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## LEGAL EDUCATION AND LAW REFORM.

Address delivered at Convocation, October 26th, 1886,

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Professor of Contracts.

Professor Holland defines a law as a general rule of external human action enforced by a sovereign political authority. This definition, which expresses the popular as well as the scientific notion of the matter, would lead us to look for something definite and authoritative in that which presents itself to us as a system of law, and such an expectation arises, not only from the popular as well as the scientific notion of the true nature of a law, but also from the current maxims that are deeply embedded in the system and from which important legal consequences are deduced. Every subject is presumed to know the law. Ignorance of the law excuses no one. If all subjects are supposed to know the law, and are held liable for violating it, no matter how ignorant they may be of its provisions, it must surely follow that the law is something that can be known, if not in all its details by the community at large, at least by those whose business and profession it is to become familiar with its principles. Hence the common popular conception that somewhere or other, set forth in books in orderly form and intelligible terms, will be found a statement of the principles, by which to determine the rights and duties of individuals in all the varying exigencies of civilized life.

This is surely the notion, betrayed by many an innocent question, and many a look of astonishment at the limitations of his professor's knowledge, with which every student enters upon his legal curriculum, and one of the first discouragements of every intelligent student results from the fact that this conception will not hold good for any single branch of the complex system that he is ambitious to master; for, in very truth, so far from there being anywhere,

in any book or collection of books, any orderly and systematic presentation of the principles that constitute the body of English law, it is the glory and pride of the common law that it has not been formulated with any regard to theoretical excellence at all, but has grown up like all our political institutions, or, to use the favorite expression, borrowed from the language of modern science, has been developed by a process of slow and gradual evolution.

The old fiction, neatly satirized by Sir Henry Maine, was that in some manner not well understood, there existed *in nubibus* or *in gremio magistratum*, a supply of legal principles "not entirely revealed to the bar or the lay public," which was suitable for application to all the exigencies of political society, so that when controversies arose, no matter how novel the point or how absolute the dearth of precedents, the judge had but to *declare*, and it was treason to suppose that he was in any case obliged to invent the law by which the controversy was to be determined. This venerable fiction which had imposed upon several generations of profound legal scholars and commentators, including of course "our own excellent Blackstone, was unable to hold its own in the fire of modern criticism, and it is trite learning to day that the great body of the common law, as we have it in England and America, is the work of the judges, produced in such form as to them seemed best, and in such quantities as were called for by the emergencies that from time to time arose. Let us at the outset admit with Austin that for this anomaly there was the best possible justification, that society could not have gone on if judges had not legislated, and further that "that part of the law of every country which has been made by the judges has been far better made than that part which consists of statutes made by the legislature." It still remains true that as accident alone determines the points on which contentious persons will go to law, accident has in the main determined the points upon which

the common law has undertaken to speak. It might perhaps have been anticipated that as one of the merits of this method of evolving the system, it would happen that the questions most requiring to be answered, because most frequently arising in practice, would be the very ones to which by the common law, answers would be afforded. To use the words of Mr. Pollock, "whereas the imperfect foresight of the legislator would provide for superfluities and omit necessities, the spontaneous working of judicial institutions would provide for just the right things in just the right way." Mr. Pollock declines to enter into a theoretical examination of these expectations, concluding that it is quite certain they are not fulfilled, and he adds in words of the truth of which every practitioner of law must have had a more or less painful experience that all "kinds of curious little questions receive elaborate answers, while great ones remain in a provoking state of uncertainty. Cases that seem about to settle a grave doubt once for all take an unexpected turn and go off on a minute point of practice. Nor is this ail. It is the custom of legal text-writers, and to some extent of judges, to disguise as much as possible the existence of really doubtful matters in the law. There are set phrases and turns of speech that mark to the accustomed reader, but to him only, where the firm ground leaves off, so that altogether the state of laymen, wishing to ascertain their rights, even in matters that look as if they ought to be simple, is not a little perplexing."

This accidental nature of the process of legal development, must necessarily lead to its being an exceedingly slow and irregular one. If a case upon any particular topic happens to occur to-day, it may chance that another case relating to the same topic may not come before the courts for a dozen years. And this slowness and irregularity are still further intensified by the extreme reluctance of the judges to enunciate anything in the nature of general principles. There is no stronger instinct among English judges and lawyers to-day than the horror of what is known among lawyers as an *obiter dictum*. A judge of Lord Mansfield's eminence might well enough be permitted in Lord Mansfield's day to make his court a seminary of learning for the gentlemen of the bar, and to make the delivery of a decision on any particular point the occasion of an elaborate dissertation on the general principles of law connected with the question immediately presented for decision. But the judge in any court in England to-day who should attempt any such ambitious task as that of enlightening the

bar or the lay public on the general principles of legal science would probably be snubbed for his pains, and would undoubtedly incur the general censure of the profession. Judges are therefore compelled by a strong judicial instinct, as well as by the general sentiment of the profession, to refrain from dissertations and to confine themselves as closely as possible to the facts immediately before them for adjudication, the fiction still being that they are only and always declaring and never inventing the law by which the case is to be decided, and further, that they are simply disposing of the case immediately in hand and not engaged in formulating a rule for the prevention or settlement of future disputes.

This feature of the system has been adverted to by Mr. Justice Weatherbe of our own Supreme Court in a strikingly suggestive contribution to the discussion of law reform in the *American Law Review*. "The judges," his lordship truly says, "are in the habit of confining the decision, which they are compelled to reach, within as narrow a compass as possible, so as to leave all possible room for new cases. "This," he adds, "is in reality the merit of evolution over codification." Now, there can be no doubt that as things go it is esteemed a virtue in a judge to confine himself strictly within the limits of the case immediately before him for decision, but there are two sides to the question whether this is really one of the distinguishing merits of the judiciary law. The real truth seems rather to be that this is one of its most serious and characteristic defects. It is to this peculiarity that it owes its remarkable unfruitfulness, its "wilder-ness of single instances," its dearth of comprehensive principles, its numerous cases of decision by rule of thumb, and its want of anything like full and symmetrical development. Sir Henry Maine illustrates this view in a passage of classic flavor in which he recalls the vivid pictures from Latin literature of the life of a leading juris-consult in Rome, besieged by clients, who await him in his ante-chamber before he has finished his morning nap:—

"Sub galli cantum consultor ubi ostia pulsat."

Referring to the system built up by the *responsa prudentum* at Rome, and its early wealth in principles, which he remarks as its characteristic excellence, he accounts for its great superiority to the common law in this respect by saying that "the chief agency no doubt was the uncontrolled multiplication of cases for legal decision. The state of facts that caused genuine perplexity to a country client was not a whit more entitled to form the basis of the juris-consult's response or legal decision than a

set of hypothetical circumstances propounded by an ingenious pupil. As the law is administered among ourselves, the judge cannot travel out of the set of facts exhibited before him or before his predecessors; but when a difficulty came for opinion before a juris-consult at Rome there was nothing to prevent a person endowed with a nice perception of analogy from at once proceeding to consider the entire class of supposed questions with which a particular feature connected it. Whatever was the practical advice given to the client, the *responsum* treasured up in the notebooks of listening pupils would doubtless contemplate the circumstances as governed by a great principle or included in a sweeping rule."

