No Longer "naked and shivering outside her gates": Establishing Law as a Full-time On-campus Academic Discipline at McGill University in the Nineteenth Century

A J. Hobbins
McGill University

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A.J. Hobbins*  

No Longer "naked and shivering outside her gates": Establishing Law as a Full-time On-campus Academic Discipline at McGill University in the Nineteenth Century

Although Canada was a single province (1763–1791), subsequently divided into Upper and Lower Canada, legal education developed very differently in the two components. The Law Society of Upper Canada controlled legal education in Ontario until the second half of the twentieth century, while in Quebec, where the legal system was based on both civil and common law, university-based legal education began in the first half of the nineteenth century. This study examines how legal education developed at McGill University, moving from part-time teaching by professionals off-campus to an on-campus faculty taught by full-time academics by the end of the century. These changes were in part caused by fear in the English-speaking minority for their position following Confederation and led to tensions between the academy and the Bar, which controlled entry into the profession regardless of the education received.

Même si, au départ, le Canada était une seule province (1763–1791), ultérieurement divisée en Haut-Canada et en Bas-Canada, l'éducation juridique s'est développée très différemment dans chacune de ses deux composantes. Le Barreau du Haut-Canada a contrôlé l'éducation juridique en Ontario jusqu'au milieu du vingtième siècle, tandis qu'au Québec, où le système judiciaire était fondé à la fois sur le droit civil et la common law, l'éducation juridique a été offerte à l'université dès la première moitié du dix-neuvième siècle. L'article examine la façon dont l'éducation juridique a évolué à l'Université McGill, d'abord enseignement à temps partiel hors campus par des professionnels à une faculté où des universitaires enseignaient à temps plein à la fin du siècle. Ces changements sont en partie dus aux craintes éprouvées par la minorité anglophone quant à leur situation après la Confédération; ils ont également entraîné des tensions entre l'université et le barreau qui contrôlait l'accès à la profession, sans égard à la formation reçue.

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Introduction

The Province of Quebec (1763–1791) was divided into Upper and Lower Canada by the Constitutional Act of 1791. Prior to the union of the two Canadas in 1841, Upper Canada had a long and well-established process concerning admission to the practice of law. The Law Society of Upper Canada had been founded in 1797 and, following its incorporation in 1821, had the legal right to regulate admission to study for and membership in the profession. Attempts to have a university-based law course when King’s College (now the University of Toronto) was founded in 1827 were headed off when the Law Society built Osgoode Hall the following year. While serving as headquarters for the Society its purpose in part was “to accommodate youth studying the profession” whilst articling. Although Osgoode Hall Law School per se was not opened until 1879, qualification for the profession was based on study at the Law Society and articling with a practitioner until the latter half of the twentieth century.

The situation in what became Lower Canada was very different. Some 85-90% of the inhabitants were the King’s new French Canadian Roman Catholic subjects. The Quebec Act (1774) guaranteed freedom to practice the Roman Catholic faith, removed references to Protestantism

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2. Act of Union (UK), 3 & 4 Vict, c 35 passed in July 1840 and proclaimed 10 February 1841.
4. Quebec Act, 1774 (UK), 14 Geo III, c 83.
from the oath of allegiance, and re-established civil law, based on the
*Coutume de Paris* and as yet uncodified, for private matters.\(^5\) However, English common law was used in matters of constitutional, parliamentary, administrative, criminal, and commercial law. The guarantees of the *Quebec Act* were confirmed by the *Constitution Act* (1791). Filling the leadership vacuum created by the conquest, the Roman Catholic Church dominated many aspects of French Canadian life and institutions. Higher education was largely through *collèges classiques* and seminaries. These institutions had a conservative curriculum that emphasized theology and "philosophie" (essentially Thomism and other Roman Catholic dogma), while avoiding all but the most basic sciences.\(^6\) With or without a degree from these institutions, those wishing to practice law generally underwent an apprenticeship of unregulated length.

The largely Protestant English-speaking minority had no institutions and was in a rush to create churches, hospitals, and schools. Lawyers in the English-speaking community often came with degrees from the United Kingdom or articulated for an unspecified period. Domestic higher education was deferred until the litigation surrounding James McGill’s will was resolved and McGill College created by the Royal Institute for the Advancement of Learning in 1821. The College began by grafting onto it the Montreal Medical Institution, the teaching arm of the Montreal General Hospital in 1829. It was not until 1843,\(^7\) over twenty years after the College was founded, that the Faculty of Arts opened. One main purpose of the faculty was to supply academic training for lawyers and engineers, and the necessary prerequisite to enter the study of medicine.\(^8\) Law was taught in the faculty from its inception and by 1848 a complete BCL law degree was offered.

The legal community of Lower Canada, in order to bring some standards and order to the somewhat chaotic situation, decided to establish a body with similar powers to the Law Society of Upper Canada. The


\(^6\) *Collèges classiques* were local educational institutions, but, since they were administered and staffed by Roman Catholic clergy, the curriculum was similar to the seminaries. The *collèges* were all-male institutions and the first institution for girls was not established until 1908.

\(^7\) It was also in this year that a second Quebec English language college opened—Bishop’s College in Sherbrooke—also offering an arts degree. For a history of the institution, see Christopher Nicholl, *Bishop’s University: 1843–1970* (Montreal: McGill-Queen’s University Press, 1994).

\(^8\) In addition to the traditional Arts subjects, the faculty offered courses in natural science (a prerequisite for entry to medical school) and applied science (engineering), all then leading to a BA.
The bar of Lower Canada was incorporated in 1849, requiring all those who practised law in the province to be members in good standing. Existing lawyers were grandfathered in. The bar had the authority to determine not only which candidates should be admitted to membership in the bar after a course of study, but also who could be admitted to that course of study in the colleges and universities. Eligibility to take the bar examinations was established as the completion of five years of articling with a practising advocate. However, if the candidate had graduated from a college or seminary four years' clerkship would suffice, or three if they had also followed a law course.

The universities responded quickly to the situation. In 1852 the Séminaire de Québec created Université Laval, which included Canada's first formally designated faculty of law, and McGill followed a few months later. The Bar Act was amended to reflect these developments, stating:


10. Ibid, section XXIV.

11. Ibid, section XXVII. The text reads candidates shall have "studied regularly and without interruption under a notarial agreement as a clerk or student with a practising Advocate during five consecutive and whole years: Provided always, that if the said student shall have gone through a regular and complete course of study in any incorporated College or Seminary, four years clerkship shall be sufficient; and if said student shall have followed a regular and complete course of study in an incorporated College or Seminary, and also a regular and complete Course of Law in any incorporated College or Seminary, three years of clerkship shall be sufficient."

12. When Laval University was constituted with faculties of medicine, law, arts, and theology by a Royal Charter of 8 December 1852, the law faculty had neither professors nor students. The first law students were admitted in September 1854 after Augustin-Norbert Morin was installed as Dean (13 June 1854) and the first three graduates (Robert Alleyne, Charles-Étienne Dallaire, and Hammond Gowen) received their LLB degrees in 1856. See Sylvio Normand, Le droit comme discipline universitaire: une histoire de la Faculté de droit de l'Université Laval (Québec: Les presses de l'Université Laval, 2005) at 247. Conversely, at McGill a BCL had been offered in the arts faculty since 1848, so students simply transferred to the law faculty, the creation of which Principal Charles Dewey Day announced to the bar on 17 July 1853. Some of these students graduated in 1854, before Laval had given its first law class. The question of which institution has the oldest law faculty in Canada must therefore be decided on whether the matter is considered de jure or de facto.
And three years clerkship shall also be sufficient if the student has followed a regular and complete course of law in any incorporated University or College in which a Law faculty is established...and such a course of study may be followed simultaneously with his time of service with a practicing Advocate, under his articles.13

McGill had been non-denominational since its inception14 and so accepted candidates from the Jewish community, the English-speaking Roman Catholic community, and Montreal Francophones who were unwilling to study in Quebec City and willing to be instructed in English. Thus, early law graduates included Wilfrid Laurier and Thomas D’Arcy McGee. While bilingualism was certainly an asset in the practice of law, it was not a requirement. Candidates had to show competence in English or French, as well as Latin.15 Attempts to establish French-language non-university affiliated law schools in Montreal were relatively short-lived.16 McGill, therefore, was in a strong recruitment position—at least until Laval University opened a Montreal campus in 1878.17

In the early years university-affiliated legal education in Quebec differed significantly in curricula from that sponsored by the Law Society in Ontario, but was very similar in terms of organization. Lectures were

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13. An Act to declare valid the Articles of Clerkship of Law Students enregistered within a certain period after the delay granted by the Act to incorporate the Bar of Lower Canada, and to amend the said Act, 1853 (Can), 16 Vic, c 130, s 6 [Clerkship Act].

14. In this McGill was unlike the other three colleges with royal charters in British North America (all called King’s College): in New Brunswick (renamed University of New Brunswick in 1858 and made non-denominational), Nova Scotia (where it still exists affiliated with Dalhousie University), and Upper Canada (renamed University of Toronto in 1849 and made non-denominational), which were all under the control of the Anglican church. See Stanley B Frost, McGill University for the Advancement of Learning, vol I (Montreal: McGill-Queen’s University Press, 1980) at 60.

