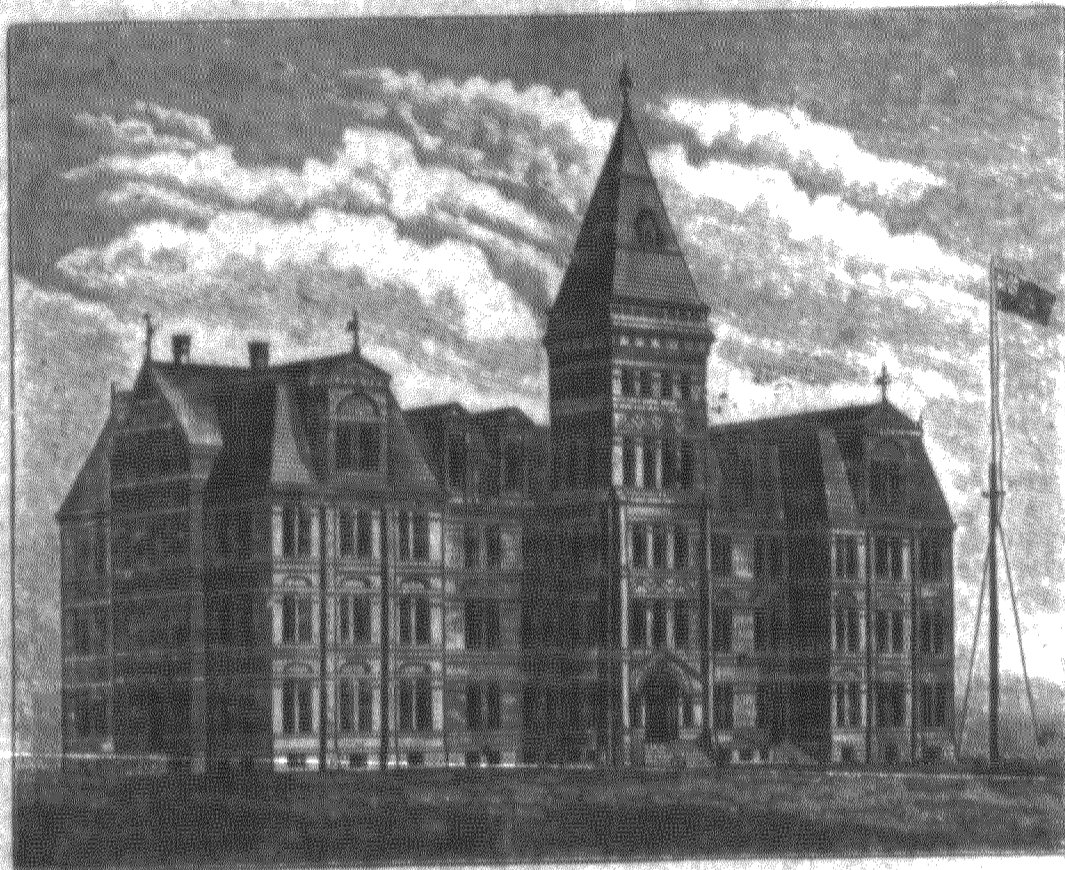


THE DALHOUSIE GAZETTE

Ora et Labora.



Dalhousie College and University.

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The Dalhousie Gazette.

ORA ET LABORA.

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It will be decidedly to the advantage of the
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THE FEDERATION QUESTION.

THE *Argosy*, in its November issue, tries to
show that the policy of federation which
the Methodists have applied to Victoria
University may be neither wise nor expedient
for Mt. Allison, arguing that Mt. Allison (1) holds
its charter from the New Brunswick Legislature
while it is the common college of the Methodists
of the Lower Provinces; (2) is better off finan-
cially than Victoria, and (3) is more cordially
supported by its own constituency.

How (1) the source of Mt. Allison's charter
bears upon the wisdom or expediency of its
co-operating with other colleges after the Ontario
plan, *i. e.*, by selecting a new seat, where its
students could make use of the endowments of
other institutions, is not apparent. It could
introduce no difficulty even in the carrying out
of such a policy. For if Mt. Allison should
decide to migrate to Fredericton and federate
with the University of New Brunswick, it would
simply retain its present charter, and if the pro-
posal to migrate to Halifax and federate with
Dalhousie were entertained, a new charter could
readily be obtained from the Nova Scotia Legis-
lature. (2) That Mt. Allison is better off finan-
cially than Victoria shows, only that federation
in its case is not so necessary as in the case of
Victoria. The former is accustomed to advertise
itself as offering "advantages unsurpassed in the
Maritime Provinces." Were it able to advertise
itself as unsurpassed in America, federation
might still be both wise and expedient. But
while it can lay claim only to the above humble
position among colleges, it can hardly be held to
have a financial position so satisfactory as to
render federation an unwise policy. (3) That
Mt. Allison is more cordially supported by its

constituency than Victoria, might make its friends hesitate about advocating federation, were there any danger that by so doing they would lose this support. But the Methodists of the Lower Provinces are thus cordial because they accept the assurance of their educational leaders that it is possible for them single-handed to provide their youth with all the educational advantages which it is desirable they should enjoy. Were their leaders to tell them, what we regard as the truth, that these advantages can be obtained only by federation of some kind, they would soon become as enthusiastic supporters of a federation policy as they now are said to be of a policy of isolation.

WITH curious inconsistency the *Argosy*, having thus endeavoured to show the federation policy to be unwise and inexpedient for Mt. Allison, proceeds to claim credit for that college for having endeavoured in the past to carry it out. "In truth her [Victoria's] position with regard to Toronto University is the same, essentially, as was the position of Mt. Allison in reference to the University of Halifax,—an institution to which we accorded our most hearty support, while Dalhousie gave it the cold shoulder. By her action on this occasion Dalhousie did more—we say it deliberately—to put back collegiate union than any other of the opposing forces." But this statement of what has just been done in Ontario is not correct. The decision reached by the Methodists is not "simply" to affiliate Victoria to Toronto University, but in addition to remove Victoria from Coburg, where its students can have access only to the endowments provided by the Methodists themselves, to Toronto, where they can make use also of the endowments of the provincial college, and it was this removal which was the question in recent discussions, and which makes the action of the Methodists of Canada an important educational advance. Mt. Allison, therefore, which, so far as we know, has never entertained the proposal that she should abandon the Tantramar Marsh, cannot accept the credit which the *Argosy* inconsistently wishes to claim for her.

WITH regard to Dalhousie's relation to the University of Halifax, we may say that as a university the only action she took with regard to the University of Halifax was to adjust her courses of study so that students who wished might readily become candidates for its degrees. Indeed some of her professors took the trouble to point out to their classes what chapters in the ancient history of their subjects ought to be read by those who had these degrees in view. The "cold shoulder" however, probably refers to the criticism to which the system of the University of Halifax was subjected by some of our Professors. If so it would seem to be sufficient to point out that they only took up here, relatively to the University of Halifax, the same position as leading educationists did in England and France, relatively to its English and French counterparts. And it is worthy of note that the establishment of the Victoria University in England and the present movement to make the University of London a teaching and not merely an examining body, have both been largely due to the recognition of the evils inherent in the Examining University; and that there is in France also at present, a strong movement in favour of restoring to the Provincial Colleges the autonomy which they enjoyed before the establishment of the Examining University of France. That the University of Halifax would have led to a union of our Colleges we do not believe, however deliberate the utterance of our contemporary may be. Certainly neither in Ontario, nor in England, nor in France, has this effect been produced by similar institutions.

But if Mt. Allison laments the demise of the University of Halifax because of the prospects it seemed to hold out for effecting a union of the Colleges, she need not despair. Let her take steps to secure the desired union in other ways. We hail with satisfaction the suggestion that a scheme of union should be prepared. Dalhousie men have not of course that intimate acquaintance with Mt. Allison's affairs, which is necessary for the drawing up of a scheme likely to meet with approval. But we feel sure that our Governors will gladly appoint a committee to meet with a committee of the Regents of Mt. Allison for this

purpose. And we think we know enough of the temper of our Governors to say that they would be ready to make very considerable sacrifices in order to secure the advantages which we all firmly believe would flow from any measure of collegiate consolidation.