Now, if it were permitted to an English judge, when deciding the particular case before him, to run out his reasoning to all its logical consequences, to consider, not only the immediate case before him, but the whole class of cases with which it was connected, by resemblance or contrast, and thus contemplate the circumstance as "governed by a great principle and included in a sweeping rule," it must be obvious that, waiving for the moment the question as to the authority of such a decision, its value as a guide for future conduct and a provision against future controversy would be infinitely increased. If then you add to this process of wide and careful reasoning, the authority which an act of parliament would confer, and which such a decision under our system must necessarily lack, you have the elements that constitute a well constructed code, and hence, we may say, adopting his lordship's formula, but reversing the terms of it, "this is in reality the merit of codification over evolution."

This very feature of our system in which the learned judge discovers its characteristic excellence, attracted long ago the attention of Lord Romilly, and the observations of this noble lord are highly interesting as an illustration of the different lights in which the same fact may be viewed by different minds.

"Not only," says Lord Romilly, in a vigorous passage quoted with approval by Austin in his 39th lecture, "not only is the judge, who at the very moment when he is making law, is bound to profess that it is his province only to declare it, not only is he thus confined to technical doctrines and artificial reasoning, he is further compelled to take the narrowest view possible of every subject on which he legislates. The law he makes is necessarily restricted to the particular case which gives occasion for its promulgation. Often, when he is providing for that particular case, or, according to the fiction of

our constitution, is declaring how the ancient and long-forgotten law has provided for it, he represents to himself other cases which probably may arise, though there is no record of their ever having yet occurred, which will as urgently call for a remedy as that which it is his duty to decide. It would be a prudent part to provide by one comprehensive rule, as well for these possible events as for the actual case that is in dispute, and, while terminating the existing litigation, to obviate and prevent all future contests. This, however, is to the judicial legislator strictly forbidden, and if in illustrating the grounds of his decision he adverts to other and analogous cases, and presumes to anticipate how they should be decided, he is considered as exceeding his province, and the opinions, thus delivered, are treated by succeeding judges as extra-judicial, and entitled to no authority.

A single illustration will enable us to appreciate the force of these criticisms, and will, I think, produce a strong conviction of the justice of Austin's complaint when he speaks of the timid, narrow and piecemeal manner in which the judges are obliged to legislate. The rules which determine when a contract entered into by correspondence through the post office becomes final and binding have been in course of development during the past sixty or seventy years. Seventeen cases on the subject are reported in Mr. Langdell's collection. Every court in England has been occupied more or less with the discussion of this topic for the past half century or more, and we have had, moreover, the assistance of the Supreme Courts of Massachusetts and Connecticut, as well as the Supreme Court of the United States. It would be tedious to enumerate all the great legal luminaries of the old country and the new that have shed the light of their wisdom and learning upon this question at intervals during the past sixty or seventy years. The arguments and decisions upon the subject would fill a volume as bulky as the debates of the House of Assembly. The subject presents no great intrinsic difficulty, and it is one of that class of questions in respect to which it may be most truly said, as Mr. Pollock suggests, that any rules at all, so long as they were well established and well understood, would be almost as good as a set of rules drafted with the strictest conformity to the standard of ideal justice. Yet, notwithstanding the simplicity of the subject and the immense amount of time and attention that the courts have devoted to its elucidation, such was the condition of the law when Mr. Langdell published his second edition in 1879, that no lawyer either in England or in America would have ventured to answer the

simple question, whether a party posting in due season a letter unconditionally accepting the terms of his correspondent's offer could safely proceed to act on the assumption that he had a binding contract. This point was not determined until the year 1879, after Mr. Langdell had published his volumes. It was settled, as Mr. Pollock says, by a sort of rule of thumb, and in the very act of deciding it the courts gave another and most forcible illustration of the defectiveness of their methods of legislation. The case that I have referred to decides that the party making an offer is bound by it beyond revocation the moment a letter accepting it is deposited in the post office, no matter what may become of the letter of acceptance, and no matter if it be never received owing to accidents happening in the course of transmission through the post. But it does not in terms decide that the party accepting the offer is also bound. "It was not necessary to express any opinion upon the point." So runs the exasperating formula with which the courts are obliged, respectfully but firmly, to decline to close the door against future doubt and litigation. The question still remains open, whether the party posting his acceptance can recall it by telegram despatched so as to reach his correspondent before he has received the letter of acceptance, and hence we have upon this point precisely opposite opinions delivered by text writers of the highest repute, and professors of the greatest eminence. Now, any Roman jurist-consult when advising as to the position of the party making an offer in this way, would at once have had his attention called to the obligations of the other party to the transaction. Had the post-office been an established institution at Rome, he would have compared the law relating to negotiations conducted through the post with the law that was applicable to negotiations carried on through the agency of private messengers. Had the electric telegraph been invented, he could at once have proceeded to inquire whether the same rules that applied to the post-office could also be held to apply to communications by telegraph, and then supposing the telephone to have been in operation he might have gone on to consider the further complications with which the question was beset by the invention of that wonderful instrument. He would thus in the words of Sir Henry Maine have been led to contemplate the circumstances of the particular case before him, as governed by a comprehensive principle and included in a sweeping rule. But this to the judicial legislator, in the words of Lord Romilly, "is strictly forbidden." Step by step, point by point, here a little and there a little, by slow and halting and

painful stages, must the courts proceed with the evolution of the principles that govern even the simplest transactions of commerce. For in another sense than that of the poetic aphorism:

"Though the mills of the gods grind slowly  
Yet they grind exceeding small,"

Would we were able to add, that

"Though with patience they stand waiting  
With exactness grind they all."

The costliness of this method of judicial legislation, direct and indirect, the accidents that may happen to interfere with its regular and progressive character, the difficulties that arise, when existing precedents are forgotten or overlooked, the occasional infirmities of the judicial temper, the temptations under which a sympathetic judge must labor to strain the law for the sake of meeting what we may consider the justice of a hard case, all the distracting influences that interfere at times to interrupt or retard the course of development by which a clear and consistent system might otherwise be established, ought to be commented upon if the time permitted. Detailed illustrations come thick and fast upon the unhappy expositor, who has to struggle as best he may to answer the questions upon which the courts are so provokingly silent. But one source of confusion must be dwelt upon at the risk of being tedious. It must be clear that serious defects would have to be set off to the admitted merits of the system of judiciary law, even if we had only one supreme and authoritative tribunal engaged in expounding and establishing the rules of law by which we are to be governed; but how greatly is the matter complicated when it is considered that we have not any single court, but a number of courts, several of them of co-ordinate authority, engaged in the construction of the system. The voices of these several authorities may not always concur. Sometimes it has happened that co-ordinate courts have divided on some important point of principle or practice like the Proculeians and Sabinians of the civil law, or like the rival schools of mediæval theology in Europe. A most embarrassing case of this kind occurs on the law of Sales, where the question what constitutes an acceptance to satisfy the statute of frauds was debated for a number of years between the Queen's Bench and the Exchequer, one court adopting one principle and the other a different one, so that the fate of the unfortunate litigant depended entirely upon the court in which his case was decided,—a most unseemly and distressing spectacle that should have called for the immediate interposition of the legislature, whose clear duty it was to inter-

pose and set at rest a controversy, commencing with the judgment of Lord Campbell in 1850, which continued to envelope the whole subject in a cloud of mystery that was not cleared away until the summer of 1885.

