

O'Keefe Centre  
June 22nd 1962.

While we do sincerely welcome to this Convocation the husbands and wives, fathers, mothers and friends of the newly created Bachelors of Law, what I have to say is directed in its entirety to the graduates themselves, proudly wearing their red and black hoods. For this is their great day, a milestone in their career - and while the end of the process which will qualify them to practice law is not yet, I bid them to be of good heart and hope, for that end is at least in sight.

Today, as graduates of Osgoode Hall you become members of an old and proud Society, whose history is as long as settlement in this part of North America; for some 75 years before there was a Province of Ontario there was a Province of Upper Canada, and

our unchanged name "The Law Society of Upper Canada" bears witness to our founding in that early time. Osgoode Hall is more than a lovely old building surrounded by a tall iron fence; it is an institution, the 5th Inn of Court. Apart from the ancient 4 Inns of London, Inner and Middle Temple, Lincolns and Grays, I believe there is not anywhere in the world another such foundation, other than Osgoode, which commemorates the name of the first Chief Justice of Upper Canada, William Osgoode, whose splendid portrait looks down on our Great Hall of Convocation; and when, a little over a year from now, you are called, as I hope you all will be, to our Bar, you may then describe yourselves in the old fashion "of Osgoode Hall, Barrister-at-law!"

One must admire the courage and foresight

of those early lawyers who, in the midst of the wilderness, planned and built our Hall. Metropolitan Toronto has today something like 1,700,000 population. When Osgoode Hall was built there were fewer than 9,000 people here, and York and Queen Streets (then Lot Street) was not in the City, but in the country on the outskirts. Farmland surrounded it, and cattle grazed the edges of the primitive street, which is why we have, to this day, our cow gates at every entrance. Those gates do I believe exclude cows, horses, sheep and most 4 legged animals, while still permitting passage to all but the very stoutest lawyers. And even those, albeit with difficulty, manage to get in and out. I hope that you will all come to feel for Osgoode and the tradition that it represents the affection that I have, and that you will make it your

business to protect it from the encroachments of planners and builders who would destroy or spoil its old charm and loveliness. Recently a friend to our Society sent us a letter written by her Grandfather, James Monk, during a visit to Toronto in 1875. It contains a reference to Osgoode Hall as he saw it which I should like to read:-

"Then first to Osgoode Hall, which is a magnificent building. The Sheriff Jarvis without any move on our part but solely of his own mere motion took us through the building, the Courts being in session; although not much doing. The library is a splendid room; in fact the building would do credit to any country court and is vastly superior to Westminster Hall. The carving of

the ceiling is simply superb. The grounds are simply beautiful. The trees in full bloom; the grass neatly trimmed; the walks without a blemish. To compare it with our miserable Court House would simply be comparing a finished work with a miserable abortion." I believe he lived in Montreal.

That was 87 years ago, but in the changing scene Osgoode has remained in its essentials, unchanged.

And, as I am showing you Osgoode Hall as strangers saw it, may I quote also from a letter which we received very recently from a distinguished visitor from the United States, who said:

"I feel obliged to thank you for your kindness. I have never seen in all the

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cities of this continent and of Europe which I visited, in England, France, the Low Lands, Germany, Switzerland and Italy a law building so dignified and at the same time so beautiful by its surrounding gardens as yours here."

That is the building that you inherit and will I hope cherish.

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I have been speaking of Osgoode Hall; may I turn now to that profession whose home it is.

Little though the Hall itself may have changed, the legal profession has greatly changed, and will continue to change in adapting itself to a changing world. The future of our profession will I know be different in kind, but I trust not different

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in the quality of those who profess it. It may be, and I am not here concerned to argue the question, that in the welfare state which we are becoming, if we have not become, it is the business of the state to provide not only for the sick, the aged, the poor and the unemployed, but also for the indolent, the unemployable and even the anti-social, though I think the time may come when, if the drones outnumber the workers on whose backs in the end all burdens fall, the workers will rebel. But I do hope that in the course of that levelling process by which all are made, not equally rich, but equally poor, the Bar does not lose its independence of thought or action.

A bureaucratic legal profession, paid by the state and

thus subservient to it, will mean the end of the profession as we have known it. True, eloquent voices will still be found to prosecute or defend those whom the state dislikes or favours. But who then will rise up to plead the unpopular cause? It would seem that, in some parts of Canada at least, we are not far away from socialized medicine. How far away are we from the socialization of our profession? Will that be the next step. All the old arguments are available - why should the rich be better represented in the Courts than the poor; why should not all talents be available equally to the long purse or the short? And what will be the end? A servile and supine Bar doing only the will of its master the state - the government - the power - call it what you will.

It will be for you and those who come after you to justify the existence of a strong, independent and courageous Bar. A Bar that stands between the power of the state and the naked weakness of the individual. A Bar that seeks not greater reward (although one hopes that effort will be rewarded) but equal justice, for rich and poor, for sinner and for saint. It is I believe such a Bar that you will join; it is I hope such a Bar that you will pass on to those who in their time follow you.

If Osgoode is not to be in the future as in the past the home of the kind of lawyers that it has heretofore sheltered, then for my part it may as well come down and be replaced by some grim functional building fit for the bureaucrats who <sup>will</sup> occupy it.

With the greatest respect to all other institutions where law is taught, I think there is a virtue in getting some substantial part of your legal education in close proximity to the Courts in which you will practice; in brushing elbows daily with those who will, on your graduation, be your brothers in the law. Almost 60 years ago one of the greatest of law teachers, Sir Frederick Pollock, concluded his Preface to his edition of the Revised Reports thus:

"This preface is written at Toronto, within a quarter of an hour's walk of Osgoode Hall; the writer can bear witness that the Common Law is as keenly studied and as diligently taught in the Province of Ontario as in any English-speaking jurisdiction. In one respect, indeed, the law school of Osgoode Hall is

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unique by reason of its intimate connexion with the practical side of the profession. It is not only a recommended but a necessary road to being called to the Bar of the Province. Our Canadian brethren do not believe that sound knowledge comes by examinations alone."

I echo Sir Frederick's sentiments, believing with him that a sound legal education consists of a judicious mixing of the academic with the practical.

May I end with some words that I have used on another occasion of this kind.

"A seeker is better than a finder - but a finder will every humble seeker after truth be at the end!"

Be you seekers after truth and justice, and your reward is sure.