



Osgoode Hall Law School of York University

Osgoode Digital Commons

Obiter Dicta

Alumni & Law School Publications

3-1-1942

Volume 15, Issue 1 (1942)

Follow this and additional works at: https://digitalcommons.osgoode.yorku.ca/obiter_dicta

 Part of the [Law Commons](#)

Recommended Citation

"Volume 15, Issue 1 (1942)" (1942). *Obiter Dicta*. 89.
https://digitalcommons.osgoode.yorku.ca/obiter_dicta/89

This Book is brought to you for free and open access by the Alumni & Law School Publications at Osgoode Digital Commons. It has been accepted for inclusion in Obiter Dicta by an authorized administrator of Osgoode Digital Commons.

OBITER DICTA

OFFICIAL PUBLICATION OF OSGOODE HALL LEGAL AND LITERARY SOCIETY

VOLUME XV.

TORONTO, MARCH, 1942

No. 1

Oral Exams Rapped by Final Year

Experience, Enthusiasm Brought To Osgoode By New Lecturer

BOWLEN SKI WINNER

HILL FEATURES

By Bill Hewson

A new feature in Osgoode Hall sports was instituted this year in the form of a ski meet, which those responsible for same hope will become an annual event. It was held on Saturday, February 14th, at the grounds of the University of Toronto Ski Club, to whom we should like to express our appreciation for the use of their facilities.

We are, however, even more indebted to Mr. Ralph R. Corson, President of Chartered Trust and Executor Company, who so generously has personally donated a handsome trophy for annual competition in this meet, which will be called the Corson Trophy.

The winner of the event was W. M. Bowlen of Third Year, followed closely by W. W. Barrett of First and J. K. Williams of Third, respectively. R. D. Hill of Third Year, a novice, was conceded to be the gamest competitor.

It is to be hoped that this event will be made an annual highlight in the Osgoode Hall year, and judging by the splendid turnout of this year, we are confident that such will be the case.

Peanuts and Trolleys To Court and Violin is W. O. Gibson's Path

ARTILLERY OFFICER

W. O. Gibson, K.C., Asst. Crown Attorney of the County of York is the latest recruit to join the staff of Osgoode Hall succeeding James McFadden, K.C., as Lecturer in Criminal Procedure. Evidently a man who enjoys his work, and gets "some fun out of life," Mr. Gibson brings to the Law School a fresh enthusiasm for his subject and his lectures have already become most popular. Anxious to impart to the students some of the knowledge gained in many years at the bar, the new lecturer told Obiter in an interview, he also welcomed the opportunity to lecture because it gives him a chance to brush up on those many points of academic interest which are not met in daily practice.

A firm believer in experience as the fundamental requisite to meet the emergencies which arise in court, his youthful appearance belies the fact that he has been practising law for over twenty years. His career to date has been crowded with enough variety to make him well qualified to deal with the sundry problems facing a Crown Attorney.

The first job he could recall, Mr. Gibson told Obiter, was when, as a lad of 9, he sold peanuts in a circus which had come to town. His father found him and gave him a sound whipping for conduct unbecoming the son of a bank manager. Since then "I've tried

(Continued on Page 4)

PERSONAL MESSAGE TO STUDENTS ON ACTIVE SERVICE

I am glad to take advantage of the privilege afforded me by the Editor of Obiter Dicta of sending, on behalf of the teaching staff and the students, a few words of greeting to the members of the School who are engaged in active service, in Canada and overseas. Those who have interrupted their study of the law or postponed the beginning of their practice in order to serve in the forces of the UNITED NATIONS are constantly in our affectionate and grateful thoughts. We know that they will do their duty in all the exigencies of their service and that their achievements will be a source of pride for the School. They are taking a personal and essential part in the struggle for the restoration of the rule of law and the establishment of liberty and decent living in the world. We send them our best wishes for their welfare and for their safe return.

John D. Falconbridge,
Dean.

Osgoode Formal Spotlight's Zena

PRESIDENT TAKEN FOR RIDE

By R. Robert Easton

John Currelly and others of like magnitude vied amiably with 'zotic Zena' for the centre of our Floor Show Spotlight. We are speaking, of course, of the Dance of the year. And the Osgoode Formal, held in the Roof Garden of the Royal York Hotel on Feb. 26th, fulfilled all expectations of being just that.

Round about 9 o'clock Perry Ryan appeared on the scene with the flowers for the War Savings Draw and plied all and sundry to buy his wares. With lights subdued, the Modernaires spelled out magic music to suit the tempo of the evening. And vocal interpolations were generously rendered by that very charming girl who accompanies the band.

Almost promptly at 11.30 the sidelights dimmed; the spotlight beamed; the floor cleared. It was time for the graceful artistry of dancing Zena. Between her numbers came a fast-moving team on little steel wheels. Bright costumes lent colour to their sparkling routine. Incidentally, we were amused by the enforced participation of certain portly guests in this gentle sport of merry-go-round. Our president, we hazard, seemed near collapse following his little experience.

The speaker of the evening arrived without ceremony somewhat later on. Never abashed, he mounted the rostrum, firmly grasped the "mike" and breathlessly announced news of the morrow—no lecture in mortgages for the boys next morning.

COMMENTS FROM FIRST INDICATE A FAIR TEST EXAMINERS CORDIAL

Familiar Topics Touched in First Year; Divorce and Mortgages Favoured for Third

SECRECY SOLICITED

Majority opinion in first year law was well satisfied with the oral examination in office practice, a survey made by Obiter revealed. Almost all were in complete agreement as to the cordiality of all proceedings, the most discordant note being raised as to their usefulness.

One student told Obiter "The exam might be all right as a check on the offices, but it isn't fair to the students. If I am not learning anything at the office, it is the fault of the office and not mine."

There were few complaints by the students that they were examined on unfamiliar subjects, and almost all agreed they had a chance to talk about the things they were doing. Some students were peeved with themselves in not making clear to the examiners what they did do, and playing "too dumb."

One student complained that "It was too easy to lead the examiners into discussing whatever the student wanted to discuss. Thus those that studied one aspect of work particularly for the exam, could be questioned on it, without having learned it at the office."

Most students felt that the examination should be used as a check on the office as well as the student. If the student fell down badly, it was pointed out, it might be either his fault or the fault of the office, and both should be checked.

The bulk of the examination consisted of real estate questions, and since that is what most of first year students were learning, it was considered quite fair. Other questions carried the students through the various courts, court offices, statutes, and legal documents. As one student put it, "I didn't do well, but the fault was my own. Though I had covered a lot of ground, both literally and figuratively, I didn't pay attention to what I was doing. The oral examination is just what I needed to wake me up."

The first year students having been asked to keep secret what they were questioned about, until all the students had been questioned, kept doggedly to their word. When asked after their quiz, "What did they ask you?" they kept frigidly silent.

As is always the case, there were those discouraging few who reported to Obiter that "the whole thing was a breeze. They asked me just what I knew and I really gave it to them. This stuff is right up my alley." That is the story given to Obiter. Only the results will tell what really went on in that small consultation room.

SPECIALISTS STUMPED

Third year opinion was quite distinctly divided in regard to the recent oral examinations. More than one-half of the class of sixty-odd considered the quiz rather unfair as it stressed heavily certain phases of the law and left more important topics practically untouched. The remainder seemed satisfied with the test, for better or for worse.

From a canvass of a large proportion of the class Obiter found that a series of quite searching questions on divorce procedure was asked of everyone. The students working with large downtown firms felt, as a whole, that they made a fair showing on this aspect of the examination. The men with the Attorney-General and corporation legal departments were generally hopelessly lost through lack of experience in divorce litigation.

The students with specialized experience also complained of the detailed questions on mortgage actions. Typical of the view of many was this: "Copies of the Rules must be so scarce that the Benchers think we should have the contents memorized." One chap, familiar with mortgage work, sympathized with his less-fortunate fellows: "Any hole-in-the-wall conveyancer can wade through a mortgage action by following the rules, but all the Holmesteds in the world won't tell you how to save your client's neck in the Division Court!"

Nearly all the class were asked questions relevant to a negligence action, and there were few complaints on this score. The boys who fumbled on this field bore no hard feelings and felt that they should have known the answers.

Real estate queries were also the order of the day, and rightly so, thought the majority. A few candidates were quizzed on Company law, but very few on Surrogate Court practice; this in spite of repeated warnings by lecturers and principals on the importance of knowing one's way around a probate.

As far as Obiter could ascertain, not a single candidate was questioned on his knowledge of criminal law and procedure, nor was any importance apparently attached

(Continued on Page 4)

William W. Laird Awarded \$1,396.05 By Moot Court Jury

REX V. DENT

His Honour Judge David Henry is said to have delivered this chastisement to a prisoner at the conclusion of a case during the recent Winter Sittings.

"Prisoner, stand up. Mr. Dent, this Court is under the painful necessity of passing sentence of law upon you. This Court has no doubt, Mr. Dent, but that you were brought into this scrape by the use of intoxicating liquors. The friends of this Court all know that if there is any vice this Court abhors, it is intoxication. When this Court was a young man, Mr. Dent, it was considerably inclined to drink, and the friends of this Court know that this Court has naturally a very high temper; and if this Court

Loss of Steady Girl's Affections Suffered as Result of Mouse Found in Bottle

By D. H. W. Henry

In a court room crowded with some two hundred spectators, the Honourable Mr. Justice C. F. H. Carson of the Moot Court of Osgoode Hall, presiding at the Winter Sittings on February 4th, pronounced judgment in favour of William W. Laird after the jury had brought in a verdict for \$1,396.05 damages for the plaintiff. The case, which attracted widespread public attention at the time, arose out of

(Continued on Page 7)

had not stopped short, I have no doubt, sir, but that this Court, sir, would have been in the penitentiary in its grave."

THE OSGOODE HALL CONTINGENT C.O.T.C.

By Ralph Sturgeon

The Osgoode Hall Contingent of the Canadian Officers Training Corps has just completed its third successful year of training, and while our time and equipment are both still limited we have come a long way since January 1940, when the first drills were instituted.