FOOTBALL.

THE only inter-collegiate game of football in the Maritime Provinces that excites any wide-spread interest, was played at Wolfville between teams from Dalhousie and Acadia Colleges on Saturday, November, 15th. As last year's game resulted in a draw, both colleges made every effort to put strong teams in the field. Dalhousie's team is certainly the best that she has ever had and all felt confident that, if victory did not perch upon Capt. McKinnon's banner, Acadia would have to present a stronger and more skilful team than ever before. The confidence in the team, as the result proved, was not misplaced. They fought a hard battle against a team superior in physical strength, but wanting in that skill which only practice with other skilled teams can produce.

We wish to call special attention to the gentlemanly way in which the game was played throughout. There was a time, and that not long ago, when these two teams could not play a game without many disputes arising, resulting in a war of words in the respective college papers, and in bad feeling which could be erased only by time. But all this was happily absent. The referee was the *Czar* of the occasion, and both teams heeded his decisions as soon as they knew them, and thus the game was played pleasantly and quietly. Not only did the best of good feeling exist among the players, but the lusty-lunged sons of Dalhousie and Acadia good naturedly vied with each other in shouting for their respective colours. Every attention was shown to the visiting team by the Acadia boys, and visiting students too were made to feel at home among Acadia students. And why should they not feel at home for students are students everywhere. This year's game will long be remembered by both colleges as that

which buried for ever the old enmity between the two clubs. It is needless to assure the Acadia boys a hearty welcome when they come to Halifax next year. Our only hope is that if, by any mishap or by any other means, our team is defeated we may be able to take it with as good grace as the Acadia team and the Acadia students took their defeat (with honor) on Saturday November 15th, 1890.

EDITORIAL NOTES.

WE thank those students who so generously contributed towards furnishing the GAZETTE OFFICE. It is now, or soon will be, a very comfortable room, and as soon as more funds are forthcoming we hope to make it a thing of beauty and a joy forever.

THE increased interest which a trophy, to be competed for annually by the various football clubs of the Maritime Provinces, would lend to the game, is referred to by one of our exchanges. We think the idea a good one. Such a trophy was offered by a Montreal firm to the various lacrosse teams this year, and was competed for by several clubs in the Provinces. Such a prize is competed for yearly between the English and Scotch Football Associations, and the result is that this match is always looked on in the mother country as a great event in the athletic world. The executive of the newly organized Maritime Provinces Football Union, should consider the matter.

THE attendance at Sodales is getting smaller and is not nearly so large as at this time last session. We hope that the nearness of the Christmas Examinations is not keeping any students away. Surely they can spare one night in the week from books to attend a College Society. A man's life consisteth not in the abundance of things which he possesseth. We might say, too, that College life is or should be a broader thing than any amount of mere cramming, however systematically performed. Inter-course, such as the Sodales promotes, helps College spirit, breaks down prejudice between classes, to say nothing of the more direct benefits derived from debate.

A YEAR or two ago a prize of five dollars was offered by Mr. S. L. McNaughton for the best piece of poetry that should appear in the GAZETTE for that year. The offer did much to stimulate original talent in that direction. It was also a help to the GAZETTE. Will not some generous patron of literature offer such a prize for the present year? Competition would undoubtedly provoke effort which would otherwise not be made. Of course it is not the intrinsic value of the prize that is considered. It need not be large. It is the hope that the young "heir of his invention" may be considered worthy by respected judges, of being singled out from the mass, that is the chief incentive to the young writer. You, who have already won your spurs in the field of authorship, give something to encourage those who may be thinking of entering the same field.

A WRITER in the *Evening Mail* a few weeks ago, suggested that the students go to work at levelling off the grounds in front of the College, instead of playing football so much. We confess that the present condition of our surroundings at college is not a pleasing one. We regret the homely Judas face and unattractive appearance of the College building, which we fear Time's "mellowing influences" will fail to improve very much. The cinder-covered yard, enclosed by the high "palisade" with breaches here and there for lazy students to crawl through, does not delight the eye. Still, while lamenting the present condition of things in this respect, we cannot but smile at our kind counsellor's advice, and we must ask him to pardon the students if the football field should still present more attractions for them than pick and shovel on the College campus. No doubt, however, the writer is joking, and we must beg his pardon in return for taking him up seriously. We hope, still, that before another year something will be done in the matter. The present appearance of the College grounds is certainly very discreditable to the University. The manner in which the City Council have improved the old Parade, might be instanced as an example of what should be done here. The first thing, of course, that must be done, is to get earth from excavations that may be being

made in other places, and level the ground in front, after which trees could be set out and the whole surrounded by a more suitable fence—something, at least, that will make the enclosure look more like College grounds and less like a poultry-yard than at present.

"ABOVE THE SENIOR WRANGLER."

It is hardly necessary in a college paper, particularly when the college is one where lady-students have shown so decided a preference and aptitude for mathematics as is the case with Dalhousie, to apologise for even so late a reference as the present one to the educational "event" of the year—Miss Fawcett's brilliant success at Cambridge. Besides, though most GAZETTE readers have doubtless read notices of this now world-famous young lady, and have seen portraits of her (from a photograph, by the way, for which the dress she "set" in was made by her own hands), still there is a sketch of her by Mr. Stead in the *Review Of Reviews* for July, which is so entertaining and suggestive that it has seemed worth while epitomising it in order to give it a wider circulation among Dalhousians than it has probably received.

Daughter of Henry Fawcett, in his own day "almost" Senior Wrangler, and of Millicent Garrett Fawcett, a woman of mathematical mind though not a mathematician, Miss Philippa Fawcett's choice of subject was to be expected. The inherited bent towards mathematics exhibited itself from the first, though at Clapham High School she took to Latin in a way which taxed the teaching resources of the institution to the utmost, and which seemed to promise a repetition of Miss Ramsay's achievements in Classics. But aptitude for mathematics was not the only thing she inherited, for she is marked by proud devotion to duty, steady persistence and quiet decision of character, qualities which enabled her father to show to the world as Author, Professor and Cabinet Minister how far even such a defect as blindness may be overcome. Inheriting this taste and these moral gifts, nothing was required but judicious training to ensure her success; and that training was not lacking.

To several, of course, there is credit due for her attainments—in her special line of study; but in the wider sense of the term education, it is to her mother that she is the most indebted.

Very pleasant are their relations, as described by Mr. Stead. More like friends than mother and daughter, and the friends, too, of each other's friends, they have done everything together; ridden together; travelled together in Italy and Switzerland; read together, German, political economy, literature—everything. There is thorough openness of heart between them, trust, truth and reasonableness.

Mrs. Fawcett, as is well known, is a prominent advocate of "Woman's Rights"; belonging to, however, the leader in fact of, what may be called the "sensible" or "reasonable" section of that movement. It was natural, therefore, that such qualities as self-reliance, freedom from the humility of sex, and an ambition to show that women is fit for something better than merely "to be," in *Punch's* alliterative phrase, "a dainty, dancing dangler," should early display themselves in the daughter as a result of the mother's influences. Two incidents illustrative of this are given Mr. Stead. On her way to school Miss Philippa was plagued by some boys, as she was "only a girl." But the girl had a stout umbrella which she used so effectively that the boys not only beat a hasty retreat but left her severely alone for the future. The other story belongs to her "doll" days; for Miss Fawcett played with dolls (indeed, it is not so many years since she bade a final farewell to them) just as she romped, ran wild, played all sorts of foolish games, pored over nonsense books, and did everything else of that kind like other girls. "Philippa," asked her mother as they were preparing for a journey, "have you remembered to pack your doll?" "Hush! mamma," said the child in a confidential whisper, "I don't want her to know she's a doll!" Substitute *think* for *know* and you have here in miniature Mrs. Fawcett's message to women.