15. Clerkship Act, supra note 13, s 5.

16. François-Maximilien Bibaud’s law school, associated with the Jesuit College Ste Marie, was established in 1851 with the specific intention of providing French Canadians an alternative to the McGill program. It had the blessing of Ignace Bourget, Bishop of Montreal. It closed in 1867 when regulations required that law schools be affiliated with a university. Bibaud refused any connection with Université Laval, then in conflict with Bourget. On Bibaud see Andre Morel & Yvan Lamonde, “François-Maximilien Bibaud” in DCC, supra note 9. See also Ronald St John Macdonald, “Maximilien Bibaud, 1823-1887: The Pioneer Teacher of International Law in Canada” (1988) 11 Dal LJ 721. In 1867, the Institut Canadien established a law faculty affiliated with the Methodist Victoria College (Cobourg, Ontario), in Gonzalve Doutre’s words, “to put an end to the permanent violation of the law that was occurring at the Jesuit College, where diplomas were conferred sometimes without due regard for the requirements of the law and for the proper duration of the course.” Jean-Roch Rioux, “Gonzalve Doutre” in DCB, supra note 9. Jean-Roch Rioux was the moving force behind the establishment of this school. He and fellow lecturer William H Kerr (see infra note 44) joined the McGill Faculty in 1871. For the last two decades of his life Doutre was embroiled in a bitter dispute with Bishop Bourget on his own behalf and that of the Institut; ibid.

given by part-time professors, including the deans, who had thriving practices as their main source of income. Classes were held off campus close to the law courts and legal offices, where both professors and students spent their days. John Abbott, a successful lawyer and future prime minister, was dean at McGill from 1855–1876, while Justice Charles Dewey Day, McGill Chancellor from 1864–1883, was one of the leading commissioners who developed the first Civil Code, which came into force in 1866. Owing to their influence and that of other leading individuals in the Montreal legal community, including McGill professors, relations with the bar were harmonious in the period leading up to and immediately following Confederation. The bar created no difficulties regarding prerequisites to study law and did not attempt to control the curriculum.

The University of McGill College underwent a period of significant growth following the appointment of Sir William Dawson as principal in 1855. It was administered by a board of governors, usually chaired by the chancellor, and included the principal and a secretary ex officio. The remaining members were generally prominent members of the English Montreal community. In the 1870s they included the sugar baron, Peter Redpath, Sir Donald Smith, later Lord Strathcona, of the Hudson’s Bay Company; banker and brewer John HR Molson; and the tobacco magnate

18. This name was used until 1885 when McGill University was first used officially. Frost, supra note 14 at 49.
19. Peter Redpath (1821–1894), businessman and philanthropist, was president of Redpath Sugar and served on the board from 1864 until his death (although he returned to England to reside in 5). His widow, Grace Wood Redpath (1815–1907) continued his philanthropy with regard to the Redpath Museum and Redpath Library. See MacMillan Dictionary of Canadian Biography (Toronto: Macmillan, 1963) at 622 [MacMillan].
20. Donald Smith (1820–1914), businessman and philanthropist, worked in various capacities for the Hudson’s Bay Company for seventy-five years. In addition to his gifts to McGill University, he was the principal donor for the Royal Victoria Hospital, which opened in 1893. He was chancellor of the University from 1888 until his death, and was created Baron Strathcona and Mount Royal in 1897.
WC McDonald, later Sir William Macdonald. Meeting once a month during the school year, the board involved itself in all financial concerns no matter how small, establishing ad hoc committees usually from its own members to handle a vast array of matters between meetings. It was the final decision-maker on all issues except professorial appointments and membership on the board, both of which required the approval of the Visitor. It should be noted that there was nothing unusual in this type of high level micromanagement in this period, which reflected the way many businesses operated. Rapid expansion required funds far in excess of the money from James McGill's endowment and raised from tuition fees. Board members contributed their own funds to support a variety of needs ranging from major building projects to salary increases for staff. Redpath presented the university with a museum in 1880, to celebrate Dawson's quarter-century as principal, and later a library to house the books, many of which he had donated. Smith gave very large sums to support university education for women (which required entirely separate facilities) and the first co-eds were known as Donaldas. Molson purchased land and buildings, presenting them to the university. Others gave according to their means. Macdonald was not originally a generous supporter financially, although he would subsequently become one of McGill's greatest benefactors. Thus, McGill entered the last fifteen years of the century content with an off-campus law faculty managed by a member of the bar as part-time dean. At McGill, as in other universities, this was not a particularly satisfactory situation in that part-time professors lacked commitment, often cancelling classes and giving rise to student complaints. Within a few short years, however, the faculty would be based on campus and managed by a full-time academic dean who was not even eligible to join the Quebec bar. This

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22. Sir William Christopher Macdonald (1831–1917), tobacco magnate and philanthropist, gave gifts and bequests to the University of over $13,000,000—an unparalleled sum at the time. He changed the spelling of his surname from McDonald late in life when he received his knighthood in 1899, thinking it more suitable for the title. See William Fong, Sir William C. Macdonald: a Biography (Montreal: McGill-Queen's University Press, 2007) at 253. The spelling Macdonald is used in this article except in direct quotations; see Stanley Brice Frost & Robert H Michel, “William Christopher Macdonald” in DCB, supra note 9.
23. Under the terms of the 1852 Charter the governor general replaced the Royal Institution for the Advancement of Learning as Visitor. Approval of these appointments by the Visitor was usually pro forma. Frost, supra note 14 at 153.
24. Registration in the law faculty did not increase as rapidly as in other areas of the university.
25. In the 1870s, Macdonald was supporting and paying for the education of over a dozen relatives. He eventually concluded this money was wasted and could be better spent supporting the education of more deserving individuals. See Fong, supra note 22 at 156 ff.
sea-change did not occur, at least originally, to overcome the pedagogical problem of a part-time professoriate but rather as a reaction to the activities of the Roman Catholic Church.

I. Liberalism and Protestantism as threats to the Roman Catholic Church

Ignace Bourget (1799–1885), Bishop of Montreal from 1840–1876, became increasingly concerned during his tenure about the negative influence of both liberalism and Protestant education on the position of the Roman Catholic Church. The Institut Canadien, founded in 1844 by a group of francophone liberal professionals, provided its members with a library and a base for the Parti rouge. This library contained many books that were on the Index Librorum Prohibitorum, a list of books the Church deemed harmful if read. In 1854, Bourget persuaded the second provincial council to adopt a regulation stating:

When it is an established practice that a literary institute has books harmful to faith or morals, that readings are given there which are anti-religious, that immoral and irreligious newspapers are read there, one cannot admit to the sacraments those who are members of it, unless there is reason to hope that, given the strength of good principles, they may continue to effect reforms within [the institutes].

Bourget went to extreme lengths in promulgating his views, as evidenced by his role in the notorious Guibord affair. These views came under increasing attack. The ultramontane newspaper, Le Nouveau Monde, defended Bourget’s views vigorously but failed to deflect legal criticisms about the Church’s political role penned by Justice Joseph-Ubalde Beaudry. To refute Beaudry’s arguments, Bourget sought a lawyer

28. When Joseph Guibord (1809–1869), a member of the Institut, died, Bourget refused to allow him to be buried in consecrated ground. His widow started lengthy legal proceedings which ended in a successful appeal to the Judicial Committee of the Privy Council in London (Brown v Les Curé et Marguilliers de l’oeuvre et de la Fabrique de la Paroisse de Montréal (1874), LR 6 PC 157, and also [7] Canadian Reports, Appeal Cases, 253). Even after he had lost the case, Bourget and his supporters blocked the funeral procession from entering Côte-des-Neiges Cemetery. Guibord was buried the following day with the help of the Montreal militia. One day later Bourget had the ground in which Guibord was buried deconsecrated. See History of the Guibord Case: Ultramontism versus Law and Human Rights (Montreal: Witness Printing House, 1875). See also Jean-Roch Rioux, “Joseph Guibord” in DCB, supra note 9.
29. See Joseph-Ubalde Beaudry, Code des curés, marguilliers et paroissiens accompagné de notes historiques et critiques (Montreal, 1870). Other members of the Parti rouge were critical of Bourget’s approach, including Toussaint-Antoine-Rodophe Laflamme (who taught at McGill from 1854–1889) and Joseph Doutre, who were both among the seventeen members of the Institut Canadien who wrote to the Pope requesting relief from Bourget’s attack and both later served as counsel for Guibord’s widow. Philippe Sylvain, “Joseph Doutre” in DCB, supra note 9.
rather than a priest and commissioned Siméon Pagnuelo (1840–1915) to undertake the work. Pagnuelo, the son of a Spanish immigrant, had strong ultramontane principles and had already helped draft François-Xavier-Anselme Trudel’s *Programme catholique*, which Bourget considered “the strongest safeguard of the true Conservative party and the firmest support for the right principles that must govern a Christian society.” Pagnuelo wrote *Études historiques et légales sur la liberté religieuse en Canada* (Montreal: Beauchemin and Valois, 1872). He was created QC in 1880 and judge of the Montreal Superior Court in 1889. More importantly, from the perspective of the history of legal education, before joining the bench he served for a decade as the secretary of the general council of the Quebec bar. This came at a time when the influence on the bar that McGill professors had exercised in previous decades was diminished.

