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## A Brief History of My Time at the McGill Faculty of Law

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I would like to take this opportunity to thank McGill for enabling me to have a fulfilling career, which by the good fortune of my genetic inheritance, has turned out to be one that has endured for many years - 70 years to be exact.

But before I do that, I thought you might find it interesting to know a little about the Law Faculty of 1945-1947. Prior to my entering the Law Faculty, it was situated in the East Wing of the Arts Building. This was the oldest part of the building with wooden floors, and at the time, quite decrepit. However, in 1945, the faculty was moved to Purvis Hall on Pine, corner Peel. You probably know that Purvis Hall had been the residence of Sir Arthur B. Purvis and was his gift to McGill. Prior to 1945, the Economics Department was located there and I had attended lectures there. It was a magnificent building with a

sun room which was used as the students' common room. During the winter, it was a great place to take the sun and nap.

Our class consisted of approximately 12 men and 2 women. Three of the men were high ranking military officers who were returning to complete their law courses, which were interrupted by their enlistment when the war began. By 1947, when we graduated, we were only eight men, no women.

The courses at that time were given by three full time faculty members F. R. Scott, J. P. Humphrey and Dean Lemesurier and by several active practitioners.

Frank Scott taught us Constitutional Law and Obligations and much later became Dean. I am sure many of you remember him with his lively wit and razor sharp mind. He was my hero and I will have a little more to say about him before I close.



John Peter Humphrey taught us Roman Law and International Law. He was then appointed Director of the Division of Human Rights within the UN Secretariat and was called upon by the UN Secretary-General to work on the Drafting of the Universal Declaration of Human Rights. Both he and Rene Cassin of France were the principal drafters of this most important document. It was, arguably, one of the most important results of the Allies Victory. He later returned to McGill and became Dean of Law.

I must also mention our lecturer on Income Tax Law. He was Claude Richardson, Q.C., a handsome, elegantly attired man who gave me some personal advice that might be one of the reasons I am still here talking to you.

When war ended, McGill was reconstituting its football team and when Coach Doug Kerr attended a basketball practice and asked for volunteers to try out for the football team, I put up my hand. As it was bound to happen, I was knocked unconscious in one of the games and this was reported in the *McGill Daily*. The next day, I was attending a Tax Law class being given by Claude Richardson. Before the class started, he called my name and asked me to see him after class. He then told me that he had read the report in the *McGill Daily* and in a fatherly way said: "You better make your mind up - either you play football or become a lawyer. You can't do both because they will "knock your brains out"." This was before concussion injuries were making headlines. I heard him listened to him and followed his advice and here I am. What a kind caring man to have taken the time to give me this advice.



After graduation, I worked for the Federal Department of Justice in Ottawa and then returned to Montreal to practice with Leo Rosentzveig and S. L. Mendelsohn, Q.C. I am telling you this as a lead up to my collaboration with Frank Scott. One of our clients was a book distributor and in 1958, got the rights to distribute in Canada the unexpurgated edition of "Lady Chatterley's Lover" by D. H. Lawrence. The Montreal Police seized the book and laid charges against the news dealers who were selling it. I advised them to plead not guilty and we did but the book was declared obscene by the Trial Judge and The Quebec Court of Appeal. We decided to go to the Supreme Court of Canada. In order to do so, it was necessary to make a petition for permission to appeal, which we did and I subsequently, received a call from the registrar of the Supreme Court who was an acquaintance from my days in Ottawa. He said he had good news and bad news. He said the Court had decided to hear the petition but it was to be heard by the full Court - 9 judges. I asked why the full bench when normally such petitions were heard by one judge, or a panel of three. The registrar told me that the Chief Justice who made this decision, the Right Honorable Patrick Kerwin, was a practicing Catholic and felt that his decision would be unduly

influenced by his religious faith and so decided that the full bench should make this decision. This was a remarkable decision by the C.J. He could have decided on his own to dismiss the petition, and that would have been the end of the appeal. He renewed my faith in the integrity of our legal system and in the men and women who administer it. The Right Honorable Patrick Kerwin - what an honest man! Truly an unsung hero in the history of the law in Canada.

At that time, I was 38 years old and had never been before the Supreme Court. It was a daunting prospect and the client suggested that I should have counsel. I readily agreed and called F. R. Scott and the rest is history. He was perfect for the task. And just so you can realise how things have changed. Many of you have probably read the book. It is not that shocking when compared to today's standards, but our appeal succeeded by the slimmest of margins, a 5 to 4 decision. Those were the days when Quebec was still going through "la grande noirceur" of the Duplessis Era. It had not yet entered the Quiet Revolution, la "Révolution tranquille". The feeling of repression of that era was best described by Frank Scott who used his poetic license to describe the trial in a poem he titled - "A Lass in Wonderland". I will end these remarks by reading the poem. I hope you will enjoy hearing it as much as I did.

*I went to bat for the Lady Chatte  
Dressed in my bib and gown  
The judges three glared down at me  
The priests patrolled the town*

*My right hand shook as I reached for that book  
And rose to play my part  
For out on the street were the marching feet  
Of the League of the Sacred Heart*

*The word "obscene" was supposed to mean  
"Undue exploitation of sex."  
This wording's fine for your needs and mine  
But it's far too free for Quebec's*

*I tried my best, with unusual zest,  
To drive my argument through  
But I soon got stuck on what rhymes with "muck"  
And that dubious word "undue"*

*So I raised their sights to the Bill of Rights  
And cried: "Let freedom ring!"  
Showed straight from the text that freedom of sex  
Was as clear as anything*

*Then I plunged into love, the spell that it wove  
And its attributes big and bold  
Till the legal elect all stood erect  
As my rapturous tale was told*

*The judges' sighs and rolling of eyes  
Gave hope that my case was won*



*Yet Mellors and Connie still looked pretty funny  
Dancing about in the sun*

*What hurt me not that they did it a lot  
And even ran out in the rain  
Twas those curious poses with harebells and roses  
And that dangling daisy-chain*

*Then too the sales made in the paperback trade  
Served to aggravate judicial spleen  
For it seems a high price will make any book nice  
While it's mass distribution's obscene*

*Oh Letters and Law are found in the raw  
And found on the heights sublime  
But D.H. Lawrence would view with abhorrence  
This Jansenist pantomime.*

Let me close by repeating my thanks to McGill and the Faculty of Law - Hail Alma Mater.