These qualities continued to assert themselves as Miss Fawcett, having graduated from the Clapham High School, began to prepare for the London University Examination. The second-

best, deemed proper for women, would not satisfy her. She compared herself impatiently with the best of the men pitted against her in examinations (the men, by the way, who fell just behind her in the final test at Cambridge); and found herself, in successive trials, neck-and-neck with them. Then she went to Newham College—a college intended to "secure for women the best education which they may be capable of receiving," in the founding of which Mrs. Fawcett took a most active part, as she has continued to do in its councils.

Here Miss Fawcett began to study more systematically, disciplining her eager appetite for progress with such rules as: "Never more than six hours a day; regular meals; early to bed," going a good deal into society; and taking to tennis and fencing with a keen zest.

"Above the Senior Wrangler" by thirteen per cent—that was how it ended; and above a senior wrangler to beat whom, competent judges assure us, means beating *any* senior wrangler. An enthusiastic party of processionists soon surrounded her mother's house mingling with their cheers the cries of "Mrs. Fawcett" and "Senior Wrangler"—an acknowledgment of the mother's share in the daughter's success. Congratulations poured in. Here is a characteristic reply to one of them: "Thank you very much indeed for your kind congratulations. It is very good of you to be so pleased."

This, then, is how to bring a girl up to beat the Senior Wrangler. Not, however, to become Senior Wrangler, for Cambridge is not liberal enough for that. But at Dalhousie it is different. Our Philippa Fawcett has not yet appeared, but, doubtless, she soon will; and, when she does, the Sir William Young gold medal is hers. In the meantime, and in the hope of her speedy appearance, we will join with *Mr. Punch* who

" lifts his glass
And drinks your health Miss P. G. Fawcett!"

T.

Dr. Fawcett's Sunday afternoon lectures on Christian Evidences, are highly appreciated by the students, as shown by the increased attendance of late. No student should fail to attend this interesting class.

HORACE TO MECENAS.

Odes II., 17.

How breaks my heart to hear you say
You feel the shadows fall about you!
The gods forefend
That fate, O friend!
I would not, could not live without you!
You gone, what should become of me,
Your shadow, O beloved Mæneas?
We've shared the mirth
And sweets of earth—
Let's share the pangs of death between us!

I should not dread Chimera's breath
Nor any threat of ghost infernal;
Nor fear nor pain
Should part us twain—
For so have willed the powers eternal.
No false allegiance have I sworn,
And whatsoever fate betide you,
Mine be the part
To cheer your heart—
With loving song to fare beside you!

Love snatched you from the claws of death
And gave you to the grateful city;
The falling tree
That threatened me
Did Faunus turn aside in pity;
With horoscopes so wondrous like,
Why question that we twain shall wander,
As in this land,
So, hand in hand,
Into the life that waiteth yonder?

So to your shrine, O patron mine,
With precious wine and victims fare you;
Poor as I am,
A humble lamb
Must testify what love I bear you.
But to the skies shall sweetly rise
The sacrifice from shrine and heather,
And thither bear
The solemn pray'r
That when we go, we go together!

—Eugene Field, in Chicago News.

THOUGHT VERSUS ACTION.

HUMAN nature is the scene of many a curious dualism, of many a separation between what would seem most naturally connected. It is, *e. g.*, almost a commonplace that men's theory and practice are almost always, to some degree at least, at variance. We fully believe and readily admit, in thought, what we directly contradict in practice. But there is a dualism more interesting and much more important than this, *viz.*, where thought is everything and action nothing.—Thought *versus* Action. To call attention to this is the object of the present article.

That it is widespread there is abundant evidence. Do we not every day hear eminent

men of learning jeered at by practical men of the world as useless star-gazers, or even as not possessed of "common sense"? Surely it is a matter demanding the consideration of all earnest-minded persons that those who should be leaders and lights are so often found shrinking in the background.

The great master of human nature, the great delineator of character in all its phases and intricacies, has not failed to give us a picture of men of this stamp. Let us see, then, what he has to say on our subject, looking first at that great example of thought as opposed to action Hamlet. Hamlet earnestly peering into the mysteries of the universe, and, instead of striking down the murderer of his father and seducer of his mother, pondering, "What a piece of work is man!" A man of colossal intellect, a giant in thought, grasping the very universe, revealing the profoundest philosophy, but an infant in action, incapable, even under the strongest provocation of putting forth his hand, unless, perchance, the call comes so suddenly that action has not time to evaporate in philosophy.

Perhaps no ordinary man of thought would accept Hamlet's case as precisely his own, but the parallel fails because he is an ordinary man. Let us look now at Shakespeare's other picture of the man of thought called upon to become a man of action—Brutus. A noble character, as men of profound thought always are, studying only the good of the State, consenting to Cæsar's death, not because he loved him less, but Rome more. A man of pure motives and high aspirations, who models his life after high ideals, entirely free from anything mean or self-seeking; but, in his simplicity, knowing nothing of men as they are, and attributing to others his own lofty feelings. And what is the result when he comes to act? He is the plaything of crafty men—what the "practical" man would call a fool. See him before the populace after the death of Cæsar. Sincere himself and thinking everybody else the same, he simply states the reasons for his action, quite sure that truth will carry conviction of itself. And contrast him with Antony. No theorist he, but a man who understands human nature, and how to excite

the passions of the populace for the accomplishment of his own ends.

In a modified form perhaps, but none the less truly, this is what we witness every day. Profound students and thinkers the playthings of men immeasurably their inferiors. Note Shakespeare's treatment of these men. How different, how much more sympathetic than the world's! He deals with them with the utmost tenderness, always exhibits them in the most favourable, in their true light. But, while he shows their good qualities, he is stern to their practical deficiencies. He discloses to us their true nobility of soul, he makes even the enemies of Brutus call him the noblest Roman of them all, but he ruthlessly dooms them to complete failure.

What, then, are we to be men of action and not, or rather than, men of thought? Yes and no. What is the end of life? To think? No, To act? No. To think and to act. Thought should be but the inner side of action, action but the outer side of thought. What is truth—Truth? Is it something standing entirely apart from life, capable, indeed, of being applied to but having no essential connection with it? No, truth is *living*, and no more meant to be a dead weight than is gold. The "practical" man falls far short of the ideal of perfection, but how much more he accomplishes than the man of thought! What has been the great force at work in the world's history, shaping the destiny of man? Thought? No, or at least not to the degree that it should. Action, and why? Because the man of action does not stop to philosophize, does not calculate consequences. It is enough for him that there is a want, a principal violated, a wrong sustained. He flies to action—to insurrection, to war. But what a world we would have if the foremost men of thought were the foremost men of action—men who did not think and do nothing, but who thought and *acted*! How much better it would be, if the great truth which underlies the curses both loud and deep which are arising at the present day from the depths of society were presented by earnest, thoughtful, philosophic men, instead of being left to be so terribly emphasized by brute force. But let me substitute for my own poor words those of an eminent writer, whose works, or at least the work from which the quotation is made, I should advise everyone to read. "To behold and to show forth, even these will not suffice. Philosophy should be an energy: it should find its aim and its effect in the amelioration of mankind. Socrates should enter into Adam and produce Marcus Aurélius—in other words, bring forth from the man of enjoyment

the man of wisdom—and change Eden into a Lyceum. Service should be cordial. Enjoyment! what wretched aim, and what pitiful ambition! The brute enjoys. Thought, this is the true triumph of the soul. To proffer thought to the thirst of men, to give to all as an elixir, the idea of God, to cause conscience and science to fraternize in mysterious confrontation—such is the province of true philosophy. Morality is truth in full bloom. Contemplation should lead to action. The absolute should be practical. The ideal should be made air and food and drink to the human mind. It is the ideal which has the right to say: Take of it, this is my flesh, this is my blood. Wisdom is a sacred communion. It is upon that condition that it ceases to be sterile love of science, and becomes the one and supreme method by which to rally humanity: from philosophy it is promoted to religion."—VICTOR HUGO, *Les Misérables*.