It is hardly to be wondered at when we consider the mode in which our system of law has been constructed, the accidents that have determined what subjects should receive judicial elucidation, the timid, slow and halting steps with which conclusions are arrived at, the meagreness and unfruitfulness of the principles that long years of litigation may result in establishing, the accidents that may interrupt the course of development, by which a sound and consistent rule was in process of being evolved, the ignorance of greater or less degree from which even judges are not wholly exempt, the sympathies by which the judicial mind is sometimes naturally enough deflected from the line of pure reason and severe logic essential to the establishment of consistent general rules,—it is not to be wondered at that we should have the confession wrung from so profound and conscientious a scholar as Austin that the common law is practically unknowable:

"A system of judiciary law, as every candid man will readily admit, is nearly unknown to the bulk of the community, although they are bound to adjust their conduct to the rules or principles of which it consists. Nay, it is known imperfectly to the mass of lawyers, and even to the most experienced of the legal profession. A man of Lord Eldon's acuteness and comprehension may know where to find the documents in which the law is preserved and may be able to extract from the documents the rule for which he is seeking. But by the great body of the legal profession, when engaged in advising those who resort to them for counsel, the law generally speaking is *divined* rather than *ascertained*, and whoever has seen opinions of even celebrated lawyers must know that they are often worded with a discreet and studied ambiguity which, while it saves the credit of the uncertain and perplexed adviser, thickens the doubts of the party who is seeking instruction and guidance. And as to the bulk of the community, the simple-minded laity, to whom by reason of their simplicity the law is so benign, they might as well be subject to the mere arbitrium of the tribunals as to a system of law made by judicial decisions. A few of its rules or principles are extremely simple and are also exemplified practically in the ordinary course of affairs; but those portions of the law which are somewhat complex and are not daily and hourly exemplified in practice are by the mass of the commu-

nity unknown, and are by the mass of the community utterly unknowable."

Such, then, is the condition of the law, and such the position of the lawyer in the old country, where there is but one sovereign parliament, and where the body of law by which controversies are to be determined, whether statutory or judiciary, is all their own making. The position of a lawyer in this country is one of very much greater difficulty. We have three legislative bodies, all of which may enact laws, and all of which do enact laws that the judges and barristers of this country are obliged to study. As to two of these bodies, the legislative powers that they exercise are mutually exclusive, and it is needless to point out to a generation that has had to witness the progress of the license question how endless may be the controversies resulting from this division of authority. For this difficulty there is, of course, no help. It is one of the disadvantages of a federal system that must be accepted along with its advantages which nobody will be inclined to dispute. But, in addition to this and all the other sources of uncertainty that have been mentioned, the colonial lawyer has to contend with doubts and difficulties that are peculiar to the condition of a country whose inhabitants have brought with them to their new surroundings the great body of the law by which they are to be governed. Suppose that it were always possible to discover the rule of the common law on the subject in dispute. Here the functions of an English counsel would end, but the colonial barrister has to settle the further question, whether the principle of the common law will be recognized by the courts of this province. The considerations that determine the answer to this question are, it is true, comparatively simple, but not by any means so simple is the answer to the question, how far the statutes passed in the mother country before we had a legislature of our own are in force in this province. We have an old case decided in the time of Chief Justice Haliburton, which determines that the common law will be recognized by our courts except such portions as are obviously inconsistent with the circumstances of the country, while on the other hand the statute law will not be recognized here except in so far as it is obviously applicable and necessary. All of which sounds so well and is so easy to say, that it might be supposed that the matter was after all a very simple one and need occasion no perplexity whatever. But who is to determine for us whether a statute of the Imperial Parliament is or is not obviously applicable and necessary to this country? A moment's reflection will suggest to anyone the possibility of the most

careful practitioner having some old English statute of which he has never heard, sprung upon him at the most inconvenient juncture, the vagueness of the criterion by which the question thus suddenly presented must be as suddenly determined, and the utter impossibility of knowing beforehand what view the court may take as to the applicability or otherwise of the statute in question. Then, again, suppose that our own legislature has passed a law on the same subject covering a part of the ground covered by an obviously applicable English statute, enacted before we had a legislature of our own. Are the provisions of the English statute in force, in so far as they do not necessarily conflict with our own, or does the fact that our own legislature has dealt with the matter, raise an inference that the English statute is no longer intended to apply? It is easy to see how materially these difficulties and doubts must intensify the unworkability of the law on which a colonial barrister may be called to advise.

But, further, we have serious difficulties and questions arising from the fact that much of the legislation adopted in the old country since the institution of our own legislature, especially in respect to commercial matters of every day occurrence, has never been re-enacted here. It is a tradition handed down from older members of the Bar that during the solicitor-generalship of Mr. Ritchie the work of bringing forward, so to speak, the statutes passed by the imperial parliament in amendment of the common law or of enactments that had been outgrown was always attended to. Since that time it has been a matter of pure accident, whether an English statute, requisite and necessary to our legal system, has or has not been embodied in the legislation of this country. Lord Onslow's act, amending the law relating to the acceptance of bills of exchange, does not seem to have been discovered by our legislature until 1865, although passed by the imperial parliament in 1821. The amending act passed in 1856 to extend the provisions of the original statute has not yet, at the latest advices, been discovered in the province of New Brunswick. Lord Tenterden's act, in so far as it relates to the formal requisites of an executory contract for the sale of goods was not adopted in this province until 1885. The English statutes in reference to gambling contracts are so entirely different from our own that the judiciary law of England founded upon those statutes is not only useless to us, but positively misleading. The English statute that requires a policy of marine insurance to be in writing, the statute which gives to the assignee a bill of

lading, the contractual as well as the property rights conferred by the document upon his assignor, sundry very important amendments to the factors' and brokers' acts, and a host of other enactments, all equally applicable to the circumstances of this country, have never been re-enacted here, or if they have been re-enacted, have been lost again in the successive processes of revision. The difficulty in such cases does not simply consist in the danger of being tripped up by depending on statements of law in English text-books founded on statutes that are not in force in this country. This is a very real and obvious danger and one which the self-taught practitioner can only with the greatest difficulty escape. Against this class of accidents, however, sleepless vigilance may insure comparative safety. The real difficulty is in many cases to determine how far the judiciary law evolved by the English tribunals may be attributable to the very existence of statutes which are not in force in this country. The statute law and the judiciary law are in some cases so inextricably implicated with each other that it is not always easy to say how far the rule of law laid down in a particular case is dependent upon a statute for its force, and how far it is the product of the unadulterated wisdom of the tribunals.

Further difficulties still are presented by the methods adopted in the general work of our legislation and statute revision. The substance of every enactment must of course be approved by a majority in each house before it can become a law, but beyond approving of the substance of the enactments, legislative criticism can hardly ever pretend to go. There is no permanent officer whose function it is to see that our statutes are so drafted as to accomplish the purpose that they have in view, or that they are within the legislative authority of the assembly. Hence arise frequent cases of unconstitutional enactments, and still more frequent cases of enactments that are ambiguous or self-contradictory, all of which goes to illustrate the necessity of having in this country as they have in other places, a trained parliamentary draftsman to criticise and correct the technical form in which enactments are placed upon the statute book. In the Revised Statutes of Nova Scotia to-day, brought forward, it is only justice to say from previous revisions that we had been taught to look upon as models of perfect legislation, will be found more than one instance of a rule of law handed down from a remote past, standing side by side in the same chapter and sometimes on the same page, with an enactment of later

date that was passed for the express purpose of repealing it. Statutes will be found placed in the appendix for the express purpose of being preserved, when in all probability the direct consequence of so dealing with them was to insure their abolition. Other enactments of the legislature there are, which are in force to-day, which our legislature was powerless to repeal and had no intention of repealing, but which nevertheless are not to be found in any collection of laws purporting to be the laws in force in the province of Nova Scotia at the present day. Enactments can further be pointed to that bear the unmistakable impress of having been introduced for the improper purpose of influencing pending litigation, and which, having succeeded in the accomplishment of their unrighteous purpose, should no longer be permitted to disfigure the statute book.