The preliminary preparations for securing an authority to organize a C.O.T.C. at Osgoode Hall were brought to a head by a meeting called by the Benchers in Dec. 1939 to ascertain the number of men in the Law Society who favoured the establishment of a unit, and at this meeting one hundred and three lawyers and one hundred and two students registered.

On the basis of this response authority was secured by Militia General Order No. 233 of 1939 for the organization of the Osgoode Hall Contingent, C.O.T.C. and allowing for an establishment of H.Q.'s and 4 companies, or 13 officers and 296 other ranks.

About the twentieth of December 1939, 98 lawyers and 76 students were medically examined, attested, and enrolled. In addition a military committee, consisting of Lt. Col. The Honourable Mr. Justice Hope, D.S.O., M.C., E.D.; D.L. McCarthy, K.C.; Major G. H. Cassels, C.M.G.; Col. Gibson, K.C., E.D.; and W. Earl Smith Esq., Secretary, was formed to assist the newly authorized corps.

With an experienced complement of officers and an enthusiastic class of recruits, training was launched after the Christmas vacation and continued till the middle of March when the first examination, common to All Arms, was written on a Saturday night in Convocation Hall.

On a wet and muddy April day the first practical examination was held in the neighbourhood of Clappison's Corners, and the small group which qualified were the first to do so in the unit. Those who did not take this test were given the opportunity of taking their practical examination during two weeks at camp.

Camp 1940

Eighty-two, all ranks, attended this first camp at Niagara-on-the-Lake from June 17-29, 1940, which in spite of small numbers of personnel was highly successful.

During this camp the evacuation of Dunkirk was completed, France fell a victim to Shickelgruber and his twelve apostles, and King Gloom reigned supreme over the civilized world, or what was left of it, even at that date.

To return to our muttons, in lighter vein, and incidentally nearer home, was the appearance one morning shortly after reveille of a rotund gentleman in multi-coloured silk pyjamas endeavouring to reach the parade ground for physical training. He was naturally late, and was spotted rounding the tent lines by the worthy R.S.M., who fortunately, being a Doctor of Divinity, was able to express himself in Biblical language exhorting this tired and tardy gentleman in polite yet fervent terms to please

come on Parade, "as we are fighting for our bloody lives."

The 1940 camp was memorable for its freedom. The camaraderie between officers and men was unhampered by regular army convention, and both shared a common mess and virtually the same accommodation. The contingent carried out its own programme with its own officers instructing. In off-duty periods civilian attire could be worn and passes were not required to leave or re-enter camp after the day's work was done. This was possible with such a small group. The accommodation was so uncrowded that three men were the most allotted to each tent and there was always plenty of hot water in the showers! Home could not be sweeter.

The first indicia of the unit worn alike by all ranks were navy-blue berets and arm bands, the latter stamped with Osgoode Hall C.O.T.C. in gold lettering with the mark of rank immediately below.

This sufficed until camp, when ancient artillery service uniforms, peaked dress caps, belts and rifles and bayonets were issued. White bands were pinned around the caps with a black metal Maple Leaf stuck in front as our insignia (the present neat regimental badge had not yet been designed).

Cadets had to purchase their own khaki fatigue clothes which were all bought through the same manufacturer and although made-to-measure they were all so large that shirts and trousers had to be rolled to find oneself. Energy and ingenuity improvised where we lacked and the two weeks seemed barely to begin before they were over, ending a most profitable and congenial holiday.

Training 1940-41

With the announcement from National Defence Headquarters that students enrolled in the C.O.T.C. would be exempt from the 3 months compulsory training scheme applications poured in to the Osgoode Orderly Room in September 1940.

To accommodate this influx an increase of establishment was sought and was authorized by the Dept. of National Defence, and the Battalion began its fall training period, 4 companies strong. Qualified men assisted in training the new recruits, and throughout the autumn and winter 1940-41 a varied course from elementary drill to Lewis gun instruction was carried out. Enthusiasm ran high, and the transformation with a season's training was a gratifying accomplishment.

The final touch of uniformity was acquired when berets were turned in for battle dress. Some of the boys found it so comfortable they wore it all day long on drill days. When June and camp came round again, pieces of white felt to be inserted in the front of the wedge caps were issued along with a truly noble and distinctive regimental badge. The badge in bronze embodying the seal of the Law

(Continued on Page 7)

ON NATURAL LOVE AND AFFECTION

By Norm Christophersen

When Lord Atkin, in 1919, spoke of "that natural love and affection which counts for so little in these cold courts" (*Balfour v. Balfour*, 1919, 2 K.B. 571) he merely reiterated a view long held by English courts of justice. This doctrine has in itself some very interesting consequences, and coupled with other principles it leads to conclusions of a very disillusioning nature to romantic hearts.

Let us first consider with it the doctrine of *Balfour v. Balfour* that certain types of agreements are not intended to be attended by legal consequences. The example of an agreement to take a walk seems clear, even though the breach of that agreement may result in disastrous consequences. Other examples are less so. A mother tending a sick child can expect no aid from the courts if she seeks to recover wages for her work, or even her necessary expenses. A sister, helping another member of the family is not presumed to be serving for pay unless it is clearly indicated from the words of the parties. There is a presumption that they are inspired by natural love and affection, and that they will be satisfied with a possibility that the natural love and affection will be returned.

On the other hand, consider the legal picture of an engagement. The two parties, plaintiff and defendant are seated beneath a full moon which throws its more or less romantic glow over everything so that all thought of the deleterious effects of the night air or damp grass are dispelled. The defendant turns passionately to the plaintiff and says huskily, "Will you—?" Plaintiff, having made up her face for this purpose, and her mind on the subject, replies with a throaty quaver, "I will." And so on.

But the law does not just say, "and so on." The law is more specific. The courts presume of both the plaintiff and defendant that they are thinking, not only of how to persuasively phrase their declarations (not under oath) of undying love and affection, but also, calmly, coolly, and dispassionately, that the breach of these mutual promises shall be attended by legal consequences; as well as a display of silk-clad legs to the gentlemen of the jury.

"O well," says the court, "a promise is consideration for a promise." *Harrison v. Cage*.

But suppose the court is not given a chance to judge on this point. Suppose plaintiff and defendant are married, and begin to wonder why. The romantic notion of marriage is that of most text-writers, viz. the bringing of children into the world (e.g. Eversley: *Domestic Relations*). Do the courts agree? I hesitate to say what the courts imply the purpose of marriage is. Perhaps you can figure it out yourself.

Divorce, in Canada, may only be granted on the grounds of adultery. Leaving that aside for a moment, let us consider the reasons for nullifying a marriage. In neither canon law nor English law, does sterility, of itself, invalidate a marriage. Where, however, one of the parties is impotent, i.e. physically incapable of consummating the marriage, the court will usually give a decree of nullity.

Suppose that problem doesn't come up, and children are born to the happy pair. However, the male parent notices a discrepancy in the count, and brings an action for divorce. Note, incidentally, that a hypodermic syringe may be named as co-respondent, and a divorce may be granted where only artificial insemination is shown. However, at the trial, it is pointed out that plaintiff has forgiven his wife her trespasses. Condonation will go a long way to being a reason for refusing a divorce. So the plaintiff goes back to the defendant and

*Prepare Yourself
for Legal Battle*

Read Case Law Regularly

D.L.R.

— The most comprehensive, accurate and vital series —
is your most efficient medium.

LEGAL ROBEMAKERS

CIVIL AND MILITARY TAILORS



SINCE 1842

HARCOURTS

Limited

103 KING ST. W.

TORONTO

LEGAL DIRECTORY

BLAKE, LASH, ANGLIN and CASSELS,

A. W. Anglin, K.C.; Walter Gow, K.C.; Glyn Osler, K.C.; R. C. H. Cassels, K.C.; George H. Cassels, K.C.; J. F. Lash, K.C.; S. G. Crowell, K.C.; G. R. Munnoch, K.C.; H. C. Walker, K.C.; R. E. Anglin, A. R. Graydon, K.C.; J. T. Gow, M. Blair, E. C. Snelgrove, R. B. F. Barr, B. B. Osler, J. G. Cassels, T. Mackie, J. T. Garrow, D. G. Guest, P. J. B. Lash, A. J. Anglin, Z. R. B. Lash, W. H. C. Boyd, P. S. Osler, T. R. Wilcox.
The Canadian Bank of Commerce Bldg., King and Jordan Sts., Toronto, 2.

LANG & MICHENER

BARRISTERS & SOLICITORS
D. W. Lang, K.C., D. R. Michener, C. M. Ricketts, Harold S. Day, (on Active Service), E. B. Jolliffe, T. C. Odette.
Sterling Tower, 372 Bay St., Toronto 2. Telephone WA. 2931
Cable Address: "Lamer"

BOWLBY, MACDONALD & COMPANY

Barristers, Solicitors, Notaries, Etc.
A. T. Bowlby, K.C.
A. A. Macdonald, K.C.
Northern Ontario Building
330 Bay Street, Toronto
Telephone ADElaide 4147
Cable Address "Bowlmac"

Compliments of

JAMES V. TREBELL
Insurance
MUTUAL LIFE OF CANADA
80 King St. West
EL. 8371 Res. Phone LO. 4516

GREGORY, ARMSTRONG & KEMP

Barristers & Solicitors
Vernon Walton Armstrong, Frederick Wismer Kemp, Robert Lindsay Young, Ronald George Burrows
Cable: Greygood, Toronto
372 Bay Street, Toronto
Telephone: ADElaide 3211

WRIGHT & McMILLAN

Barristers & Solicitors
Gordon McMillan, K.C., Wilfred R. Binch, Frank Wilkinson, K.C., Ewart R. Lynch, Henry E. Langford, Peter Wright, Nixon T. Berry, Ross J. Dunn, J. H. Corrigan, W. G. C. Howland.
Counsel: D. L. McCarthy, K.C.
Cable Address "Wardrite"
Telephone ELgin 5121
38 King Street West, Toronto

DENISON & FOSTER

Barristers and Solicitors
J. Shirley Denison, K. C., Harold W. A. Foster, K.C.
Northern Ontario Building
330 Bay Street, Toronto 2.

