of an average of five hundred pages each. It is on that basis, which may be considered a maximum, that we have discussed the matter of publication charges with Messrs. Wilson & LaFleur. They have given us figures, based upon tenders which they have received in connection with a proposed second edition of Mignault. The total cost of printing of ten volumes of five hundred pages at \$2.25 per page is \$11,250; binding 300 sets of ten volumes at \$1.50 a volume is \$4,500, making a total of \$15,750. The volumes would sell at not less than ten dollars each and Messrs. Wilson & LaFleur think that we could count on a sale of 130 sets in the Province of Quebec. The sale of one hundred and eighty sets would cover the above costs with something over for incidental expenses and we are told that we ought to be able to sell fifty sets outside the province. I consider the estimate of fifty copies outside the province far too conservative, because I am sufficiently acquainted with American law schools to feel confident that the whole publication would be wanted by a great many of their libraries. In addition there should be a certain sale in the other provinces of the Dominion and it seems to me not at all extravagant to hope that the publication would eventually more

than pay for itself.

The accumulating income of the Wurtele Bequest of \$5,000 seems perhaps a puny instrument with which to begin an undertaking that will run into \$16,000. before completion. I would point out, however, that the publication of subsequent volumes can be held back until the preceding volumes have been paid for out of income combined with sales. It ought to be realized too that nothing will be ready for printing under two years and that seriatim publications will in all probability be necessary owing to the anticipated method of preparing the volumes. The work will have to be done by a number of hands and it will take considerable time and careful consideration to select the writers.

The plan as above outlined is of course an ideal maximum. Even if only two or three volumes on particular portions of the civil law were produced yet the effort would be worthwhile. The fund can always be used with advantage even for occasional publications which, in view of the small legal market, would without some such assistance involve the author in a prohibitive initial outlay. As far as exceeding the resources of the Bequest is concerned there is little reason for anxiety. If we do find that our plan is realized quickly enough to involve a large expenditure at any one time it would be of course useful to have extra money, but we do not contemplate pledging anybody's credit or actually committing ourselves to any expenditure for which we should not have

-4-

the funds. The great thing is to get the work done with
the prospect of eventual publication.

Respectfully submitted,

(Signed) P.E. Corbett

Scholarships

MCGILL UNIVERSITY
MONTREAL

FACULTY OF LAW

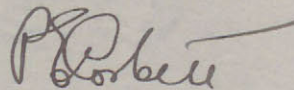
December 14th, 1929.

The Principal,
McGill University.

Dear Sir Arthur:-

I regret to say that it had never occurred to me to look into the acknowledgment of scholarships. In future I shall take this up with successful candidates. I presume that the acknowledgment would be in order only where the original donor is living, or should some communication be made to the estate ?

Yours sincerely,



P. E. Corbett.

13th December, 1929.

Dean Percy E. Corbett,
Faculty of Law.

Dear Dean Corbett,

Can you give me any assurance that those in your Faculty in receipt of Scholarships have made suitable acknowledgement to the donors of those scholarships?

It is something very often forgotten.

Ever yours faithfully,

Principal.

R.R. 4, Magog, P. Que.

27/5/32.

Dear Sir Arthur:

Lemesurier has written me about fees, sending me a statement of charge to general funds and proposed new fee for each Faculty. I note that the charge to general funds per law student is only ~~\$8.33~~ ^{no. 1149} ~~0.7~~. The only basis for so large an increase in our case as from \$205 to \$300 must therefore be improved course or improved facilities of some kind. In general I should be strongly in favour of improving instruction and charging higher fees, and if the University feels ready to go ahead at once with the appointment of a professor of comparative law as a fourth full-time member of Faculty I see no objection to increasing the fees now. He may have fewer students but in view of the crowded condition of the profession that is probably no serious loss. He might even meet the objection of stopping the poor but worthy

young man by scholarships large enough to cover the difference. I should be opposed to remission of fees. To deserve remission, a man ought to be pretty nearly good enough to win a scholarship, and I don't think the university should assume the responsibility of finding out accurately the economic situation of a student. That would seem to me to expose it to every species of deception.

But are you willing to countenance "expansion" at the present time? That is the way, I suppose, that the establishment of a new chair would look to financial supporters of the university and even to some dons who have had their salaries reduced. I'm keen enough on making the step, as you know, but I can see there rather serious reason for delay.

