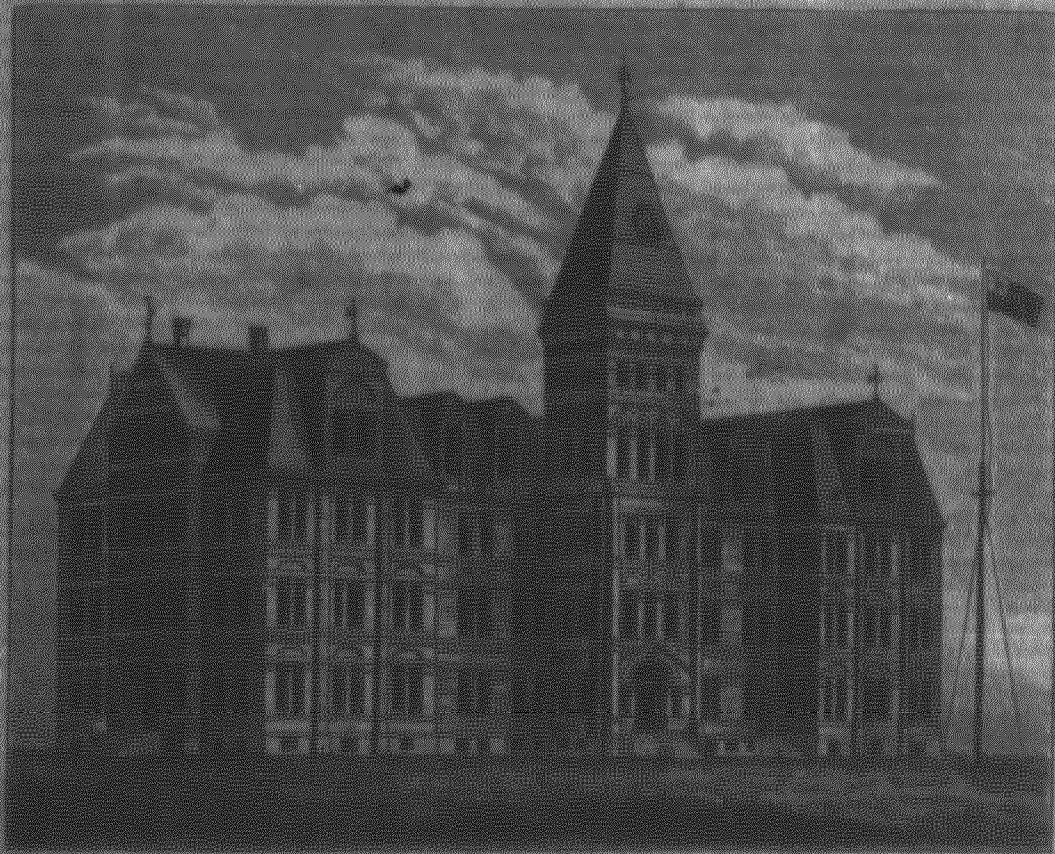


THE
Dalhousie Gazette.

Ora et Labora.



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"ORA ET LABORA."

VOL. XXII.

HALIFAX, N. S., MARCH 20, 1890.

No. 8.

THE TRAVELLER'S PSALM (XXI.)

O! dweller on the sultry plains
Lift up thine eyes toward the hills,
Where health in height of summer reigns
By breezy glens and cooling rills.

From thence shall come thy help, all aid
Must come from Him, whose fittest shrine
To mountain majesty, who made
Our human earth and home divine.

No stone shall dash thy foot, the Lord
Who slept not, though no gift of prayer
From hardened Israel outpoured,
Shall sleep not when thou art his care.

The Lord shall be thy canopy
From the fire-shafted eastern noon,
Asleep beneath the southern sky
Thou shalt not fear the withering moon.

From all things ill, that peril life
From all things ill, which hurt the soul,
From sins of ease, and sins of strife,
Thy footsteps shall the Lord control.

And be thou resting mid thy kin,
Or roaming on a far sea shore,
Thy going out and coming in
The Lord shall keep for evermore.

Douglas Sladen in the Quiver.

THE HUMOROUS SIDE OF LAW.

In a former article on this subject we mentioned a California case of *Falkinburgh vs. Lucy*, 35 Cal., 95 Am. Dec. 80, as containing a humorous judicial description of a trade mark. The action was for an injunction to restrain one of those honest business men, who are forever sneering at the honesty of lawyers, from deceiving the public by an imitation of the plaintiff's

trade mark. Saunderson J., in giving the judgment of the Court, takes occasion to display his descriptive powers. He says: "The plaintiff's label commences with a highly colored picture representing a washing room with tubs, baskets, clothes-lines, etc. There are two tubs painted yellow, at each of which stands a female of remarkably muscular development, with arms uncovered, and clad in a red dress which is tucked up at the sides, exposing to view a red potticoat with three black stripes running around it near the lower extremity. Each is apparently actively engaged in washing, and clouds of steam are gracefully rolling up from the tubs and dispersing along the ceiling. In the back ground is extended across the room a clothes-line upon which are suspended stockings and other undergarments which have evidently been put to use in testing the cleansing properties of the plaintiff's washing powder. To the left of the washerwomen stands a lady in a yellow bonnet, red dress, green congress gaiters, and hoops of ample circumference; upon her left arm is suspended a yellow basket; and in her left hand, which is encased in a red glove, is held a red parasol; while her right hand, which is encased in a green glove, is gracefully extended towards the nearest washerwoman in an attitude of earnest entreaty. In the immediate foreground is a yellow and green clothes-basket full of dirty linen, and a yellow and green soap packing-box upon which are printed in small capitals the words: 'Standard Co's. Soap.' Each wash-tub is supported by a four-legged stool,—some of the legs being yellow, some red, some green, and some all three. The floor of the room as to color is in part of a yellowish green, and in part a

of a greenish red, while the walls are of a grayish blue. This is but an imperfect description of the picture with which the plaintiff's label is adorned." In reading the above minute description, while a person cannot but admire Judge Saunderson's observant eye, at the same time he cannot help wondering how this paragraph of minutiae ever got into the judgment for surely the maxim *de minimis non curat lex* ought to have shut it out.