A. A. Bailiff Service

STOTT AND SOUTHWELL
Rent, Chattel Mortgage, and Lien Warrants executed. Writs and legal notices served.
Room 310, 73 Adelaide St. W.
ELgin 4394

ROWAN & ROBINETTE

Barristers and Solicitors
Donald H. Rowan, K.C., John J. Robinette
Telephone, ADElaide 6369
Canada Permanent Building
320 Bay Street, Toronto

ATHLETIC NOTES

The Annual Golf Tournament was held on October 17th of last year, at the St. Andrew's Golf Club. While Officers' Training Corps activities prevented many from attending, a creditable turnout was on hand.

W. W. Laird of Second Year and W. W. Hewson of Third tied for

carries on. The courts have once more disillusioned us. Marriage is not "a union of one man with one woman to the exclusion of all others" unless both parties desire it to be so.

And so on.

low with scores of 87. Third and fourth positions were taken by W. W. Barrett of First and R. G. Parker of Third, respectively.

NOTICE TO CREDITORS

All persons having claims against the estate of DONALD SHEARER, late of the City of Toronto, dancer, are required to file same with TILLEY, MCCARTHY and GOLDBERG, solicitors for the executor.

PROFESSIONAL CARD

Messrs. HIPPERSON, HOTZ and HILL, wish to announce the formation of a legal partnership specializing in counsel work in the juvenile and family courts.

Experience and Co-operation

Gladly placed in your service

THE TRUSTS AND GUARANTEE

COMPANY LIMITED

Executor and Trustee
Since 1897

Calgary, Winnipeg,

TORONTO

Windsor, Brantford

Changes in Articles Advised by McRuer

NEW LAW SOCIETY RULES TO ALLOW PART-TIME JOBS DURING CLERKSHIP

Editor's Note: We are pleased to print herewith the Report of Mr. McRuer's Committee on altering the present Articles of Clerkship. The Report has been adopted by Convocation and the changes will come into effect on May 15, 1942.

The special Committee re Call to the Bar in Absentia, begs leave to report as follows:

At a meeting of the Legal Education Committee held on October 14, 1941 the matter of service under Articles of Clerkship and the form of Articles, was referred to this Committee for report to Convocation.

Under the Rules of the Law Society a student is required to serve under Articles of Clerkship for three or five years, as the case may be.

Rule 23 provides that the Articles of Clerkship may be assigned. The Assignment shall be filed with the Secretary within 30 days from the date thereof.

Section 9. (1) (a) of The Solicitors Act is as follows:

"9. (1) Subject to the Rules of the Society no student shall be admitted and enrolled as a solicitor unless,—(a) during the time specified in his contract of service he has only served thereunder, and, except while attending the courses of lectures at the Law School and undergoing examinations as prescribed by the rules of the Society, he has been during the whole of such term of service actually employed in the proper practice of a solicitor by the solicitor to whom he has been bound at the place where such solicitor has continued to reside, during such term or with his consent by the professional agent of the solicitor in Toronto;"

Rule 94 is as follows:

"94. No student-at-law bound by Articles of Clerkship to any solicitor shall, during the term of service mentioned in such articles, hold any office of emolument, or engage, or be employed in any occupation whatever, other than that of clerk to such Solicitor, or his partner or partners (if any), or his Toronto agent with the consent of such Solicitors, in the business, practice, or employment of a Solicitor."

Upon application to be Called to the Bar, or admitted as a Solicitor, the student is required to file an affidavit in Form 11 in which he is required to swear that he has served the Solicitors of the Supreme Court for the periods of time definitely set out,

"except during the time I was in attendance at Lectures at the Law School and absent from service on leave granted me by my Principal in the Christmas and Summer Vacations.

2. That during the said period of service I was not engaged in any business or employment other than that of articulated clerk as aforesaid."

It will be noted that although the form provides for an exception from service where leave has been granted by the "principal" in the Christmas and summer vacations, there is no authority apparent in the rules or The Solicitors Act for the Solicitor to grant leave to a student so as to except him from service under his Articles, and that in any case no provision is made for any exception where the student has engaged in any business or employment other than that of an articulated clerk.

The Solicitor to whom the student has been articulated is required to sign a certificate in Form 12, in which the Solicitor certifies that the student has served him as an articulated clerk during the periods mentioned—

"except during the time when he was in attendance at lectures at Law School or on leave in the Christmas and summer vacations granted by me."

Paragraph 2 of the Certificate provides for details with dates of all absences from service, specifying whether with leave or without, or it caused by illness. There is no comparable exception provided in the form of Affidavit for the student, nor do the Rules provide for exception being made by any authority where the student has been absent due to illness or for any other cause.

Under paragraph 3 of the Solicitor's certificate the Solicitor is required to certify that the student was not at any time during the period of service to his knowledge or belief engaged in any profession, business or employment other than that of a clerk to the Solicitor, his partner or Toronto agents.

Where a student remains out of the office to study for his examinations, is ill, works in the summer or engaged in any occupation whatever, in order to conform to our Rules and these forms the student must make a false affidavit and the Solicitor a false certificate. The result has been that the Law Society has overlooked all irregularities in service, and overlooked the irregularities in the students' affidavits and the Solicitors' certificates, and treated them as a matter of course.

Another irregularity that has been treated as a matter of course has been the failure of students to secure assignments of their Articles. In some cases students have worked in several offices without having their Articles transferred, and upon the preparation of their papers for Call to the Bar they have gone to the Solicitors to whom they were originally articulated for a certificate. In many cases Solicitors have given certificates where the student has served little or no time with the Solicitor to whom he has been articulated, and in other cases where the Solicitor refused to give the certificate the student has secured an assignment of the Articles dated

(Continued on Page 6)

OF INTEREST TO COL. FOSTER

Here's one about Mr. Justice Hawkins, the renowned English jurist whom Col. Foster is fond of quoting on points of pleading.

A tough-looking character was being tried for larceny in the Old Bailey. The prisoner was seen to lean over and mutter something to the constable beside the dock. The prosecuting counsel leaped to his feet and demanded that the constable be made to disclose the substance of the whispering.

His Lordship consented, and asked the constable to stand up and repeat the conversation.

"I—I would rather not, your Honour, if you please—"

"I do please and I don't care what you'd rather do," bellowed Hawkins J.

"Well, sir, the prisoner asked me what'n hell that hoary heathen was doing up there on the bench, as he had often seen him at the race tracks."

STUDENTS REFUSE TO ANSWER QUIZ AS TO SALARY

35% SILENT

By Mac Carter

The baffling position of the Law Student has continually thrown him for a fall whenever he has paused on his way to the Registry Office at Simpson's Coffee Club to ponder on his bifarious station in life. "I'm a student" he beefs. I need time off to study, yet I'm the busiest guy in the office. O.K., I'm a business man, and what do I draw? The price of an old pair of pants! It's outrageous! and I'm a University Graduate.

Last term on one early November morn such sentiments as the above were voiced by enough of our glorious student body as to cause the appointment of a Royal Commission to look into the situation with a view to the ultimate elevation of said students to winged collars and chauffeured limousines. A questionnaire was sent around asking for rather confidential information and about 35% of the boys thought they were being asked for intimate excerpts from their diaries. They stolidly fought off all attempts of inquisitive persons to ascertain whether it was \$1 or \$2 a week they stealthily sneaked into their purses every Saturday. However, the remaining 65% were quite co-operative and some indeed went all out and even gave us hangnail sketches of some members of the profession, many of whom seemingly made Ebenezer Scrooge appear to be a second (or first?) Andrew Carnegie. But while some of the material submitted would make excellent footnotes for the Canadian Almanac, it was scarcely what was wanted in the survey, although it provided an interesting sidelight. Nevertheless, the results, such as they were, were posted on the Bulletin Board and rigor mortis was not slow in setting in, a matter of debate which has been half dead and half alive for too long a time. There shall be little resuscitation for at least the duration.

So its back to the Coffee Club where he can forget temporarily how he's been reduced from a promising young Graduate with a brilliant future to a glorified office boy minus the glorified pay. After all, it's only three years and then that folding money will come rolling in. Ha! Ha! Ha!

Prominent Barristers Address Legal and Literary Luncheon

By Ken Stewart

The luncheons which are held in Convocation Hall throughout the school terms are undoubtedly the most popular of the numerous activities which are carried on by the Legal and Literary Society. They have a two-fold purpose; firstly, to enable the student body to hear addresses by the finest available public speakers in Canada; and, secondly, to provide an occasional get-together of the student body as a whole, in the interest of fostering an "esprit de corps" among the students. It is to these ends that we have had to date three successful luncheons. They have been well attended when it is considered that our registration for the three years is down to some 180 students and the average attendance at a luncheon has been around 160.

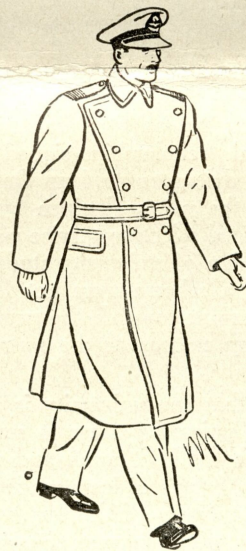
The first luncheon was held in the Fall on October 28th, in Convocation Hall. Our guest speaker

was Col. R. H. Greer, K.C., who spoke to us on "The Election of Trial by Jury in an Indictable Case." This address was most practical and useful to a young student-at-law. It was an address no one could afford to miss, coming from a man who is considered one of the most proficient in the criminal law field—and who can look back and give us the value of his experience, having practised not only on the side of the accused but also on the side of the Crown. Col. Greer covered the question of the election in a very thorough manner. It would be the first problem you would be confronted with in an indictable criminal case. He discussed the possibility of a magistrate's peculiarities, even though the magistrate would be the last person to think he had any. Then he went on to say that if you

(Continued on Page 5)

The Lowndes Company

T. A. WILSON, Prop.



CIVIL AND MILITARY
TAILORS
MAKERS OF UNIFORMS
FOR 40 YEARS

Terms

Phone WA. 2165

Commerce and Transportation Bldg.