In the other faculties there is full justification for the proposed increase, because of the large charge to general funds. But there is a good deal to be said too for something like uniformity of fees as between the professional schools. We certainly don't want a flood of people coming to us because it's a

cheap course. Moreover, if we don't increase now, I should want to increase the moment economic conditions become more favourable.

My position, then, is this. If it weren't for the general increase proposed, I should be against raising our fees at the present time. I should also be against an increase unless we can at once proceed to establish a new chair and some substantial scholarships. But given the general increase, and provided we can improve without unreasonable delay, it would probably be good tactics to make the jump along with the others.

If you should want to see me to discuss this or any other matter, please don't hesitate to call me in.

You must have had a quelling year. I hope it has left you in good health.

Yours sincerely,
P. Corbett.

COPY

Rules for Scholarships

7 March, 1927

The Honourable Mr. Justice R.A.E. Greenshields,
Dean of the Faculty of Law,
McGill University,
Montreal.

Dear Sir,-

The Committee elected by the Faculty to consider rules and regulations with regard to the award of Scholarships and Prizes, and consisting of Professors Surveyer, Chipman and Corbett, begs to submit the following report.

I. MACDONALD SCHOLARSHIP

(a) The Committee felt that it should be quite clear that a knowledge of French does not constitute a prejudice. The wording of the will calls for a course at a French University, and, for this purpose, some knowledge of French is essential. The Committee is of opinion, however, that ignorance of French should not prevent the appointment of a man with otherwise exceptional qualifications. Such a man would probably be able in the interval before taking up his scholarship to acquire enough familiarity with the language to get on with.

I. Macdonald Scholarship, (con'd)

(b) The Scholarship ought not to be assigned to a student of second class standing in examinations unless the Faculty be convinced that that standing is not a true indication of the particular candidate's merit. This rule would leave open the possibility of appointing a man who, for some extrinsic reason, has not got a first class though he is recognized to be of that calibre.

(c) The candidate should be allowed to go to any University other than Paris. The objection to Paris is the one that has already often been voiced, viz., its distractions and the difficulty of acquiring there any real acquaintance with the French people.

(d) Applications for the Scholarship should be in by March first, accompanied by the information required in Article II of the Rowat Scholarship Regulations. The Faculty may, in its discretion, accept later applications.

(e) Scholarships should be awarded only on satisfactory answers to any questions which may be put by the Faculty to any applicant for that year.

(f) Continuance of the Scholarship should depend on submission of such evidence as may from time to time be required, that the scholar is following a course of legal study at a French University other than Paris.

(g) Article III of the existing Regulations should be

retained and observed.

(h) Successful candidates will be advised to devote the major part of their time to subjects of more general import, such as legal philosophy, theory of obligations, etc.

II. THE ROWAT SCHOLARSHIP

The Rowat regulations are, in the opinion of the Committee, satisfactory, except that in Article III they should read "Domat or such other".

It has not been the practice to distribute the examination over all the texts mentioned and it is felt that in each year one or more of them might well be concentrated on.

III. THE TORRANCE MEDAL

(a) This medal should not be awarded except to a candidate who has obtained first class standing in the examinations.

(b) In view of the conditions mentioned in the grant of the fund for this medal, where special mention is made of Roman Law, the Committee felt that in cases of doubt between two or more candidates, proficiency in Roman Law should be the major consideration.

IV. ALEXANDER MORRIS EXHIBITION

The Committee recommends that the Alexander Morris Exhibition should not be awarded to a candidate of less than first class standing.

V. BAR PRIZES

The Committee did not consider it advisable to suggest any alterations in the conditions of the Bar prizes for Commercial Law.

VI. In addition to the above-named scholarships and prizes, the Faculty has at its disposal, for distribution in special prizes, an annual sum of two hundred and fifty dollars (\$250.)

The Committee suggests that one hundred and fifty dollars (\$150.) of this might be given as a prize for the best standing in an examination on special work to be assigned from year to year by the Faculty, provided always that the work of the best candidate is sufficiently good, in the opinion of the examiners, to warrant the award. It would thus resemble the Rowat Scholarship, which, however, is given only in alternate years, and the candidates for which must be British subjects of Anglo-Saxon or Celtic origin. The suggested prize of one hundred and fifty dollars (\$150.) would be open for competition to regular students of this Faculty whatever their year or origin. Unlike the Rowat, the examinations for this prize would be conducted in English. They might be held at the beginning of each autumn term, the prize thus serving as an incentive to summer reading.