Lord Justice Knight Bruce, though one of the most austere men who ever sat on the English Bench, is reported in *Burgess vs. Burgess* 3 D. M. & G. 896, as saying something rather humorous. The case was another of those applications for injunction to restrain infringements of a trade name. We are told that under some circumstances even Homer himself is sometimes caught napping, so too in these cases we occasionally catch even a Lord Justice in the act of being humorous. He says: "All the Queen's subjects have the right, if they will, to manufacture and sell pickles and sauces, and not the less that their fathers have done so before them. All the Queen's subjects have a right to sell these articles in their own names and not the less that they bear the same name as their fathers." We do not pretend to warrant the law which this quotation sets forth, for it would be too much to ask even a Judge to give a combination of Blackstone and *Grip* in the one breath.

In the *Pullman Palace Car Co. vs. Gardner* 29, Alb. L. J., the question was as to the liability of the sleeping car company for a passenger's property which had been stolen as he lay asleep. It seems that Gardner when retiring had, man-like, placed his time-piece under his pillow. Sneak thieves take *judicious* if not judicial notice of this usage of mankind. The watchman being absent from duty for a few minutes one of these light-fingered gentlemen entered the car and, believing that he wanted a watch and that time waits for no man, whether watch-man or any one else, quietly walked off with the respondent's beautiful gold watch. The Judge in leaving to the jury the question whether the

car company had used ordinary care to protect its passengers gave them the following humorous directions: "A railway company is under no sort of obligation to keep people from robbing in a car except it would be by onslaught, by open violence on the cars. In such cases it has been held that the conductors are bound to protect not only the persons of the passengers but also their property to a reasonable extent, as, for instance, if some boy fifteen years of age, with a wooden gun in his hand, should come to rob a car, as I believe it is said they do out west, and the passengers should crawl under the seats and the conductors and train hands run away, when, perhaps, if they had stood their ground they could have prevented it, the railroad company might be responsible, if the jury should not find under the circumstances that the passengers ought to have defended themselves. We used to ride around in stage-coaches; if we did not go to bed while in them, the company, being under no obligation to carry a guard, was not responsible for the robbery although you might go to sleep and they knew perfectly well you would go to sleep or ought to suppose you would, for a man could not ride half a dozen days and nights without going to sleep; but in the case of a sleeping car company the great convenience and inducement held out to passengers is that they will give them a comfortable night's rest. They notify them that they will make them pay for it and say to them you may go to sleep."

Lord Campbell, in *Bright vs. Legerton*, 2, D. F. & J., 616, speaking of the statutes of limitations and of the emblem of Time who is depicted as carrying a scythe and an hour glass makes use of this apothegm: "While with the one he cuts down the evidence which might protect innocence, with the other he metes out the period when innocence can no longer be assailed."

But let us turn away to a subject, which, as Lord Dufferin said in that famous after-dinner Latin speech in Iceland, is interesting alike to those beneath "*septentrionales et meridionales*." We allude to the ladies. Occasionally *æ caræ et benedicite creaturæ*" (we quote again from the speech above referred to) do get into court and

and then woe betide the poor innocent man who happens to be defendant in the action. For as on the legal principle that the defendant is an insurance company a jury is certain to give a verdict against him, so on the legal principle that the plaintiff is a lady will a jury give a verdict for her. In such cases jurymen seem to think that they will be regarded as lacking in chivalry if they did otherwise. A man may be put off with ten cents damages but a woman's verdict carries costs. Let the plaintiff come into court with widow's weeds, and make use of that peculiar weapon of the sex—tears, let her produce a black-bordered handkerchief to wipe them away, and she will then exercise such a spell over the jurors as will cause them to cast reason to the dogs; a verdict in her favor will then be assured entirely regardless of the merits of the case. Even the deadly noose, which takes such tenacious hold of Adam's apple, slips harmlessly from her white neck. What is the use of swearing a juror to give a verdict according to the evidence when there is a woman in the case? But it is not alone the jurors who are so predisposed in her favor, the judicial bench itself occasionally makes use of expressions strongly tending in that direction. Thus we find Lord Meadowbank in the Scotch case of *Grahame vs. Burn*—a breach of promise suit—saying: "How does she lose market? Why she loses it because she is not disposed herself to fall soon in love again. Her heart is used; it is worn; she is less attractive to others. A person of any kind of worth of character who has suffered the calamity of being tricked by a male jilt is very little disposed for some time to listen to courtship."

It is true that Sir James Hannen in *Durham vs. Durham*, 10 P. D. 82, is reported thus: "I may say this much at the outset that it appears to me that the contract of marriage is a very simple one which does not require a high degree of intelligence to comprehend;" although this may be thought derogatory of woman's ability, yet it must be remembered that the learned Judge was paving his way to hold in the lady's favor that the marriage was valid. But listen to the words of that most learned Judge, Mr.

Justice Blackburn, in *Beazely vs. Forder*, L. R. 3 Q. B., 564. "A husband whilst his wife resides with him chooses his own style of living at least in theory." The last four words suggest to us that the *dicta* of his Lordship could not have had as much weight *in foro domestico* as they had *in banco reginæ*. We are not posted upon the life of Sir James Hannen, but we infer that he must at some time of his life been intimately acquainted, with a young lady of the fashionable boarding-school stamp *vide* L. R. 10 P. D. 88. "It is furthermore to be observed that it is not unusual in the present day for young women to apply such terms as 'dreadful' and 'awful' without any nice consideration of their fitness."

We note the following remarks by Judge Van Brunt, of New York, in *Davis vs. Davis*, Abbott N. C.: "I have been unable to appreciate this suggestion, [viz, that the decree of nullity of marriage might affect the status of the children] because perhaps unfortunately there has not been a sufficient quantity of sentiment engrafted in my nature to permit me to comprehend how it is possible that children who live but a few months after their birth can have any earthly interest in any decision which our tribunals may make in regard to their *status*; and it is very certain that no determination which this Court can make will in any manner affect their status in the world which they now inhabit." We are clearly of opinion that this is both good law and sound sense.

As an example of a quaint head-note, we refer to the case of *Blackman vs. Bainton*, 15 C. B., N. S. The reporter here summarizes the case as follows: "Twenty-five witnesses and a horse on one side against ten witnesses on the other, held not such a preponderance of inconvenience as to bring back the venue from the place where the cause of action (if any) arose." We refrain from comment on this case as our article has already exceeded the space allotted to it. Before closing, however, we wish to say that the quotations given in this and the previous article are simply what we have chanced to stray across in our reading. Doubtless they are but the mere

croppings or indications of the vast wealth of humor which lies below. We feel that a little more research would conclusively show that the law, instead of being composed of musty parchments and dusty papers, of "quoddets and quillots, cases and tenures," is really the most romantic of all the professions. As one has well remarked "Many are its paths of pleasantness and writers of fiction, seeking where they can find that which will most interest their readers, have oft-times turned to the law and invoked its valuable assistance without compensation in compounding a plot or inventing a striking episode."