To marshal the evidence for the various counts of this indictment would be a tedious performance, and one in which I could hardly hope to enlist the attention of any but a professional audience; but enough has, I think, been said to show that there is room for improvement both in the substance and in the form of our laws, a long way short of the realising the ideal of Bentham. As for the hope of so simplifying the laws of this or of any country that every man may be his own lawyer, that must surely be dismissed as an idle dream. Equally absurd would it be to suppose that any system of laws can ever be devised by the wit of man that will provide with certainty for all the cases that may arise in the infinite complexity of human transactions. No sensible advocate of codification will ever make so preposterous a claim as this. He will admit the immense practical difficulties attending such a project and the very qualified success that experience has taught us to look for from even the most promising measures of reform. He will admit, further, that the choice is not simply between the present system and the best code that could possibly be devised, but between the present system and the code that would be likely to be produced by the instruments at present at hand. And yet, after all just abatements and deductions are made, I think it will have to be conceded that the change from the present condition of things which has been wittily described by Mr. Pollock as "chaos tempered by Fisher's Digest," to the condition of things under any reasonably well constructed code, would be a passage from darkness to light.

Mr. Sheldon Amos has already pointed out the intimate connection between the subject I have been discussing and that of legal education. It is perfectly certain that such comprehensive

reforms as the occasion calls for either in the old country or in the new, can never be brought about in the absence of a strong body of trained legal specialists; and it is this consideration that entitles the cause of legal education, here and elsewhere, to the sympathy and support of the general public. If it were the business of law schools simply to train successive classes of students for the practice of a mere money-getting profession, the work would be a necessary one, and praiseworthy to the same extent that all honest educational work is necessary and praiseworthy, but it would present no special claims that I can perceive upon the generosity of the public at large. Our ambition must have a wider scope, and be more public-spirited than this. The true function of a university is not simply to impart the knowledge that has been safely garnered, but to add to and improve the stock; not simply to rest on the laurels, and hold the fields that have been already won, but to push forward the boundaries of science and conquer fresh provinces from the dominion of ignorance and darkness. Our mission as one of the faculties of a university must have a corresponding width and compass. We must not be content simply to expound our system of positive law as we find it, but we must do what lies in our power for its improvement. The work of legal education and of law reform are destined in the nature of things to go forward hand in hand. One of the first effects of an improvement in the standard of legal knowledge is to beget a wholesome discontent with the unphilosophical character of our present system, and one of the later and more remote effects of an improved legal education must be to supply the demand that has been thus created. It is to the law schools that we must look, both here and elsewhere, with the specialization of legal study that they call for on the part of their professors, and the severe and systematic courses of reading that they demand on the part of their students, first to create, and then to satisfy the demand for comprehensive and thorough-going improvements in the substance and outward form of the system. The judges of the land, it goes without saying, have no leisure for such an undertaking. Their time and energies are exhausted in hearing arguments and reserving judgments. The busy practitioner who is only that and nothing more is too apt to be satisfied with the system of law as he finds it. In the average run of cases upon which he is called to advise, he is at least as likely to be right as to be wrong. His mistakes need cause him no chagrin for his clients have no possible means of knowing whether he is to blame for them or not. It

has even been hinted that he is all the better satisfied with an obscure and complicated system because of the litigation that it engenders, but no who really understands and can enter into a true lawyer's habits of thought and feeling, will hesitate to treat such a suggestion as an idle calumny. His real attitude is one of indifference, begotten partly of pre-occupation and partly of despair. A body of trained legal specialists, with wide general knowledge, strong common sense and more or less contact with the practical affairs of every-day life, presents the best hope of permanent and comprehensive reform.

In the meantime, the very defects and difficulties that have been pointed out seem to me to constitute our strongest claim to exist. Such is the chaotic nature of the documents in which the law is to be found, such the inconsistency and obscurity of the rules in which it is embodied, such the uncertainty of the law in regard to matters of every-day occurrence, such the unreliability of statements of the law contained in text books of the highest repute, such the utterly appalling rate at which text books and reports are multiplying from year to year, that without the assistance of a competent staff of instructors the position of the student is one of utter bewilderment and helplessness. The hackneyed figure of the mariner on a trackless ocean, without compass or quadrant or chart, is but a feeble image of the helpless inquirer adrift on the "shoreless ocean of judiciary law." With the best assistance that he can command the student of English law will find it no light matter to thread his way through the labyrinth that lies before him. To the earnest and industrious student, however, the many difficulties that beset him will prove a spur to the highest endeavor, and to the earnest and industrious student the profession offers a sure and certain, although it may be a tardy and hard won, reward. He must gird up his loins for the most severe and self-denying toil. He must lay aside every weight. He must bid good-bye to indolence and make no terms with dissipation. He must be content to be ignorant of many things that he may know this one thing well; and I have no better words with which to welcome him to his task than those of that noble sonnet of Wordsworth to his artist friend, words that will appeal not only to those more immediately interested in the subject of this address, but to all the students of this university in whatever faculty they may be enrolled:

"Still to be strenuous for the bright reward  
And in the soul admit of no decay;  
Brook no continuance in weak-mindedness;  
Great is the glory, for the strife is hard."

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AFTER a few months vacation, the GAZETTE enters upon the nineteenth year of its existence with a prospect brighter than ever before. While the students were resting from their studies and enjoying their vacation, the Governors with their wonted energy have finally disposed of the old building and completed the arrangements for the erection of the new; on which work is now progressing rapidly. It is not our intention to moralize on the past of the old building; yet the circumstances connected with it are worthy of more than a passing notice. Serving at one time as a post-office, at another as a hospital, and at a later date as a warehouse and feed store, it was finally restored to its original use as an institution of learning, from which, for the last twenty-two years, a small but well-tried band have yearly gone forth to bear their part in life. Of all of these it is impossible to give any account. Some have gone

to that land from "whose borne no traveller ever returns;" a few have disappeared from view altogether, but the greater part of them are still found manfully fighting the battles of life.

Of the new building we purpose giving a more lengthy description at an early date. Suffice to say that, judging from the plans, it promises to be not only an honour to the University but a credit to the city as well. Occupying one of the finest sites in the city, in close proximity to the Medical College, a Ladies Seminary and the Blind School, it bids fair to become in the near future a university of which we may justly feel proud.

The new Calendar contains many important changes, and to our mind ones in the right direction. The course in Science has been placed on a firmer basis than ever before, while a new course has been opened in Literature extending over four years with the degree of B. L. Special courses have also been provided for those wishing to take only a few subjects. A new course has been opened in Music, and Professor G. B. Penny, formerly of Germany, whose musical abilities are too well known to require comment, has been appointed as lecturer. A Glee Club has also been formed for the practice of music, and from it we expect much.

And now before laying aside our pen, we may say that, as in the past, we shall endeavour to make the GAZETTE the mouth-piece of the students, and the advocate of their rights as well as the medium of making them acquainted with college news generally. Our work is a great and difficult one, but we trust that the students will be ever ready to come to our aid so that the GAZETTE may remain a credit to the University.

WE are pleased, on behalf of the students, to welcome to the University, as Professor of Metaphysics and Ethics, Mr. Seth, of Edinburgh. Mr. Seth comes to us with the highest records both from Great Britain and Germany. During his College course he carried off not only prizes in Greek, English, and German, but also won several medals and graduated with first rank honours in Philosophy. In the year in which he graduated, he won the Baxter Scholar-

ship in Philosophy, and, in the following year, the Ferguson Scholarship in Mental Philosophy, open to competition with the best graduates of the four Scottish Universities. He afterwards studied in Leipsic and Zena, and has also completed a four years course in Theology. Mr. Seth has acted for some time as assistant Professor of Logic in Edinburgh University, where he won the esteem of both Professors and Students. Professor Seth is also known as a writer, and his articles show not only a thorough knowledge of his subject, but great ability in the manner of presenting his views. Professor Seth has already won the esteem and admiration of the students, and more especially of the classes under his control. We trust he may be long spared to enjoy the friendly relation already existing between himself and the students.