When philosophy has become an energy, when contemplation leads to action, when the absolute has become practical, when the ideal has become air and food and drink, then (is it idle to say?) we shall see the dawn of the millenium, the coming for here and now of the New Jerusalem, in which there shall be no more "sorrow nor crying, neither shall there be any more pain; for the former things are passed away."

But there is a still more extreme development of thought than this, *viz.*, where not only action is paralyzed but the very power of belief. Strange and incredible it may seem but it is nevertheless true. This is one of the fruits of our critical age, or rather one of those evils which seem always to accompany good. Our age has been a destructive one, a departing from old ideas and ideals; but many have been torn down without rebuilding. They have not cast aside the old in order to replace it with something grander and nobler. And the direful results has been that all moral earnestness has been lost, the beauty has faded from life, and it has become a something without meaning, to be endured, encompassed by a blind, relentless fate. Of this type of character Edward Langham is likely to become the classic example. A man sceptical and contemptuous towards men and their affairs, tired of life and quite willing to shoot himself, but well knowing he would only stand a month—arguing—with his finger on the trigger.

And what shall be said of these? "Man lives by affirmation more than he does by dread." "What power in these words, well spoken: *I believe*." Let us, then, who are beginning to grapple with the mysteries of life hold fast to faith. Not necessarily to any particular faith,

but some faith—Faith. If we must depart from the old ideals, let it be to put nobler ideals in their place; let us not rest content with destruction, which can really satisfy only shallow minds, but let us construct. Let us hold fast to that earnestness of heart to which alone Truth consents to yield herself, and let us clothe that truth in living form, in which only it can be seen in its full splendor and significance. B. E. N.

ABOUT FOOTBALL.

THE first week of November was an exciting one to lovers of the gentle and joyous sport—Football. Especially was it so to us, as Dalhousie appeared in three of the matches. The first match was played on Tuesday, Nov. 4th, between the gun-room officers of the fleet and Dalhousie's second fifteen. Our second team was as follows:

Back, Grierson; *Half-backs*, Brown, Thompson, McMillan; *Quarter-backs*, Grant, Johnson; *Forwards*, Robinson, McGlashen, Putnam, Barnstead, McCurdy, Croelman, Tobin, Tattie, Rindress.

The match was a closely contested one, and resulted in a draw, no points being scored on either side.

DALHOUSIE vs. NAVY.—(Thanksgiving Match.)

Dalhousie's first fifteen, on this occasion, consisted of the following players:

Back, Bill; *Half-backs*, Graham, McKinnon, Patterson; *Quarter-backs*, Fraser, (J. G.), Rankin; *Forwards*, Gordon, Fairweather, MacIntosh, (J. A.), Webster, Logan, Dockrill, McKay, Fraser.

The number of spectators was the largest we have had at any game, Prince George of Wales being among the number. The excitement was most intense. The two teams seemed very equally matched from the beginning of the play, and the fighting was stubborn and determined throughout. More than one scrimmage and tackle showed that colonist blood was not inferior, either in pluck or endurance, to that of the old country. Our boys, besides, were bound to regain the prestige they had lost in the two former games. This determination lent energy to every blow, (to borrow a metaphor from the much inferior game of war.) Our side had a most decided advantage throughout, and although they did not score any points, succeeded in forcing the Navy back to a touch for safety in each half of the game. A familiar sight to many spectators was the appearance of 'Pat' on the field, apparently as much at home among his comrades of the yellow and black, as when he led them to victory two years ago. The passing on our side was much better than in the former matches. The captain's quick

dash among the charging forwards, and his unerring punt just as they rushed upon him, sending the oval bounding high over their heads, towards the opponent's goal, often turned the play towards the safe side of the field. Nor did the spectators, who enjoy above all a good run, miss Bill's strong determined rush toward goal, with the ball safely stowed away under his left arm, pressing back the tacklers with his right. Graham's tackling was, as usual, prompt and sure, and Fraser played the lightning quarter with eminent success. But lack of space forbids us entering further into the details of the game. Parker, the Navy's back, was compelled to retire before the game was finished, on account of an injured limb. Carruther's playing was a feature of the match, but the vigilance of our men prevented him breaking through to the touch line. Lieut. Leckie, R. N., was umpire for the Navy. Mr. Molyneux, R. N., for Dalhousie. Mr. J. T. P. Knight acted as referee. The portion of the North Atlantic squadron stationed at Halifax, sailed for England on the following Tuesday.

DALHOUSIE vs. ABEGWELTS.

But still more fiercely contested than the Navy match was the one of the following day, when our team played the Abegweits from Charlottetown. This team, one of the strongest in Canada, had defeated the Wanderers on the previous day, and the issue was therefore most doubtful. About 500 spectators were present. Lieut. Wood, W. R., acted as umpire for the Abegweits, A. Harley for Dalhousie, and A. McKay was the referee. The ball was kicked off at 4 o'clock. Again and again the forwards met in close scrimmage over the motionless ball, and for several minutes not an inch could be gained, showing how evenly matched the forwards were. A glance at the names of the opposing team showed that it was with descendants of Highland ancestors that our boys were measuring their strength. But soon the tide of play turned toward the Abegweit's goal and our side showed a most decided gain. Then a punt from our captain, followed up by a strong rush of the forwards, resulted in a touch in goal. Their kick from the twenty-five yards was quickly returned and a series of scrimmages ended the first half of the play. Sides were changed. We were now playing towards the eastern goal. The ball kicked into our territory by Sullivan was returned by McKinnon, and carried by Logan to within a few yards of our opponents goal. Some strong scrimmaging carried it across, and again the result is a touch in goal. No advantage was

gained from their kick from the twenty-five yard mark, and the ball was soon nearing their goal again. Then followed the most exciting part of the game. It was seen that we were safe, but that we only had fifteen minutes left to score our point. Again and again victory seemed in our grasp, as the stubborn forwards, eager quarters, and ready backs, swayed to and fro across the doubtful field, always within a few yards of the goal. The ground was trampled to mud, and the excited crowd of spectators, despite all efforts to keep them back, crowded closer and closer around the contestants. Once the ball was carried across by McKay, but the referee decided that the ball was dead when picked up. It was scrimmaged again, and for five minutes the same doubtful play is kept up. At last the voice of the referee was heard above the cheers of the crowd, "Time!" What was so disappointing was that we should come so near to a decided victory and yet not score a point. A naval officer remarked as he left the field, "I have witnessed many games of football, both in the old country and here, but I never saw anything so fierce in attack and so stubborn in defence, as the last 15 minutes of that game." Hughes' pen would have delighted in describing such a contest, although it would have to be in somewhat different language from that vivid picture he has drawn for us of football in the old school days at Rugby.

A VICTORIOUS TOUR.

On the morning of Friday, November 14th, the majority of the foot-ball team, accompanied by a number of their fellow-students, left by the W. & A. R. for a trip to Kentville and Wolfville. Some three or four of the players did not go up until Friday afternoon, so that the team which played at Kentville did not represent our full strength. Yet our boys were easily able to defeat Kentville by a score of 7 to 0, and could have doubled the number of points if they had desired. With much wisdom the team eased up when they say that the game was theirs, effecting thereby two results; namely, keeping themselves fresh for the morrow, and deceiving the Acadias as to their real strength. After the game we returned to Wolfville and put up at the American House. A reception was tendered us by the Acadia students in the college, and an enjoyable evening was spent.

On Saturday morning after the arrival of the train from Halifax, bringing up more students and the referee, Mr. Knight, the game was played on the college campus. There was much speculation as to the result. Acadia was confident, even jubilant, for they knew that their team

was strong, indeed stronger than last year, while they considered that Dalhousie was somewhat weaker than she was when the two teams met last fall. Dalhousie, on the other hand, while not so expectant of victory, were yet confident that their team would give a good account of itself. And how could it do otherwise when it was made up as follows:—

DALHOUSIE:—*Back*, McKinnon; *Half Backs*, Bill, Patterson, Graham; *Quarter Backs*, Fraser, Thompson; *Forwards*, Gordon, Fairweather, Dockrill, Webster, Thompson, McIntosh, Fraser, McKay, Logan.