1. **Pagnuelo’s offensive**

In 1886 a new *Bar Act* was proposed by the Legislative Assembly, the lower house in Quebec’s bicameral system, to be debated in the spring session of 1887. Pagnuelo had been heavily involved in its drafting. It contained several significant changes. No one would be admitted to study law unless “he has received a liberal and classical education, and unless he undergoes, to their satisfaction, a written and oral examination on the subjects indicated in the programme of the general council.” Admission to practice for those who articled remained at five years, however those who had followed a university law course were to article for four years instead of three. Further:

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30. Trudel (1838–1890), lawyer, journalist, and politician, published this in *Le Journal des Trois-Rivières* on 20 April 1871. The program constituted a manifesto for the provincial elections already set for the summer; it required future candidates to promise formally to “change and modify [the laws] as our lord bishops of the province might request, in order to bring them into harmony with the doctrines of the Roman Catholic Church.” See Nadia F Eid, “François Trudel” in *DCB*, supra note 9. For biographical information on Pagnuelo, see Henry J Morgan, *Canadian Men and Women of the Time* (Toronto: Briggs, 1898), at 794 [CMWT-1898].


32. *An Act respecting the Bar of the Province of Quebec*, 1886 (Que), 49-50 Vic, c 34. This is the final text, though there were minor amendments to the original text in both houses in 1887.

33. The only extant records from this period in the Barreau du Québec archives are the hand-written (by Pagnuelo as Secretary) minutes of the General Council of the Bar [Pagnuelo Minutes]. These indicate that a committee was formed on 5 June 1885 to draft a new *Bar Act*. The committee was comprised of Pagnuelo, George S Gibsone, and Rodolphe Laflamme, with Pagnuelo reporting back to the Council (Pagnuelo Minutes 212). The report was amended in October (Pagnuelo Minutes 215) and December (Pagnuelo Minutes 219), and the final amended text adopted on 29 May 1886 (Pagnuelo Minutes 221 ff). The bar also created a committee on which Pagnuelo served, with the right to “changer toutes matières de dits et de phraséologie et de faire les concessions necessaires” to ensure passage of the bill through the legislature.

34. *Act*, supra note 32, s 47.

The general council may, from time to time, determine the subjects which shall be studied, and the number of lectures which shall be followed upon each subject in universities and colleges to constitute a regular law obliged course.

The programme once adopted shall not be altered except by a vote of two-thirds of the members of the general council.

The law course given and followed in the university and college, and the diploma and degree in law granted to students, shall avail only in so far the said curriculum has been effectually followed by the university or college and by the holder of the diploma conferring the degree.36

The bar regulations raised the number of lecture hours from 750 to 1,090. This meant that those attending law school with an undergraduate degree would have to study seven years at the university, while those articling could practice after five years. Those who studied under the Protestant School Board could not proceed to the bar through articling as they would not have taken the necessary courses in “philosophie” that were given in the collèges classiques. More significantly the bar gained control over both the undergraduate and law school curricula, and could thus refuse admission to the study or practice of law more or less arbitrarily. These changes were deeply disturbing to the Anglophone minority. A high school degree from a Protestant school would not qualify students to article. The undergraduate Arts degrees offered by McGill37 and Bishop’s College38 no longer qualified the holder to enter law school.39 Finally, because of the extra years involved, there was an obvious disincentive to attend law school at McGill or Laval.40

36. Ibid.
37. McGill degrees included, through affiliation, Arts students from Morrin College, a Presbyterian institution which offered English language education in Quebec City from 1862–1902. Law was taught briefly at Morrin from 1864–1866, but enrolment was so small that no students appear to have graduated before the school closed.
38. Bishop’s was an Anglican institution founded in 1843 to give undergraduate degrees to the English population resident in the Eastern Townships. It was under Anglican Church direction from 1843–1947, before becoming non-denominational. It was also called the University of Bishop’s College and now Bishop’s University. Bishop’s had a short-lived Faculty of Law from 1880–1888, granting fifteen LLB degrees in total. See Nicholl, supra note 7 at 97.
39. Similar threats were made regarding the BA as a qualification for entering medical school.
40. Laval had opened a campus in Montreal in 1878 and gave a law degree there. Bishop Bourget had lobbied hard to have a university in Montreal under the control of his see, but had lost that battle. It was not until 1919 that Pope Benedict XV gave the Montreal campus full autonomy as the Université de Montréal.
2. The McGill response

The potential impact on McGill of the Bar Act and general council regulations seemed devastating to the law faculty, already faced with declining enrolment due to the opening of Laval’s law school branch in Montreal. The board of governors was not slow to react, developing a multi-pronged offensive against the bill at the levels of the Legislative Assembly, the Legislative Council, the Canadian prime minister, the governor general, the general council of the bar and the court of public opinion. The first step was a petition to the Legislative Assembly, stating the nature of the case:

Under the Bar Act of last Session of the Legislature, the powers of the Universities, relating to Matriculation or admission of students, relating to the Course of Study in Law..., have been transferred to the Council of the Bar, a body of which a majority of the members are of the Roman Catholic faith, and which has already instituted Regulations not consistent with educational methods of the Protestant minority....

[Y]our Petitioners believing that such enactments are and will be hurtful to the professional and educational interests of the Protestant minority of this Province, and are also in violation of the guarantees given at Confederation, humbly pray they may be repealed, and that similar legislation not be entertained in the future.41

At the same session WW Lynch42 and JS Hall,43 both with BAs and law degrees from McGill, introduced a bill that stated anyone who held a BA from an accredited university should be qualified to enter the study of a regulated profession.44 The governors and their allies from Bishop’s College and the Protestant committee of the Council of Public Instruction sent a delegation to the Committee hearings on the Lynch bill. It included the

41. Minutes of the Board of Governors, 26 March 1887, 251 [Minutes]. McGill University Archives (MUA), RG4, Cont 5 (1884–1891) and Cont 6 (1891–1897).
42. William Warren Lynch (1845–1916) was a lawyer who represented Brome as an MLA (1871–1889) until he was appointed as judge of the Superior Court (Bedford district). See Marie-Paule R Labrèque, “William-Warren Lynch” in DCB, supra note 9.
43. John Smythe Hall (1853–1909) was a lawyer and represented Montreal West in the Legislative Assembly (1886–1897). He subsequently moved to Alberta where, amongst other things, he was editor of the Calgary Herald. See Marc Vallières, “John Smythe Hall” in DCB, supra note 9.
44. In addition to law and medicine, these were notary and surveyor.
Principal, Dr. Kerr, Professor Trenholme from McGill, Dr. Heneker, and Mr. Rexford on behalf of the Protestant Committee of the Council of Public Instruction, but the bill failed in spite of their efforts.

Kerr was then the dean of the faculty and Norman W Trenholme, in addition to teaching in the faculty, was the senior partner at Trenholme, Taylor, Dickson and Buchan, which firm handled all the University’s legal business. Disappointed with the progress thus far, the Governors resolved to take further steps:

In these circumstances after obtaining legal advice from Professor Trenholme, a letter was prepared for the Dominion Government of which a copy is submitted herewith, and when in Ottawa this week the Chancellor and Principal waited on the Premier, Mr. White and the hon. Mr. Abbott on the subject and left copies of the printed statements for the different members of the Government. Sir John A. McDonald [sic] seemed disposed to regard the application favourably, if no remedial measures can be obtained in this province. It is further proposed that representation shall be made to the Bar Council at its meeting in June in the hope of inducing it to withdraw the obnoxious regulations, and also that an amendment of the Act should be prepared in the next Session of

45. William Warren Hastings Kerr (1826–1888) was acting dean (1876–1881) during the absence of Sir John Abbott and dean (1881–1888). Kerr took over the faculty at a difficult time. Enrollment was low and significant competition was faced from the Laval Law Faculty branch in Montreal. He presided over the move to the more spacious quarters in Burnside Hall, including access to the Torrance Library, modernized the curriculum and became Gale Professor following the faculty’s first endowment. See Macdonald, supra note 17 at 238-39. For biographical information see J Douglas Borthwick, History and Biographical Gazetteer of Montreal to the Year 1892 (Montreal: Lovell, 1892) at 461 and MacMillan, supra note 19 at 755.

46. Norman William Trenholme (1837–1919), lawyer and educator, was the university solicitor and a professor in the faculty at this juncture. A McGill law graduate, he was the first winner of the Elizabeth Torrance Gold Medal for highest standing in 1865. He served as dean (1888–1895) before returning to private practice and was bâtonnier of the Montreal Bar (1898–1899). He became a federal QC in 1889, and served as a judge on the Quebec Court of Appeal (1904–1918). See CMWT-1898, supra note 30 at 1020, and MacMillan, supra note 19 at 853.

47. Richard William Heneker (1823–1912), a banker, was Chancellor of Bishop’s College from 1878-1900. See Ronald Rudin, “Richard William Heneker” in DCB, supra note 9.

48. Elson Irving Rexford (1850–1936), minister and teacher, had been appointed English secretary of the committee in 1882. He later served as principal of the Montreal Diocesan Theological College (1904-1928) and authored several books including Our Educational Problem: the Jewish Population and the Protestant Schools (Montreal: Renouf, 1900). CMWT-1898, supra note 30 at 853.

49. Minutes, supra note 41, 28 May 1887, 262.

50. MUJA, RG4 Cont 66, File 10020 “Royal Institution for the Advancement of Learning and McGill College—Correspondence—Trenholme, Taylor, Dickson and Buchan.”

51. James Ferrier (1800–1888), merchant, politician, and capitalist, was chancellor of McGill from 1884 until his death. See Gerald JJ Tulchinsky, “James Ferrier” in DCB, supra note 9.

52. Sir John A Macdonald.

53. Thomas White (1830–1888) was Minister of the Interior in Macdonald’s government at this time. See PB Waite, “Thomas White” in DCB, supra note 9.

