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THE RELATION
 OF
 McGill University to Legal Education.

[Letter by SIR WILLIAM DAWSON, LL.D., Etc., *Montreal Gazette*, April 19th, 1887.]

TO THE EDITOR OF THE GAZETTE

SIR,—The subject of professional education is not usually very interesting to the general public, but at a time when we are practically told that all we have labored to establish here in connection with our Protestant universities must be abandoned in favor of the system of the French majority, and that our universities and professional schools are not needed in a province already provided with education supposed to be suitable to the greater part of its people, it is well that the friends of education should give a little attention to the subject. Dr. Heneker has already argued on public grounds the claims of the law courses of the universities, as well as those of the institutions of general education in connection with the preliminary examinations, and I now wish to follow this up with some special statements respecting the law faculty of McGill, the older of the two connected with the Protestant universities, and which seems particularly aimed at in some statements which have been made in your columns and elsewhere.

The time was when professional education was limited to an apprenticeship with a practitioner, but that has long since passed away in all civilized countries, and systematic teaching by learned and able professors is held to be indispensable. This work has in every country devolved largely on the universities, and has been carried out most successfully by them. In this province, and in the case of a university intended specially to provide for the higher education of the English-speaking minority, it appeared from the first essential that professional education should be attended to, and McGill has taken a leading place not only in

this province but in the Dominion of Canada, in its schools of law, medicine and applied science, and this greatly to the advantage of Montreal and of the province generally.

The McGill faculty of law was organized immediately after the amended charter of 1852 had been secured, and was an object of special interest to two members of the board of governors who have now passed away, and to whom Canadian education owes much, the late chancellor of McGill university, the Hon. Judge Day, and the Hon. Judge Dunkin. Both of these gentlemen gave much time and thought to the regulations of the new faculty, which consisted at first of the Hon. Judge Badgley, the Hon. Mr. Abbott and the late Hon. Judge Torrance, but has since been enlarged, until at present it has seven professors and a lecturer, while its course of study, originally planned by the eminent men above named has, like those in our other faculties, been greatly extended and improved, and this to such an extent that the number of lectures delivered since 1872 has been double that in the earlier sessions of the faculty. Even since 1885 the course has been still farther enlarged and rearranged.

It might almost be inferred, from some statements which have been circulated, that students can enter into the classes of the faculty without any matriculation examination. On the contrary, every student must pass an examination before entering into the first year. As stated in the calendar, in which its details are annually advertised, this includes Latin, English and French, mathematics, history, and even a certain amount of rhetoric, logic and ethics, which take the place of the "philosophy," respecting which so much has been said. Graduates in arts are, of course, received without examin-

ation. The course of study extends over three years, and provides for a very wide range of legal acquirement, the details of which are stated in the university calendar. It has been said that the lectures are not actually delivered, but this is quite incorrect. The session is divided into two terms, each professor delivering a daily lecture during one of these terms, so that four of the professors lecture in the first term and three in the second. According to the returns made by the secretary of the faculty, over 300 lectures were delivered in the session just closed. I do not admit, however, that the value of our course in law is to be estimated merely by the number of lectures. Quite as much depends on the nature of the lectures and on their tendency to aid and stimulate reading, study and independent thought on the part of the student. Much also depends on the judicious division of the subjects between the different years. It is thus quite conceivable that, under favorable circumstances, four or five hundred lectures may be more valuable to a student than the one thousand or more which the secretary of the Council of the Bar desires. It is also to be observed that law students are usually under apprenticeship, and are obliged to devote the greater part of their time to office work.

The students are required to attend regularly and punctually, and examinations are held at the end of each term with a final examination for the degree, so that each student has to pass six examinations conducted by written papers, in addition to the matriculation examination, and has also to prepare a thesis before graduation. That occasional interruptions should occur in some sessions in certain courses of lectures delivered by professors engaged in active practice, is inevitable, but such blanks have been supplied as far as possible by additional lecturers, and when professors, by reason of legislative or judicial duties, have been unable to attend to their lectures, they have retired in favor of others, or have been placed on the list of emeritus professors. It is quite easy, however, for persons disposed to be critical to magnify the omission of a few lectures in one course, owing to some accidental cause, into an entire failure to deliver lectures. The names of Kerr, Trenholme, Archibald, Lareau, Hutchinson, Robidoux and Davidson, who constitute the present faculty, are a sufficient

guarantee for the character and good faith of the course.

When the great importance of the legal profession is considered, and the fact that the judicial bench as well as the halls of legislation and many important public offices demand a high legal training, it is evident that the continuance of such a course of study is of the greatest value to the community, and the public may entertain the utmost confidence that the university, for its own credit and in the interest of the higher education which it is its special business to sustain, will neither permit students to enter without preparation nor to graduate without a regular course of study and a searching examination, while it also offers a gold medal, honors and prizes, as rewards to stimulate to special effort. All this can and will be done quite independently of the council of the Bar, and without any legal compulsion on the part of that body. I may add that while I object on every principle of sound education and of civil right to place the curricula and examinations of our Protestant education in the hands of the professional councils, I feel confident that their interference in the manner indicated in the recent regulations of the council of the Bar, will degrade and not elevate the legal profession.