The changes in the Law School are important. Shipping is added to the curriculum and Mr. Henry has been nominated as Lecturer. With a mercantile navy, such as Canada can boast, an intimate knowledge of the laws of shipping is a prime necessity for every lawyer. Mr. Henry is one of the most favorably known counsel in the Maritime Provinces and has been retained for years by nearly all the numerous insurance companies of Halifax. This has given him an opportunity to acquire a special knowledge of the subject on which he is to lecture, and his success in the cases in which he has been engaged is the best evidence of the careful study he has given this subject.

The first year will miss His Honor Judge Johnstone, the former Lecturer on Crimes. The students who attended his various classes, knew that no Professor made it more a matter of conscience to have his lectures carefully prepared. The Judge neglected his own comfort and some of the lawyers used to say, when half-past three came on Wednesday afternoon, that he forgot his professional duties to keep his appointment in the Law School. The various classes who have taken his course fully appreciated his self-denial and regret that the duties of his onerous position prevent him from instructing their successors in the intricacies of an important branch of law.

## DR. HERBERT BAYNE.

WE regret to have to chronicle in our first issue the death of one of Dalhousie's most promising sons. Few men connected with our College were better known than the late Dr. Bayne. He was one of the first to enter after the re-organization in 1864 and for several years was Principal of the Pictou Academy, and many young men who afterwards attended the College received their preparatory education at his hands. He went to Germany in 1871 and studied at Leipzig, Berlin and Heidelberg, at which latter place he took his Doctor's degree.

On Dr. Bayne's returns to this province after five years of study, his services were secured by the School Commissioners of this city to organize the scientific department of the High School then just started, and it was he who planned the science class rooms in the new building. His duties as a master he discharged with the greatest ability and success. But his activity did not end here. He found time to assist his old friend Dr. J. J. Mackenzie, who had been appointed Professor of Physics in Dalhousie College, and his old Professors in that College, in starting a science course, and for that purpose he undertook to give a course of lectures and of practical training in organic chemistry, and he joined Professor Mackenzie in raising a large sum of money for the purchase of scientific apparatus. Not satisfied with that, he took up the cause of the artisans of the city, and being anxious that they should enjoy educational advantages, he became one of the leaders in starting the Technological Institute, which gave them opportunities of self-improvement, which they had never enjoyed before. In 1879 he was appointed Professor of Chemistry in the Royal Military College, which had just been founded. Here he again found full scope for his remarkable organizing powers. He had not only to prepare lectures in chemistry and other allied subjects, but to originate and develop the scientific department of the College, to plan the laboratory, and to stock it with apparatus. All this he did with an enthusiasm which com-

mended success. Possibly it paved the way at the same time for the disease which has carried him off. During the first few years of his professorate, Dr. Bayne was too much occupied to justify the expectations of his European teachers by extending the science to which he had devoted himself. But during the last one or two years he had been able to find more leisure and he had given it to original research. The first result was a valuable paper on chemical tests of the purity of silk. This paper was communicated, at its last meeting, to the Royal Society of Canada, of which Dr. B. was one of the original Fellows. He had begun in Germany a valuable series of investigations on the properties of the rarer metals, and had hoped to continue them when leisure came. But with leisure came disease; and the high hopes of a successful youth have been brought to an untimely end.

Few of the students now attending the College knew him other than by reputation; but one and all regret the death of a distinguished graduate who was likely to shed lustre on his *Alma Mater*.

## CONVOCAATION.

THE fall Convocation of the present session took place in the Legislative Assembly Chamber on Tuesday, the 26th October. Before the appointed hour the majority of the students had taken the seats allotted to them in the centre of the building all equipped with whistles, horns, chestnut bells, and whatever was at hand to make a noise. The attendance was not so large as on some former occasions, yet it included what may justly be called the *elite* of the city. After the opening prayer, the President gave a short address in which he referred to the progress which the University had made during the last few years, and the advantages held out to the city by the special courses provided in Science, Literature, and Commercial and Journalistic work.

Professor Russell was then called upon and delivered the Inaugural Address, which we pub-

lish in full elsewhere. He was received with marked attention and loudly applauded.

Mayor Mackintosh followed on behalf of the Governors in a short but effective speech. He dwelt chiefly on the new building, stating that \$20,000 were still needed to equip the building thoroughly. He made an urgent appeal to the citizens to come forward and raise the required amount.

Professor Seth, being called upon by the students for an address, made a few remarks, stating that as he was only a "freshman" and not acquainted with the College ways, he would not run the risk of exposing his ignorance on such an occasion.

After a short prayer and the benediction the meeting adjourned.

The following is a list of the Exhibition and Bursary men and the Matriculants:—

## SENIOR MUNRO EXHIBITIONS.

1. McLeod, George. 2. Sutherland, J. S. 3. Stewart, F. J. 4. McKay, H. M. 5. Morrison, A. M.

## SENIOR MUNRO BURSARIES.

1. Fulton, W. H. 2. Sloan, D. M. 3. Clark, D. McD. 4. Robertson, T. R. 5. Johnson, G. M. 6. McDonald, W. 7. Grant, D. K. 8. McLellan, S. J. 9. Not awarded. 10. Not awarded.

## JUNIOR MUNRO EXHIBITIONS.

1. McCallum, H. D., Queens Co., P. E. I., Pictou Academy. 2. Mackintosh, D. C., Springville Pictou, do. 3. Schurman, G. W., Freetown, P. E. I., Prince Wales College. 4. Gardner, N. H., Queens Co., N. S., Liverpool Academy. 5. McLeod, F. J., Charlottetown, Prince Wales College.

## JUNIOR MUNRO BURSARIES.

1. McLennan, J. N., Pictou, Pictou Academy. 2. Campbell, D. F., East River St. Mary's, Pictou Academy. 3. Grierson, R., Halifax, Halifax High School. 4. Lewis, E. W., Moncton, Fredericton Normal School. 5. Fisher, J. M., Lower Stewiacke, Pictou Academy. 6. Cogswell, G. H., Kings Co., N. S., do. 7. Rowlings, G. R., Marguashuit Bar., Pictou Academy. 8. Fulton, E., Middle Stewiacke, Pictou Academy. 9. Murray, N. F., Truro, Pictou Academy. 10. Not awarded.

## ENTRANCE EXAMINATION, THIRD YEAR.

## ENGLISH LITERATURE.

First Class.—Stewart, F. I.; McLeod, George; Sutherland, J.; Sloan, D.

Second Class.—McDonald, Wm.; Morrison, A.; Robertson, T. R.; McKay, H. M.

Passed.—Allen, E. F.; McLennan, S. J.; Fulton, W. H.; Clark, D. McD.; Grant, D. K.; McLellan, S. J.; McLeod, A. W.; McLellan, J. D.; Brown, Wm.

## CLASSICAL HISTORY AND GEOGRAPHY.

First Class.—Sutherland, J. S.; McLeod, G.

Second Class.—Clark, D. McD.

Passed.—Sloan, Morrison, Robertson, Stewart, Grant, McLennan, Matheson.

