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The Peripatetic Faculty: The Many Homes Of Law At McGill



Burnside Hall, date unknown (MUA)

The gentle whistling
of the overhead
gas chandeliers
of Molson's Bank
was a familiar tune
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McGill law students.



Molson's Bank, CA. 1898 (FLA)

La faculté les nombreux domiciles du

For much of its one hundred and fifty year history the Faculty of Law was highly peripatetic, garnering a reputation as McGill's "nomadic Faculty". Due to a lack of documentary sources, recreating the sequence of the Faculty's moves with certainty is impossible. However, one can say with reasonable confidence that the early law lectures were most likely given at Dean William Badgley's downtown law office, and then moved nearby to rented boardroom space in Molson's Bank on the corner of St. James and St. Peter Streets. Molson's Bank, an impressive red sandstone building, offered somewhat decrepit facilities to law students if contemporary accounts are to be believed. The Faculty may also have found a temporary home in the East Wing of the Arts building on McGill's lower campus sometime thereafter.

Whatever the progression, 1860 saw the Faculty of Law firmly ensconced on Dorchester Street on the second floor of Burnside Hall, James McGill's former residence. That arrangement may have removed the Faculty from its downtown location, but the inconvenience was offset by allowing it to save \$250 in annual rent paid to Molson's Bank. In Burnside Hall, the Faculty of Law was forced to share quarters with the Montreal High School and the McGill Museum. By 1870 Burnside Hall had been sold by the University, and the Faculty of Law again took up residence on the upper floors of the headquarters of Molson's Bank. That site continued to be the residence of the Faculty for most of the next twenty years (except, perhaps, for a short departure to the Arts building circa 1874), and the gentle whistling of the overhead gas chandeliers was a familiar tune to a generation of McGill law students.

In September of 1890 the Faculty of Law decamped once again and returned to Burnside Hall, by then known as the Fraser Institute. That location also seemed to possess shortcomings. As the *McGill Fortnightly* of 1892 stated, "[w]ith all due deference to the architects of the Fraser Institute, the Students in Law would be greatly pleased if the subject of 'ventilation' could be solved without reference to the Code of Civil Procedure." The Faculty's home in Burnside Hall proved to be even more temporary, as in 1896 it migrated yet again to the East Wing of the Arts building. For a number of years the heart of legal studies at McGill remained, more-or-less happily, in the center of campus. For reasons lost in the mists of time, however, following World War I the law school was moved to an old stone house at 746 University Street. That edifice, long since demolished, had previously accommodated McGill's School of Architecture.

That this site was perceived by students to be far from luxurious may be inferred from their characterization of it as "Tutankhamen's tomb", and through the Class of 1916's description of it as consisting of "a small badly-lighted room, with a score of ancient desks, dusty windows and a dismal appearance of apologetic shabbiness". In 1922 the law students gratefully moved back to familiar ground in the Arts building—this despite the fact that their new haunts were on the "top floor, two storeys up and no elevator". It is this location in the Arts building that most pre-World War II law graduates would have remembered best. There, in a virtual garret, the students studied their law books, aided by dormer windows that had been installed to give the engineering students of an earlier era natural light to facilitate working over their drafting boards. As one contemporary graduate was to point out, "it [wa]s singularly appropriate that these same cold quarters were later occupied by the Arctic Institute".

One might be forgiven for assuming that after so nomadic an existence, the Faculty of Law was finally to find a permanent home, but even that result was to allude the faculty and students for several more years. In 1942 it relocated to the upper floor of Arthur Purvis Memorial Hall, along with the Faculty of Commerce (now the Faculty of Management). Named in honour of its second inhabitant, Sir Arthur Purvis, and constructed during the years 1906-1907, it was purchased by J.W. McConnell for McGill University in 1942. By October of 1945 student ranks swelled with returning servicemen, and Purvis Hall, despite its "magnificent solitude", quickly proved too small to accommodate both faculties. So inadequate was the available space, in fact, that first year law students entering during the 1945-1946 academic year were forced to take their lectures in the Medical Building, as well as in the lecture hall of Redpath Museum. Certainly the location of Purvis Hall made it a long, uphill walk from the downtown law offices where students performed their internships. As John Irwin Cooper, *Ph.D.* '38, was to observe, "despite the changes and chances of a century, staff and students may reflect, as they climb the long hill, that they are still the highest legal authorities in Montreal".

péripatétique : droit à McGill



Arts Building, CA. 1860 (MUA)