H.

CANOEING.

As the best sport in the world I choose canoeing. There is no pleasure outdoors to be compared to a moonlight paddle on some still lake; or the rush down a long deep rapid. As an exercise, paddling is the best imaginable. From the hips up,—the waist, back, shoulders, arms, wrists and hands—every part of the body is used equally. Head and eyes too, are trained to judge quickly and correctly, as the body is to act so. In shooting a rapid, one must decide in a second which side of the split current should be taken; how far that hidden rock is from the ripple that it causes; whether the water is deeper over the smooth or the rough part of the current; and many like problems, not easily solved.

A canoe cruise involves many pleasures, besides the actual paddling. Swimming, fishing, shooting, pure air, lovely water, fine scenery, and the camp fire are all included in it. Running rapids is the greatest sport of the trip. True there are not many formidable rapids in Nova Scotia, such as you find on the Ottawa and the Saguenay; but some of them are quite enough for an ordinary canoe as I myself have found, and in consequence have gone with damaged person, canoe, and provisions for a week. But the glide down the swift current, the last plunge, and the shock of the toppling waves at the foot of the rapids, quite pay for trifling injuries got in running it.

Of canoes, the open ones, whether of bark,

canvas, or wood, are the best for a cruise. Many consider the Indian bark canoes are better than all others for speed, toughness, and carrying capacity. They are though, apt to be too heavy; and the bark and balsam are easily cracked. The canvas canoe has all the good points of the bark and is lighter. After the canvas has been oiled and painted several times, it becomes exceedingly hard and tough. The white-pine, Spanish-cedar, or mahogany canoe is no doubt the best of all; but it is too often beyond the reach of the canoeist whose means are scanty. A canvas canoe can be made for about a dollar a foot; and a bark can be bought for rather less. I think that there are places in the Province where a good bark canoe can be got for five or six dollars. For a small canoe fourteen feet is a good length, but sixteen or seventeen is much better. For a paddle, the latest model of the American Canoe Association is the best.

The short rivers of N. S. do not afford many prolonged cruises, but there are a few which would make fine trips of from one to three weeks. There are no grand views, no gorges or mountains, but for beautiful combinations of wood and water they cannot be surpassed. In the Western part of the Province there are the Tusket, Clyde, Shelburne, and Liverpool rivers, with splendid lakes and rapids. A fine cruise is from the source of the Liverpool not far from Annapolis, right across the Province. This takes in Fairy lake with its mysterious inscriptions. Another down the La-Have, from the middle of Kings county, to Lunenburg. From the Dartmouth Lakes to Minas Basin by the Shubenacadie, is a very good cruise; so, too, from Pictou Co. down the St. Mary to Sherbrook.

All these cruises could be made without a guide, if proper maps could be got. The ordinary large county maps are not reliable for guidance away back at the sources of the rivers. The best are photographs of the government survey, which I think, can be obtained of all the rivers. The best time for a trip is, of course, when the water is high—before the end of June, or in the Fall. For a student wishing to have a good time part of the Summer at least, I can recommend nothing better than a canoe cruise.

K.

RAMBLINGS.

The *Rambler* presents his compliments to D. D. (Doctor of Divinity?) and congratulates him on his pertinent and timely "Advice." Nothing is sadder than Canadian lack of interest in Canada and things Canadian. They reverse Touchstone's introduction of Audrey, in speaking of their country or province and say "mine own sir, and an ill-favoured thing, sir." As Dalhousians, we ought to take a greater interest in the past history of the college. Let our traditions be handed down from generation to generation. Why do not some of our graduates, for instance, tell us of our former home on the Grand Parade? the town and gown rows with the street-arabs, in snow-ball time? the grand scrimmages of those glorious, by-gone days? "Old Times in Dalhousie" would be an attractive heading for such an article.

Those were the days when De Mille lectured, the most widely known writer, Canada ever produced. His novels were the staple attractions of the best American magazines, several were dramatized and put on the stage; and one was translated into French. He was one of the cleverest and best of men. Among his many gifts, he had a talent for caricature and a knack of writing deliciously absurd burlesque. One of his characters is a sort of "Merrythought" with a scrap of rhyme for every possible occasion. Here is a specimen:

"Oh, a raggedy gang to the piper danced,
Of tatterdemalions all,
Till the corpulent butler drove them off,
Beyond the manor wall.
The raggedy piper shook his fist;
'A minstrel's curse on thee,
Thou lubberly, duck-legged son of a gun,
For settin' dorgs on we!"

There is a rollicking lilt to this stanza that Thackeray might envy. Somehow it suggests such a scene as Doré often sketched, a troop of jolly beggars, shaking their rags to a spirited jig. Then

the fat and liveried varlet chases them away and we have another version of "*Des Sangers Fluch*." There is the hint of an English park for the background, its soft beauty in strong contrast to the sordidness and merriment of the bold trespassers. The abrupt change from first part of the "Curse" to the last outburst of vituperation is as good as it can be. Writing nonsense verses is no ordinary accomplishment. It is a pity, we have no more of this low-life ballad.

"The man who plants cabbages imitates somebody," and it is humiliating to think that even in penning these paragraphs, there is an unconscious reference to another and greater *Rambler*, Dr. Samuel Johnson, *dulce ridentem et dulce loquentem*. The tribe of *Ramblers* is a numerous one. Look at Sterne and his Slawkenbergius episode, or the way the story twists and turns in "Tom Jones!" Look at the Roundabout Papers, look at the ordinary preacher! There are great names among them; and if one cannot be an original, it is a comfort to be, at least in good company.

The other day, the schoolmaster was abroad and he was pleased to hear some undergraduates disputing earnestly regarding their studies. He was very much impressed by the mysteriousness, of the subject talked of, and wondered in what department of the curriculum it was taught. He heard the word "game" used often and "bank," but they did not seem to be talking of hunting or business. Many of the terms used were new to him, especially the word "skadz." In his difficulty, the poor schoolmaster applied to me; but I could not help him. I could not tell whether it was Greek or German, Volapük, or the name of a heathen divinity and referred him to the Professors of Classics and Modern Languages. What the result of his enquiries was, I do not know as I have not seen him since. Perhaps he was mistaken: possibly, the young men were discussing some private study, not taught in any college course.