## ENTRANCE EXAMINATION, FOURTH YEAR.

## HISTORY.

First Class.—McNeill, Miss C.; Shaw, H. C.; Putnam, Graham; Fraser, Donald; Coffin, Victor; Forbes, Miss H.

Second Class.—Stewart, A. F.; Calkin, W. S.; Campbell, W. R.

## MATRICULANTS OTHER THAN BURSARS AND EXHIBITIONERS.

Forbes, W. J.; Fullerton, C. P.; Miller, G.; Rattie, E. J.; Chapman, A. E.; Hamilton, Miss B. C.; McKinnon, J. A.; McMillan, J. H.; McRae, A. P.

## PASSED MATRICULATION EXAMINATION NOV. 5TH.

Second Year.—E. N. Brown, E. B. Smith.

First Year.—J. F. Fraser, A. K. McLennan, J. H. Treloar.

HONOURS FOR PRESIDENT FORREST.—We are pleased to learn that the Society of Science, England, has conferred upon President Forrest the degree of F. S. Sc. It was only a few months ago that it became our pleasant duty to congratulate President Forrest upon the honour done him in having the degree of D. D. conferred upon him by Queens University; and now this distinction from the mother-land shows that his abilities are being recognized there as well as here.

Professor Forrest's abilities are already too well known to need comment; so that, we feel satisfied in saying that, in conferring this honour, the Society of Science could have made no more worthy choice than they have.

In behalf of the students, we extend to President Forrest our heartiest congratulations, and hope that he may be long spared to advance the cause of Science, in which he takes such an active part.

The following we clip from the *Morning Chronicle*:—"At the recent opening of Harvard University last week, Mr. H. Wells Honey, of this city, was elected one of the Vice-Presidents of Harvard Law School Association." Mr. Honey is Lecturer on Shipping in Dalhousie, and has always taken a warm interest in the advancement of the legal profession. We are pleased to congratulate him upon this recognition of his abilities by one of the leading American Universities.

## LAW SCHOOL NOTES.

THE second year has had Mr. Rogers, of Amherst, added to its members. This makes the undergraduates of that class one more than this time last year.

A MEETING of the students was held on Saturday, Oct. 30th, the President, Mr. McKinnon, in the Chair. McNeil was added to the executive committee from the first year. Carter and McInnes were unanimously elected editors of the GAZETTE, and Armstrong appointed Financial Secretary. On the suggestion of Hanright, after full discussion, the debate was changed into a mock Parliament, and McInnes was selected to form a government, and bring in a resolution for discussion at the next meeting.

The meeting of the 4th inst. was a very successful one. McKay brought in a lengthy constitution for the Parliament, which with a few additions was adopted. The government announced was Hector McInnes, Premier and Railway; C. A. McCready, Justice; Geo. G. Patterson, Finance. The resolution submitted by the government:

"Resolved, that it is expedient that the form of Government of Canada be changed from a federal to a legislative union," was the order of the day. This was supported by the members of the government assisted by Rogers, Carter and McNeil, opposed by McKay, Armstrong, Lyons, Russell, Morrison, McKinnon, and Cluney. The vote was taken at 12 p.m. and stood 8 for and 16 against the programme cut out by the government. The ministers then resigned, and the opposition having elected McKay as their leader he was called on to form a government and afterwards submitted the following:

A. A. McKay, Premier and Railways; D. McKinnon, Justice; W. A. Lyons, Finance. They will introduce a resolution in favour of an elective Senate.

At the final examination of the Barristers' Society all our LL.B.'s of last spring from this Province successfully passed the required tests for admission. Their names in the order of merit are:—

First Class.—Chisholm, McDonald, Henry.

Second Class.—Robertson, Troop, Walsh.

Passed.—Jennison,

These gentlemen will be admitted the first day of the December term. It is unnecessary to add that their old comrades wish them success.

Gray, a general of last year, has also passed "the little go."

Messrs. McCully, Carter, and Wells have also passed with credit the final in the Province of New Brunswick. The standing they had in class is sufficient to warrant us in saying they will take a first place among the barristers in our neighbouring Province.

## COLLEGE NEWS.

A GENERAL MEETING of the Students was held in the College on Friday evening, the 25th October, for the purpose of organizing for the winter. Victor Coffin was elected President, and G. M. McLeod Secretary of the General Students Meeting for the year.

A report was submitted by the Song Book Committee to the effect that they had made a selection of music for the new book, which selection was submitted to the meeting. They also stated that they had received offers from a number of publishing houses, one of which they considered was not beyond the means of the College. After considerable discussion it was agreed on motion that the Song Book be left for the present as it now stands, and that the Committee proceed as soon as possible to organize a Glee Club.

A report was submitted by the Finance Editor of the GAZETTE which was adopted. The Editors were then appointed for the ensuing year. The meeting then adjourned.

A MEETING of the Athletic Club was held in the College on Friday, the 29th October, after the reading of the minutes the report of the treasurer was read and adopted. All the members of the Freshman Class who were present joined the Club. After disposing of some preliminary business, arrangements were made for the holding of the Annual Amateur Sports. The fixing of time and place as well as all other arrangements were left to the Committee.

A foot-ball match was played on Tuesday, the 2nd inst., on the South Common, between the students of the first and fourth years, captained by J. E. Creighton, and those of the second and third, under F. I. Stewart. The game was a hotly contested one and some good playing was done on both sides. The Freshman and Seniors, however, proved too much for their opponents.

THE first meeting of the Y. M. C. A. was held in Class Room No. 2, on the evening of the 30th Oct. After the opening services, President Forrest, and the Rev. Mr. McMillan, who were present at the invitation of the Executive Committee, addressed the meeting in an earnest practical manner.

At the close, a short business meeting was held; and the various committees, that had been previously appointed by the executive, were approved of by a vote of the members. Thus our Y. M. C. A. has entered upon the work of another session.

Members of the different committees, let us be faithful! Our responsibility is great. Members in general, be constant in attendance, and do all you can in the interest of the Association. To the students in general we extend a hearty welcome: "Come with us and we will do you good."

DALHOUSIE AMATEUR ATHLETIC CLUB.—The third Annual Sports of the Dalhousie A. A. Club was held on the Wanderers' Grounds, on Wednesday, the 10th inst. The early hours of the day were threatening, but before noon the clouds disappeared and the day proved all that could be desired. Notwithstanding the lateness of the season, a goodly number of visitors were present, and among them many ladies. The programme presented a full list of entries, and although the sports were begun punctually and pushed through rapidly, a number of events had to be left over for another day. The competition was, on the average, as good as former years, while in many of the events the competitors far surpassed their previous record. The pole vaulting of Clarke and G. Laird were especially interesting and drew forth frequent applause from the spectators. Clarke vaulted eight feet with ease, and from the gracefulness of his movements seemed good for another foot, while Laird was but a few inches behind. The quarter-mile run, (under twenty-one), which had a large number of entries, was closely contested, but was won by Davidson. The first prize, a handsome silver cup, was presented by M. S. Brown & Co. The results were as follows:—

1.—100 YARDS DASH (UNDER 21.)—Prizes: Cane, inkstand.—R. Grierson, Wm. Brown, J. Davidson: 1st. Davidson; 2nd. Grierson. Time 11½.

2.—100 YARDS DASH (OVER 21.)—Prizes: Silver medal, handkerchief (J. K. Kunnis)—J. Davidson, A. S. Thompson, J. A. McKinnon, J. A. Whitford, E. A. McGee: 1st. Thompson; 2nd. McGee. Time 11½.

3.—PUTTING SHOT (UNDER 21.)—Prizes: Inkstand, knife, (W. Black)—Wm. Brown, W. J. Fulton, D. F. Campbell, A. J. Russell: 1st. Russell, 21 ft. 3 in.; 2nd. Brown, 20 ft. 2 in.