The turning point for the Faculty of Law was to be 1948—one hundred years after law lectures commenced at McGill—again due to the munificence of J.W. McConnell, who purchased the former James Ross mansion at 3644 Peel Street for the sum of \$75,000 and donated it to McGill. Designed by architect Bruce Price (whose other masterworks included Windsor Station and Château Frontenac), construction was started in 1890. Built largely of yellow sandstone from New Brunswick, the James Ross House was one of the most expensive private homes built in Canada during the nineteenth-century. While the University may have initially planned on using it for a student residence, the Faculty of Law moved into the James Ross House in a ceremony attended by many distinguished members of the judiciary and the Montreal Bar on February 9, 1950. McGill's Chancellor, Chief Justice Orville S. Tyndale, *B.A.* '08, *M.A.* '09, *B.C.L.* '15, *D.C.L.* '47, declared on behalf of the Board of Governors that the mansion "shall henceforth be designated as Chancellor Day Hall of McGill University", and the Faculty of Law was finally to have a home to call its own. In his annual report for the academic year 1949-1950, Acting Dean A. Sydney Bruneau, *B.A.* '13, *B.C.L.* '17, wrote:

This year in which the Faculty of Law entered upon its second century was marked by its removal to a new home in the Ross Residence on Peel Street, the gift of Mr. J.W. McConnell, which was formally opened by the Chancellor on the 9th of February and named Chancellor Day Hall in honour of the University's first Chancellor, a distinguished member of the Bar and later of the Bench of the Province of Quebec.

The opening ceremony was held in the students' common room, the splendid gift of Mr. and Mrs. Maurice Pollack of Quebec, and was attended by about 125 graduates, mostly members of the Montreal Bar, who enjoyed the opportunity of inspecting the ample class-room and library accommodation, the spacious staff rooms, the comfortable and handsomely furnished common room, and many other features in marked contrast to the quarters where they had taken their lectures. Mr. Maurice Pollack was a guest on this occasion. The appreciation of the student body has been best shown by the care that have taken of the building and equipment, which at the end of the year looked as new as on the first day.



Macarow House, 1997 (FLA)

common areas, and the law library. Designed to seat two hundred students and house one hundred thousand volumes, the library included a central staircase and office space for library staff, a student typing room and conference rooms. Although the design was altered from initial plans, it originally was to link to Chancellor Day Hall by an underground passageway, as well as "an open ground floor walk-way and a second storey covered passage".

In 1967 the six-story addition known as New Chancellor Day Hall was completed due to the generosity of supporters of the Faculty, at a cost of \$1.825 million. Perhaps as important as the dramatic increase in the physical plant was that its construction attested to the fact that, for the first time in its history, the Faculty had truly found a permanent domicile. That the Faculty of Law already had a permanent home in the world community—and was just waiting, as it were, for McGill to catch up—was amply evidenced by the ceremony commemorating the opening. As the *Ottawa Journal* of January 25, 1967 stated:

They opened a new law building at McGill University last weekend and McGill, as any university would do, called a special convocation and handed out some honorary degrees to celebrate the occasion. But any university couldn't bring together on the same platform the Chief Justice of Canada, the Chief Justice of the United States, and the Master of Rolls and President of the Court of Appeal of Great Britain. Old McGill had them all, the highest representatives of the traditions which form the main elements of our body of law. It was, as one who was there remarked with fine understatement, "a remarkable occasion". Chief Justice Robert Taschereau of Canada, Chief Justice Earl Warren of the United States and Lord Denning of Great Britain all received honorary degrees in a graciously bilingual ceremony. Chief Justice Warren's acceptance of the invitation to come to McGill was undoubtedly the outstanding gesture, the other high jurists being more of the Canadian family. Those who attended report the United States Chief Justice's warmth of words and bearing was perhaps the most impressive aspect of the whole weekend. McGill's stature—Chief Justice Warren said it was "one of the foremost educational institutions on this continent"—is high enough so that its honors are cherished by any recipient. But the unique stature of the members of the bar and bench who attended was also high homage to McGill.