The Rambler.

The Dalhousie Gazette.

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WONDERFUL progress has Dalhousie Law School made since the winter of 1883-4. The acorn planted by the wayside, and tenderly watched and shielded from the biting winds of adversity, has grown into a gigantic oak whose roots have spread from the Atlantic to the Pacific. The success achieved has far exceeded the most sanguine expectations of its promoters. Our graduates have scattered themselves over the length and breadth of the continent, making known by their ability and legal training, the advantages which we believe

Dalhousie possesses. To-day our students are drawn not alone from the Maritime Provinces, but also from the far distant Pacific shores, "where sunny foot-hills run down to the North Pacific sea, and mighty Fraser meets the sun in many angles." For the first time in her history, Dalhousie this year confers the degree of LL. B. on students residing outside the Maritime Provinces. Dalhousie Law School is now no longer a mere local institution—it is Canadian. Its field is the length and breath of this grand Dominion—this Canada of ours. But as yet Dalhousie has only explored this field, so to speak. All she has now to do is simply to put forth her hand and take. But, oh, how slow she is in so doing! We venture to assert, without fear of contradiction, that there are hundreds of law-students plugging away in offices in Manitoba and British Columbia, who are totally ignorant of the fact that Dalhousie has a law school second to none in the Dominion, the cost of attending which is within the reach of all. Yet, "the powers that be" have not thought it worth while to spend a few dollars in making known to such the advantages of Dalhousie. They have lit their lamp, but have placed it under a bushel. The field is unclaimed. Shall Dalhousie step in and claim it for herself, or shall she lie by in dormant lethargy until some younger and more vigorous competitor has taken advantage of these opportunities? There is the promised land. Destiny points Dalhousie to this field and says: "There lies your inheritance take and possess it." Will she do so or will she not? Time will tell.

THERE is a certain stage, it is said, in all human endeavors beyond which it is impossible to proceed. Not that the subject in hand is perfect, but it is as near so as human ability can make it, for as Pope says:—

"Whoever thinks a faultless piece to see,
Thinks what ne'er was, nor is, nor e'er shall be."

The question we would agitate is whether such stage has been reached in the law school curriculum. We believe the answer will be unanimous that it has not. If so be, then it behooves us, as

true lovers of the welfare of Dalhousie, to discover where the weak points lie. Here we wish to deal only with the subjects taught. We take it that we are free to express our dissent from the established order of things if we can support it on good grounds, and that if our grounds be sound, and the opinions based therein be correct we have established the proposition which we started to prove, to wit, that there is need of a change in the prescribed course.

We believe that a comparison of our course with the courses of similar institutions will aid us in arriving at correct ideas upon this subject. Relying on this belief we have taken occasion to glance through the calendars of the chief English, Canadian and American law schools. As a result we state the following:—we find International law upon the LL. B. course of only two—Yale and Columbia; it goes without saying that it is included in the D. C. L. course of McGill; we find the Constitutional History of England missing in the curriculum of Osgoode Hall, of McGill and Aberdeen Universities. The Constitutional History of Canada is included in the course at Osgoode Hall. But in the universities of California and Michigan, in Yale, in Harvard, and in Boston no Constitutional History is prescribed. The remaining subjects are pretty nearly the same in all the universities.

So much for authority; now for principle. We take it that the aim of a law school is, so far as in it lies, to prepare its students for actual work. And we take it, furthermore, that when the wide field of law is laid open from which to select a course, seeing that the aim of a law school is practical, other things being equal, the selection of practical subjects should be made. We think further that the curriculum of Dalhousie Law School is well selected and practical as to every subject in the course outside of the two above referred to—Constitutional History and International Law. Now the question which we wish to raise as to the utility of these two subjects, should we believe, be decided without taking into consideration their value as educators. We admit that these subjects are both interesting and useful in a certain degree. But we take

the question to be simply this, whether there are not many subjects which are of supereminent practical importance.

We have already shown that only three law schools on this continent consider International Law of sufficient importance to have a place in their syllabus, and one of these is a civil law school, while in another the president himself was author and authority on the subject. It is to our mind a subject like geology which so far as the law student is concerned, though interesting, is not of any great utility. What, for instance is the practical necessity of learning the law governing ambassadors, when in Canada we are not able to receive them? What is the use of studying the question whether A, the law-student's intimate friend, is or is not alien when the disabilities of aliens are almost entirely removed? What is the need of Canadians studying the law of nations when Canada is not a nation? In short, what is the practical utility of studying rights which are only enforceable by recourse to arms? Hundreds and hundreds of successful lawyers go through life without ever being called upon to take a case involving International Law. For every one case in this subject which will arise in practice a hundred, yea, a thousand, will come up involving the law of wills, on which we have no lectures.

Then again as to Constitutional History. We are of opinion that this a subject which properly belongs to an Arts course. Of it the same may be said as has already been said of International Law. It is interesting, but it is not practical. And as a matter of fact the subject is learned only to be forgotten. Why should two hours a week of valuable time, that is almost one third of the first year course, be taken up in describing the constitution and powers of the Witan, while the law of carriers is left untouched? Why should a student be compelled to learn by rote the feudal burdens of tenants-in-capitum, or the things which formed the revenue of Henry VII, or the acts passed in the first session of the Long Parliament, and yet the laws governing the construction of statutes be left severely alone?

Our suggestions then are these, and we recom-

mend them to the authorities of the university for discussion. First, that International Law be struck out of the course, and the law of (say) domestic relations or construction of statutes be substituted therefor; or, if such a move be thought a too radical change, that the subject be made optional and one of the above subjects be made compulsory. And secondly, that the lectures on Constitutional History be cut down to one hour a week, or two hours for half the term and be replaced as to that part cut off by the law of (say) agency or bailments. If these changes were made it would in our opinion, be a move in the right direction. We would then be substituting the useful for the ornamental, the substance for the shadow. We would be increasing the efficiency of our law school. Dalhousie would then be sending out her sons into the world encased not in paste-board and tinsel, but clothed in triple steel, invulnerable at every point.