GO FORMAL - - - -

Rent your

- * Tails
- * Tuxedos
- * Morning Suits
- * Ladies' Wraps

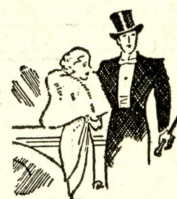
Everything formal

"From Top Hat to Slippers"

Yonge St. Formal

500 YONGE STREET

Phone Kingsdale 9105



Listen to "LET'S GO FORMAL" every Tues., 7.00 p.m.,

CKCL

Clarkson, Gordon, Dilworth and Nash

Toronto — Montreal — Hamilton — Winnipeg
Vancouver

Chartered Accountants

OBITER DICTA

Published at Osgoode Hall Law School.

Published every now and again by the Osgoode Hall Legal and Literary Society for the information and amusement of its members and their friends.

VOL. 15

TORONTO, MARCH, 1942

No. 1

Advertising Manager

K. H. MacDiarmid, B.A.

Obiter wishes to sincerely thank all those who have contributed to its pages, and to console the subjects of its lampoons with the knowledge that they were selected on the basis of their good nature.

A THOUGHT ON LAW SCHOOL—UNION NOW

Within a short two miles of each other in Toronto there are two schools of law—one being the School of Law of the University of Toronto, and our school maintained by the society of practising lawyers in Ontario. Our nearest neighbouring law schools are far distant in Montreal and Winnipeg. The staffs of the two Toronto schools are entirely distinct. There is no joint use of buildings or libraries, although one of the libraries is said to be pathetically inadequate. And, most shocking part of all, graduates of one school are required to complete the full course in the other, with many duplications, before being allowed to practice the profession within Ontario.

It has been agreed that the objects and purposes of the two schools are entirely distinct—that the University school is designed to teach law in the broadest aspect leading to an Arts degree, and that Osgoode's function is to turn out a practical lawyer conversant with the peculiar provisions of statute law as well as with general principles. That may very well be so, but how few graduates of the University law course do not intend to be called to the bar, and on the other hand, shouldn't a practical lawyer have a knowledge of jurisprudence?

A combination of the best features of each school and division of lectures among the members of both staffs along their special line would be a desirable improvement. A four-year course leading to a call to the bar might be instituted, and a three year general Arts degree recommended for those who desired a university graduation. Two years of law would be taken at the University by everyone. During this initial period the general and elementary subjects such as philosophy, jurisprudence, history of law, real property, contracts, torts, and constitutional law would be covered. In the summer months students would be required to serve under articles to a practicing solicitor. The final two years would be spent at Osgoode Hall, with the present combined system of lectures and practical work. Lectures would be given on specified subjects such as practice, criminal law.

The attainment of a higher standard of learning in the profession is an object devoutly desired by all. And the Faculty of Law of the University of Toronto and our Legal Education Committee seem to be about as compromising as a bull terrier and a Persian cat.

UNIVERSITY STUDENTS AND THE WAR

A few weeks ago the Ontario government through its Minister of Education turned down a petition for national scholarships signed by several thousand students and presented by delegates of four Ontario universities. The reasons for turning down the proposal given by the Minister were, in brief, a suggestion that national selective service was in the offing which would thus change the position of university students; and also that the required finances for such a scheme were not forthcoming. The attitude thus taken by this Province towards the problem of universities, students and the war is in sharp contrast to the approach taken by authorities in the United States.

There the government has determined that the university is most important in these times. The lead that the university takes in science and research coupled with the fact that both the U.S. army and navy look to the university for a good proportion of their officers makes the university a vital factor in the successful prosecution of the war. Further, the problem of post war reconstruction, with the vast changes in the social political and economic fields therein contained can best be studied, understood, and perhaps solved in these schools of learning.

That much decided, it was recognized that if the universities played such a prominent part in the war effort, it was most inconsistent that those with the required ability should be barred because of inability to pay required fees. The president of a prominent American university warned of the danger of drawing all the army and navy officers from those privileged few who could afford to attend university. It was not only most undemocratic, but the state was thus being deprived of much needed ability. Steps are therefore being taken to broaden the entrance requirements, so that all those with scholastic qualifications be permitted to enter a university and play the part best suited for them in a total war effort.

These are some of the problems we think the Minister of Education should have dealt with. By his reference to national selective service, we think he has overlooked the fact that no plan as yet forwarded places in uniform young men and women of 18 and 19 years of age, and yet those are the age groups most affected by scholarships. As far as finances go, the Dominion government, carrying a far greater burden, has agreed to match dollar for dollar of the Provincial appropriations for this purpose. Certainly if the Dominion government in the face of its financial obligations can find money for such a venture, this Province, which prides itself on leadership in the educational field, can do likewise even if it means economizing in fields less closely allied to our war effort.

STUDENTS ON ACTIVE SERVICE

Adams, W. H., 2nd year, Pilot Officer R.C.A.F.; Addy, Geo., 3rd year, Lieut., Hull Regiment; Aiken, Lloyd T., M.I., AC2, R.C.A.F.; Bennett, E. R., 3rd year; Bruce, D.I.W., 2nd year, Lieut. R.C.N.; Bruce, H. M., 1st year, Lieut. R.C.A.; Boeckh, J. S., 1st year, 2nd Lieut. R.C.A.; Brown, G. C., 2nd year, Sub-Lieut. R.C.N.V.R.; Bull, Harcourt, E. G., 1st year, Lieut., Royal Hamilton Light Inf. (1st Bn. replacement).

Cameron, H. C., M.I., Lieut., Elgin Regiment; Campbell, Ross, 1st year, Sub-Lieut., R.C.N.V.R.; Cassels, Hamilton, 2nd year, Lieut., 48th Highlanders; Carroll, J. M., 1st year, 2/Lieut., Officers Training Centre; Cawthorpe, R. D., M.I., Sergeant, R.H.L.I. (killed in motor accident—16/11/40); Cayley E. C., 1st year, Sub-Lieut., R.C.N.V.R.; Costello, F., 2nd year, Nerg. Pilot, R.C.A.F.; Cunningham, W. G., 3rd year, Sub-Lieut., R.C.N.V.R.; Depew, J. H. H., 3rd year, Lieut., Toronto Scottish (M. G.); Egan, Rory F., 3rd year, Lieut., R.C.R.

Falconer, J. A., 3rd year, R.C.N.V.R.; Fallis, G. A., 3rd year, Sub-Lieut., R.C.N.V.R.; Foster, J. W., 1st year, 2/Lieut., Royal Regiment; Fitzgerald, P. S., 2nd year, Lieut., R.C.A.T.C.; Gaudier, H. W., 1st year, Lieut., Ontario Regiment (Tank); Gilmour, D. W., 2nd year, Sub-Lieut., R.C.N.V.R.; Goodman, E. A., 1st year, 2/Lieut., 1st Can. Armoured Bde.; Gray, Ross G., 3rd year, Flying Officer, R.C.A.F.; Grande, G. K., 2nd year, R.A.F. (Radio Course).

Heighington, E. N., 3rd year, Lieut., 48th Highlanders; Hamilton, R. J., 2nd year, Capt., 41/102 Fd Bty. R.C.A.; Hogarth, R. E., 1st year, Lieut., R.C.A.; Herson, C. E., 1st year, Lieut., R.C.A.S.C.; Hilton, J. D., 1st year, Lieut., 21/102 Fd Bty. R.C.A.; Hughes, Sam, 2nd year, Lieut., 2nd Can. Armoured Corps, T.C.; Hynes, L., 3rd year, Sub-Lieut., R.C.N.V.R.; Irvine, James, 2nd year, Lieut., 4th C.F. Regt. R.C.A.; Isard, John, 3rd year, Lieut., R.C.N.V.R.;

Kerby, H. W., 2nd year, Wing-Commandr., 110th Squadron, R.C.A.F.; Kingsmill, C. D., 2nd year, Major, 23rd Medium Bty (How.) R.C.A.; Kirkpatrick, J.R.H., 2nd year, Sub-Lieut., R.C.N.V.R.;

Laidlaw, A. H., 2nd year, R.C.A.F.; Lang, D. A., 2nd year, Sub-Lieut., R.C.N.V.R.; Lazier, C. S., 1st year, P.O., R.C.A.F.; Lind, W. H., 2nd year, R.C.A.F.; Lambert, J. M., 2nd year, Lieut., Cameron Highlanders; Lennox, J. H., 2nd y., Lieut. Tank Corps; Langdon, W. H., 1st y., Lieut., R.C.R.; Middlebro, W. G., 3rd year, Pilot-Officer, R.C.A.F. (Killed in accident in England, July, 1940);

McCarthy, W. F., 1st year, Pilot/O., R.C.A.F.; McDonald, W. A., 3rd year, R.C.N.V.R.; McGregor, W. L., 1st year, Lieut., Essex Scottish; McIntyre, D. N., 2nd year, Lieut., Tank Corps; Morton, M. D., 1st year, Lieut., North Shore Regt.; Mackenzie, Ian, 1st year, A.C.2, R.C.A.F.; Nesbitt, Wallace, 2nd year; Nemoy, M. B., Grad., 1st Lieut., R.C.A.; O'Grady, T. Waller, 1st year, Sub-Lieut., R.C.N.; Osler, C. R., 1st year, Capt., 26th/53d Bty. A/Aircraft; Pallett, G. L., 3rd year, Lieut., Lincoln & Welland Regt. (AF); Palmer, J. P., 2nd year, Lieut., Cameron Highlanders (M.G.) 1st Battn.; Paterson, J. N., 1st year, Pilot/O., R.C.A.F.; Pennell, L. T., 3rd year, P.O., R.C.A.F.; Pollock, R. I., 1st year, Lieut., 41/102 Fd Bty. R.C.A.; Parker, S.P., 2nd year, Lieut., 48th Highlanders; Plant, F. O., 3rd year, Sub-Lieut., R.C.N.V.R.;

Reason, Wilson, 2nd year, Pilot-Officer, Observer, R.C.A.F.; Roberts, J. P., 2nd year, Sub-Lieut., R.C.N.V.R.; Rowell, F. N. A., 2nd year, Sgt. Instructor, R.C.A.F.;

Robson, C. G., 3rd year, A.C.2, R.C.A.F.; Ross, R. Ian, 1st year, Sub-Lieut., R.C.N.V.R.; Richardson, H. E., 3rd year, A.C.2, R.C.A.F.; Renwick, Jim, 2nd year, Lieut., C.A.C.;

Shankman, Leo. C., 3rd year, O.T.C., Brockville; Sillery, A. W., 3rd year, 2/Lieut., Duff. & Haldimand Rifles; Simpson, N. M., 1st year, Sub-Lieut., R.C.N.V.R.; Singer, V. M., 1st year, 2/Lieut., C.A.C.; Symmes, G. L., 2nd year, Lieut., R.C.R.; Shepherd, A. B., 2nd year, Lieut., C.A.C.; Scandifio, A. 3rd year, Observer, R.C.A.F.;

Tanner, W. A., 2nd year, Pilot, R.C.A.F. (reported missing after air operations, Libyan desert, Dec. 20/41); Thompson, W. J., 2nd year, AC2, R.C.A.F.; Tickner, D. S., 3rd year, 2/Lt., C.A.C.; Thomas D. J., M.2, 2/Lt., R. Regt. Can.; Waddell, R.C.A., 1st year, Sqn-Leader, R.C.A.F.; Watson, S. R., 1st year, Rating, R.N. (died of wounds—torpedoed on H.M.S. Bonaventure 2/4/41); Willson, W. A., M.2, Lieut. R.C.C.S.