54. McGill graduate, former dean of law and later prime minister, Sir John Abbott (1821–1893) was leader of the opposition at this juncture. See Carman Miller, “Sir John Abbott” in DCB, supra note 9.
No Longer “naked and shivering outside her gates”...

...the Legislature. If no relief can be obtained before the beginning of the Session in October the consequences cannot fail to be very serious for our Faculty of Law.55

Trenholme basically made the argument that Quebec could not enact legislation which set aside guarantees enjoyed by the Protestant minority of Quebec under the British North America Act and asked the federal government’s opinion on this. However, Trenholme was unable to argue that Quebec could not enact legislation without the approval of Ontario because the Royal Institution was a joint asset of Ontario and Quebec.56

When the Bar Act was passed into law on May 17,57 a request was also sent to the governor general that he disallow the act for those same reasons. Finally, the governors approached the bar council via a deputation consisting of Dr. Norman Trenholme, Dr. Davidson,58 and Dr. Robidoux,59 but the Council adjourned without any action and would not meet again until September. The principal also reported to the board that the Dominion government was not expected to disallow the Bar Act, but its opponents might make their case again should their effort at the provincial level prove unsuccessful.60

55. Minutes, supra note 41, 28 May 1887, 262.
56. British North America Act, 1867 (UK), 30-31 Vic, c 3. The Fourth Schedule listed the assets to be the property of Ontario and Quebec conjointly with no further explanation, which has caused some puzzlement over the years. However, constitutional law expert and McGill Emeritus Professor Stephen A Scott states this was understood to mean items referred to under section 142 of the Act. The fiscal responsibilities of the Province of Canada before Confederation were divided between the Provinces of Ontario and Quebec after Confederation through a process of arbitration. The arbitrators ruled that a loan of $7,790.00 from the Province of Canada to the Royal Institution should be repayable to Quebec: Ontario Legislative Assembly, "Return to an address of the Legislative Assembly to his Excellency the Lieutenant-Governor, praying that he cause to be laid before the House copies of all correspondence in reference to the Arbitration between Ontario and Quebec" in Sessional Papers, no 27 (1873) at 50. See also In the Privy Council, in the matter of arbitration and award under the 142nd section of the British North America Act, 1867 between the province of Ontario, in the Dominion of Canada, and the province of Quebec, in the Dominion of Canada: special case, stated for the opinion of the Judicial Committee of the Privy Council: (Toronto?: sn, 1877). The arbitrators’ ruling was subsequently upheld.
57. Journal of the Legislative Assembly of Quebec 21, 1887 at 288.
58. Leonidas Heber Davidson (1842-1927) taught commercial law from 1881-1897. He served as acting dean of the McGill Faculty (1896-1897) and was named QC (Quebec) in 1887. See CMWT-1898, supra note 30 at 244.
59. Joseph-Émery Robidoux (1844-1929) taught real estate law. He was a member of the Legislative Assembly (1884-1892; 1897-1900), serving as provincial secretary (1890; 1897-1900) and attorney general (1890-1891). He served as judge of the Quebec Superior Court (1900-1926). See MacMillan, supra note 19 at 636.
60. Minutes, supra note 41, 25 June 1887, 269.
This proved an accurate assessment. In the fall it was reported that letters were received from Henry Morgan, acting undersecretary of state, to the effect that the governor general would not disallow the act at this time but would entertain a petition if efforts to obtain relief in the Legislature were in vain. JS Thompson, from the Ministry of Justice, offered the opinion that it was within Quebec's powers to pass the Act, but it could still be appealed under section 93, subsection 3 of the British North America Act (BNA Act). Thus, though the government did not close the door, the news was discouraging. Things did not look up at the next meeting when the principal reported that "the Council of the Bar at its last meeting had rejected our application for relief in the matter of the Entrance Examination and course of study." Dawson took the concerns to the public in an open letter, stating the view that:

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.

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61. Henry James Morgan (1842–1913), civil servant and biographer, was chief clerk in the Department of State from 1875–1888. A McGill law graduate, he was called to the bars of Ontario and Quebec in 1873. He was demoted in 1888 for allegedly using public funds for private purposes. He eventually cleared his name and left the public service in 1895. He produced a number of important reference works including Canadian Parliamentary Companion, The Canadian Legal Directory, The Dominion Annual Register, Canadian Men and Women of the Times, and Bibliotheca Canadensis. See Robert Lanning, "Henry James Morgan" in DCB, supra note 9. The text of Morgan's letter is in "Correspondence, Reports of the Minister of Justice, and Orders in Council on the subject of Provincial Legislation 1884–1887" in Sessional Papers, No 21 (1888) at 65.

62. Sir John Sparrow David Thompson (1845–1894), politician and jurist, became Minister of Justice in Macdonald's cabinet in 1885, having previously been attorney general for Nova Scotia, briefly premier, and then a judge on the Nova Scotia Supreme Court. In the Justice Ministry, Thompson was heavily involved in international arbitration disputes with the US over boundaries and fishing rights, for which the British government awarded him a knighthood. When Macdonald died in 1891, the governor general, Lord Stanley, asked him to form a government. He declined as he felt the Ontario Conservatives were not ready for a Roman Catholic prime minister, a religion to which he had converted in 1871. Stanley then asked Sir John Abbott, who accepted. Following Abbott's illness in 1892, Thompson finally became Canada's first post-Confederation Roman Catholic prime minister. In December 1894, he was at Windsor Castle for a ceremony swearing him in as a member of the Imperial Privy Council, but died of a heart attack at the luncheon that followed. See PB Waite, "Sir John Sparrow David Thompson" in DCB, supra note 9. See also Peter B Waite, The Man from Halifax: Sir John Thompson, Prime Minister (Toronto: University of Toronto Press, 1985).

63. Minutes, supra note 41, 24 September 1887, 271. The text of Thompson's letter is in "Correspondence", supra note 62 at 56.

64. Ibid, 26 November 1887, 288.

65. Sir John William Dawson, The Relation of McGill University to Legal Education: (Montreal: sn, 1887) at 1, originally published as a letter to the Montreal Gazette, 19 April 1887.
He further objected “on every principle of sound education and of civil rights to place the curricula and examinations of our Protestant education in the hands of professional councils” and that to do so would degrade not elevate the legal profession. He concluded:

[I]t is the duty and interest of the public to sustain the general education 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.

Pagnuelo was quick to respond. He dismissed fears concerning language and religion as groundless and concentrated on the question of standards, writing:

I hope that the time will come when graduates of universities will be admitted to the study of all liberal professions without further examinations; but in the opinion of the Council of the Bar that time has not yet arrived.

Our rules are general and uniform for all universities and as it is considered that degrees are as yet too freely granted and in order to avoid anything like discrimination, no privilege is accorded to any.

...[I]liberal professions are also free to protect themselves and the public, and before granting any advantage to the possessor of a university degree, they are also free to ascertain that those degrees have not been granted to unqualified persons.

This exchange solved nothing. Whatever public opinion on the matter may have been, the right to control entry to the profession remained with the bar.

1887 ended on a sad note when Dean Kerr died. Trenholme was appointed as his successor. A few months later Chancellor Ferrier died and was succeeded by Sir Donald Smith.

66. Ibid at 2.
67. Ibid at 3.
69. Minutes, supra note 41, 25 February 1888, 306. While Kerr’s deanship had stressed law as an academic discipline, Trenholme reoriented the curriculum somewhat to stress law as professional education. See Macdonald, supra note 17 at 243.
Over the next two years, despite these initial setbacks, pressure was kept on the provincial legislature and the bar council. Dawson petitioned the Assembly again on the Bar Act and the bachelor qualification. Lynch introduced a new private member's bill which made an appropriate bachelor's degree an automatic qualification for the study of law and medicine. Trenholme continued to lobby the bar council, with the support of Laval University, with greater effect than previously. While the Legislature declined to amend the Bar Act as recommended by Lynch's earlier bill, the principal was finally able to report:

The Council of the Bar had amended its regulations and agreed to offer no opposition to the recognition of the Degree of BA for entrance to study and that it was proposed to reconsider this subject in the Legislature.71

The regulations reduced the number of lecture hours candidates had to attend, allowing the degree to be completed in three rather than four years. With the bar opposition withdrawn, Lynch's second bill was voted into law. It stated:

No candidate for admission to the study of the legal, notarial or medical profession, who is the holder of a degree of Bachelor of Arts, Bachelor of Science or Bachelor of Letters, conferred upon him by any Canadian or British University, shall be obliged to pass examinations required by an act incorporating the members of said professions.72

It appeared that McGill had achieved its goals within the province without making a challenge under the BNA Act. It transpired, however, that Pagnuelo had one last string to his bow.

3. The England affair

George P England received his BCL from McGill and passed his bar examinations. However, Pagnuelo refused his certificate on the ground he had not taken 1090 hours of lectures. Trenholme appealed this decision to the bar examiners and the bar council, writing that in September 1889 the bar council set 750 lectures “for a proper and complete course.” This was adopted, he continued, at:

70. Ulric-Joseph Tessier (1817-1892), lawyer, politician, businessman, judge, seigneur, and professor, was dean of the Laval Faculty (1873-1892). In the Legislative Assembly he was a member of the Reform Party and known for liberal views. See Michèle Brassard & Jean Hamelin, “Ulric-Joseph Tessier” in DCB, supra note 9. His support for the McGill position was not just in the interest of his faculty, but also a matter of his political views.