The remaining one hundred dollars (\$100.) might be

kept unappropriated, for distribution by the Faculty at its discretion in prizes for specially distinguished work in any year or subject. It is suggested that such prizes might take the form of books of the general-treatise type. In courses where students are being required to deliver essays, book prizes might be established for the best essay, the decision to rest with the instructor in charge of the course.

The whole respectfully submitted,

(Signed)

(E. FABRE SURVEYER
(
(W.F. CHIPMAN
(
(P.E. CORBETT

Macdonald Scholarship



June 27th, 1931.

General Sir Arthur Currie, LL.D.,
Principal and Vice-Chancellor,
McGill University,
Montreal.

Re Macdonald Travelling Scholarship.

Dear Sir Arthur:

The awarding of this scholarship for 1931-32 came up for consideration at the last meeting of the Faculty of Law, when it was decided to grant it to Moses S. Yelin, who attained the highest marks in the recent final examinations, I alone dissenting. To avoid any misunderstanding of my position, I wrote to the Dean stating my reasons for dissenting, and he replied that my letter had been put on file, which, I take it, means that it is there for reference and perhaps for future consideration, and so I feel free to write you in the matter.

I have not a copy of Sir William Macdonald's Will before me, but I assume that the relevant part of the clause therein by which these scholarships were created is correctly quoted on page 8 of the Announcement of the Faculty for the current year as follows:-

*correct
APSS*

"The Macdonald Travelling Scholarship was founded by the will of the late Sir William Macdonald 'for the purpose of enabling English-speaking Law students to take a course of studies in France', the testator 'deeming it of great importance that the English-speaking members of the legal profession should be proficient in the French language.'"

Needless to say, there is no legal principle more firmly established in our law than the absolute freedom of willing; a testator may do what he likes with his own; his intention, as disclosed by the language in which he has chosen to express it, becomes the law that governs his bequest, within of course the limits of public order and good morals. Only extreme necessity would justify a departure from the expressed



2.

wish and intention of a testator. It seems to me, therefore, that our duty is to ascertain from Sir William's Will what his intention was and then to give effect to it.

If asked to construe this clause, I should say that it is manifest that Sir William's desire and intention was to enable English-speaking students of our Faculty who are not proficient in French to acquire that proficiency by a course of studies in France. Eligibility for a scholarship depends upon two conditions - that the candidate must be "English-speaking" and "not proficient in the French language". Neither his rank or standing as a student nor the marks that he may have obtained in his final examination has any bearing.

The moot point is: What does "English-speaking" mean in this connection? Having regard to the meaning given to the term in the practice of law in this Province and the connotation that it bears in the mind of the man in the street, I should answer that it means one whose native tongue is English and not merely one who speaks the English language. When the law calls for an English-speaking jury, the sheriff summons only those whose native or family tongue is English and never a person of another race, though he speak English ever so well.

The popular and primary meaning of the term is in the same sense. When one of either race addressing a Montreal audience speaks of "our English-speaking fellow citizens", he means, and he is always understood to mean those whose mother tongue is English. I have asked the majority, if not all, of my brother Judges of this Court, French and English, what they understand by an "English-speaking" person, and the answer invariably has been one whose mother tongue is English and not merely one who is conversant with the English language.

Judging then strictly on the language of the bequest, I should say that no one is eligible for a scholarship whose native or home language is not English, be he Jew or Bulgarian or Chinese, and no matter how early or how perfect-



3.

ly he may have acquired the use of the English language. If a person were "English-speaking" within the meaning of this bequest merely because he had acquired a fluent use of English, then Mr. Justice Surveyer or Mr. Aimé Geoffrion, or any other French-Canadian who has taken the trouble to learn English, would be eligible, which, of course, is contrary to the spirit and manifest intention of the bequest.

On the other hand, I should consider that a student of English stock that had taken root or had been naturalized in a foreign country, be it in the United States or Bulgaria or China, who had preserved English as their family tongue, would be eligible.

Now turning to the case of Mr. Yelin: Both his parents were born ~~in~~ (and came to Canada from) somewhere in Central Europe, ~~and~~ neither is of English stock. The presumption, therefore, is that their family tongue is not English; the burden of proving the contrary is upon him who claims to be qualified for the scholarship. The appointee, Moses Yelin, was born in Canada and has acquired a knowledge of English here. He may be equally proficient in the French language - probably he is; we did not take the trouble to find out, which I think we should have done and with somewhat the same care as is taken in similar case by the Rhodes Trustees. My conclusion is that, in these circumstances, Mr. Yelin was not eligible for the scholarship, because he had failed to show that he is "English-speaking" within the meaning of the governing clause of the founder's Will and that he is not already proficient in French.