BROUGHT TO OSGOODE EXPERIENCE, ENTHUSIASM

(Continued from Page 1)

everything," he added, and a glance at the record shows a gamut of undertakings from growing and selling apples to driving a street car in the summer months while at university, with another lawyer. C. M. Smth, of Kingston, as his conductor.

He graduated from University College in 1915, and directly enlisted in the ranks of the 25th Battery of the Artillery with several other University men. The fact that the date of his enlistment was the 17th March gave him an additional reason for celebrating that date ever since. After being awarded a commission, he was transferred to the 31st Battery, with whom he remained until after returning from France in Feb. 1918 when he was discharged in August.

He then embarked on "the hardest year of my life"—his first year at Osgoode—endeavouring to get back into the Academic swing. Taking his second year in summer months beginning just a few days after the first year finals, the assistant Crown Attorney was called to the Bar in May, 1920. He stayed on with Bain, Bicknell & McDonnell, with whom he had been articulated, until 1923, when he became a member of the firm of Duggan, Gibson & Smith; the latter now being Secretary of the Law Society. In 1930 he joined the Crown Attorney's staff, and now is second only to Mr. McFadden in seniority.

One would think that the problems of a Crown Attorney would be onerous enough without taking on new fields to conquer. But not so for Mr. Gibson, who besides his new endeavours as a lecturer "has jeopardized the peace and well being of his home, the love of his

wife and seven year old son," by undertaking to learn to play the violin, which he has determined to master. Thus, even now he is still seeking experience, which he emphasizes is so fundamental a quality for lawyers.

SPECIALISTS STUMPED

(Continued from Page 1)

ed to bankruptcy, the drafting of commercial contracts, the Bulk Sales and Conditional Sales Acts, executions and the examination of judgment debtors, the Highway Traffic Act (!), mining law, landlord and tenant, and many other everyday problems.

The Calendar of the Law School specifically mentions that a student should acquire a knowledge of the proper fees to charge clients for different services. Not a solitary question as to this. Apparently the examiners thought law students all married money and would practise law just for the fun of it.

ADDENDA TO MACRAE ON EVIDENCE

Of Lord Carson's earliest days at the Irish bar they tell this story:—

The case depended largely on the weight of testimony of the witness in the box, a substantial man with a prominent and colorful nose!

"Are you a total abstainer?" asked Carson.

"Be damned if I am!" retorted the witness in a resentful tone.

"A moderate drinker, perhaps?"

Witness didn't answer, watching for a trap.

"A heavy drinker, then?"

"That's my business," snapped the witness decisively.

Then said Carson quietly, "Have you any OTHER business?"

Trial by Friendship

Max Beerbohm and I once had a discussion about a mutual friend. I like him and Max didn't, and after it was over I apologized for perhaps having been too overheated in my defense. "Probably you're right," I said.

"No," said Max Beerbohm. "If two people cannot agree about a third person whom they both know, the one who likes him is right, always."

Compliments of

Wm. UNSER

CATERERS TO THE
OSGOODE HALL LEGAL
AND LITERARY
SOCIETY.

ORDER and CATERING
DEPT.

KI. 3191

Canadian Law List Publishing Co.

PUBLISHERS AND LAW BOOKSELLERS

NEW AND SECOND-HAND TEXT BOOKS,
REPORTS AND DIGESTS

Special Student Discounts on Text Books and
Library Orders

Telephone: Waverley 4156

24 ADELAIDE ST. EAST, TORONTO

Elgin 0221

Established 1858

P. S. Ross & Sons

CHARTERED ACCOUNTANTS, TRUSTEES IN
BANKRUPTCY, ETC.

Montreal, Toronto, Winnipeg, Calgary and Vancouver

GERALD JEPHCOTT, F.C.A., Resident Partner

Royal Bank Building,

Toronto

Under the Bench

A Column for Lugubrious Imaginations.

By P. R.

It is conSEEDed that it was Olga and not the Shadow that was unmasked that night at the formal.

* * *

The boys are still trying to explain to Mr. Thompson that it was a roller skating artist and not Zena that made him dizzy.

* * *

We note that since his marriage in the autumn, Arnold Wilson seems to find it not so hard getting up in the morning, but he sure looks sleepy.

* * *

Bob—"Dodo, will you love me if I give up all my bad habits?"

Dodo—"But Bob, how can you expect me to love a perfect stranger."

* * *

Having successfully disposed of his course in Torts, it is rumoured that Bob Davies has discontinued sleeping in the office vault. It is also said that Miss Teasdale is once again travelling on highheeled shoes.

* * *

The girls on Simpson's elevators are remarking upon the unusual prevalence of "strep" throat in that vicinity.

* * *

"Hey! Where yer going? Don't you know this is a one way street?" the angry officer bawled.

"Well," said Mr. Clute, "What's the matter with you, I'm only going one way," — and the officer staggered back to the curb.

* * *

Killoran (cigar and all in New York)—"Are you the young lady who took my order?"

Waitress—"Yes, I am."

Killoran—"You're still looking well. How are your grandchildren?"

Do You Know . . .

THAT LEGAL NOTICES, DIVORCE NOTICES, NOTICE OF BANKRUPTCY, CHANGE OF NAME, ETC., CAN BE PLACED AT LESS THAN ONE THIRD OF THE USUAL COST IN YOUR LOCAL PAPER?

THAT A STATUTORY DECLARATION WILL BE PROVIDED PROMPTLY WHERE REQUIRED CONCERNING ANY NOTICE?

THAT A DIRECT MAIL CIRCULATION IN EXCESS OF 6,600 IN TORONTO (EAST OF THE DON) AND IN EAST YORK, IS AT YOUR SERVICE?

PHONE GE. 1158-9 FOR PARTICULARS

East Toronto Weekly

1342-4 DANFORTH AVENUE

A Successful Student

is one who has the right books and makes the right use of them.

We carry on our shelves at all times complete stocks of books required by Osgoode Hall students.

Our store is located only two blocks south of the Law School.

We invite all students to come in and browse around.

Did you receive your Pocket Diary for 1942? We still have a few available for free distribution.

The Carswell Company Limited

LAWS PUBLISHERS, PRINTERS AND BOOKBINDERS

145-149 Adelaide St. West

TORONTO, CANADA

"WE SERVE YOU"

Acme Farmers Dairy Ltd.

* * *

WALMER ROAD

ML. 3541

PROMINENT BARRISTERS ADDRESS

(Continued from Page 3)

should elect trial by jury you should make certain that you are competent to handle the case. You should practise your public speaking so that when you get up in front of a jury you will be able to present your case in a clear and logical fashion. In this connection he deplored the lack of any adequate facilities to train the student in this branch. He strongly urged that you should never get involved with a client. In conclusion he recommended the fairness of the jury system and considered it the best mode of trial.

At our second luncheon on January 19th, Mr. A. G. Slaght, K.C., M.P., was our guest speaker. Mr. Slaght had recently returned from a trip to England and he spoke to us about this trip and the conditions he encountered in England.

His address was very educational in that it brought us up to date with what was taking place in Britain and how the people there were standing up under it. He described the terrible destruction that had resulted from the bombing; whole towns being reduced to rubble. However, the keynote of this talk was the high morale of the people in all parts of England and Scotland, especially where the suffering had been the greatest, and that underneath it all was the idea that "we can take it," and when the time comes "we will give it out."

On February 20th we were privileged to have Mr. Leonard W. Brockington, K.C., speak to us on "The War Effort of the Legal Profession in England." Mr. Brockington, who is considered Canada's foremost after-dinner speaker because of his witty, entertaining and eloquent addresses, undoubtedly lived up to his reputation. His opening remarks with such stories as the one about himself when he was City Solicitor of Calgary; the story of the horse snickering as it drew the lawyer away, and his description of his oral examination by the Dean when he was called to the Ontario bar the previous day, were a treat for all listeners. His address will long be remembered for the entertaining way in which it was delivered.

Among the guests who attended these luncheons were the Chief Justice of Ontario, Mr. Robertson; Mr. Justice Gillanders; D. L. McCarthy, K.C., Treasurer of the Law Society; W. S. Middlebro' K.C.; and Shirley Dennison, K.C., Chairman of the Legal Education Committee.

The executive is endeavouring to hold one more luncheon before the close of this term—however it will depend entirely on their finances as the luncheons are subsidized to a large extent by the Society.

It is said that a counsel by the name of Wright was interrupted in the Supreme Court of Canada during a long address on the liability of reservoir owners.

"Mr. Wright, you must give this Court credit for knowing SOMETHING!"

"That's all very well," replied Wright, K. C., but that's exactly the mistake I made in the Court below."

Simpson's

**MILITARY
SHOP**

Simpson's Military Shop presents a fine range of imported British fabrics for Navy, Army and Air-force Officers' uniforms and greatcoats.

These are officially approved materials from mills that customarily supply London's better class tailoring houses. Tailoring is done to exacting standards, strictly in accordance with regulation patterns.