ACADIA:—*Back*, Freeman; *Half Backs*, Eaton, Bennett, Knapp; *Quarter Backs*, Gardiner, Gates; *Forwards*, Cox, Saunders, Hemeon, Ingraham, Saunders, Gullison, Munro, Lombard, Starratt.

Dalhousie won the toss, and chose the south end of the field, with the sun in their back and the slight breeze in their face. Acadia kicked off, and by a neat unexpected dribble carried the ball at once into our territory. This good beginning elated the Acadia supporters and shouts of Rah! Rah! Rah! Cah! Cah! filled the air. For the first ten minutes the ball was in the centre of the field or in Dalhousie's territory, but then steady dogged playing began to tell. Graham had been playing an elegant defence game, treating Mr. Knapp to the pleasure of his most affectionate embraces, and causing that gentleman to assume on several occasions a very undignified attitude. McKinnon at back by his quick runs and effective punts had several times put the ball in a place where it could do no harm, and now the ball was being slowly but surely forced down to the Acadia goal where it remained except for a few minutes until the end of the half. For a time the ball was within a few yards of Acadia's goal and one of Bill's runs carried him over the line, but the try was not allowed. Twice the Acadian team touched for safety, and thus the first half ended with no points for either side. During this half the Dalhousie forward team did not show up in the scrimmages, for the ground was so hard that no footing could be obtained, and the advantage went to Acadia as the heavier team; but our forwards, especially Logan, played a great following up game when the scrimmages were broken.

After a short respite the teams changed ends and again the ball was "set a rolling." McKinnon did not adopt the Acadia tactics but kicked off hard and high, and the quick following of Dalhousie forwards enabled our team to keep all the ground made by the kick and now defence is abandoned for attack. Bill, McKinnon, Patterson and Graham make good runs and timely punts. Acadia touches down for safety, and kicks off at 25 yards but back again it goes towards the Acadia goal. Gordon picks the ball up from the remnant of a scrimmage and rushes through the crowd bringing the ball close to the Acadia goal. The Acadia half-backs close in near the scrimmage; Fraser sees an opening unprotected and calls gently to Bill to be ready. Bill moves over to the left, and Fraser passes swiftly and surely to him. A run of a dozen yards and a yellow and black jersey presses under it an oval

form of leather on the southern side of the Acadia goal line. Never did a small number of Dalhousians yell and cheer so loudly as on this occasion, unless perhaps when a moment or two afterwards McKinnon made the kick of his life, and sent the ball whizzing directly over the centre of the bar.

And soon Acadia kicks off at 50 yards, and by a quick follow rushes the ball into Dalhousie's territory, with a do or die vim and determination. There was but three minutes remaining and though Acadia fights desperately the referee calls time without a point being scored.

It was a gentlemanly game; and, though we say it ourselves, the best team won. All honor to Acadia for holding such a team to so small a number of points. And we can now say with joy and thanksgiving that the old ill-feeling between the two colleges has been buried with athletic honours.

Exchanges.

ONE of the neatest and brightest of our old exchanges is the *Adelphian*. For one thing, in particular, the editors are to be congratulated, and that is on their undoubted discovery of the happy secret of making their students realize that the *Adelphian* is *their* paper, and that its columns must be filled by them.

THE *Niagara Index* has taken a step along the line of improvement, and appears in a bright, new dress, which we would be disposed to admire, were it not for the color. It is quite up to its former literary standard, and that is saying a good deal, for the *Index* has always been of a decidedly literary turn.

THE *Acadia Athenaeum*, like several other of our exchanges, is out in a "new suit of clothes," by which we think it much improved. According to an ancient custom, it gives quite a "send off" to the Class of '90. We note, too, additions to the professorial staff, and extend to Acadia our congratulations.

THE *Kings College Record* next appears on the scene. One thing which we note in this journal as peculiar to itself, is that all contributors are directed to address all literary matter, etc., to the editors of the *K. C. R.*, and yet are kept in the dark as to who those gentlemen are. We would like to know their names, but perhaps we are too inquisitive.

FROM the *Harvard Advocate* we learn that "Harvard has been sneered at on account of what has been called her hypocritical zeal for the purification of athletics." This movement of Harvard's to combat the crying evil of American College athletics, cannot but elevate her in the eyes of the College world, nor will it ever bring

her into contempt. We wish her every success in the mission she has undertaken.

WE have also to acknowledge the *Presbyterian College Journal*, *The Sunbeam*, *The Mephistophelean*, *Manitoba College Journal*, *The Student*, *Iowa Wesleyan*, *Varsity*, *Educational Review*, *Queens College Journal* and *Emory Phoenix*.

Personals.

MISS LILLIAN CALDWELL, Sophomore of last year, is teaching in the neighborhood of Berwick, her native place.

FRASER, ALEX., '89, has gone home for the winter. He says it will be hard work to put in the time at West River.

FRASER, DONALD, of the Class of '87, is attending Pine Hill this winter. We are glad to see him back in our midst.

NEIL F. MACKAY, '86, is away out in Regina, Assiniboia. We understand that he there instructs the offspring of pioneers.

DONALD MARTIN, of Mount Forrest, Ontario, who attended Dalhousie during two sessions, is studying theology at Knox College.

STEWART, A. F., '87, is home on furlough. The Canadian Pacific engineers with whom he is associated, are still laboring in the Rockies.

BUCHANAN, JAMES J., B. A., '87, succeeded R. J. MacDonald as principal of Baddeck Academy. Dalhousian succeeds Dalhousian everywhere.

FULLERTON, ARCHIBALD, a natty Sophomore in the Session of '89-'90, is at present located in the Great Republic, south of us. Just where he is, would be difficult to say.

DONALD F. CAMPBELL, '90, late principal of Port Hawkesbury Academy, has been appointed head teacher in Mabou. No doubt Frank will be back with us next winter to study medicine.

H. G. CREELMAN succeeds F. H. Eaton as instructor in mathematics at the Normal School. He holds the position for the winter session only, as it is his intention, we understand, to finish his post graduate course.

WE would request graduates and former students of this University, to drop us a line, telling of their whereabouts, their present occupation and information, if such they have, of other students whom they may know.

PRINCETON still continues to draw a large number of our students. There is a formidable array of distinguished Dalhousians at that institution this winter. George B. MacLeod, D. C. MacIntosh, D. O. MacKay, Homer Putnam, and three or four others, whose names we cannot at this moment remember.

ALLISON, MATTHEW G., '86, is ministering to the spiritual wants of the inhabitants in and around St. Martins, St. John County, New Brunswick. It might be added that he graduated from Princeton this spring and was ordained by the St. John Presbytery.

Dallusiensia.

PROF. MACDONALD has been lecturing in Pictou. He is said to have set Pictou on fire by his eloquence.

WHAT is to be done with the six students who marched two and two behind the Ladies' College girls last Sunday? *Put them out.*

2ND YEAR Examinations in *Mustaches*.—I Class: Arthur. Took *whiskers* as extra. II Class: None. Passed, (conditionally): McLean, Tobin.

OWING to certain representations made by the students senate, the letter box has been removed from the cloak room to the Reading Room.

PROF. JOHNSON has announced to his classes that they will not be responsible for work done before Xmas at the Spring Exams. This is at it should be. Next!

PROF., to canine encroaching on football ground during play—"Come back, Sir." Canine retires with becoming grace.

Prof.—"Very good, Sir. Very good, Sir."

ENTHUSIASTIC prof's. remarks on the football field: "No, you dont, sir," (on seeing a Wanderer endeavouring to break away from Abegweit.) In his excitement on another occasion, he actually addressed a Freshman.

"O BOTTOM! thou art changed—what do I see on thee?"

"I must to the barber's, *monsieur*, for methinks I am marvellous hairy about the face."