4.—PUTTING SHOT (OVER 21.)—Prizes: Pair pants, (C. Clayton & Sons); gloves (J. K. Kunnis)—W. J. McKenzie, D. McD. Clarke, A. S. Thompson, John Galt, A. J. Russell, H. J. McCallum, T. J. Carter, Hanright, Cummings: 1st. McKenzie, 25 ft. 3 in.; 2nd. Cummings, 21 ft. 10 in.

5.—KICKING FOOT-BALL.—Prizes: Tortoise pencil, pipe (Sarre & Sons)—G. Patterson, F. J. Stewart, J. A. Russell, Cummings, E. P. Allison: 1st. Allison, distance 111½ ft.

6.—STANDING BROAD JUMP.—Prizes: Stylograph (superior), Stylograph, scarf tie (J. K. Kunnis)—W. J. McKenzie, D. McD. Clarke, F. J. Stewart, J. A. Russell, H. J. McCallum, Carter, Hanright: 1st. Thompson, 9 ft. 2½ in.; 2nd. Stewart, 9 ft. 2 in.; 3rd. Clarke.

7.—MILE RUN.—Prizes: Silver medal, cane—R. Grierson, A. S. Thompson, J. A. Whitford: 1st. Whitford; 2nd. Thompson. Time 4.59½.

8.—POLE VAULTING.—Prizes: Album (T. C. Allen & Co.); book (MacGregor & Knight)—Clarke, McLean, H. McLeod, G. Laird, J. A. Whitford, Grierson, A. S. Thompson, Wm. Brown, A. Morrison, Russell: 1st. Clarke, 8 ft.; 2nd. Laird, 7 ft. 4 in.

9.—QUARTER MILE RUN (UNDER 21.)—Prizes: Silver cup (M. S. Brown & Co.); pocket book—Wm. Brown, J. Davidson, R. Grierson, G. Laird, J. Sutherland: 1st. Davidson; 2nd. Grierson.

10.—RUNNING BROAD JUMP.—Prizes: Lacrosse shoes, cane—W. J. McKenzie, F. J. Stewart, A. S. Thompson, D. McD. Clarke, Cummings, Whitford, Russell, A. Morrison, H. J. McCallum, Carter, Hanright, McLean: 1st. McKenzie, 16 ft. 2 in.; 2nd. Stewart, 15 ft. 7½ in.

11.—QUARTER MILE RUN (OVER 21.)—Prizes: Stylograph, foot-ball belt—A. S. Thompson, J. A. McKinnon, Whitford: 1st. Whitford; 2nd. Thompson. Time 16 seconds.

12.—RUNNING BROAD JUMP.—Prizes: Cane, handkerchief—W. J. McKenzie, G. Laird, Russell, Cummings, Whitford, Carter: 1st. Whitford, 4 ft. 8 in.; 2nd. Cummings.

13.—HALF HOUR GOLF.—Prizes: Cup (J. Watson Fraser); book (Wm. Goss); golf pins—F. J. Stewart, Wm. Brown, Thompson: 1st. Thompson; 2nd. Stewart; 3rd. Brown; distance four miles and two furlongs.

Throwing the hammer and the long, step and jump had to be left over, as it was six o'clock before the half-hour golf was finished. They will, however, be completed for at a later date.

His Worship the Mayor presented the prizes, and, after giving those chosen for the Queen, the crowd dispersed.

The committee wish to return their thanks to the Wanderers for the use of their grounds, and also to Messrs. Barry, Larsson, Stewart, Little, and Professor Little, for their valuable services. They also wish to thank their donors to His Worship the Mayor and to all the gentlemen who aided them in making their sports a success.

## AMONG THE COLLEGES.

PRINCETON opens with a Freshman class of 141, Yale, 260, Cornell, 325.

PRINCETON spent \$2,002.65 for foot-ball during the season of 1885.

HARVARD celebrated her two hundred and fiftieth anniversary on November 6, 7, and 8.

LEYDEN University, Holland, is the richest in the world, its real estate alone being valued at \$4,880,800.

THE first American College paper was published in 1810, at Dartmouth College. It was called the *Dartmouth Gazette*.

INSTEAD of marking on the scale of a hundred, the group system will be substituted at Harvard this year.

EDINBURGH University opened on the 20th October, with an address by Principal Sir Wm. Muir, K. C. S. I. About 4000 students have matriculated. About 2000 being Medicals, and the rest Arts, Science, Law and Divinity.

THE most heavily endowed institutions in the United States are Cirard, \$10,000,000; Columbia, \$5,000,000; John Hopkins, \$4,000,000; Harvard, - \$3,000,000; Princeton, \$2,500,000; Lehigh, \$1,800,000, and Cornell, \$1,400,000.

THE elections for the office of Lord Rector of the University of Edinburgh took place on October 30th. The candidates were the Right Honourable Sir Lyon Playfair, K. C. B., LL.D., M.P., formerly Professor of Chemistry, and the Earl of Iddlesleigh (Sir Stafford Northcote), the present Lord Rector. The Earl of Iddlesleigh was elected by a majority of 347, the vote being the Earl of Iddlesleigh, 1094, and Sir Lyon Playfair, 749. Among former Rectors are the names of Gladstone, Thomas Carlyle, Lord Derby, Lord Hastings, and the Earl of Roseberry who is now President of the Student Liberal Association.

THE oldest German-speaking university is Prague, founded in 1348; next comes Vienna, founded in 1365; Heidelberg follows, being the senior of the universities in the German Empire, founded in 1386; then Leipsic, in 1409; Frei-

burg, (Baden,) in 1454; Griefswald, in 1456; Bale, in 1460; Munich, in 1472; Tubingen, in 1477; Marburg, in 1527; Konigsberg, in 1544; Jena, in 1558; Wurzburg, in 1582; Giessen, in 1607; Keil, in 1665; Halle, in 1694; Breslau, in 1702; Gottingen, in 1737; Erlangen, in 1743; Berlin, in 1810; Bonn, in 1818; Zurich, in 1838; Berne, in 1834; Strasburg, re-established in 1872, originally in 1567.

## EXCHANGES.

Among our numerous exchanges we note the following, although space does not permit any extended comment:—*University Monthly; University Gazette; Athanæum; Oberlin Review; Pennsylvanian; Varsity; Bates' Student; Vanderbilt Observer; Outing; Marchestonian; Adelpian; Brunonian; Portfolio*. We are pleased to welcome our old friends to our sanctum, and hope to be able to give them more lengthy notice in future.

## DALLUSIENSIA.

*We wish our contemporaries to note that this column is not intended for the public, but belongs exclusively to the students at present attending College, who are alone expected to understand its contents.*

WE hasten to extend the hand of welcome to our new friends—the members of the Freshman Class. Many of them have come a long way to make us happy with their assuring and highly interesting glances. Some of them have come from Goshen, and the Garden of Eden; some from Nashawaak; some from Whycocomagh and Bedeque; and others again, from the regions round about Antigonish. They have left their homes and their ma's in pursuit of knowledge, and we feel confident that, if true to themselves, they will find it. For a time, it is true, they will experience much sorrow and heaviness of heart; they will be as strangers in a strange land, their eyes oft filled with tears. We earnestly hope, however, that our old friends will endeavour to make these new-comers feel as much at home as possible. Let them by no means despair; the path on which they have just entered is, truly, both rugged and thorny, but let them bear up bravely, and success will ultimately crown their efforts. As time rolls on, that greenness so characteristic of the *freshie* will vanish and give place to the sober and staid dignity

of more enlightened years. We intended to give our readers a brief sketch of the more imposing members of the class; but the length to which our remarks have already extended, prevent us. Before closing, however, we must not forget to tender a few words of greatly needed advice to our young friends.