SIMPSON'S MILITARY SHOP — SECOND FLOOR

THOMAS V. QUARTERMAINE, (1887) 18 Q.B.D. 685

Come, Mighty Muse, and wing my pen with fire,
Bring me the sight whose voiced thoughts inspire;
Sing not the song of that gay laughing wight,
Who, doomed to death, choose which way he might,
Paused not a wit, but with a happy sign,
Died bubbling forth the spirit of the wine.

A humbler man, Oh Muse, my thoughts enclose,
A man whose daily lot was not of those
Who joke with kings, and drink their wine.
This was a man whose task was mean and small,
Tho' work he loved, as so we love it all.
He walked one day, along a three foot pass,
Between two vats, whence came a tempting gas,
Of steam and beer, still warm and dark.
He reached, unhappy man, to drag a heavy plank;
He tugged too hard, Oh tragic, tragic lot,
He fell into a vat where beer still bubbled hot.

There was no doubt, the court was heard to say,
That duty owed, a man must needs obey;
The duty's not abstract, not in the air,
Or else, like castles, duties will stay there;
The vats uncovered, had no proper fence.
What could the brewer say in his defence?
Aha! (the Court) the answer's plain to see.
It's this, 'Injuria non fit volenti.'
Which means, (the Court) he knew the risk of harm,
And yet fell in, the beer still being warm.
He knew the beer was there, the brewing done,
There is no inference left to us but one;
We cannot hold the brewery to blame.
God loves a cheerful giver. We the same.

—By Norm Christopherson

FREELAND STUDIO

PORTRAIT PHOTOGRAPHERS

Specialists in group photography.

Special rates to students.

89 BLOOR WEST

Kingsdale 0304

Compliments of

**Armour, Boswell & Cronyn
LIMITED**

GENERAL INSURANCE BROKERS

24 KING ST. WEST

TORONTO.

* * *

STUDENTS:

Why pay mortgage tax to maintain registry office?
BUY WAR SAVINGS STAMPS AND CERTIFICATES

"Carry on Osgoode!"

By A. Raw Recruit

The stentorian voice of our worthy R.S.M. sets every man on his heels and a tingling tremor of martial pride bounces down his vertebrae like a Jeep on a wash-board road. It is Osgoode on parade. The time, any Tuesday or Thursday afternoon at four p.m. at the West end of the University Ave. Armouries.

Let us pause and peep inside like any random passerby, who startled by the cry seeks within the reason why.

An inspiring vision greets the eye, a noble display of military efficiency and nerve-straining alertness. Almost every manjack of this crack battalion is a college graduate. High mentality is obvious in their judicial mien virtually reflecting intense integrity, intelligence, and intestinal fortitude. Each is eager "to get on with it,"—and see it through till six o'clock, and not one, there maybe one, but veritably exhales esprit de corps.

"What men," the admiring spectator mutters, "and they are doing this for me—never did I realize the need for Victory Bonds before."

Suddenly the ranks cease to stir, except No. 5 platoon which always figures it can't be seen, a deathly hush pervades the battalion as every man stands tense, expectant, grasping his firing iron for support—and waiting.

"Waiting for what?" quare not, gentle reader, they are waiting, just waiting.

"There's not to reason why There's is but to do or die—"

But hold, a powerful but cultured voice smashes the unearthly calm—

"Gentlemen, you may stand easy."

How courteous, how considerate! It is their beloved Colonel who speaks. The ranks sag and all eyes are focused on the side show now in progress round their chief. The lower officers half encircle their superior, salute approximately at the same time and shuffle off to his rear.

These preliminaries appear amusing to the recruit, but the novelty soon wears off, though the lacquer on his buttons remains, and he begins to weigh the respective merits of the Armoured Division vs. the P.B.I. He wonders why he's where he is; is it because he is a law student, because there's a war on, because he's patriotic, or because he fears the draft, or a combination of all four?

We shall leave him in this dilemma (quite a normal state of mind for student-at-law) from which he is promptly dragged off into action, to polish up his drill with that highly individualistic little group, the Awkward Squad.

The moral of this brief story is that there are so many brains in the worst of us, and so little sense in the best of us, that a first class pair of feet will carry a man a good long way, even in the Osgoode Contingent.

NOTICE

During Mr. K. G. Morden's absence on active service his series of lectures to second year on Restrictive Covenants to tie up land and law students will be carried on by Mr. M. Fleming, formerly associated with Mr. Morden in this work and now one of the leading living authorities on the subject.

CHANGE OF NAME ACT

Take notice that an application will be made to the Presiding Judge in Chambers on April 13 next by ROBERT PARKER, of the City of Toronto, bookmaker, to change his name to WONKY PARSONS

NEW LAW SOCIETY RULES

(Continued from Page 3)

back to the date when his service changed from one Solicitor to another. Articles dated back have been accepted by the Law Society. This is in contravention of Rule 93 which provides that the assignment shall be filed with the Secretary within thirty days from the date thereof.

The procedure followed in the past is all highly irregular. Your Committee believes that it is bad for the student and bad for the profession to countenance irregularities in such elementary matters. In fact, the practice of filing certificates and affidavits that do not correctly set out the facts should be termed in stronger language than "irregularities."

There is no provision in our Rules for the proof of service under articles where the Solicitor to whom the clerk has been articulated has died, and no provision for transfer of Articles to another solicitor in such case, or where the Solicitor has been struck off the Rolls. (See Section 8 of The Solicitors Act.)

The English Solicitors' Act which governs the admission and service of students, recognizes that irregularities of service will occur, and makes provision for them.

Section 21 provides as follows:

"21. (1) Subject to the provisions of this Part of this Act, no articulated clerk shall during the term of his articles hold any office or engage in any employment other than the employment of clerk to the solicitor to whom he is bound or his partner, if any, in the business, practice and employment of a solicitor.

(2) This section shall not apply to any articulated clerk who, before he enters upon or engages in any office or employment, has obtained—

(a) the written consent of the solicitor to whom he is bound; and

(b) an order of the Master of the Rolls or of a Judge of the High Court sanctioning the holding by him of the office or his engagement in the employment.

(3) An order made under subsection (2) of this section may impose on the applicant such terms and conditions with regard to the office or employment as the Master of the Rolls or judge may think fit, and where any terms or conditions are so imposed and the applicant accepts or engages in the office or employment, he shall, before being admitted, prove to the satisfaction of the Master of the Rolls, or a judge of the High Court, and of the examiners appointed by the Society for the purposes of this Part of this Act that he has duly observed and fulfilled those terms and conditions.

(4) An articulated clerk who has omitted to make an application for an order under subsection (2) of this section before entering upon or engaging in an office or employment may at any time during the remainder of the term of his articles, or within one year after the expiration thereof, make to the Master of the Rolls, or a judge of the High Court an application for an order relieving him from any disability under subsection (1) of this section; and, if he proves by affidavit from the solicitor to whom he was bound, or other satisfactory evidence, that his holding of the office or engagement in the employment was with the consent of the solicitor and has not interfered with due service under his articles, the judge hearing the application may grant such relief and, as a condition thereof, may make such order as he thinks fit with respect to the applicant's service for the remainder (or any part of the remainder) of the term of his articles subsequent to his entering upon the office or engaging in the employment, or with respect to the passing of any examination.

(5) Not less than fourteen days before making an application for any order under this section, the applicant shall give written notice or his intention to the registrar stating his name and residence and the name and residence of the solicitor to whom he is, or was, bound and the nature of the office or employment and the time which it is expected to occupy, or has occupied."

Section 23 provides as follows:

"23. Where an articulated clerk has not served under his articles in strict accordance with the provisions of this Part of this Act but has after the execution of his articles bona fide served, either continuously or not, one or more solicitors as an articulated clerk for periods equal in the aggregate to the full term for which he was originally articulated and has complied with the other requirements of this Part or this Act, the Master of the Rolls may, if he is satisfied that the irregularity in the service was occasioned by accident, mistake or other sufficient cause and that the service, though irregular, was substantially equivalent to service in accordance with the provisions of this Part of this Act, admit the clerk as if the service had been regular service."

Section 25 provides for the transfer of a clerk's articles where the Solicitor dies or ceases to practise.

Three years ago Convocation recognized that students should be required to show the results of their service under articles, and passed Rule 132A making provision for oral examinations of students at the end of the first year of service and during the last year of service, on their work under articles. The Rule contains the following provisions, among others:

"(3) A student-at-law who has failed to submit himself to any examination prescribed by this Rule within the time required or who has failed to meet the requirements of the Legal Education Committee on such examination may with the permission of the said Committee again submit himself to such an examination."

"(4) A student-at-law shall not be deemed to have entered upon the second year of service under articles unless and until he has satisfied the requirements of the Legal Education Committee in respect of the examination prescribed to be taken at or before the end of the first year of his service."

"(5) A student-at-law shall not be admitted nor enrolled as a Solicitor unless and until he has satisfied the requirements of the Legal Education Committee in respect of the prescribed examination during or after the termination of his last year of service under articles."

Oral examinations have been held for the past three years, a number of students have been given no rating by the examiners, but they have been permitted to pass into their second year or have been given their Certificates of Fitness to practise law, as the case may be. The result of this interpretation of Rule 132A is that the "requirements of the Legal Education Committee in respect of the examination prescribed to be taken" are nil; that is, that subsections (4) and (5) are in practise meaningless.

The Law Society of Upper Canada has in the past consistently maintained that service under Articles has been an important integral part of the education of a lawyer. If the Society still adheres to this view, it is submitted that not only should there be strict adherence to the service under articles, but that the students should be required to satisfy the examining committees prior to being admitted to practise law, and that the granting of the Certificate of Fitness or the Call to Bar should be deferred until the student is able to satisfy the committee as to his qualifications in respect to the practical



Neilson's
JERSEY
NUT

A double delight

FINEST ROASTED FILBERTS
JERSEY MILK CHOCOLATE

Enjoy a bar daily

Neilson's

THE BEST MILK CHOCOLATE MADE

knowledge acquired by service in a law office.

Your Committee is not unmindful of the heavy demands that are made on the time and energy of those students who are taking military training contemporaneously with their studies at the Law School, but your Committee feels that this is a matter to be taken into consideration by the examiners and the Legal Education Committee in dealing with particular instances, but it does not constitute a reason for permitting students who are not taking military service or in any way affected by it, to complete their service under Articles and be admitted as solicitors without showing that they have given satisfactory service and acquired knowledge in those practical matters which it is believed can only be acquired by experiences in a law office.