But leaving aside the strict terms of the Will, I cannot bring myself to think that Sir William Macdonald founded these scholarships for students of Mr. Yelin's origin and qualifications. He noticed that the English-speaking students of McGill were generally backward in learning French and he thought that the students in Law, if they were going to be useful members of the Bar and some of them efficient Judges, should know French well, and his intention, expressed in language which seems to me to be precise and unequivocal, in founding the scholarship was to assist such students to that



4.

end. With all respect to the contrary opinions of other members of the Faculty, I am bound to think that we are not carrying out that intention.

It seems to me that the matter is of sufficient importance to get settled right, for, in so far as it may come to be rumoured and believed by the friends of McGill that those who have the administration of its funds are not very particular in carrying out the wishes of a testator with regard to the object of a bequest, it will constitute a deterrent influence against the making of such bequests. I should suggest, therefore, that the opinion of Counsel of standing, who has no connection with McGill, should be obtained as to the true construction of the clause in Sir William's Will now in question, and I assure you that, if the opinion is contrary to my own, I shall loyally abide by it. Humanum est errare.

I am sorry to have troubled you with a matter of this kind just at the beginning of the long vacation and especially to have inflicted so long a letter upon you. I trust, however, that you will have a very pleasant and altogether satisfactory holiday.

Yours faithfully,

E. Edwards Howard.

John G. Passco

*Get extract from
Macdonald's will.
Bring before Finance Committee
20/6/21
AWB*

MCGILL UNIVERSITY
MONTREAL

FACULTY OF LAW

16/7/31.

Dear Sir Arthur:

The enclosed copy of a letter to Judge Howard sets out my views on his objections to the award of the Mac Donald Scholarship to Jews. Many of that faith have been awarded it in the past, and I should infinitely prefer a little trouble to Judge Howard's legal conscience than a soft-face on the part of the Faculty at this late date.

Yours sincerely,

P. Corbett

May 26th, 1931.

Hon. Mr. Justice Howard,
The Court House,
MONTREAL.

Dear Judge Howard:-

Thanks for your letter of the twenty-second setting out in detail the reasons for your dissent from the award of the MacDonald Scholarship to M.S.Yelin. I am afraid that I still regard the practice adopted by the Faculty in the last half-dozen years as the best one in the circumstances. As I understand that practice, the Scholarship has been treated as a reward for the best English-speaking student. As to the meaning of "English-speaking" it seems to me impossible not to recognise that quality in a boy even of Central European and Hebrew extraction, born in this country, and speaking English as fluently as the actual scholar-elect does. Nor do I think that non-proficiency in French should be insisted upon. How can we assure ourselves of

such non-proficiency ? Any man otherwise qualified could easily assume a temporary ignorance of French. Moreover it would seem to me unreasonable to deny the scholarship to a man who had had sufficient ability to acquire along with the other qualifications a good knowledge of French.

Your dissent will be worded as you request and I am putting your letter on file.

Yours sincerely,

F.E. Corbett.

June 30, 1931.

Honourable Mr. Justice E. E. Howard,
Court of King's Bench,
Montreal, P. Q.

Dear Mr. Justice Howard,

I have your letter of the 27th, with reference to the interpretation of Sir William Macdonald's Will, regarding his scholarship in Law. I am grateful for the argument advanced and the care you have taken to present your views, with which, I must say, I sympathise.

I promise you that the matter will be taken up.

Ever yours faithfully,

Principal

August 4th, 1924.

H. A. Mackie, Esq.,
201 McLeod Building,
Edmonton, Alberta.

Dear Sir:-

Your letter of July 3rd addressed to the Dean of the Faculty of Law has been handed to me for reply. I regret the delay but this has been occasioned by the fact that we have only just received the Announcement of the Law Faculty from the printers.

I have spoken to one of the legal firms in the city and if, after an interview, they approved of the young lady's abilities as a stenographer they would be willing to employ her and allow the necessary opportunity for study. You will see from the Announcement I am sending you that one year in Arts or its equivalent (senior matriculation) is required before a student can enter on the study of law at McGill University. Next year the requirements will be two years in Arts. The "Diplome Modele" you mention would be accepted for entrance to Arts.