IN the preceding remarks we have stated what subjects we consider should be dropped, and also those which should be inserted in their stead. We propose now to state shortly subjects which in our opinion should be added to the course. We believe that more lectures should be given per week. Summing up the whole course, we find that it only amounts to nineteen hours per week. This is a smaller quantity than is prescribed in most other law schools. Thus, in Harvard the compulsory course for the second and third years alone is eighteen hours a week. In Osgoode Hall the number in the whole three years amounts to twenty-six hours a week. These figures show that there is room for an increase in the number of lectures in Dalhousie. Let us see what practical subjects could be included.

The vast majority of our students are drawn from seaport cities and towns. Our law school itself is situated in a city which derives a great deal of its wealth and stability from its shipping. The whole of the Maritime Provinces is more or less extensively engaged in shipping. Yet in a law school so situated, which depends

largely on seaport towns for its students, we note, and we blush to note it, that no lectures on shipping are delivered. We believe that once upon a time this subject was included in the course, but for the past three years at least it has, to use a time-worn expression, been conspicuous by its absence. We cannot too strongly urge upon those who hold in their hands the destiny of the college the necessity of placing shipping once more on the curriculum.

Another subject on which a few lectures might be added is medical jurisprudence. We see it on the course of the law school of Michigan University and some other American law schools. We have exceptional facilities for obtaining lectures on this subject. The Halifax Medical School is only a stone's throw from our own building. Doubtless, some arrangement could be made with its faculty by which our students could obtain a course of lectures on medical jurisprudence.

We think that something should be done in the way of establishing a course in practice and pleading. Of course, here we meet a difficulty viz., that the subject being under Provincial jurisdiction some of the Provinces have adopted the Judicature Act, while others have retained the Common Law Procedure Act. But surely the matter is of sufficient practical importance to induce the College authorities to take some step in the matter. Might it not be so arranged that a lecturer could be obtained to deliver a course on the Judicature Act and another lecturer give a course on the Common Law Procedure Act? The subject of pleading and practice could then be made compulsory, allowing to the student the opportunity of selecting which course of lectures he would attend.

THE Editors of the GAZETTE invite all persons interested to come in discuss the changes above suggested. They are briefly these:—that International law be taken out of the compulsory course, and domestic relations or construction of statutes be substituted in lieu thereof; that half the lectures on Constitutional History be dropped and be replaced by agency or bailments; and

that shipping, medical jurisprudence, and pleading and practice be added to the course. The columns of the GAZETTE are open to all, and all communications on this subject from persons interested in the welfare of the law school, whether members of the Senate or of the faculty, graduates, or students, will gladly be published.

THERE have been many complaints by the law students during the past Session about the temperature of the Law Library. The question is often asked why it is that while on the south side of the College there are double windows, on the north such protection and absolute necessities do not exist. We should think that if any room in the College should be comfortable it should be the Law Library. It is the place in which the law students spend a greater part of their time of study, it being open from 9.30 a. m. to 9.30 p. m. On several days during the Session the coldness in the Library has been so intense that students could not pursue their work therein, even when protected by wraps. We have an excellent library of between ten and fifteen thousand volumes placed in a capacious well-lighted room, but what is the advantage of this when the place is often so cold that students cannot derive a rightful benefit from the great collection of legal lore without endangering their health?

ON another page will be found a letter from Dr. MacMechan, which seems to call for a word by way of comment, though it deals with a question on which we had intended to remain silent for the rest of the session, as we have no intention of turning the GAZETTE into an advertising organ for any university.

We sincerely regret that any writer in this journal should have been placed in a position in which he had never intended to be placed, but, at the same time, we are content to let our readers judge as to whether or not his former communication had not already done for him, by implication if not explicitly, what the present one so spiritedly attributes to us.

After a careful examination of the ideas expressed in the second letter we are unable to discern any vital points of difference between us. The writer has been pleased to call the course we have mapped out an "ideal" one and to this we would add only that it is an attainable ideal. We too think "that students may discover that all degrees are not equally valuable." It was a realization of this together with several other truths that led us to recommend such a thorough and idealistic course. That a student after studying seven years, truly "*grande mortalis aevi spatium*," begin to think of some return is an unquestionable fact, but one nevertheless wholly irrelevant to the question inasmuch as it is a feeling shared by Hopkins' and Harvard students alike.

With regard to our figures which seem to be called in question we must say that they are perfectly correct. We never said that there were twenty-five in the graduate department, nor do we consider it a fair statement to say that there are only four. It must be remembered that a larger number of our graduates enter at Harvard as under-graduates though they may specialize as freely as in the graduates department, and thus twenty-five may after all be approximately near the number of Canadians at Harvard who are, to all intents and purposes, doing post-graduate work. From this too it will be seen that the course for a doctor's degree at Harvard practically extends over three and often four years while that at Hopkins never exceeds three.

Dr. MacMechan's letter gives a very interesting history of Johns Hopkins university and we can quite appreciate, the patriotic sentiment which actuated its founder in establishing a college for the south. But, by the way, the writer has attempted to show that it is not a graduate university for the south. Had we been called upon to say that Dalhousie is an under-graduate university for the Maritime Provinces, a truth which all must admit, anyone might have confuted it as successfully as the writer has the fact in question for have we not with us students from England, Scotland, Ireland, Idaho and British Columbia? Dalhousie should thus be termed not merely a national, but an international university.

EDITORIAL NOTES.

By the will of the late John P. Mott, Dalhousie College is the recipient of \$10,000. It was thought by some that Dalhousie might also be read into a participation of the residue of the estate, as the sketch of the will given in the daily papers was not clear, but we are authorized to state that the will itself makes the testator's intention perfectly clear, that Dalhousie was to receive no part of the residue. Much as we regret it, we have no reason to complain, and it is with feelings of gratitude that we record this handsome bequest of a departed public-spirited citizen to the foremost educational institution of the Maritime Provinces.

THE calamity that has befallen Toronto University has called forth expressions of sympathy, from many of the foremost Universities of America. In addition to the natural feeling of sympathy which such circumstances should call forth from all who are in any way interested in the development of educational institutions we feel that the connection we have had with Toronto University especially during the past year calls for more than sympathy if such were possible. We consented to part with one of our most popular and efficient professors to take charge of their chair of English Language and Literature, and we received to take his place a graduate of that University. We therefore feel that we are brought into closer relations with each other, and for this reason if for no greater we sympathise with them in their misfortune. But we are glad to see that prompt measures are being taken to rebuild on a greater scale so that we may expect to see a more beautiful and more suitable building rise Phoenix-like, from the ashes of its predecessor. Toronto's misfortune may be the lot of other universities at any time, especially of those which, like Toronto provide no means to check a fire. Dalhousie must be placed in this class for so far as we are aware there are no appliances of any kind about the building for use in case of fire. There is not even a hydrant on the grounds, and the nearest is too far off to be of any practical use when

most needed, especially as there is no hose on the premises. We think that the authorities should take warning from the misfortune of a sister University and at once have hydrants put in convenient places, and such other appliances provided as are necessary to check a fire when first discovered.