Your Committee recommends that the Rules, the form of Articles of Clerkship and the forms for proof of service should be revised so that in the proof of service the nature of the service should be correctly recorded. There should be no excuse for filing certificates or affidavits that do not truthfully set out the exact nature of the service. Provision should be made to regularize absence from service on account of illness, time off for preparation for examination, and in proper cases time off so that a student may accept other employment while serving under articles. A suggested draft of a revision of the form of Articles of Clerkship is hereto attached as Schedule "A".

Your Committee further recom-

mends that similar power to that conferred by the English Solicitors Act on the Master of the Rolls, should be given to the Legal Education Committee to deal with applications for leave to accept other employment while serving under articles. Minor irregularities might be dealt with by two members of the Committee or the Chairman, following the procedure now laid down in practice where certificates of character are approved by members of the Committee.

It is not the proposal of the Committee that service under articles should be made any less strict, but rather stricter than it is at the present time. Your Committee believes that irregularities of service should be honestly recognized and dealt with, and that the oral examination of the students should be the test of his sufficiency of service under articles, and not the formal proof of service as at present.

Your Committee further recommends that it be given authority to draft amendments to the Rules, the forms, and (if necessary) The Solicitors Act, in order to give effect to the principle of this Report, and to report thereon at the next meeting of Convocation.

All of which is respectfully submitted.

January 12, 1942.

"J. C. McRUER",
Chairman.

EDITORS NOTE:

The New Rules re Articles of Clerkship will appear in full in our next issue.

NEW STATLER HOTEL

112-114 QUEEN ST. WEST, TORONTO

Phone Waverley 7115

Perfectly Equipped Restaurant and Grill—Dancing Nightly 9-12.

SPECIAL STUDENT LUNCH

Phone AD. 6822
OPEN 12 NOON TO 2 A.M.

BANQUET OR PARTY
ON SHORT NOTICE

INTERNATIONAL CHOP SUEY HOUSE

Air Conditioned For Your Comfort

60A ELIZABETH ST., TORONTO
Opposite T. Eaton Co. Parking Station

Manager
WESLEY WONG

Our Food is Delicious.
We strive for cleanliness.

DEBATE WITH LAVAL

(COMING MARCH 26th)

By G. Mitchell Dent

With the thundering applause of a thousand excited voices still ringing in our ears, the debating year is drawing to a close. Long will we remember climbing the storied steps of the venerable "Students' Wing" to the ancient, terraced first year class-room. In such a majestic setting, it is but natural that spirits should run high and gracious words be spoken. Here have been bandied about with reckless nonchalance the fortunes of our nation and the future of our laws. For in this very room the future lawyers of Ontario are sowing the seeds that will rejuvenate our nation after the present debacle. Every art and trick of the practised rhetorician is here used with telling effect, in the perpetual drive toward persuasiveness, finesse and effect. Some seek to achieve these ends by painting high-flown, silver-tongued images of poetic beauty; others use the more common method of oozing loose-jointed, garbled, purposeless floods of jargonry.

As our class elimination debates draw to a close and the inter-year finals approach, an undercurrent of tense, exciting expectancy is noticeable around the School. The students stand around in small groups after the lectures, whispering to each other and gesticulating—everyone's attention is engrossed in the coming battles, for in the birthplace of rhetoric in Upper Canada, final debates are not to be lightly passed over or ignored—not much.

WILLIAM W. LAIRD

(Continued from Page 1)

a \$12,000.00 claim by Laird against Ama Pola Limited, manufacturers of the popular beverage of that name. The claim was for injuries suffered by Laird as a result of drinking a bottle of Ama Pola in which was discovered a dead mouse in an advanced state of decomposition. Laird testified that he had bought the beverage at Woodbine between races on May 5th, 1941, and had become violently ill as a result of drinking it. "It has caused me considerable suffering and has alienated the affections of my girl," he stated. The name of the latter was not disclosed.

A brief flurry occurred in the court room when a juror asked the plaintiff whether or not he was covered by insurance. His Lordship instructed the witness to disregard the question.

The plaintiff's story was substantiated by the colourful testimony of Jack Hotz, the retailer from whom Laird bought the drink. On the suggestion of counsel for the defence that the offending bottle had been "planted" in the cooler, the witness stated that his men watched all comers closely and would not likely have failed to observe the entrance of mischief-makers. "Nobody comes into my

This year, as usual, Osgoode once again won some of its inter-collegiate debates. In fact, we will just about break even on the year as a whole (providing we win the remaining three or four debates). Fortunately, however, as most of our defeats occurred in home quarters, most of the students were spared the ignominy and bitter pangs of failure, for a goodly proportion of the crowds that packed the House usually left before the decisions were handed down.

The Grand Finale of the debating season is, as always, the long-awaited Laval debate. Of recent years this debate has been combined with the Mock Parliament and it is held in Convocation Hall. The tentative date for this year has been set at Thursday, March 26th, at 8 p.m. The House will divide into its respective Parties and speeches from the floor are, of course, welcomed, after the speakers on the paper have finished. Dress, as usual, will be optional. And the Ladies' Galleries will, no doubt, be full. The benches of the Judges will be filled by eminent barristers of this City, and at the termination of the festivities, drinking and dribbling will be the order of the day. Arrangements are being completed to ensure the presence of good old Bacchus, patron saint of the legal brotherhood. So don't forget the date and come prepared to give us a piece of your mind.

Subject: "RESOLVED THAT THE GOVERNMENT SHOULD OWN AND CONTROL WAR INDUSTRIES FOR THE DURATION OF THE WAR."

store without my permission, see?" Hotz asserted.

Dr. Morris Hay, Laird's family doctor, who enjoys some small local repute, stated that the plaintiff had suffered serious illness as a result of drinking the contaminated beverage.

Evidence put in on behalf of the company disclosed the care and supervision which is at all times exercised during the process of bottling Ama Pola. R. G. Parker, General Manager of Ama Pola Limited, said "the whole thing is ridiculous. Our system is fool-proof." He added that this was the first complaint of this nature his company had received.

Dr. Sadie McLean, an analyst called in by the Company, concluded the case for the defence by testifying as to the innocuous nature of the contents of the bottle from which Laird had drunk. "There were no bacilli in the bottle I examined," she stated, "and the contents could not have caused the illness complained of."

After counsel had addressed the jury, His Lordship gave his charge on the law of negligence and the jury withdrew, returning twenty minutes later with a verdict for the plaintiff.

Counsel for the plaintiff were, D. H. W. Henry and Charles Clark,

and for the defence L. H. Hewson and R. L. Kayler.

This year's Moot Court was exceptionally well attended which indicates that this institution has not altogether lost its attraction. The type of case chosen has one feature which, if not unique, was nevertheless of current interest owing to the discussion of *Donaghue v. Stevenson* in the Supreme Court of Ontario late last year. It would seem that the choice of a case involving law with which students in all three years are familiar has the advantage that it can be easily followed by students and their friends at the trial. Familiarity with the case was assisted by the distribution of copies of the record to the students of the Law School.

The choice of witnesses was good, but the proceedings suffered somewhat from the failure of counsel to make themselves heard at the back of the court room. A little more attention to this consideration would be of benefit in future.

The Moot Court should not be an attempt to produce a burlesque, nor should it be an entirely academic venture. Here is one place where any dramatic ability possessed by students may be exercised, with benefit to those who do not often manage to get into court to watch the conduct of trials. A Moot Court should therefore combine accuracy of procedure with an element of entertainment. In a small measure this year's effort achieved this end.

We would like to see this institution continued and it is felt that the students appreciate it sufficiently to support it in future. Members of the bar individually showed a great degree of interest in the preparation of the trial, and a number of barristers were present at the hearing. The Benchers and members of the Staff of the Law School showed themselves anxious to co-operate and were able to lend considerable assistance to the Committee.

THE OSGOODE HALL C.O.T.C.

(Continued from Page 2)

Society of Upper Canada encircled by a band bearing the name of the unit and surmounted by the Crown is an adjunct to the uniform that we can be proud of.

With the skirl of pipes the Osgoode Contingent embarked for Camp 1941 on the S.S. Cayuga on Sunday, June 8th. It was lovely weather and every man was in fine fettle; little did each realize the rude awakening those same pipes held in store for him every morning for the next fourteen days!

Discipline at this camp was much more strict than that which prevailed the year previous. Civies were forbidden to be worn without special permission and for leaves later than ten o'clock passes were required. Officers and N.C.O.'s had separate messes and distinctions of rank were carefully observed at all times.

The camp was run on a regular army basis and all instruction was in the hands of the camp's instructional staff, which ordained and directed the entire two week programme.

For the first time the unit learned of the Bren gun, the use of a respirator (midst copious tears) and actually fired 5 rounds with a Ross 303 at the ranges. Drill with the three-inch mortar was demonstrated and also the anti-tank gun which Sgt. Major Gumbrell described as a most effective weapon in knocking out armoured fighting "victiles."

Two hundred and fifteen all ranks attended the camp and gained a real insight into army life. Bleached or baked by the blistering sun the boys returned

healthier and wiser for the experience.

The Present Season

The fall and winter training of 1941-42 is now completed and in looking back upon the excellent programme laid out for the unit it is regrettable that the unit has shrunk to the extent that there was but one student Coy. and a platoon of lawyers to benefit from it.

The range, gas, Bren gun and drill periods, the lectures on grenades, man-management, and unarmed combat and the preliminary revolver work all added variety to the training. Our Chief Instructor, Lieut. Col. Langford and those officers of the unit who assisted are to be congratulated on the interesting programme carried through.

The visit to the Small Arms School at Long Branch in November, where cadets fired the Bren and Tommy gun, examined the Sten gun and the new Lee-Enfield, and saw the two-inch mortar in action will long be remembered by those who participated. Practical experience such as that is worth twice the time spent on lectures.

While camp is slated again for Niagara-on-the-Lake this summer, the unit will be allotted a quota for Brockville and those who are qualified and wish to be included on the list should inform the Orderly Room at once.