The results of the system which this university has pursued are apparent in its list of graduates. We have at present a little over 400 bachelors of civil law, of whom a few have been removed by death and some have settled in other provinces of the Dominion or in the United States, but the greater number are actively and creditably pursuing their profession in this province. In glancing over the names on our list, I observe that at least forty represent men who are, or have recently been, members of the Dominion or local Governments or legislatures, or who are occupying judicial or other important public positions, and several of these are graduates in arts as well as in law. This is an evidence that here, as in the mother country, the university training tells in the higher walks of professional and public life, and that the particular form of such training represented by our Protestant educational system is highly efficient in this respect. The large number of French names on our list of graduates reminds me that we have been working in this depart-

ment for both sections of our people, and that no distinctions of creed are known in our professional classes. The university has a right to expect that in the present crisis all its graduates, of whatever race or creed, will remember the benefits they have received from it and will actively defend its educational rights.

The above statements will, I hope, serve to show that it is the duty and interest of the public to sustain the general educational system of the country and the universities against the encroachments of the professional councils, however well meant these may be, on the ground that systematic education of a high type and suited to the wants of the present age can be given by the higher schools and the universities alone, and not by the professional boards, and that the interference of the latter, except under very strict limitations, is as bad in principle as it would be to hand over the general elementary education of the country to the trades' unions representing the several departments of industry. Any country taking such a course cannot keep pace with the progress of the age. In the peculiar position of the Protestant minority in this province, there are, of course, special reasons why such deviations from sound educational principles become unjust as well as inexpedient.

I may add that this is not a matter of pecuniary interest to the university, which derives no revenue from the faculty of law. The faculty has had but one endowment, "The Gale Chair" founded by the liberality of the daughter of a late eminent judge. The university contributes only a small sum towards its annual expenses, and even this with some difficulty. Still the work is so important that we are willing to continue it, in hope that like other departments it may grow in its resources, unless driven from the field by hostile legislation. We feel also that if we submit tamely to such legislation, the time may soon come when our young men will be unable to enter into the practice of the higher professions without conforming to the educational methods of the majority, in which case they would fail to obtain that kind of training which we believe to be essential to their highest usefulness and success, and which has enabled Great Britain and the United States to take the high positions which they hold among the nations of the world. Nor need we limit this statement to ourselves. If our friends, who are so zealous

to reform the Protestant schools and universities, would turn their attention to the educational system of France, and especially to the improvements which have been introduced within the last fifteen years, they might learn much to their advantage.

Since writing the above, I have seen the letter of Mr. Pagnuelo in your issue of Monday. I do not propose to reply to this communication, which relates principally to the preliminary examinations, and to points sufficiently discussed by Mr. Rexford and Dr. Heneker. It may be useful, however, to point out some errors connected with the subjects referred to above. (1) The degree of B. A. is not given to pupils of high schools and academies "by affiliation." They may matriculate, but they must study for three or four years before graduating in arts. This is the reason why we wish to recognize the degree of B.A. and to encourage young men to proceed to it; but in doing so we have no wish to act on the majority except by our own better example. (2) Mr. Rexford's position as to philosophy is entirely misstated. He referred to the academies and high schools and not to the universities. We attach little importance to the philosophy which can be taught to schoolboys, but we value greatly that which can be studied by men of more mature minds. Hence again we wish to have the degree of B. A. recognized, but without prejudice to those who, without such a degree, can pass a proper entrance examination. (3) Our objection does not lie against an equal standard of examination for all, but against the testing of our men by a standard different from and, as we hold, inferior to our own in the more essential subjects, while attaching a high value to others which we do not think necessary. (4) It is further to be observed that the English minority in the province of Quebec has not insisted on separation, but has desired as far as possible a system of common schools. The existing separation, now fully recognized by our educational law, has been produced by the action of the majority, and as a consequence of the strictly denominational character of its system; and this renders it peculiarly unjust to deprive us of separate examinations, which are the necessary complement of a separate and distinct system of instruction.

Those interested in the educational welfare of the English-speaking minority in this province should carefully read and

ponder Mr. Pagnuelo's letter. The tone of that letter, the inability of the writer to comprehend the statements of the universities and of the Protestant committee, the dense and multiform ignorance of the nature and tendency of our Protestant educational system apparent throughout, constitute the strongest possible arguments in favor of the entire separation of the two systems, and should convince the English people of the danger of handing over our educational rights to the "generosity" of those whom Mr. Pagnuelo represents. I trust, however, that the moderate and reasonable claims of the Protestant minority, relating

entirely to their own rights and not interfering with those of others, will meet with due consideration on the part of the professional councils and the Legislature, and that the dangers which at present appear to threaten educational privileges which we highly value, not in our own interest merely, but in that of the province as a whole and of the Dominion at large, may happily be averted.

I beg to remain,

Yours truly,

J. W. M. DAWSON

April 19, 1887.

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