Correspondence.

DEAR EDITORS:

He who wrestleth with an editor, says the old maxim, is certain of a fall. Nevertheless I cannot refrain from breaking a lance with you—such, I understand, is the elegant equivalent for the idea which the wild western spirit has expressed in the touching lines

"I'll chop a slice of liver or two
My bloomin' shrub with you."

—over the second editorial in your last issue. I entirely agree with you—how proud you should feel—as to the great importance of a chair of Logic and Psychology; but I cannot join with you in appealing for an endowment for such a chair when we want professorships in other departments. If the Presbyterian Church which paid Prof. Lyall's salary agrees to continue its two professorships—and would it not be a worthy task for your editorial pen to show cause why it should—don't you think its second should be one in some of the many branches of Natural Sciences? Isn't Dalhousie's chief weakness to-day the fact that she has only one man to give instruction in Chemistry, Medical Chemistry, Botany, Geology, Mineralogy and Zoology? Her graduates say it is, and they ought to know, I recognize that the burden laid upon Prof. Seth, if the chair in Logic and Psychology be discontinued, will be heavy; but Prof. Lyall formerly bore it. I believe if you will examine catalogues and calendars of our Canadian colleges you will find that only at Toronto have they two professors in Mental Philosophy, and it was not the amount of work that lead the authorities there to appoint two. The duty of the Presbyterian Church, or of individual friends of Dalhousie if the church withdraws its aid, is clearly to my mind to endow a chair in one of the Natural Sciences. Dalhousie

was the first college in Canada to have special chairs in English Literature and Political Science—she is the only one yet that has a special chair in Physics—let her not be last to have a special chair in Natural Science.

Though I write thus, you must not suppose I am of those who disparage the study of the Mental Sciences. Almost the first poetry I ever learned were those lines:

"On earth there is nothing great but man
In man there is nothing great but mind."

and they are yet as deeply imprinted on my memory as my recollections of "the Grip;" every day as long as I can remember I have seen the volumes containing Sir William Hamilton's lectures on the shelves in my father's library; and one of the only two first classes I made while in arts was in Logic and Psychology. If Dalhousie were obliged to choose between one chair in Mental and one in Natural Science I would advocate the choosing of the former; but when, with one chair in Mental Science, the choice is between a second in that department and one in Natural Science, my vote every time is for the latter. A fitting theme hinted at before for a GAZETTE Editorial would be the pointing out to the Presbyterian Church its duty to continue its present support and the necessity for a chair in, let us say, Geology and Mineralogy.

One of your editorial notes in your last issue also calls for comment. I refer to the one in which you endorse the suggestion of an orator at the Munro dinner, to the effect "that those who have received pecuniary aid from the advantages that the college offers, be asked to pledge themselves to return the amount received as soon as they are in a position to do so. Why limit the suggestion thus? Why not pledge all graduates to return all honest *quid pro quo*—to give of their substance some equivalent for the benefits received from the college? Pledge bursary men and other monetary beneficiaries if you will to give the actual amount obtained from the funds of the college in addition to what is expected from the graduates who had no bursary and won no prizes; but pledge all graduates to contribute their estimate of the value in money of the training received. If you consent to enlarge your

scheme thus you may rely on my assistance. I am not sure but what graduates are now pledged in Latin to something of this sort. I know they sign a Latin declaration before they receive their parchments, and I have an ill-defined suspicion that it binds them to support their Alma Mater. I would be positive on this point but for the strange conduct of the professor of Classics, who reproved me for my delay in signing when it came to my turn. I told him I was translating it. He casually remarked "A graduate reads Latin; he doesn't translate it." I signed. Whether it contains such a promise I know not unto this day. This I do know that our class to a man are willing to fulfil any promise of support they may have made, but even everybody admits that our class was the best that ever passed through the college.

In haste, Yours Fraternally,

CLASS OF '82.

THE EDITORS OF THE DALHOUSIE GAZETTE:—

Gentlemen,—I am glad to see that you are still discussing the question of post-graduate study. It is a very important question and should have the freest and fullest discussion. But I was very much surprised, on reading your leading article of January 20th, to find myself placed in a position, in which, I never put myself and in which I am very loth that others should put me. I must protest against being considered a partizan; and as such you seem inclined to regard me.

Let us review the discussion. Your first article compared Harvard, Cornell and Hopkins, from the point of view of the student who has to make his own way, and recommended Harvard because it was the richest of the three. There was no one to say *exactly* what Hopkins offered in the way of scholarships and fellowship, except myself. I thought everyone ought to know what the facts were, and so I gave them as concisely as I could. But I expressly refrained from comparing the universities from any other standpoint. Naturally enough, I believe in the system under which I received a large part of my education, but I do not come forward as an advocate of Hopkins, against Harvard or any other university.

Now, I have not a word to say against the course of study you recommend: namely, that a student should broaden his mind by residence at different universities, and spend some time studying in Europe. This is an excellent, an ideal plan, but it is not the only one. Such a preparation for a life work will never be thrown away. But some students may wish to study for degrees. They may find it more to their advantage, to take a full course at one university than an eclectic course at several. They may discover too, that all degrees are not equally valuable; and may prefer to study at the institution where the degree is obtained by harder work and more of it. I do not say which is the wiser course, to travel about or to stay at one university. As a matter of fact, you find students doing both. There is this to be said however: when a man has spent four years in a college and three at a university, he begins to think of some return. Seven years spent in preparation, is a large part of a man's life. You say such a course is "not adapted to the needs of our students;" I do not intend to dispute this statement, but such a course is actually taken by our students.

The next question is, why do Canadian students pass by Boston, and travel 400 miles farther south to Baltimore? Do the Canadians who go to Hopkins make a grave error in judgment, or is it possible to find some explanation of their conduct? The resources of Harvard are well known; she is the Oxford of America, the oldest, the richest, the most aristocratic college in the new world. She has the largest libraries, the best buildings and a scholarship or fellowship for every tenth student in attendance. Hopkins, on the other hand, is not yet sixteen years old, has only some twenty score students and some forty instructors, and not a tenth of Harvard's wealth. How does it happen that students come from all other colleges to Hopkins, some from Harvard itself, from London and Germany even, to study there? Is Hopkins only "a graduate university for the South?"