THE room spoken of in an editorial in the last number of the GAZETTE, has been placed at the disposal of the Arts Students meeting. An effort ought to be made at once to make it suitable for meetings.

SCENE: Chemistry Class.

Prof.: "What are the three states of matter, Mr. P—r?"

Mr. P—r, (who is inattentive), answers up quickly, "Nothing, sir!"

It would seem that some members of our "numerically large" Freshman Class consider their views on English Literature complete and final. This is no cause for wonder. They will find that they know less about the subject when they come to be Sophomores.

THE thanks of the Reading Room Committee are due to John L. Stearns, General Manager of the Mutual Life Insurance Co., for covers of magazines. They will assist greatly in preserving our magazines from the wear and tear of constant use.

WE are gratified to see that our hint in the last issue as to the need of increased attention to some of our verdant Freshies, is followed up by a notice in the glass case, calling on all Freshmen under 21 years of age to report themselves to the president, that a clergyman may be appointed to take charge of them. A word to the wise, as usual, has proved sufficient.

SCENE: Debate.

Freshie, (waxing very eloquent): "..... shall fade away like mist before the *morning dew*." (Laughter.)

Freshie: "Your pardon, gentlemen, a *lapsis lingua*!" (then he wonders why the laughter increases.)

THE General Students' meeting to be held on the first Monday of December, ought to be well attended. The president has asked us to state that the following matters will be considered: Christmas break up; Munro Dinner; Election of Officers for ensuing Session. Due notice will be given on the notice board some days before the appointed time.

DR. MACVICAR, principal of the Presbyterian College, Montreal, addressed a meeting of students under the auspices of the College Y. M. C. A., in the English class room, on Sunday afternoon, the 9th inst. The meeting was very largely attended by students from all the faculties, who had the pleasure and profit of listening to an earnest and practical address. Dr. MacVicar's visit will long be remembered.

ONE of our mellow Juniors had to stage it part of the journey to college. So great was his anxiety about his trunk, which was strapped on behind, that he frequently got out to see if it was there. In crawling out and in, he distracted a poor drummer and the following dialogue ensued:—

Traveller: "What is your name?"

Junior: "Campbell."

Traveller: "What a great pity it was not *elephant*, that you might carry your *trunk* on your nose."

THE Class of '91 held a meeting on the 13th inst., to elect a valedictorian and to transact other business. The ballot resulted in the election of J. B. MacLean as valedictorian. The Class was then organized by the appointment of the following officers:—*President*, Valedictorian; *Vice-Presidents*, A. O. MacRae, Miss Muir; *Sec'y-Treasurer*, John Montgomery; *Executive*, H. B. Stairs, J. W. Brehaut, J. A. McGlashen. The organization is to continue for at least five years. The members of the Class pledged themselves to contribute yearly one dollar each to be used for the benefit of the College in whatever way the Executive sees fit.

ACKNOWLEDGMENTS.

C. W. Lane, Hugh Mackenzie, \$3.00 each.
A. F. Stewart, W. H. Magee, A. W. Forbes, D. M. Campbell, Aulay Morrison, W. S. Thompson, H. C. Borden, H. T. Murray, — Putoan, Rev. A. Campbell, Alex. Archibald, A. K. McLellan, W. E. Thompson, H. W. Brown, H. F. Puddington, C. E. Casey, J. J. Logan (Colorado), Miss Ritchie, C. L. Moore, D. M. Soloan, H. G. Gratz, A. D. Archibald, D. A. Cameron, Fred. Calder, H. B. Munro, J. A. Fulton, J. R. Noonan, S. E. March, G. O. M. Dockrill, \$1.00 each.

Law Department.

Editors:

ALEXANDER McNEIL, '91. J. A. MACKINNON, '92.
G. A. R. ROWLINGS, '93, Manager.

FRENCH SHORE QUESTION.

A sketch of what is known in Newfoundland as the "French Shore Question," has been asked for, but to give it intelligibly within the space allotted is a task of no small difficulty. Only the barest outlines can be presented at most, and the reader left to obtain fuller information as best he may. By the Treaty of Utrecht (1713) the French admitted the sovereignty of Great Britain over Newfoundland, and the British made the concession contained in the following words: "Moreover, it shall not be lawful for the subjects of France to fortify any place in the said Island of Newfoundland, or to erect any buildings there, besides stages made of boards, and huts necessary and usual for drying of fish. But it shall be allowed to the subjects of France to catch fish, and to dry them on land, in that part only, and in no other besides that, of the said island of Newfoundland, which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence, running down by the western side, reaches as far as the place called Point Riche." Attention is drawn to these significant facts: (1) No mention is made in this treaty of any exclusive right of fishing being conceded to the French, for the words only import a grant to them of a right over a limited area in common with all British subjects; (2) the French are expressly forbidden to erect any buildings other than "stages made of boards, and huts (a) necessary and (b) usual for (c) drying of fish;" (3) the right conceded was to catch fish, and dry them on land, from which it is manifest that the "fish" referred to were "cod," which are the only kind cured by drying. It will help readers to estimate the contention of Newfoundlanders aright if wherever the word "fish" occurs in the treaties the word "codfish" is used instead, and in so doing they will be borne out by all the surrounding circumstances.

The Treaty of Paris (1763) confirmed the Treaty of Utrecht so far as the fishery clauses were concerned, and the Treaty of Versailles (1783) repeated the confirmation, with the exception that "His Majesty the Most Christian King" (it may be necessary to explain that this means the King of France) "in order to prevent the

"quarrels which have hitherto arisen between the two nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid article of the Treaty of Utrecht, from Cape Bonavista to Cape John" (both on the east coast)." "The French fishermen shall enjoy the fishery which is assigned to them by the present article as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht." It will be observed that the Treaty of Versailles placed the French right of fishing exactly upon the footing it occupied under the Treaty of Utrecht, except as the boundaries over which it could be exercised, and therefore if it were a "concurrent" instead of an "exclusive" right which was originally possessed by the French, it is so to this day, for in 1815 the Treaty of Paris restored to the French the rights which they possessed under the Treaty of Versailles, and which they had forfeited by the war begun in 1793.

At the time the Treaty of Versailles was negotiated there seems to have been a private understanding between the government of Great Britain and that of France, whereby the former undertook to concede certain things which they dare not express in the treaty, and for this purpose George III. issued a Declaration concerning the treaty, in which the following words occur:—

"To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French, during the temporary exercise of it which is granted to them upon the coasts of Newfoundland; but he will for this purpose cause the fixed settlements which may be formed there to be removed."

Notice, please, that the British were to be prevented "from interrupting in any manner, by their competition, the fishery of the French," and that this was conceded in order to prevent "daily quarrels." If the French right were to be a wholly "exclusive" one, the prohibition against "interrupting" them, and the reference to "daily quarrels," seem inexplicable, for they evidently contemplate the continual presence of British fishermen, which would be inconsistent with anything more than a "concurrent" right.

The Declaration went on to say:—

"The thirteenth article of the Treaty of Utrecht (quoted above), and the method of carrying on the fishery which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there. It shall not be deviated from by either party, the French fishermen building only

"their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; the subjects of His Britannic Majesty, on their part, not molesting in any manner the French fishermen during their stay, nor injuring their scaffolds during their absence."

In 1788 the Parliament of Great Britain passed a statute (28 Geo. III., chap. 35.) in which the treaty and declaration of Versailles were recited, and the King-in-Council given power to make regulations for enforcing them in Newfoundland, particularly for removing fixed settlements. Under that statute regulations were adopted and enforced from time to time, but in 1873 it was repealed.