71. Minutes, supra note 41, 27 September 1889, 436.

72. An Act to provide for the recognition of degrees of Bachelor of Arts, in admission to the study of the legal, notarial and medical professions, SQ 1890, c 45.
[a]n unusually large meeting by a vote of 7 to 2 of the representative members and of 7 to 3, including the Council's Secretary, who was in fact the most strenuous opponent of the action of the Council. In the full belief and confidence that the question was then settled, the McGill Law Faculty was reorganized...its present improved course of study framed, which comprises more lectures than the number fixed by the Bar, and taxes to the utmost the ability of its students, many of them graduates in Arts and all of them well trained men.

... The University, therefore, considered that the question was not only set at rest, but set at rest in the best way in the interests of the Bar itself. Such, however, does not appear to have been the opinion of the Bar's Secretary, who from the outset was disposed to regard the actions of the Council in 1889, in fixing the lectures at 750 as of no effect, on the pretext that a two-thirds vote as required by Section 49 of the Bar Act had not been cast in its favour; and in his minutes he omitted to enter the resolution as declared carried, as it was by the chairman with assent of the above majority of Council, and thus the resolution was made to appear stript of the judgment pronounced on it by Council at the time, to the effect that it was carried and passed; and the question was made to appear as remaining unsettled, and the door left open for such future objections as are now being made.

In the same direction is the reported action of the Secretary in recently printing for distribution among the Bar and Law students a new copy of the Bar By-Laws, in which he inserts the original regulation requiring 1090 lectures as still in full force, and entirely ignores the subsequent action of the Council fixing the number at 750.73

Trenholme went on to point out that for the last two years the bar examiners (who had wide powers under section 53) had decided to act as if the resolution was in force. Furthermore the Bar Council had confirmed this at many subsequent meetings and students had framed their courses accordingly. Fortunately, perhaps, by the time this appeal was heard Pagnuelo was no longer on the bar council, having been named a judge of the Montreal Superior Court in June, 1889.74

The Montreal Star article concludes:

The meetings of the Council are private, but it was ascertained that nearly all the gentlemen present were favourable to the stand taken by McGill.

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73. The full letter was published in the Montreal Star, 10 January 1892.
Mr. Beique\textsuperscript{75} made an argument to show that the objections raised by the Secretary had already been overruled by the Courts. Finally it was decided to award a certificate to Mr. England, and the resolution making 750 lectures a sufficient course was reaffirmed.

Thus, the questions of admission to the study of law and the length of the law course were ultimately settled in a way satisfactory to the universities and colleges.

While it might be supposed the board of governors would have been content to allow matters to return to the status quo ante, this was not the case. The political clash had highlighted several weaknesses in the way McGill offered legal education. In the past McGill had confidence in the good offices of the bar, since it had been dominated by its professors and graduates. The 1886 Bar Act showed this could no longer be taken for granted and, while good relations had been restored, it was clear that this might not always be the case. While members of the board enjoyed great influence at the highest levels of the federal and provincial governments, this resulted only in sentiments of good will but no action during the crisis. It was only after the bar retreated from its former position that the matter was resolved. There were also internal problems with the program. Dawson’s argument that professional education should be offered by learned and able professors rather than apprenticeship, while passionate and sound in theory, was somewhat unconvincing at the time since the professors were all local practitioners. There was increasing evidence of student dissatisfaction with the program. Students complained that classes were frequently rescheduled because the professors, in their view, often had more important matters to deal with as their primary occupation was law practice. The faculty, while close to downtown law offices and the courts, was far from other University resources such as the library in the west wing of the Arts Building, which included Justice Robert MacKay’s collection of law books.\textsuperscript{76} Further, the space available was small and

\textsuperscript{75} Frédéric Liguori Béique (1845–1933) was called to the Quebec bar in 1868, and was bâtonnier of the Montreal bar (1891–1893). He was named QC (Quebec) (1885) and federal QC (1889). He served as a senator from 1902 until his death. He was the president of the Saint-Jean-Baptiste Society (1899–1905). See CMWT-1898, supra note 30 at 66, and Macmillan, supra note 19 at 44.

\textsuperscript{76} Mackay donated his collection in 1882. See GB Baker et al, Sources in the Law Library of McGill University for a Reconstruction of the Legal Culture of Quebec, 1760–1890 (Montreal: Faculty of Law and Montreal Business History Project, McGill University, 1987) at 273. He also gave an important collection of more general materials. Over the years these became integrated into the collections of a number of McGill libraries. In the last decade Mackay’s collections have been reconstituted and his law collection is now in the Rare Book Room of the Nahum Gelber Law Library. See PF McNally & CM Boyle, “Judge Robert Mackay’s 1882 Catalogue of Books: a Preliminary Analysis” (1998) 10 Fontanus 65-70.
unsuitable. In short, the crisis brought general weaknesses in the way legal education was offered to the attention of those in a position to act.

The board of governors was composed of hard-nosed, rich, and immensely successful businessmen, who controlled or had directorships in all the major enterprises in the country. They did not achieve their positions by taking laissez-faire attitudes and the recent crisis had provided a wake-up call of major proportions. A resolution was formed to bring the faculty onto the campus, while providing suitable quarters and a professoriate that was learned and able. Such a move would resolve a number of the major issues, though it might also lead to a certain estrangement from the bar. The immediate temporary solution taken was to move the faculty for a second time from Molson’s Bank to Burnside Hall—closer to campus and still reasonably close to the law offices.\textsuperscript{77} Burnside Hall had been purchased by the Fraser Institute, designed to establish a free public library in Montreal. Its collections included Frederick W Torrance’s law library. A more permanent solution would, of necessity, take longer.

\section*{II. The Macdonald endowment}

In April, 1890 the Governors received formal notification of “largest benefaction hitherto received by this University.”\textsuperscript{78} Macdonald, who had previously only donated relatively small amounts, donated $150,000 to support the work of the law faculty. The money was to be used to create two chairs, one at a salary of at least $3000 for the dean, who was required to be a member of the Quebec bar, and one with a salary of at least $2500 for the secretary of the faculty. In addition, Macdonald proposed to erect a new building to house the science departments.\textsuperscript{79}

In one stroke, Macdonald had resolved several space problems that had plagued the University by removing Science and Applied Science from the Arts complex, eventually creating space for Law. The governors

\textsuperscript{77} Minutes, supra note 41, 15 September 1888, 349 and 22 September 1888, 355. The faculty’s peripatetic history had seen it start in Molson’s Bank and then move to Burnside Hall sharing space with the High School of Montreal (then run by McGill College). After Burnside Hall was transferred to the Protestant Board of School Commissioners in 1869, the faculty moved back to Molson’s Bank. In 1890 the faculty moved back to Burnside Hall, which had been purchased by the Fraser Institute in 1883. Two large rooms were rented, and students had access to the library of FW Torrance.

\textsuperscript{78} Minutes, supra note 41, 5 April 1890, 468.

\textsuperscript{79} Ibid.
accepted with alacrity and resolved the “above endowments and buildings shall bear and be known by the name of the Donor.”  

Although Macdonald’s letter was dated the day of the meeting, its contents had clearly received some earlier dissemination. At the same meeting a letter was received signed by all professors in the faculty of law, in which they tendered their resignations “to the end that the Governors may be perfectly unfettered in a reorganization of the faculty that may be called for by this endowment.”

These resignations may have been perceived as simply a pro forma honourable thing to do since, in these days before tenure, all professors served “during the pleasure of the Governors and no longer.” The governors deferred any action until a committee on the reorganization of the faculty could report to them.

At the next meeting, the committee recommended that the position of dean be offered to Trenholme on a full-time basis, provided he gave up his law practice and restricted his external activities to a modest amount of consulting. They further determined that additional space should be rented in Burnside Hall for a library and that the MacKay collection should be moved there until the faculty could be moved on campus. Trenholme was also given funds to travel to the US to visit the better law schools with full-time professors to look more closely into their organization. Although Trenholme was the first full-time dean of a university-based law faculty

80. Ibid. The Macdonald Physics and the Macdonald Engineering buildings were constructed over the next few years. Macdonald later built the Macdonald Chemistry building, and rebuilt the Engineering building after a fire in 1907. The law faculty was renamed, somewhat awkwardly, “Faculty of Law—Macdonald Foundation.” It has been said that the designation was dropped in 1921 after Macdonald’s death (Macdonald, supra note 17 at 243). This may have been the case formally, but the designation seems to have fallen into disuse in the university calendar as early as 1906, probably with Macdonald’s agreement.

81. Ibid.

82. This standard phrase was applied to all McGill appointments. While the concept of tenure existed in most Canadian universities, it did not have the same guarantees against arbitrary dismissal as is the case today. Tenured faculty could hold life appointments, but “at the pleasure of” the board or subject to “good behaviour.” In the depression of the 1930s, McGill and other institutions instituted mandatory retirement at age sixty-five. It was not until well after the Second World War that tenure became defined as it is today. See Michiel Horn, Academic Freedom in Canada: a History (Toronto: University of Toronto Press, 1999) at 283 ff.

83. Minutes, supra note 41, 25 April 1890, 486. Although the Macdonald Endowment specified the dean be paid a salary of “not less than three thousand dollars per annum,” Trenholme was to be given a salary of $4,000, the same as had been paid to William Albert Reeve, Osgoode Hall’s first full-time principal, the previous year. See infra note 98.
in Quebec, and arguably Canada, some schools in the US had begun the practice more than a decade earlier. While Trenholme’s itinerary is not known, it is likely he visited Harvard, where CC Langdell had become first dean in 1870, and Yale, which had appointed Francis Wayland II in 1873.