During the intervening years, the Faculty of Law has evolved from a nomadic existence to occupying what amounts to a law campus in its own right, consisting of seven buildings. With Old Chancellor Day Hall as the "nucleus" of the Faculty, the law campus also consists of the Angus-McIntyre House at 3674 and 3690 Peel Street, completed in 1894 and allocated to the Faculty of Law by the University in 1978. That structure is particularly interesting as it is two residences joined back-to-back; the northern half was a wedding gift for Duncan McIntyre, Junior, while the southern half was home to William F. Angus, *App.Sc.* '95. The Angus-McIntyre House is

"one of the foremost educational institutions on this continent"



Maxwell Cohen, Chief Justice Robert Taschereau, Chief Justice Earl Warren, and Lord Denning, 1967 (MUA)

currently shared by faculty offices and the Centre for Medicine, Ethics and Law. This latter multi-disciplinary centre is headquartered further up the hill at the splendid Lady Meredith House located at 1110 Pine Avenue West and purchased by McGill in 1960. In 1990 Lady Meredith House was gutted by a disastrous fire, but the award-winning efforts of a legion of dedicated individuals resulted in the restoration of this architectural gem.

Across Peel Street, at 3647 Peel, the Institute of Comparative Law does its work in the understated elegance of the former J.K.L. Ross House. J.K.L. Ross, *App.Sc.* '97, the son of James Ross, was given the mansion as a wedding gift from his father. Constructed *circa* 1910 from Indiana limestone, it was acquired by McGill University in 1976 and made available to the Faculty of Law in 1984. Next door at 3661 Peel Street is Macarow House, constructed in 1912 and likewise acquired by McGill in 1976, which now houses the Institute of Air and Space Law, the Institute of Comparative Law, and the Centre for the Study of Regulated Industries. In 1990 the *McGill Law Journal* moved its headquarters into the basement of the Macarow House. In these grand Victorian and Edwardian mansions the Faculty of Law is conducting world-caliber teaching and scholarship while remaining true to its historical roots.

But Golden Square Mile mansions can only be modified so far; ultimately, heritage buildings are not truly amenable to the demands imposed by computer-driven technologies. While the law library was comfortably housed on four floors of the New Chancellor Day Hall when it was constructed in 1967, within ten years the library was already a source of considerable concern: the central staircase (later removed) acted as a conduit for noise to travel from floor to floor, and book stacks and study space became increasingly scarce. The introduction of the National Programme in 1968 brought with it an explosion in the law student population, and greatly-heightened demands for law library materials and student space. By the early 1990s these pressures, exacerbated by shrinking budgets, were to become so onerous that the library was rated as one of the poorest facilities of any North American law school. The lack of free shelf space became so acute that library materials were stored in boxes stacked to the ceiling. Construction of a new facility became a top priority of the Faculty and the University as a whole, and McGill's "Twenty-First Century Fund" capital campaign provided the vehicle to raise the necessary resources.

It is eminently fitting that as the Faculty celebrated its sesquicentennial, its greatest weakness was transformed into one of its greatest strengths. On September 17, 1998, the Nahum Gelber Law Library was officially opened in a ceremony attended by the University Chancellor Gretta Chambers, *B.A.* '47, Principal Bernard Shapiro, *B.A.* '54, *LL.D.* '88, Nahum Gelber, *B.A.* '54, *B.C.L.* '57, as well as the Premier of Quebec, Lucien Bouchard, and the Lieutenant Governor of Quebec, the Honorable Lise Thibault. Located at 3660 Peel Street, the previous site of the "Peel Manor" apartments, the structure was financed entirely through the generosity of graduates, friends, law firms and foundations, an impressive testament to the necessity of the project as well as to the eminence of the Faculty of Law. Recognizing that a world-class library building requires world-class holdings, donors also generously provided funds to augment library materials and to ensure that the library remains a leading innovator in the use of legal education and research technologies. When these gifts are factored in, the campaign for the law library raised in excess of \$13 million, making it the largest capital campaign of any Canadian law school to date.

Linked to Old and New Chancellor Day Halls by a multi-purpose atrium, the library is an architectural delight as well as the most technologically-advanced library in Canada. Designed by Dan Hanganu, one of Canada's leading architects, the library boasts a two-story window overlooking the city's skyline and an adjoining reading room, a computer instruction classroom, a series of moot court team preparation rooms, a striking special collections room, study carrels wired for laptop computers and internet access, and a number of rooms designed for group study. The interior is ornamented by an impressive collection of modern art donated by supporters of the University, and the exterior features landscaping that greatly beautifies the green space surrounding the library. The atrium, another generous gift of Nahum Gelber, is designed to accommodate a variety of social gatherings, from conferences and presentations to alumni events—and, of course, the Faculty of Law's long-standing tradition of Thursday's "Coffee House". The atrium achieves the twin purposes of providing an elegant and functional social space, as well as preserving Old Chancellor Day Hall from the wear-and-tear that such functions inevitably entail.