About 1884 British subjects (Nova Scotians by the way) commenced to erect lobster factories upon the "French Shore," and were undisturbed till 1887, when the French complained of these factories "interrupting" their fishery, and asserted a right in themselves to catch lobsters and erect factories for canning them. The disputes increased in bitterness, and a collision seemed imminent, when, at the commencement of 1890, the British Government concluded a *Modus Vivendi* with the Government of France relative to lobster factories upon the French Shore, preserving the *status quo ante* for the current year. This was not ratified by the Imperial Parliament or by the legislature of Newfoundland. Acting under orders from the British Government, Sir Baldwin Walker, captain of H. M. S. *Emerald*, closed a factory belonging to James Baird, Esq., of Newfoundland, and this has given rise to the suit of Baird v. Walker, now pending before the Supreme Court of Newfoundland. The plaintiff claims \$5000 for the tortious conduct of Captain Walker, and the defendant replies: (1) That his act was an act of state, and (2) that by the Treaty of Versailles (or Declaration) fixed settlements upon the "French Shore" are unlawful, and that Mr. Baird's factory was a fixed settlement.

This article may well conclude with an enumeration of several questions growing out of the circumstances herewith related, and to which law students in particular will find it not uninteresting or unimportant to devote some attention:—

(1) Have the French such a right to catch fish within the limits defined as excludes British fishermen from rightfully fishing in the same waters; that is, is the French right "exclusive" or "concurrent"?

(2) Have the French a right (a) to catch and (b) to can lobsters, and (c) to erect factories for that purpose, within the limits defined?

(3) Have British subjects such a right?

(4) To what extent are the provisions of a treaty made by a Sovereign of Great Britain lawfully enforceable upon British subjects, so as to permit the confiscation of their property, without the express authority of parliament?

(5) If parliament gave such express authority at one time, and afterwards repealed it, in what way, and to what extent, does that affect the legality or otherwise of attempts to enforce provisions formerly lawful by virtue of that authority?

(6) If a treaty is binding—not upon the honor of the nation, but upon private individuals—is the Declaration of a Sovereign equally binding?

(6) Is the command of the Sovereign, in time of peace, lawful excuse for such treatment of a British subject by a naval officer as without lawful excuse would constitute a wrongful act?

ABOUT THE LAW SCHOOL.

FRANK and Huggins, both of '91, have opened offices in the city.

OUR funny Senior is cultivating a whisker. Helps to hide his cheek.

Quere.—Have we seven lecturers or six? It should be worth money to know.

GLAD to see our two friends of the first year back, after their brief banishment.

THE Arts men admit we have first-class football material, but then, they say, we must be kickers anyway.

THE Meds. have a Medical Jurisprudence class. Could it not be so arranged that those among us who wish to take these lectures, might be enabled to do so.

WE notice that a number of the Const. Law Class clipped that *Herald* article on Copyright. That's right. Some of our Profs expect every man to read the newspapers.

THE Contract class meetings continue. Members say they derive much benefit from these reviews. Some of our older and wiser (?) students have also meetings that draw, but are not so useful.

DISAPPOINTMENT is felt that the large number of new books expected, have not been placed in the Library. The delay is altogether owing to the bungling of the publishers. Things would work smoother if we had competition in Canada, in the law book line.

"THE Law School of Dalhousie University, Halifax, Nova Scotia, has seven teachers, as appears by

its current calendar, for sixty-seven students. The Inns of Court in London, provide five teachers (of whom two lecture in alternate terms, or half terms only) for the whole body of their students. Either the Law School of Dalhousie University is absurdly overmanned or the Inns of Court School is badly undermanned. However, things are in a transitional state at the Inns of Court. We understand that considerable progress has been made with an amended scheme of legal education, though nothing is yet settled. It is much to be hoped that the Inns of Court will not go on trifling with opportunities until the last opportunity is gone, and the Benchers wake up to find themselves superseded by a Royal Commission."—*Law Quarterly Rev., Oct.*

MOCK PARLIAMENT.

THE Unrestricted Reciprocity resolution led a long and active life, and was only disposed of at the end of the third evening by a marshalling of Tory assets and a rallying round the flag of the "party." Their Grit brethren fought valiantly, and could they have turned up a duce at the critical moment, it would have been hard to say what our trade relations with our southern neighbors would have been in the future. The Speaker keeps himself well in hand, but you must watch his eye. There is nothing like a good old question of party politics to show how the boys are going to vote at the next Dominion elections.

On the second evening of this important debate, the member for Halifax, Mr. Paton, proceeded to the task of a logical demolition of the Premier's speech of the previous evening. Paton usually gets there. Mr. Bennet bristled with facts for an hour. He will be a good one yet. The St. John man was certainly not in the fog in his speech. He spoke eloquently as Halifax harbor. Mr. Creelman revels in Liberal literature. He doesn't believe half the doleful things he read. The evening closed and the end was not yet.

The third evening, Ah, and there was hurrying to and fro, and sudden raids on City choirs, for who could tell what those bad Grits would do! Mr. Ruggles, usually an exemplification of golden silence, proved that speech is good legal tender. But I must not elaborate. Woodworth is an all round man. Murray fired figures and introduced the "living boy." Congdon quoted Adam Smith and doubted if a better authority than Adam was in the house. Thompson warmed up to Imperial Federation. We all didn't speak, more's the pity. The vote was taken, 14 for, 16 against; the resolution is declared lost. Tableaux.

IN THE MOOT COURT.

Ex parte Owen, On Appeal to the Privy Council.

Before WELDON, Q. C.,—Judge.

Owen, an official of the Dominion Government in the Department of Customs in the City of St. John, was assessed as a resident of that city, on his salary of \$600, received from the Dominion Government. He

objected to pay the tax on the ground that his salary was exempt from taxation. The Supreme Court of New Brunswick held that the income of an officer of the Dominion was not subject to taxation for municipal purposes.

CASEY AND ALLISON for appellants contended:

(1.) That under B. N. A. Act, taxation is the rule, and exemptions are the exception.—B. N. A. Act, Section 125. (2.) That this tax comes within the jurisdiction of the provinces. See B. N. A. Act, Sec. 92, Sub-secs. 2, 8, & 16; *Citizen's Insurance Co., vs. Parsons*, 1 Cart. 273; *Atty.-General of Quebec vs. Reed*, 3 Cart. 193; *Bank of Toronto vs. Lamb*, L. R. 12 App., 584; *Dow vs. Black*, L. R., 6 P. C., 281. (3.) That the American cases do not apply as under the B. N. A. Act, the power of Disallowance is vested in the Governor-General and Council, while there is no such power vested in the President of the United States or his Cabinet. *Kent Comm.*, Vol. II, p. 33. (4.) That there are no American cases which decide that a Federal officer cannot be taxed on his "income" by the States for Municipal purposes. *National Bank vs. Commonwealth*, 9 Wallace, 361; *Thompson vs. Pacific R. W. Co.*, 9 Wallace, 590; *Melcher vs. City of Boston*, 9 Mete., 93.

DOYLE and CONGDON for Respondents, contended: (1.) That this tax interfered with B. N. A. Act, Sec. 91, Sub-sec. 8., *Leprohon vs. City of Ottawa*, 2 Ont App. 199. (5.) That this Court is governed by American decisions, as there are no express provisions in point contained in B. N. A. Act. *McCulloch vs. Bank of Maryland*, 4 Wheaton, 316; *Dobbins vs. Commissioners of Erie County*, 16 Peters, 435.

Judgement was reserved.

CHAMBERS DECISIONS.

NOTE.—It is not intended to confine this column solely to Chambers Decisions, any judgment, not likely to be reported elsewhere, if of sufficient importance, will be noted here. The members of the profession throughout the Province will confer a favor by sending to the Editor a statement of any case either at nisi prius or Chambers that comes under their attention.

HOLMES v. MCLEOD.

Before McDONALD, C. J.

Venue, change of.

The cause of action arose in, and all the witnesses resided at, Parrsboro in Cumberland County. Venue laid in Halifax. Defendant moved to change place of trial to Amherst on affidavit showing expense of trial at Halifax for witness fees would be \$70 more than at Amherst. Also as the case was one of fact and there would be contradictory evidence, defendant urged trial should be in the county where parties resided and were known. Plaintiff swore he intended to call medical men residing in Halifax to give expert testimony.