At a subsequent meeting, the governors declined to accept any of the resignations except that of Lewis A Hart, the lecturer in notarial law. For unspecified reasons Trenholme decided to replace Hart with William de Montmollin Marler. Archibald McGoun was hired to the other full-time

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84. Richard Chapman Weldon (1849–1925) is listed as the “first full-time professor of law in post-confederation Canada” when he was hired at Dalhousie University in 1883. Philip Girard, “Richard Chapman Weldon” in DCB, supra note 9; see also Della Stanley, “Richard Chapman Weldon, 1849–1925. Fact, Fiction and Enigma” (1989–1990) 12 Dal LJ 539. Legal education had developed quite differently in Nova Scotia and there was no university-based legal education until 1881, when permission was gained for Dalhousie to form a law school. Nothing was done about this until, in 1883, George Munro endowed a chair in constitutional and international law and recommended that Weldon be hired to lead a faculty that did not then exist. The first graduates, fast-tracked from those already in articles, received their degrees in 1885. See John Willis, A History of Dalhousie Law School (Toronto: University of Toronto Press, 1979) at 25 ff. It has been suggested the first full-time career law professor in Canada was hired at McGill: SB Frost, “The Early Days of Law teaching at McGill” (1984) 9 Dal LJ 150 at 157. Weldon’s appointment clearly predated Trenholme’s so the argumentation may stem from the fact that Weldon’s terms were different from those imposed on Trenholme by the Board of Governors. Weldon came from Mount Allison Academy, where he had taught mathematics and political economy, and had been a member of the New Brunswick Bar. These credentials were recognized by the Nova Scotia Bar in 1884. He maintained a practice while dean, serving as counsel to the firm of Harris, Henry, and Cahan, and was named a federal QC in 1890. In addition he was a federal MP for Albert, NB from 1887–1896. Evidently the concept of full-time differed between the institutions, or perhaps between the viewpoints of Munro and Macdonald. By coincidence though McGill had had a “chair” in law since 1853, the first endowed chair—the Gale Chair—was created in 1883, the same year as the Munro chair at Dalhousie. However, at McGill, although the title was used immediately, the donor’s executors did not release the funds until the mid-1890s. Macdonald, supra note 17 at 239.

85. Although Harvard had a chair in law since Joseph Story was appointed Dane professor in 1827, the position of dean was only created under the new statutes of 1870. Prior to this time the head of the school was titled senior professor. See Charles Warren, History of the Harvard Law School and of Early Legal Conditions in America, vol 2 (New York: Lewis, 1908) at 371, note 1. See also Bruce A Kimball, The inception of modern professional education. C.C. Langdell, 1826–1906 (Chapel Hill: University of North Carolina Press, 2009) at 167.

86. Minutes, supra note 41, 24 June 1890, 503. Hart had been appointed in 1881 (with some reluctance on the University’s part) as a result of pressure from the Board of Notaries, and he had never been accorded the title of professor. He was also the first and only Jewish teacher on the faculty at the time, although it is impossible to say whether this was a factor in his lack of advancement. See Macdonald, supra note 17 at 233.

87. Marler (1849–1929) taught notarial law until his retirement and authored the important Law of Real Property: Quebec (Toronto: Burroughs, 1932), which was published posthumously. Unlike his predecessor, he was given the title of professor. He had been the University’s notary. See Henry J Morgan, Canadian Men and Women of the Time, 2d ed (Toronto: Briggs, 1912) at 730 [CMWT-1912].

88. McGoun (1853–1921), in addition to his duties as secretary and librarian, taught a variety of subjects and retired in 1920, a year before his death. He also continued his legal practice, first with FL Béique (supra note 75) and then with his own firm McGoun and England. He was created KC (Quebec) in 1905. CMWT-1898, supra note 30 at 738, and MacMillan, supra note 19 at 456.
position as professor of legal bibliography, librarian, and faculty secretary. Two other professors were declared emeritus and new staff hired to replace them. At this juncture this was the extent of the reorganization, pending the construction of the new buildings.

III. The Trenholme crisis

In 1893, soon after the opening of the Engineering and Physics buildings, Principal Dawson requested a leave of absence for health reasons and a year later resigned. It was the end of an era. During this interim period, Alexander Johnson, dean of arts, served as acting principal. In this time of uncertainty, Trenholme mentioned to some of the governors that he needed a larger salary to continue. Whether he was in financial difficulties or felt that he was doing work, such as his intervention with the bar council, gratis as dean when he had been previously paid for such external activities, is not clear. He apparently suggested that the legal business of the University be given back to him. The governors approved of this but the amount of his remuneration remained to be negotiated.

The following spring the work of negotiating with Trenholme fell chiefly on Justice Archibald and, especially, Charles Fleet, both of whom had just been appointed to the board. Archibald wrote to Fleet, requesting him

[t]o see if you cannot reduce him to reason. Personally I agree with him that the college should not make money out of his services and I would agree to an arrangement by which the college would be responsible to him for $500, all fees and law costs to be credited in consideration of the amount or to an arrangement by which he should be entitled to his fees for examination, etc. and law costs, no fees to be charged the College in any suit where he might be unsuccessful.

89. Matthew Hutchinson and Joseph-Émery Robidoux. Hutchinson (1843–1926) had been on the McGill Faculty since 1877. He later served as mayor of Westmount (1891–1893), was created QC in 1899, and was elected a member of the Legislative Assembly (1900–1904). He was appointed a judge of the Quebec Superior Court in 1904. See CMWT-1912, supra note 87, at 563. For Robidoux, see supra note 59. Since neither individual was yet fifty years of age, it is clear that emeritus status had a somewhat different meaning at that time than it does today.

90. Alexander Johnson (1830–1912) was a professor of mathematics and natural philosophy. He served as dean of arts and vice principal from 1886–1903. See obituary in Royal Society of Canada, Proceedings and Transactions, 3d series, vol VII at xii.

91. Minutes, supra note 41, 27 October 1894 at 349.

92. Charles James Fleet (1852–1927), a practising lawyer with Robertson, Fleet & Falconer, was appointed alumni representative on the board in 1894.

93. Archibald to Fleet, 8 February 1895. MUA, MG3017, “Charles James Fleet’s Scrapbook” [Fleet Scrapbook].
Fleet was unable to reach any agreement and Trenholme apparently voiced his concerns to some of the other governors. The board noted:

In view of the fact that Dean Trenholme has stated to several members of the Board his desire to be relieved of his duties of Dean of the Faculty of Law a committee composed of Mr. J.H.R. Molson, Mr. W. McDonald, Mr. McLennan, Judge Archibald and Mr. Fleet was appointed to make such arrangement with Dr. Trenholme as may in their opinion be advisable and to consider the question of a suitable successor to Dr. Trenholme in the event of his resignation.

Trenholme, feeling Fleet was not putting his position clearly to the governors, then wrote to the board, formally offering his resignation if the matter could not be resolved, stating:

The salary although less than I would have accepted without the expectation counted on to add to it, and less by $1000 than is paid to the Dean of the Toronto Law School is yet a liberal one for an Academic situation in Canada and I feel in asking that I be released from giving my time so exclusively to it, it is only right that I should make the hand of the Governors perfectly free to deal with the matter as they may deem best in the interests of the University.

Presumably Trenholme felt that to put matters in writing would increase the pressure to achieve his desired end – to remain as full-time dean, with responsibility for the University’s legal business for more than a year, and on satisfactory financial terms. Fleet was apparently only empowered to offer the business for one year. The dispute soon got into the public eye, although the journalist ascribed somewhat different reasons for it, writing:

94. Hugh McLennan (1825–1899), shipping magnate, was president of the Montreal Transportation Company. He served on the board of governors from 1883 until his death. He was the Montreal Board of Trade’s representative on the Montreal Harbour Commission (1873–1897) and president of the Board (1872–1874). His estate financed the McLennan Travelling Library, the first of its kind in Canada, to bring books to rural areas, which operated from 1901–1968. See Allan Levine, “Hugh McLennan” in DCB, supra note 9. His daughter, Isabella, continued the philanthropic tradition and McGill’s McLennan Library was named in her honour following a gift from her estate.

95. Minutes, supra note 41, 23 March 1895, 375.

96. I.e., Osgoode Hall, which had a principal not a dean. William Albert Reeve had been appointed in 1889 as Osgoode Hall’s first full-time principal with salary of $4,000 per annum. Trenholme was given the same amount. However, following Reeve’s death in 1894, his successor was Newman Wright Hoyles. Hoyles, whose partner Charles Moss had chaired the hiring committee, “declined to apply until the salary was raised by 25 per cent, to $5,000.” Christopher Moore, “Newman Wright Hoyles” in DCB, supra note 9. It is possible the large increase at Osgoode Hall may have been a motivating factor for Trenholme when making his request.

97. Trenholme to the Governors, 17 April 1895. MUA, RG2 Cont 25 File 88 “Faculty of Law, 1887–1906” [MUA].
The main cause for the actions taken by the doctor [Trenholme] is the lack of attention paid the Faculty of Law by the college. The Dean is not alone in his complaints; every student for a long time past has bitterly spoken of the accommodation provided. In the muggy little rooms in the Fraser Institute students were crowded until it was only with much difficulty they attended their lectures.

The old quarters of ex-Principal Dawson over the secretary’s office were once offered to the Dean, but they too were too small. There are several other matters for complaint and these will be heard when the Board meets.