Angus-McIntyre House,
1999 (FLA)

On September 17, 1998, the Nahum Gelber Law Library was officially opened.

Address by Chief Justice Earl Warren of the United States Supreme Court, on the Occasion of the Opening of New Chancellor Day Hall, January 21, 1967 (excerpt)

It is always a pleasure to come to Canada, but I find a veritable complex of satisfactions in being here today. Being the guest of McGill University, one of the foremost educational institutions on this continent, is in itself a special honor. To be made a member of your academic family is a privilege I shall always cherish. To attend these ceremonies marking the opening of the New Chancellor Day Hall is a real thrill. The new building is an impressive and significant installation marking the continuing progress of a great law school. Sharing the occasion with six distinguished jurists representing legal traditions which we all cherish is an extra dividend. Finally, to be able to be in Canada in the year that your great nation is celebrating its one-hundredth birthday makes the occasion additionally rewarding for me.

....

...We are all quite mindful now that law schools, like other elements of society, cannot live in the past. Though law has its roots which antedate the beginning of recorded history, it can never be a static institution. Our concept of law like our concept of space and matter and life itself must develop and grow through experience. As the late Mr. Justice Holmes of our Supreme Court once said, "The life of the law has not been logic: it has been experience", and "A page of history is worth a volume of logic." Law schools such as yours here at McGill University are the places where new concepts and new techniques should be fostered. It is not enough for a law school to teach what the law has been and what it is now. It should also develop and teach what the law should be. I am confident that such is the educational philosophy at McGill as well as at other great Canadian institutions. Indeed, your distinguished Dean, Maxwell Cohen, LL.D. '94, has described as among "the most significant features to be found in the changing spirit and structure of legal studies in Canada...the serious effort to bring law and the behavioral sciences into cooperative exercises for their mutual benefit without law losing any of its essential training objectives for the profession." I am sure that in the New Chancellor Day Hall building the exciting quest will be pursued of achieving what Dean Cohen termed the "creative balance" between law and the social sciences. I congratulate your University authorities, the McGill Law Graduates Association, the Canada Council, and all others who have participated in the planning, financing and building of the new Hall, whose opening we celebrate today, for providing such an excellent new building in which this goal and other exciting objectives will be energetically pursued.

....

...Here in "la grande province du Québec" you have proved that your wonderful French language, law customs and traditions can be maintained and accommodated to operate within your national Government. For you have discovered anew in your "bicultural composition a distinguishing national quality of growing vigor and significance." Surely you by your great example have helped prove that we can develop a law system for the world which will preserve the national languages, customs, traditions, and diverse law of nations, yet at the same time provide transnational law and legal institutions which will achieve and maintain a peaceful world....

Interior details of Nahum Gelber Law Library, 1998 (FLA)

In conclusion let me again commend you for evidencing your confidence in the future of law by constructing the very magnificent building to be known as the New Chancellor Day Hall. It should inspire all who teach and study here....I believe that those who built your new law school were building a temple—a temple of justice.

The most important public service open to our legal profession today is the opportunity to mobilize the prestige and the power, the sanity and the skill, the judgment and the judicial temperament of the judges and lawyers of the world on behalf of this goal of peace under law. Never in all history has the climate been more favourable for success if we but move swiftly, surely and carefully to meet the need that exists. We must build upon the experience of the past and the possibilities of the present to insure a peaceful future for the world. An idea can be more powerful than the atom. And nothing can deny an idea whose time has come. We must make certain that the time of this idea of peace through law arrives before atomic annihilation overtakes mankind. I am confident that it will.

Allocution prononcée par le Premier ministre du Québec Lucien Bouchard, lors de l'inauguration de la Bibliothèque de droit Nahum Gelber, le 17 septembre 1998

Je suis très honoré de me trouver parmi vous aujourd'hui au moment d'inaugurer la nouvelle bibliothèque de droit de l'Université McGill. I want to highlight the generosity of the alumni of McGill, and in particular of Mr. [Nahum] Gelber, B.A. '54, B.C.L. '57, who made this venture possible. Their loyalty to their *Alma Mater* demonstrates their commitment to a university which well deserves an outstanding reputation in Quebec, in Canada, and all over the world. I was pleased to be able to measure the quality of this reputation on my recent trip to the United States, when Principal [Bernard] Shapiro, B.A. '56, LL.D. '88, was one of the most sought-after of the fifty or so decision-makers of Quebec who participated in the trip.