The answer to all these questions is to be found in the history of the university. The three and a

half millions left by Johns Hopkins, the Baltimore merchant, to found a university, were allowed to accumulate, till the trustees found a fit man to make president. They pitched upon Professor Gilman of the University of California, a graduate of Yale, who had attracted attention by his writings on education. He was given the fullest powers and the university may be regarded as his creation.

He saw that there was room for a school for specialists where men could, after graduation, carry on their studies to the limits of the latest results in science. Without competing with any institutions already established, it would supplement the work of all. This was the first aim. The second was, that the university should mean, a band of scholars who, not only should teach and be taught, but should add, each man his contribution, to the existing stock of knowledge. Accordingly specialists who were authorities in their own departments, were asked to fill the the professorial chairs. Sylvester the greatest living mathematician was one of the first professors appointed. Martin, the assistant of Huxley, took charge of the department of Biology, Remsen, of Chemistry, Haupt, of Hebrew, Gildersleeve, of Classics and Rowland, of Physics. As a general thing, the professors were German trained, with German degrees and with the German conception of thoroughness. The course was made hard; it extends over three years, a student must be able to read French and German at sight before he begins his course, he has three written examinations to pass, and an "oral" before the Faculty. He must also present a piece of original work, as a thesis, before he can get his degree. The course and the names of the instructors attracted first those who were already professors in colleges and these have set the standard of work for all students who come after them.

But this was not all. As fast as each department was organized, a periodical was started in connection with it, to publish the results of their work. In this way, the American Journal of Mathematics, the American Journal of Philology,

the American Chemical Journal, and the Johns Hopkins Historical Studies came into existence. These rank with the very first German, French and English publications in their own departments. I need not enlarge on the benefit to be derived by the student who comes in contact with men who are recognized leaders, and who is on the spot where science is in the process of making. These are among the reasons why Hopkins, in so short a time, has won a European reputation.

I see I did not make myself clear regarding the instruction at Hopkins. The bulk of the students there are post-graduates. They are to the undergraduates as two to one. At Harvard, they are as one to ten. It is only fair and right then, that the instructors at the former place should give their time to the graduate department; at the latter, to the undergraduate department. A word as to your figures. We are comparing the graduate departments. At Harvard, the total number of graduate students, actually in residence is 95, of which four are Canadians. At Hopkins' the actual number is 202, of which six are Canadians. Northern colleges are represented by four graduates of Harvard, four of Yale, besides A. B's. from Princeton, Amherst, Brown, Bowdoin, Williams, Columbia and Dartmouth, to mention the best known colleges. Not counting Canadians, there are eight-four graduates of northern institutions at J. H. U., this year. Outside J. H. U. graduates and foreigners, there are only about sixty-five men from the south. In other words, Hopkins' is not a sectional but a national university.

I must apologize for taking up so much space. I am not fond of arguing and, so far as I am concerned, this ends the discussion. My only aim is to present all the facts of the case to your readers, so that they may have sufficient data, from which to form their judgments.

Faithfully yours,

ARCH'D. MACMECHAN.

March 1st, 1890.

Exchanges.

University Gazette of Feb. 24, gives a full account of the great banquet, where the different departments of McGill University met, and where Professors, graduates and undergraduates, to the number of about 400 enjoyed themselves. McGill is not co-educational, but on this occasion lady students representing the Donalds Department were present in numbers, and by frequent references made to them by the speech makers. We judge they were chief among the attractions of the evening. There was much rejoicing over the passage of the B. A. Bill by the Quebec Legislature, and this recognition of the University was hopefully considered the beginning of a new educational era. The Banquet Committee are to be congratulated on their having made this initial Banquet a financial success.

Acta Victoriana for February devotes some attention to the Freshmen who appear to be troublesome, as the following paragraph from correspondence will show.

"As to the charge of overlooking the Freshman I want to say that, while it is comparatively easy to entertain people of ready wit and wisdom, (as we all know the Seniors to be) there is no one harder to entertain than the 'confessedly raw and uncultured' Freshman who is often constrained, nervous, and conscious of his own awkwardness, and who seeks to cover it under an exterior of stiff indifference. It requires constant watchfulness, readiness, and tact to win response from such a one. It is impossible to carry on conversation with him. His 'yes, ma'am,' and 'no, ma'am' are as conclusive as Matthew Arnold when he writes on the subject of miracles."

The reference to Seniors is fitting, and could aptly be used in Dalhousie, but the description of Freshmen would fail to express the development which ours have attained. All our Freshies (including the young ladies) can hold their own in a conversation.

The Pennsylvanian is keeping the dormitory question to the front, and shows clearly the benefits that would result in the sphere of athletics, and also in literary and musical organizations from having accommodation provided for the students. Dalhousians know the difficulty of keeping literary and musical societies in existence, when members are scattered over the city, and we trust that the question of dormitories will soon be a live one with ourselves.

We welcome as a new exchange, *The Delphic*, of Drake University, Des Moines, Iowa. This Western Journal is attractive in appearance and compares well in outward form with our Eastern College papers. An article on "Early times in Drake," gives a sketch of the University which starting out of the woods nine years ago, has now five substantial college buildings. In its articles and management, *The Delphic* testifies to the aggressive and energetic spirit of Western life.

The Theologue in its second number justifies expectations raised by the character of the first issue. A paper on Browning by J. S. Sutherland B. A., deserves notice. It's not a difficult thing to write agreeable sketches with Browning as subject, but of the many articles thereon, few have contents enough to induce a second reading. This article is not of the sketchy kind. The critical and literary judgments passed, are not those of a novice, but of one who has closely and carefully studied the works of the poet. Though we do not agree with all Mr. Sutherland's conclusions, we respect the moderation of his tone.

A contribution on Homiletics by Rev. L. G. MacNeill, of St. Andrew's Church, St. John, is characteristic of the author. Whatever he writes is written well, and with a view to use.

We have received, *The Queen's College Journal*, *The Oensor*, *The Seminary Bema*, *The Argosy*, *The Student*, *Columbia Spectator*, *The Harvard Advocate*, *Willamette Collegian*.

DALHOUSIE LAW SCHOOL EXAMINATION LISTS.