Dean Trenholme was called to the Bar of Montreal in 1866 and rapidly came to the front as a doctor of common law. In 1890 Mr. W.C. McDonald presented the college with $150,000, the interest upon which was to be devoted to the Faculty of Law. It was then decided that a dean should be appointed who should give his whole time to the faculty and not just to lecture an hour a day as before. Doctor Trenholme was chosen in May, 1890, and has given complete satisfaction, so much so in fact that it is generally believed that the resignation will not be accepted by the Board.

This slant given in the newspaper seems quite improbable since Trenholme knew the faculty would be moving onto campus shortly and was clearly a high priority in the light of the Macdonald endowment. Trenholme confirmed his resignation to the reporter but declined further comment. Indeed it was apparent that both he and the governors still hoped the matter could be resolved. The acting principal and the governors were simply unwilling to make a long term commitment. They reluctantly decided to accept Trenholme’s resignation as dean, at the same time hoping he would continue as a professor and undertake the legal business for a year. At the next meeting it was announced that William Peterson had accepted the position of principal, and would start the following September. At the final meeting of the academic year, Molson reported the matter of the resignation was still pending.

Although Trenholme had offered his resignation he genuinely wanted to remain while receiving what he considered a reasonable fee for the legal business. He still felt that Fleet was not clearly communicating the matter to the other governors and restated his views, as follows:

98. Montreal Witness (Undated), Fleet Scrapbook, supra note 93.
99. Minutes, supra note 41, 4 May 1895, 401. These minutes were added later out of chronological order.
100. Ibid, 4 June 1895, 390.
101. Ibid, 22 June 1895, 391.
The present offer of the Governors of the law business for one year again brings up the subject of giving it to me, and as I do not wish so serious a matter, to me at least, as the present severance of my twenty seven years of uniformly pleasant connection with the University to take place on a misunderstanding which I have reason to believe exists with some of the Governors, and I also desire it be made clear that I am taking the step not from choice but from necessity and reluctantly, I feel it my duty here to say, that if the Board had seen their way in pursuance of their policy to change Solicitors to give me the law business on the terms they now offer it to me for one year, viz:- for the ordinary fees arising from the work, or for the equivalent of these fees now estimated at $1000, I would have been and am willing to accept it and devote my time exclusively as heretofore to College duties....

What I did not care to accept and would not now is the law business for a fixed sum of about half its present estimated value accompanied by conditions of all-day attendance at Office or attendance that would seriously interfere with uninterrupted reading and work of preparation.102

The governors did not meet in the summer so this letter was unanswered and the matter rested until the new principal arrived. At the first meeting of the fall term, Fleet reported that Trenholme would continue as dean for the 1895–96 sessions, but would not do the legal business.103

Peterson, a graduate of Edinburgh and Oxford, had taught classics at the University of Edinburgh before acquiring a strong administrative reputation as principal of University College, Dundee (1882–1895). He received a letter from Trenholme in which the latter, having exhausted all possibilities, stated he wished to sever connections with the University on 31 December at the latest.104 On the same day he wrote to Fleet declining further meetings.105

Trenholme’s supporters, however, continued attempts to resolve the matter with the new principal. Forty-two law students sent a petition to the governors requesting that ways be found for Trenholme to continue, but these efforts were unsuccessful.106 Trenholme’s former partner, JS Buchan,107 wrote to Peterson requesting a meeting with him and John

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102. Trenholme to Archibald and Fleet, 26 June 1895. MUA, supra note 97.
103. Minutes, supra note 41, 28 September 1895, 395.
104. Trenholme to Peterson, 19 October 1895. MUA, supra note 97.
105. Trenholme to Fleet, 19 October 1885. Fleet Scrapbook, supra note 95.
106. Undated petition, MUA, supra note 97.
107. John Stuart Buchan (b 1852), a partner in Trenholme’s former firm Taylor and Buchan, had been a student of Trenholme, graduating from McGill in 1884. He was created QC in 1899, and served as a commissioner preparing the Revised Statutes of Canada (1906). See William H Atherton, Montreal, 1535–1914, vol 3 (Montreal: SJ Clarke, 1914) at 239, and CMWT-1898, supra note 30 at 123.
Dunlop.\textsuperscript{108} Peterson replied cautiously, and these efforts also came to naught.\textsuperscript{109} At this point Trenholme stated he would leave the University no later than 31 December of that year and requested his name be removed from the annual calendar even as an emeritus professor. Trenholme had been a key player in saving the faculty at a critical juncture and the end of his association with the University must be viewed as unfortunate.\textsuperscript{110}

In seeking a successor the governors first turned to Charles Sandwith Campbell, a local practitioner who did not at the time teach at McGill. Campbell asked for time to consider the matter in view of his health, but the governors could not wait. LH Davidson was asked to be acting dean for the 1896 spring term.

Peterson was in no hurry to make an appointment and the offer to Campbell was not renewed. There was a learning curve associated with coming to a new country after his predecessor had served for over forty years. He also wanted to complete the move of the faculty to the renovated east wing, which took place in 1896.\textsuperscript{111} Davidson was renewed as acting dean for the 1896–97 session.

In Canada, professional societies had predated university legal education, while Peterson’s background was from a country where the

\textsuperscript{108} Buchan to Peterson, 28 October 1895. MUA, \textit{supra} note 97. John Dunlop (d 1916) emigrated from Scotland in 1857. After graduating with a BCL from McGill (1860) he practised in Montreal until 1904. He was bâtonnier of the Montreal Bar (1891–1892) and at this time was a member of the bar committee to enquire into a system of examination of candidates for admission to the bar. He was named a judge of Quebec Superior Court (1905) and a deputy local judge in Admiralty of the Exchequer Court for the District of Quebec (1906). See Deslauriers, \textit{supra} note 74 at 184.

\textsuperscript{109} Peterson to Buchan, \textit{ibid}.

\textsuperscript{110} Trenholme continued his law practice until he was appointed justice of Quebec Superior Court (1904–1918).

\textsuperscript{111} Macdonald provided a further $50,000 for the renovation of the East Wing. When the move was made, a law reading room in the new Redpath Library was created—including the library of Robert Mackay (see \textit{supra} note 76). The Fraser Institute loaned the Torrance Collection to the McGill Library when the faculty moved in 1896. It was returned with some reluctance on McGill’s part at the insistence of the Institute in 1939 after a decade of discussions. McGill had asked for time to replace the books before relinquishing them. See Edgar C Moodey, \textit{The Fraser-Hickson Library: an Informal History} (London: Bingley, 1977) at 128. When the Institute moved in 1958 it was determined the collection was not required. It offered it to McGill again, but by this time the University only wanted some of the books. Those items that McGill did not want were donated to the Université de Montréal. Thus, the Torrance Collection was broken up despite Torrance’s will which stated the collection was the Institute’s “to have and to hold such bequest in property forever”: \textit{ibid} at 165. Macdonald also created a fellowship for a graduating student to spend a year in France to learn the French language.
reverse pertained. While Dawson had argued that legal education should be provided by scholars in a university setting in response to an external threat, Peterson believed this to be fundamentally true for pedagogical reasons. Nor did he feel such a scholar should be a practitioner with some academic interests. He either knew, or was made familiar with, a brilliant young scholar of Roman law, Frederick Parker Walton (1858–1948), and offered him the deanship. Walton, after taking a classics degree at Oxford (1883) and a law degree at Edinburgh (1886), practised as an advocate in Scotland before taking the position of lecturer at Glasgow University. His letter of appointment was quite clear about practice and stated that, in addition to the deanship and teaching in the faculties of law and arts:

He shall also without further remuneration give legal advice on such University matters as the Board may desire it. He shall refrain from private practice and devote his whole time to the interests of the University; provided that, if it does not interfere with the proper and complete performance of his duties as such professor and dean, he shall be at liberty to give professional opinions and to take fees therefrom.

The announcement of Walton’s appointment sent shockwaves through the local community. Not only was he ineligible to join the Quebec bar, but he supposedly knew little about Quebec’s civil law. Davidson, who wanted the position and considered himself the only viable candidate, resigned as soon as he had recovered from the shock. Although his colleague Justice Jonathan Württele (1828–1904) also resigned, he did so rather more graciously on account of his age rather than in protest and he was named emeritus. Walton, therefore, arrived in a climate of at best neutral skepticism and at worst open hostility.

112. Peterson was from Scotland, where the University of Edinburgh had established chairs in Public Law (1707), Roman Law (1710) and Scots Law (1722). Glasgow’s first chair in law dated from 1714, although law was taught in the universities much earlier. See John W Cairns, “Rhetoric, Language, and Roman Law: Legal Education and Improvement in Eighteenth-Century Scotland” (1991) 9 Law & Hist Rev 31. Conversely in England, while civil and canon law had been taught at Oxford and Cambridge for centuries, common law in preparation for practice was not addressed until Sir William Blackstone was appointed at Oxford in 1753, and later became Vinerian Professor of English Law. However, it would be over a century before university-based legal education was properly introduced in the 1870s. See William Twining, Blackstone’s Tower: the English Law School (London: Sweet and Maxwell, 1994) at 24 ff. Twining further suggests that it was not until after the Second World War that universities became pre-eminent in the field of legal education. See also MH Hoeflich, “The Americanization of British legal education in the nineteenth century” (1987) 8 J of Legal Hist 244.
113. Peterson had left Edinburgh for Dundee the year before Walton studied there. 114. Minutes, supra note 41, 3 July 1897, 532.
115. Macdonald either waived this requirement of his endowment or it was overlooked.
116. According to his colleague William Marler, writing years later to Principal Sir Arthur Currie, 4 December 1921. MUA RG2, Cont 65, File 1183.
In any event, Walton's appointment was a remarkable success. His first step was to fill the vacancies and he turned to the governors, who noted:

A letter was submitted from the Dean of the Faculty of Law concerning the necessity of immediately appointing professors of commercial and criminal law, and the desirability of appointments in the faculty of law being hereafter made at a fixed salary without determining the number of lectures to be given by the professor appointed or the remuneration per lecture to be received. Judge Archibald was authorized to ascertain if the Hon. Mr. Justice Davidson would accept the professorship of criminal law, or failing him Mr. Justice Hall; and also to ascertain if Mr. Donald Macmaster, QC would accept the professorship of commercial law.