The former McGill students who contributed to this new library uphold the philanthropic tradition for which the English-speaking community of Quebec is well-known. They wanted to give something back to an institution that provided them with the means to become successful citizens. Through[out] time, and from one generation to the next, there is a spirit of solidarity, of loyalty to one's institutions, and a concrete commitment to the quality of education that should inspire more and more former students of Quebec's universities.

Au cours des récentes décennies, la société québécoise a construit un vaste réseau universitaire accessible partout au Québec, et dont la réputation dépasse nos frontières. Et nous avons fait le choix plus que n'importe où ailleurs en Amérique du Nord, de rendre l'enseignement supérieur accessible à toute personne ayant la volonté de réussir, quelle que soit sa condition financière. Il me semble que cela est un atout essentiel dans notre recherche de l'égalité des chances. Le réseau universitaire québécois, dont McGill est un lieu de très haute excellence, et la capacité de jeunes de toutes origines d'avoir accès à ce réseau, sont, j'en suis intimement convaincu, à l'origine de la croissance accélérée que le Québec a connu ces trente dernières années, dans des domaines aussi variés que le droit, bien sûr, mais aussi les arts, le génie, les techniques et les sciences.

The economic turnaround that Montreal is experiencing...and its rapid immersion in the new economy are a direct result of our common commitment to higher learning. I would like to say something about the importance of a...law library. We all know it is a centre of excellence and a centre of exchange. It is of course about law, but [it is] also about culture, logic, democracy, and intellectual challenge. For me, it is a great symbol that many, many lawyers from Montreal have contributed to this library. It tells me a lot about the necessity to have a living place where students and lawyers can come to improve their knowledge of the law, and maybe some judges also will come, although they perhaps know all they need to know about the law already. But we know it is not possible to practise law seriously and responsibly if you do not have access to jurisprudence, doctrine and books...I think it is a signal to everyone that lawyers from Montreal, and from McGill mainly, would have contributed so much to this library.

And I have a special thought about Mr. Gelber, who practiced law in Montreal, had a tremendous practice, made great contributions to our society, and who wanted to do something [for McGill by providing it with] this marvelous instrument.... Thanks to our universities and our enterprises, Quebec is now becoming a learning interface between America and Europe. Cette nouvelle bibliothèque s'inscrit donc au nombre des atouts dont nous disposons en vue du développement et de la promotion du rôle irremplaçable de l'université dans une société. Merci. Thank you very much.

"Report of Fire Protection of Purvis Hall"

(December 1943)

Air Raid Shelter: In case of an air raid the safest place in Purvis Hall is the former wine cellar which is now given over to two book stacks....The area is small, however, and will not accommodate more than perhaps a dozen people. The remainder would have to stay among the stacks of books in the centre of the basement with some danger of books falling on them, and some danger from glass and bomb fragments as there are windows at either end of the rows of stacks....Heavy bombs are not likely, however, and incidentally are less likely than for the central campus which is closer to the centre of the city, and closer to the lower wall of the reservoir.

Incendiary Bombs: In case of fire bombs our protection is inadequate. We have no sandbags. We have a stirrup pump in the back hallway on the ground floor.



Purvis Hall, CA. 1950 (MUA)

"A Psalm of Law"

by Frederick T. Enright, B.C.L. '00 (McGill Outlook, February 28, 1901)

*Tell us not in mournful numbers,
"Law is never any use!"
That the Judge is deaf who slumbers
While the lawyers sling abuse.*

*Law is real! Law is earnest!
Litigants the case disburse—
"Fat thou wast, and fat returnest,"
Shall not mean the client's purse!*

*Not in laughter, nor in sorrow,
Is our cleverness displayed;
But we talk—so each tomorrow
Finds the settlement delayed.*

*Law is long and Life is fleeting,—
That, our clients often feel;
Oh! We take a lot of beating—
Nothing costs like an appeal!*

*In the Courts' slow field of battle,
Where our arguments we state,—
See the herds of lamb-like cattle,
Still they come to litigate!*

*Trust no witness, how'er pleasant,
'Specially if he's not in debt;
Entre nous—'tis said a present
Sometimes helps him to forget.*

*Deaths of rich men all remind us
We can help the legal band;
And, departing, leave behind us
Wills that none can understand;*

*Wills, o'er which with one another
Lawyers long shall disagree;
And shall bless their buried brother,
While they fructify the fee.*

*Let us then be up and doing—
Any client who litigates,
Still encourage him in suing—
Dollars come while judgment waits!*