[First and Second Class arranged in order of merit, Pass list alphabetical]

CONSTITUTIONAL HISTORY. CONSTITUTIONAL LAW.

<p>I.</p> <p>Adams, Fulton, W. Dockrill, Stairs, Trueman, Johnstone, Casey.</p> <p>II.</p> <p>Fraser, J. G. Fraser, Jas. Sangster, Murray, Calder.</p>	<p>I.</p> <p>Schurman, McNeil, Cogswell, Shaw, McKinnon, McDonald, Joseph.</p> <p>II.</p> <p>Wickwire, Kelly, Logan, Notting.</p>
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<p>PASSED.</p> <p>Bill, Blackadar, Corbett, Grierson, Montgomery, Smith.</p>	<p>PASSED.</p> <p>Congdon, Howatt, McDonald, A. J. Ruggles.</p>
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INTERNATIONAL LAW. CONFLICT LAWS.

<p>I.</p> <p>Howay, Mellish, McBride, Allison, Armstrong, Frame.</p> <p>II.</p> <p>Roberts, Oxley, Bowser, Sinclair, Cogswell, McPhee.</p>	<p>I.</p> <p>Robertson, Cahan, McDonald, Wm. Paton, McNeil, Allison, Wickwire, McDonald, Joseph Shaw.</p> <p>II.</p> <p>Notting, McDonald, Allan J.</p>
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<p>PASSED.</p> <p>Fairweather, F. L. Hamilton, Huggins, Notting, White.</p>	<p>PASSED.</p> <p>Congdon, Kelly, Logan.</p>
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BILLS & NOTES. 3rd YEAR EQUITY.

<p>I.</p> <p>Howay, Mellish, Robertson, McDonald, Wm. McBride, Allison, Cahan, Roberts.</p>	<p>I.</p> <p>Howay, McDonald, Wm. Mellish, Roberts, Frame, Robertson.</p>
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<p>II.</p> <p>Shaw, Logan, Hamilton, Frame, Paton, Stevens.</p>	<p>II.</p> <p>Cogswell, McBride, Fairweather, Hamilton, Notting.</p>
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<p>PASSED.</p> <p>Armstrong, Bowser, Cahalane, Casey, Cogswell, Davison, Fairweather, F. L. Fairweather, S. L.</p>	<p>PASSED.</p> <p>Armstrong, Bowser, Cahan, Huggins, Kelly, McPhee, Miller, Oxley,</p>
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<p>PASSED.</p> <p>Howatt, Huggins, Kelly, McDonald, A. J. McPhee, Notting, Oxley, Ruggles, Sinclair, Wickwire.</p>	<p>PASSED.</p> <p>Sinclair, White.</p>
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REAL PROPERTY. CRIMES.

<p>I.</p> <p>Kelly, Paton, Dockrill, Smith, Casey, Doyle, Trueman.</p> <p>II.</p> <p>Calder, Johnstone, Blackadar, Mathers, Fulton, E. M. Davison.</p>	<p>I.</p> <p>Paton, Fulton, W. Adams, Sangster, Davison, Dockrill, Schurman.</p> <p>II.</p> <p>Casey, Johnstone, Murray, Blackadar, Smith, Crosby.</p>
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<p>PASSED.</p> <p>Adams, Bill, Corbett, Crosby, Fraser, Fulton, W. McDonald, L. Murray, Sangster.</p>	<p>PASSED.</p> <p>Bill, Calder, Corbett, Doyle, Fraser, Fulton, E. M. Mathers, McDonald, L. Trueman.</p>
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PARTNERSHIP.

<p>I.</p> <p>Roberts, Howay, Mellish, Robertson, Allison, Frame.</p> <p>II.</p> <p>Cahan, Sinclair, Cogswell, McDonald, Joseph McBride, Howatt, Fairweather, F. L. Ruggles, McDonald, W. Paton, Davison.</p>	<p>PASSED.</p> <p>Armstrong, Cahalane, Casey, Congdon, Fairweather, S. L. Hamilton, Huggins, Kelly, LePage, Logan, Miller, McDonald, A. J. McPhee, Nutting, Oxley, Shaw, White, Wickwire.</p>
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<p>Paton, Kelly, Murray, Thompson, Trueman, Dockrill,</p>	<p>} Equal.</p>	<p>II.</p> <p>Fulton, E. M. Fraser, Mathers, Blackadar, Casey.</p>
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<p>PASSED.</p> <p>Bill, Calder, Corbett, Davison,</p>	<p>PASSED.</p> <p>Doyle, McDonald, L. X. Sangster, Smith.</p>
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2ND YEAR EQUITY.

<p>I.</p> <p>Cahan, Allison,</p> <p>II.</p> <p>McDonald, Joseph, McDonald, A. J., Kelly,</p> <p>PASSED.</p> <p>Congdon, Davison, Howatt.</p>	<p>I.</p> <p>Paton, Ruggles.</p> <p>II.</p> <p>Fairweather, S. L. LePage, Cahalane.</p> <p>PASSED.</p> <p>Logan, Wickwire,</p>
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ACKNOWLEDGMENTS.

V. G. Frazee, \$6.00; Prof. McDonald, \$3.00; Prof. McGregor, \$3.00; Prof. Seth, \$2.00; J. E. Creighton, \$2.00; J. W. McLennan, M. A., \$2.00; Alfred Dickie, M. A., \$2.00; W. H. Falton, G. O. Forsyth, J. G. Fraser, H. Sangster, W. H. Magee, A. J. McDonald, Sydenham Howe, C. H. Oxley, C. F. Hamilton, R. McBride, J. K. Kelly, V. J. Paton, H. Mellish, T. Notting, J. M. Davison, W. J. Bowser, Miss Bessie Dickie, W. R. Tobin, Rev. A. Rogers, A. E. Chapman, J. S. Myers, Harry Putnam, D. D. Hugh, Albert Martin, J. A. Roberts, T. C. McKay, Miss M. H. Kellogg, Miss Lucy C. Murray, each \$1.00.

TO STUDENTS!

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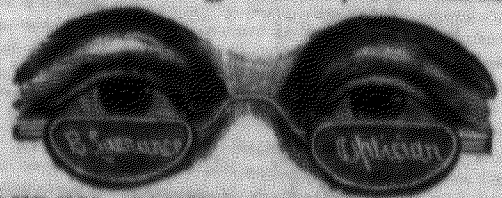
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