The majority of them, we are extremely sorry to observe, indulge in practices utterly unbecoming to Freshmen. We would fain pass over this matter in silence, but duty demands that we should speak. We are sorry to see on many of the members of the class, *moustaches* and other *hirsute appendages*! Now, this conduct is utterly reprehensible. It is at variance with all established precedent. We solemnly and emphatically protest against this *infringement* of a special privilege. We feel sure that the modicum of good sense with which we are willing to credit the average Freshman, will sustain us in the stand we take. Some, we have been informed, are married, with these we deem it unwise to interfere, further than to tender them our heartfelt sympathies.

Another misdemeanor, of which a considerable number is guilty, is that of wearing *long-tailed* coats. We can pardon them for this offence, as we are willing to believe it arose from ignorance of the fact that such coats are the special privilege of our grave and revered Seniors. Lastly, we regret that the class as a body are wanting in that respect for their superiors which has ever hitherto formed one of the commendable traits of character in Freshmen.

We trust that we shall not need to refer to these matters again. We hope that the truth of the old proverb *verbum recenti satis* will be fully exemplified in the conduct of those to whom we have adverted; and that all will exert themselves to maintain inviolate privileges which custom has sanctioned and which time has rendered honorable.

"*Eo quod rusticus tonso.*" A Senior translates, "His hair is cut rather *barbarously*!"

SWEETLY sang she—

"So lone, am I! So lone! So lone!"

ONE of the *freshies* is said to have asked his Professor if he (the Professor) would give him an *interpretation* of "*Lucian's Dream*." What greenness!

STREET damsel to Freshman out his second night: "Out again eh! Well you needn't trouble; you can't fool her to-night again."

HE loved her well, but his Alma Mater better. A drive of twenty miles, fifteen minutes left to catch the boat; such arduous exertions soon bring a man to his coffin.

A YOUNG SOPH. asked what he should do, when a young lady whom he meets frequently smiles pleasantly upon him. *Bow, sir, bow*,—best thing you can do.

Quo calet juvenus

Nunc omnes et mox virgines tepehunt.

Student translates: "All of whom—the youth burns—all the maids will soon become enamoured."

NE m' assassinez point, Je vous prie, par les sensibiles coups. French student translates: Do not kill me, I pray you, with your sensible *coups*. (Applause.)

A FORTNIGHT has passed and not a song has resounded throughout the old halls yet! Little wonder that a grave Senior should write over the portals, "Ichabod, Ichabod!" Truly, the glory has departed.

WHEN a Freshman's beautiful cane was recently hid for the winter by some careful and well meaning Juniors, remonstrance failing, he began in a *fuller tone* to make the house resound with names of persons and places well known to Pine Hill students.

CLASS in Shakespeare. Student reads:

"Was ever woman in this humor woo'd?"

Was ever woman in this humor woo'd?

I'll have her."

1st young lady remarks: My, with what expression that Soplomeric youth reads! 2nd young lady: "I should say so! Let us put his name down for a swell."

THE study of Psychology is telling on the Sophs. We do not know how it is, but some of them are in dead earnest over *Brown's* views of matter. One *lurches* with zeal, and denies his own existence; another imbued with materialism, *alleges* his excitement by giving his companion a *put* on the head. Hereupon the Prof. *put* names down for causing disorder. Said he would soon *back* it, and banish the whole lot from *Canada*.

FRESHMAN anxiously scanning his physiognomy in a mirror imagines thus:

Was, said, struggling phantom shade  
Like some woid spirit, half afraid  
To show myself to mortal gaze,  
Or like some woid mist or haze  
That seems to be—but yet is not—  
Oh, ha! I pray ha! I beg, and grov.  
Must all my classmates have a show  
Whilst I thus grov in sad despair.  
The height of my ambition is  
To see thy presence on my glass,  
And bid young Beauty by a ha!



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**PERSONALS.**


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DR. JOHN WADDELI, B.A., is studying in Baltimore.

H. G. CREELMAN, B.A., B.Sc., is engaged in his science studies in Edinburgh.

J. H. KNOWLES, B.A., M.D., of the University of Pennsylvania, is studying special subjects in medicine in Dublin.

A. E. THOMSON, B.A., A. G. REID, B.Sc., H. M. SMITH, B.Sc., D. F. D. TURNER, B.A., and J. J. MILLER, B.Sc., are studying medicine at Edinburgh University.

MR. LOUIS MYLIUS, a general of '81 and lately a clerk of Sutcliffe & Co., has now a stand of his own on Hollis Street. The GAZETTE wishes him the success he deserves.

DALHOUSIE CONSOLIDATION.—Rev. G. S. Carson B.A., of Knox Church, Pictou, and a graduate of Dalhousie College, was married a few weeks ago to Miss Lillie B. Calkin, of Truro, also a former student of Dalhousie. We extend to Mr. and Mrs. Carson our heartiest congratulations.—Rev. W. L. McRae, missionary to Trinidad, an old Dalhousian, has also taken to himself a wife in the person of Miss Creelman, of Dartmouth, for some time a student at this University. We wish Mr. and Mrs. McRae all happiness and prosperity in their new field of labour.

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J. F. SMITH, F. J. COFFIN, A. W. LEWIS, and JOHN CALDER, are studying in Pine Hill Theological Seminary.

M. G. ALLISON is at his home in Windsor where he intends to enter a law office.

A. W. McRAE is teaching in St. John High School.

ALF. NICHOLSON is spending the winter in Princeton Theological Seminary.

C. H. CAHAN is working hard on the Halifax *Herald*, and the paper seems to improve as a result of his labours.

DUGALD STEWART is a medical in University College, New York.

NEIL MCKAY is at his home, West River, Pictou County.

EBEN MCKAY is Principal of the New Glasgow High School.

S. A. MORTON passed through here last week on his way to take charge of Port Hood Academy.

SANDY ROBINSON is teaching at his home at Sussex, N. B.

MISS STEWART, B.Sc., is studying at Bryn Mawr College, Philadelphia. We are pleased to congratulate Miss Stewart on the honour done her in being elected to a Fellowship at that University. Bryn Mawr College is engaged in the higher education of women. Its Fellowships are open to all lady graduates of other Universities whose standing is considered of sufficient merit. In passing over all the other American Colleges the Governors of Bryn Mawr have paid a marked honour not only to Miss Stewart's abilities but to the University of which she is a graduate. We wish Miss Stewart success in her studies.

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THE Thakoor of Gondal, an Indian Prince, has entered his name this session as a student of the Edinburgh University. He has quitted his State, to the administration of which he recently succeeded, in order that by a year of study he might qualify himself the better for the discharge of his high duties in India.

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ARCHDEACON LEACH, Vice-Principal of the University, and Dean of the Faculty of Arts of McGill University, is dead, aged 81. He was one of the founders of Queen's College and entering the Church of England was ordained in 1841, and was incumbent of St. George's Church, Montreal, for nearly twenty years.

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INTIMATION was given at the opening of the Edinburgh University that one of their citizens was to endow the University with fifty thousand pounds sterling to complete the new University buildings by the erection of a grand Hall for graduation and other ceremonial assemblies. This is certainly a praiseworthy example and we hope some of our citizens may "go and do likewise."

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SINCE last session the Professors of Edinburgh University have had the honor of knighthood conferred upon them by the Queen.