After a little thought both Davidson and Macmaster accepted the positions. The governors, somewhat annoyed at the position LH Davidson's sudden resignation had left them in, also passed a resolution requiring academic staff, except in cases of emergency in which special permission is obtained from the chairman of the board, to give three calendar months prior notice of the their resignation, with July and August not counting.

The annual University Lecture, a convocation address, was normally given by the principal. Peterson accorded Walton the honour of delivering this in his first year to publicize his views on legal education. He argued that, while the primary mission of the faculty should include professional training for the bar, it should be far broader:

[W]e do not intend our faculty to be a mere coaching establishment to prepare students for the Bar examinations. Of all the shallow and shortsighted views of education, there is surely nothing more shallow and more contemptible than that which lies in thinking that nothing is worth learning which cannot be put to immediate practical account.

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118. Robert Newton Hall (1836–1907), lawyer and politician, had been appointed to the Court of Queen's Bench in 1892. He had served as dean of law at Bishop's College during its short-lived existence. See CMWT-1898, supra note 30 at 428.
119. Sir Donald Macmaster (1846–1922) had a varied career in addition to his practice in Montreal. He was a member of the Legislative Assembly of Ontario (1879–1882) and the Canadian House of Commons (1883–1887). In 1905 he emigrated to the United Kingdom and was a Member of Parliament (1910–1922). He was created a baronet in 1921. See CMWT-1898, supra note 30 at 710.
120. Minutes, supra note 41, 9 October 1897, 537.
121. Ibid, 27 November 1897, 547.
122. Frederick Parker Walton, The Work of a Faculty of Law in a University (Montreal: Gazette Printing Company, 1898).
He addressed the debate surrounding university-based legal education as follows:

There are on both sides of the Atlantic some lawyers who hold the opinion that the teaching of law does not properly fall within the province of the university.

... That of all the sciences, law alone ought to stand naked and shivering outside her gates, seems a hard saying. But to attempt to divorce the study of law from the university is surely the blackest ingratitude. No science has owed so much to the universities. It was in a university that the first great revival of legal studies arose. Most of the best writers on law have been university professors. The universities alone kept alive the sacred fire through many a cloudy and dark day.\textsuperscript{1}

Over the next few years Walton studied and wrote extensively on Quebec law.\textsuperscript{124} He still lacked the credentials to join the bar in terms of the Act, so, with the support of the bar council, petitioned the Legislative Assembly for an exemption in January, 1907. As a result PSG Mackenzie\textsuperscript{125} introduced a bill to allow him to join the bar if he passed the examinations. This was voted into law in March.\textsuperscript{126} Despite the controversy surrounding his appointment, he enjoyed a good relationship with the bar, in part because his curriculum combined legal scholarship with professional training for practice in Quebec. In 1911 he was created KC (Quebec). He retained, however, his interest in comparative law throughout his career, publishing monographs on Scottish, French, Italian, and Egyptian law, and this interest paved the way for the teaching of common law at McGill.\textsuperscript{127} Years later Marler wrote of him:

I look upon Walton’s appointment as the best thing that ever happened to our faculty. He was a man of great culture; he spoke French, German and Italian; he had written several books of some merit; he had much humour and great charm of manner, and was a fascinating speaker. He inspired

\textsuperscript{123} Ibid at 10.
\textsuperscript{124} In addition to many articles, he authored the important monographs The Civil Law and the Common Law in Canada (Edinburgh: W Green, 1899) and The Scope and Interpretation of the Civil Code of Lower Canada (Montreal: Wilson & Lafleur, 1907). The latter was re-edited and re-published with an introduction by Maurice Tancelin (Toronto: Butterworth, 1980).
\textsuperscript{125} Peter Samuel George Mackenzie (1862–1914), lawyer and politician, was a member of the Legislative Assembly (1900–1914), serving as provincial treasurer in the Gouin cabinet (1910–1914). A graduate of the McGill Law Faculty, he had worked in Sir John Abbott’s office and later that of Auguste-Maurice Tessier. He was created KC in 1903. See CMWT-1912, supra note 85 at 701.
\textsuperscript{126} An Act to authorize the Bar of the Province of Quebec to admit Frederick Parker Walton among its members after examination, SQ 1909, c 155.
\textsuperscript{127} See generally Macdonald, supra note 17 at 248.
his staff with enthusiasm, so that vacancies in the staff which, before his
time had been filled with difficulty, were sought for eagerly.\textsuperscript{128}

By the end of Walton's tenure in 1914, Marler's view was almost
universally held.

\textit{Conclusion}

The late nineteenth century model of university-based Canadian legal
education taught part-time by practitioners seemed to be viewed as quite
satisfactory by the profession in Quebec and the Maritimes. The events
which caused the McGill Law Faculty to depart from this model to that
of full-time non-practising professors could perhaps only have occurred
in Montreal. It has always been a crossroads where the cultures of the
two founding Euro-Canadian peoples came into close contact. It is there
that differences in language, religion, and legal systems have always been
most evident, and given rise to friction at various times. Bishop Bourget's
fears of threats to the position of the Roman Catholic Church were perhaps
premature. The Protestant religion was never a threat, and it would be a
century before the liberalism of the Quiet Revolution significantly eroded
the influence of the Church.

Practising professionals were loath to give up articling as an avenue
into the profession.\textsuperscript{129} Students could not only be specifically trained to be
useful in a particular practice, but also provided a source of cheap or even
free labour for routine tasks. In academic circles it was felt that a university-
based legal education was far preferable to articling in producing the well-
rounded competent lawyer. To Principal Dawson it was self-evident that
lectures from specialists in all the various aspects of the law had to be
superior to instruction, probably with a narrower focus, from one or two
individuals, who might have no pedagogical skills. A class of law students
would also create a synergy unavailable to the isolated articling student.
An institution should also be able to provide a better learning environment
and facilities, such as a library and social space. Nonetheless, despite
these perceived advantages, the creation of a full-time faculty would
take significant financial resources and for many universities it tended to
be a long-range aspiration rather than a matter of immediate import.\textsuperscript{130}

\textsuperscript{128} Marler, \textit{supra} note 116.
\textsuperscript{129} It was not until 1949 that a law degree became compulsory for the practice of law in Quebec and
simple articling closed as an avenue to the profession.
\textsuperscript{130} For example, a law faculty had been envisioned at the University of British Columbia from
its founding in 1915. However, the faculty could not be created until 1945 for principally financial
reasons. See W Wesley Pue, \textit{Law School: the Story of Legal Education in British Columbia} (Vancouver:
University of British Columbia Faculty of Law, 1995) at 65.
No Longer “naked and shivering outside her gates”...

At McGill, however, the initiatives of the Roman Catholic Church and the various professional bodies created a clear and present threat to the institution’s existence. The creation of an on-campus faculty of law with full-time professors was almost a by-product of a greater and more urgent political question. With rapid action imperative, a benefactor was found and the process begun. Dawson’s successor, Principal Peterson, took things a step further. He believed that law, along with all other disciplines, should be taught by scholars with appropriate academic qualifications; it should not be taught by practitioners with an academic interest, even if they devoted themselves full-time to the faculty. He was able to take full advantage of an inherited internal crisis to make the Walton appointment, creating a law school of the future ahead of other Canadian institutions.

The creation of an academically oriented on-campus law faculty did have negative aspects. When practitioners or former practitioners administered the faculty they enjoyed a close relationship with the Anglophone members of the Montreal bar. They had worked together to overcome the challenges presented by the Pagnuelo-inspired revisions to the Bar Act and limitations placed on access to the profession. Walton was able to overcome the consternation caused by his appointment, and became a valued member of the Quebec bar, but his scholar successors did run into difficulties. There were severe tensions between the faculty and the bar over matters of curricular innovation, such as RW Lee’s national program of the 1920s and Maxwell Cohen’s National Programme of the 1960s, and over professorial appointments. The faculty’s problems were always exacerbated by the fact that the legal elite generally had strong connections with, and influence on, McGill’s board of governors. However, these difficulties were generally overcome in time, although Lee’s curricular notions were abandoned when he left the University and had to wait half a century for fulfillment under Cohen’s National Programme.

While Bishop Bourget’s fears were premature, the steps he and his supporters took to marginalize Anglophone educational institutions began

131. The debate surrounding the merits of hiring law professors with academic versus professional qualifications in the United States at this time has been cogently treated by Bruce A Kimball, “The Principle, Politics, and Finances of Introducing Academic Merit as the Standard of Hiring for the Teaching of Law as a Career, 1870–1900” (2006) 31 Law & Soc Inquiry 617.
133. See generally Macdonald, supra note 17 at 332.
a chain reaction and created an unintended result. When McGill, perforce, created a full-time on campus academic law faculty years before it might otherwise have occurred, other institutions followed and all gained strength from the decision. Only Ontario and Manitoba, where legal education was administered by the law societies not the universities, lagged until the 1950s and 1960s.135