Per McDONALD, C. J.—Motion refused on condition plaintiff pay into court \$70 within a specified time to cover extra expense of defendant's witnesses. If money not paid venue to be changed.

IN RE DANIEL MCIVER.

Before MR. JUSTICE MEAGHER.

Conviction.—Payment by accused of part of penalty adjudged.—Warrant to commit in default of payment of balance.

Per MEAGHER, J.—This is an application to discharge defendant from custody under a warrant of commitment for a breach of the second part of the Canada Temperance Act. The prisoner on the 8th of Sept. last was convicted before James Roy, Stipendiary Magistrate of the Town of New Glasgow, of having unlawfully sold liquors contrary to the provisions of the second part of said act, and it was adjudged that he should pay a fine or penalty of \$50 and \$7.15 costs. After the conviction was made the defendant paid to the convicting magistrate \$25 on account, leaving a balance of \$32.15 unpaid. Subsequent to the making of that payment the magistrate issued a warrant for the purpose of levying the balance of \$32.15 upon the defendant's goods. The constable to whom the execution of this warrant was entrusted returned that he could not find sufficient goods of defendant to satisfy that amount, and thereupon the warrant now attacked was issued by the magistrate. By its terms defendant was to be imprisoned in Fictou gaol for thirty days unless payment was sooner made.

Mr. McInnes, for the prisoner, contended that the warrant was illegal, because the magistrate's power to commit was at an end the moment part of the money payable under the conviction was paid. In support of this he cited *Sniden v. Brown*, 17 Ont. App. Rep., 173. That case is directly in point here. There the Court of Appeal for Ontario, consisting of Hagarthy, C. J., Burton, Osler, and Maclelland, J. J., held the commitment bad. The reasons given in the decisions of that case are, in my opinion, altogether unanswerable, and I therefore think the prisoner is entitled to his discharge, which I grant without costs.

The prisoner will undertake not to bring an action against the committing magistrate. With respect to a similar undertaking on his part as to William Smith, the prosecutor, I will dispose of that when I sign the order. The same question was before Mr. Justice Ritchie last June in an application by William Henry Murphy for his discharge. In that case Mr. Justice Ritchie, relying upon the decision of *Sniden v. Brown*, by the Common Pleas Division, 17 Ont. Rep., 706, refused the discharge. He was not, however, aware of the fact that the decision in question so far as it held the commitment good had been reversed by the Court of Appeal.

In view of Mr. Justice Ritchie's decision and the fact that the point is a new one arising on the statute, I have refused defendant his costs.

Order passed allowing writ and protecting magistrate. Sec. 89, chap. 178 R. S., Can., not including prosecutor. No order made as to him.

THE CLASS OF '90.

(Concluded.)

Our list increases. We now approach another representative of the province by the placid ocean—RICHARD MCBRIDE. Even now we fancy we hear his majestic tread echoing through the corridor into the reading-room to take a look at the morning papers. Dick was the youngest member of the class of '90, but he was no chicken—no, not by a great deal. He was Premier of

the Mock Parliament during almost the whole of last session, and in spite of the efforts of Bowser, Sinclair & Co., he held on to the Treasury Benches with a firm, unfeeling grasp, till at last his opponents were completely baffled. One thing Dick could do. He could write the most illegible notes of any man in the class, and if bad writing is an essential of success, Dick's future prosperity is assured. He is at present in New Westminster, B. C. Go it, Dick, and your classmates wish you every success.

The next form which meets our gaze is that of WILLIAM McDONALD, B.A. McDonald was a grand student—not a pluggger; he always did well at the exams; but he was a philosophic kicker. He kicked against everything—kicked on principle. He took nothing for granted, and allowed nothing to be so taken. Nothing was secure from McDonald's objection, not even a crown case reserved, which was not signed by the reserving Judge. He is now a citizen of Truro, and junior member of the firm of Gourley & McDonald.

DANIEL LACHLAN MCPHEE now claims our attention. McPhee was one of the best students of the class. He regarded college life not as mere sport, but as a preparation for the work of the future, and he studied with that thought constantly before his mind. A more conscientious worker, we make bold to say, was never found within Dalhousie's walls. McPhee played on the foot-ball team; he was forward there as well as everywhere else in the college. At present he is running a branch office in North Sydney, C. B., for John A. McDonald, M. P., of Baddeck.

We now come to a name well-known throughout the whole province—that of HUMPHREY MELLISH, B.A., the valedictorian of the class. The *Morning Chronicle* of the 25th April last, speaking of that valedictory, characterizes it as "an unusually clever one, delivered in a very pleasing manner." Mellish was one of the most brilliant men in that class of brilliant men. Good-natured to a fault, always ready with a joke or a comic story, told in his own inimitable style, he was voted by all "the prince of good fellows." The class will never forget Mellish. All of us look forward to the time at which he will stand in the first ranks of the members of the Nova Scotia Bar—a time which we believe to be not far distant.

But we must pass on. The only name on the N's is that of THOMAS NOTTING. Notting came in with the class and stuck to it to the end, though once we thought we were destined to lose him. We did not see much of Notting, except at lectures. Perhaps he might have been present to cast a vote in the Mock Parliament

once in the hottest of last winter's fight. The exams. were a period of excruciation for Notting, but he went through, "just the same." His future plans we know not of. Fare thee well!

Room—room for our next photo—CHARLES HOWARD OXLEY, B. A. Oxley never read a case,—head-notes were sufficient for him, and to tell the truth, he did not worry them much. Oxley never studied; he was never plucked. Night lectures were Oxley's bane—they interfered with his season ticket for the McDowell troupe. Oxley went to the Mock Parliament—he counted one in the vote. At present, he is in Amherst, vigorously aiding the rigid enforcement of the Scott Act in Cumberland County. He intends locating at Oxford, N. S.

JOHN ARTHUR ROBERTS — why do I pause? It is because methinks I hear Roberts' clear silvery tones ringing through the Mock Parliament room, when, after delivering a phillipic in which fiery denunciation was intermingled with coruscations of eloquence and scintillations of wit, he uttered those words so well known to every student of Dalhousie during the past three years: "The curtain falls; the farce is ended." Roberts was a grand fellow, but rather too prone to express himself in big words. When he spoke,

Words of learned length and thundering sound,
Amazed the gazing students ranged around.

The *Morning Chronicle* of the 25th April last, speaking of the Convocation says: "A pleasing feature while the degrees of bachelor of laws were being conferred, was the presentation to J. A. Roberts of a handsome boquet by some of his admirers among the freshmen." (The italics are ours). Roberts is now practising in Bridgewater; we wish him well.

Having dealt with Roberts, we now turn to Robertson—THOMAS REGINALD ROBERTSON, B. A. He took the affiliated course. For two sessions he was clerk of the Mock Parliament. He never had much to say on the burning questions of last session; in fact he was once dubbed by some of the college wits, "the silent member." Robertson reserved all his energies for the exams, at which he always acquitted himself with distinction. He has gone in with Webster in Kentville, and if a clear head and good sense are winning cards, Reg. will get there every time.

The end of the list approaches. The name of DANIEL JOSHUA STEVENS appears. Stevens did not originally belong to the class of '90. We picked him up on the way. We never saw much of Stevens. We knew he was one of the class, but concerning him we knew nought else. Stevens with the pretty curly hair, Stevens with the fine pink and white complexion, Stevens with the beautiful form, good-bye, Stevens, good-bye.

We come now to the last name on the list—last but not least, JOHN ARCHIBALD SINCLAIR, of St. John, N. B. He was a daisy. No finer fellow existed among the fine fellows of the class. One thing only would disturb Sinclair's equanimity, a word against St. John. Sinclair attended the lectures—when there was no other place of amusement. He only worked for a pass—and he always got it. In the lecture room, Sinclair had but one question, "Is the law the same in New Brunswick?"

And now our task is done. The curtain falls! The show is ended! Truthfully we have endeavored to depict the members of the unrivaled class of '90. To all we say, "Write the errors of the class of '90 in sand, but engrave their virtues on the tablets of enduring memory."

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