As far as the cost of living is concerned that depends a good deal upon the young lady herself. She can rent a room in a good locality for from \$25. to \$40. a month or she might make arrangements to share an apartment where she could prepare her own meals, etc. This would cut down her expenses. Board can be obtained with private families for \$50.00 a month up.

Of course you understand that if your client decides to take up the Arts course she will have to devote her whole time to it.

Yours faithfully,

H. A. Mackie, K.C.

A. E. Popple, LL.B.

BRIEFING IN CRIMINAL AND
EXTRADITION CASES

201 MCLEOD BUILDING

Edmonton, Alberta

July 3rd, 1924.

To the
Dean of Law Faculty,
McGill University,
Montreal, Que.

Dear Sir:-

A young lady in this province desires to follow a course of law at your University. Would you be good enough to send me by return mail the Curriculum of the University with such details as to the costs of following the course, books, etc., etc., and the approximate costs of board and lodging in an absolutely good and respectable family or apartment house.

The young lady in question is a competent stenographer in both languages with three years legal experience in Alberta. Would it be at all possible, in your opinion, that she could pursue her studies and at the same time do some office work whereby she could earn at least part of her expenses.

When the applicant is the holder of what is called in Quebec "Diplome Modele" can the matriculations be dispensed with.

Your early answer will oblige,

Yours faithfully,

H. A. Mackie

McGILL UNIVERSITY
MONTREAL

Discipline

FACULTY OF ARTS
OFFICE OF THE DEAN

November 25, 1925.

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

My dear Principal,

Referring to our general conversation of yesterday in relation to the discipline of student members of the University, I should like to call your attention to page 82, paragraph (h) of the Statutes and Rules of the University which reads as follows:-

"Each faculty shall have and perform the following powers and duties:-
* * * * *

(h) To make regulations for the discipline of its student body subject to the limitation, however, that no student shall be expelled and that no punishment more severe than a reprimand, a fine not exceeding \$25, or suspension for not longer than one month, shall be imposed without the consent of Corporation."

The practice in this office is generally as follows. The instructor may dismiss a student from the class and, if necessary, send him to the Dean; the Dean may suspend the student until the next meeting of Faculty, which should not be more than one month later; the Faculty then may suspend for one month including or excluding the period of suspension imposed by the Dean. Only Corporation, however, can expel a student. At least this seems obvious from the fact that

Sir Arthur Currie, 2.

The University
the student is a member of ~~Corporation~~ itself. In cases of immorality the punishment is final, although subsequent good behaviour may be good cause for varying the punishment later. In cases, however, of impertinence or misdeportment, after the analogy of contempt of court, the usual practice is to suspend or expel the student until ample apology is made either to the faculty or to the instructor most interested. In cases of misdeportment in the classroom, my own personal practice has been to deal with the student myself once and twice, but if he is reported a third time I bring it before Corporation to be dealt with by them as they think fit. Most of the students in the Faculty are aware of this practice and I think that it works generally very well. Certainly no student is likely to risk having his case brought before and noted on the minutes of Corporation.

Yours sincerely,

Geo A MacKay

Dean

McGILL UNIVERSITY
MONTREAL

FACULTY OF LAW

26th November, 1925.

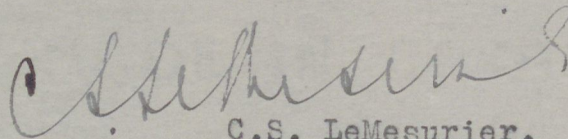
Personal.

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

Dear Sir Arthur,

Many thanks for your letter of
November 25th. The matter has adjusted itself by
the withdrawal from the university of the student
in question so that no action is necessary.

Yours truly,



C.S. LeMesurier.

November 25th, 1925.

Personal.

C. S. LeMesurier, Esq.,
Faculty of Law,
McGill University.

My dear Mr. LeMesurier:-

With reference to our conversation yesterday let me direct your attention to Page 62, Paragraph H. of the Statutes and Rules of the University.

It seems to me that you are quite right in asking the student to absent himself from your classes and I trust that by now you have reported the matter to the Dean. I think that he has power to suspend the student until the next meeting of the Faculty, which should be held not more than one month later. The Faculty may confirm the suspension, but if such period lasts more than a month the matter must be referred to Corporation. As this is a case of impertinence I should think the student should be restored, providing he makes ample apology, and the matter need go no further.

Yours faithfully,

Principal.