To date 519 cadets with 2 attached have accepted service with the Corps, and to February 7th, 154 have joined either active or reserve units, while 237 certificates of qualification have been issued.

In conclusion the writer takes this opportunity to express his appreciation to that fount of all knowledge, our well-loved R.S.M., Mr. Ryan, for his kind and helpful assistance in obtaining data for this resume.

MILITARY & MUFTI

Jack Armstrong
CLOTHES

24 - ADELAIDE ST. WEST

TORONTO

Waverley 4131

WOMEN-IN-LAW

By Helen Tripp

From time immemorial scribes have been writing on mothers-in-law, fathers-in-law, brothers-in-law, and now I have been asked to write what I believe to be the very first article on women-in-law.

ple want to be presented at court, but something makes me want to go to court. Maybe it was that ticket I once got for parking too long.

Women have many well-known characteristics which make them especially fitted for law. As everyone knows, lawyers are renowned for talking a lot and nobody will deny that women talk a lot. Therefore we see right at the outset that women are specially suited to law.

Now I find that there are many advantages to being a law student. Going around town carrying a brief case and bearing sundry other traces of being a student-at-law, car drivers aren't so liable to nudge you with their bumpers or take other "liberties" with your person—things that the ordinary pedestrian is liable to suffer. A car hasn't splashed me yet, and you can't say it hasn't rained this year.

If you're a woman law student and mention it casually to anyone you're immediately eyed with a certain amount of amazement and awe—why, even my kid sister is

impressed by me now, and she used to be—well, a kid sister.

Of course, it also has its disadvantages. Within a few months of entering Osgoode you are supposed to know how to settle all sorts of difficult questions on law. I distinctly remember having to leave the table at dinner one night, ostensibly, to get some more tea, (boarding house tea is so inspiring) but really in order to have time to think up an answer to one of these questions. For, if you ever admit you don't know anything you immediately descend in everyone's estimation, and will probably never regain your former position.

One thing we women law students learn in the course of our travels around town as the emissaries of our legal firms is how to get in anywhere with no difficulty at all. Why, even the biggest buildings and the heaviest doors are no obstacle to us now. We first wait for a hefty man to come along and then scoot in behind him.

In closing, I would like to say I gained the inspiration for this article while writing it in the Women's Common Room, so if it is not all it should be, you will be bound to draw your own conclusions.

KEN STEWART, BALDY CRAIG and HANNIBAL HILL of Third Year, are with the Royal Canadian Corps of Signals (reserve) and expect to be called to Brockville at the conclusion of examinations this Spring.

Compliments of
NATIONAL STATIONERS
OFFICE SUPPLIES
Distributor for Ellam's
Duplicator.
115 York St. EL. 4307

Make he
Savarin
YOUR READQUARTERS
FOR FUN

DINNERS
FROM 50c UP

DANCING
FRIDAYS \$1.00—
SATURDAYS \$1.50—

DINNER DANCE
Saturdays—No Cover Charge
Delicious, Full Course
Dinner \$1.00

LUNCHEONS, MEETINGS
PRIVATE DANCES

Just call WA. 1126
for Reservations.

Savarin
BAY AT ADELAIDE

Lunch Room
Law Society Osgoode Hall

Luncheon from 12-2 p.m.

Afternoon Tea 4-5 p.m.

Under the management of Mary Millichamp
of The Park Plaza Restaurant.

ORAL EXAMINATION OF A LAW STUDENT (WITHOUT PREJUDICE)

By Mac Craig

These are a few of the highlights of one of the oral examinations recently held at Osgoode Hall. It is hoped that they will be of some assistance to students in the coming years in preparation for the fateful day.

Present: D. L. Hardy (a benchler)
Surly Hennessey (a benchler)
Jeff Eve (a special examiner)
Mac Alpine (a student).

The long awaited day has arrived and Mac Alpine, our student is attired in a clean white shirt, a newly pressed suit and he has carefully brushed back the "hair" on a receding brow. His idea is to impress the examiners with a good appearance as well as his fund of knowledge.

When his turn comes he walks up to the door of the benchers' room, pauses, opens it quickly and stepping off smartly with the left foot, (he has come along nicely in COTC) he walks up to the examining board and greets them with a cheery "Good morning gentlemen!" Our student is told to sit down and make himself comfortable. D. L. Hardy opens the case for the benchers.

D. L. (looking at the academic results), "I see that you have done very well on your examinations Mr. Alpine. I hope your office experience hasn't suffered on that account."

Mac. "Yes, I have done very well. Shouldn't have much trouble in winning the gold medal."

D.L. "I see that you are articulated to Mr. Blower of Blower and

Welsh."

Mac. "Yes sir."

Jert to Surly. "A very appropriate office for this young man."

D.L. "How are you enjoying your education at Osgoode Hall, Mr. Alpine?"

Mac. "Oh, the students' executive are making everything very pleasant, Mr. Hardy."

Surly. "Brrr - - - umph!"

D.L. "We don't want to go into that Mr. Alpine. Now what kind of experience are you getting with your office?"

Mac. "Excellent, sir."

D.L. "Your principal, Mr. Blower, is a very fine man and you seem to have some of his attributes. I suppose you are in the office most of the time."

Mac. "Yes, I have reviewed most of his correspondents."

D.L. "You mean you have gone over a number of the old files?"

Mac. "Well in most cases he was with them at their solicitation."

D.L. "Now, Mr. Alpine, there appears to be some misunderstanding. At any rate we don't want to go into detail. Just tell us about the experience you get at your office."

Mac. "I am doing quite a number of things Mr. Hardy—litigation including the Court of Appeal, Supreme Court, County Court and Division Court; real estate; company work; foreclosures; conveyancing; drawing wills; divorce; writing letters; reading law; and advising clients generally."

Surly. "Well is that all Mr. Alpine? Don't you do any bankrupt-

cy matters, estates, mining law, or delivering letters around the city?" (Mac loses some of his confidence at this point and doesn't answer this question.)

D.L. to Surly. "Now, Mr. Hennessey, the inadequate experience that this young man is getting confirms my worst fears about the lack of practical education that the students of Osgoode Hall are getting. We must do something about it."

Surly to D.L. "We have been considering a change for some forty years Mr. Hardy, but we do want to have time to consider the matter fully. Above all we don't want to snuff out a system which may be meritorious. However, the matter will be taken under advisement and given further attention. In the meantime I suggest we question the neophyte further. D.L., will you carry on independently with the examination?"

D.L. "Mr. Alpine, you mentioned litigation as one of the fields of your activity. Just what do you know about it?"

(At this point Mac Alpine senses that something is wrong and having unusually keen native ability, wishes to lead the "old boys" off the paths of legal education.)

Mac. "Well, Mr. Hardy, the personnel around Osgoode Hall, City Hall, and the Registry Offices are very efficient and very considerate. There is a particularly nice blonde in the office of real estate."

(The "old boys" perk up immediately, especially Jeff, who hasn't been paying attention up until now.)

Jeff. "I see that you are a young man with great powers of observation, Mr. Alpine. Tell us what you do at the office of real estate."

Mac. "That is where you enter an appearance."

Jeff. "How often do you do this?"

Mac. "After every lecture and once at lunch hour."

Surly. "If you would read the rules Mr. Alpine, you would realize that once every ten days is plenty."

Mac. "Yes sir, but I don't want some of the other students to note the pleadings closed before my claim is fully presented."

D.L. "The case can't go on for trial before it is set down."

Mac. "Well, Mitch Dent passed a record there yesterday."

D.L. "That is not unusual."

Mac. "Yes but he was there for three hours."

Jeff. "There must have been a lot of pleading."

Mac. "I am not worried about that; he didn't get very far."

Surly. "It seems to me that we are getting away from the subject Mr. Alpine. Now about your lectures—what do you know about equitable principles?"

(Mac sees his opportunity to really turn it on so he grasps the skirts of happy chance hoping this answer will give him an "A".)

Mac. "It is a long story dating from the length of the Chancellor's foot, but briefly here it is! You must go into chancery with clean hands and your boots on, so it really doesn't matter about your feet. The mortgagor—"

(Anticipating that Mac is going into a long oration, D.L. interrupts)

D.L. "You will have to be more concise Mr. Alpine."

Mac. (Taken a-back somewhat). "Since the 19th century the equitable principles have been pretty well secreted in the interstices of the Judicature Act. They are rather difficult, and as Dr. MacHay says, 'Once a bastard, always a bastard'."

Surly. "You are thinking of the strict common law doctrine, and not equity. You shouldn't confuse the two."

Jeff. "I thought he was merely expressing an opinion."

--- and so, with this terse commentary by the boy wonder of Osgoode Hall, this battle of wits came to an abrupt and deeply puzzling finish. To this day it is not known

OVER THE BAR

A Column for Salubrious Imaginations.

By P. R.

Notice is hereby given that from and after the date of publication hereof Leslie Rowntree, sometime Student-at-law, will no longer be responsible for his wife's debts.

A judicial committee of three, composed of Lloyd Valin, Ken Kidd and Jack Hotz, has brought in a verdict to the extent that "Spider" Hipperson's legs stretch further across the room than "Mitch" Dent's and that the former's feet are three times the threat to navigation that the latter's are, due mainly to the former's location astride the best trade route. The committee also thought that as Dent occasionally placed his feet upon the seat in front of him, the decision should go to Hipperson, nevertheless.

(Editor's Note: The committee omitted to discuss what happens when Hotz requests Dent to open the window. McAlpine is discussing ways and means of obtaining a mandatory injunction.)

Bob Easton was noticed at the Osgoode at Home with lovely Mary Bruck. Mary was noticed to be wearing a ring on her left hand. As a law student we draw the usual inference, although the evidence is purely circumstantial. We shall know whether or not men should be hanged on circumstantial evidence before the next issue hereof.

If George Stoddard and Doctor McRae would adjourn to Seagram's Shaving Salon in the basement after 10 o'clock lecture there would be no need for that tattle-tale grey soap in their ears.

For three years at Victoria they say that John Pallett loved from a distance, but that immediately after becoming a law student he obtained sufficient nerve to ask Margaret Fraser to go out. We checked with the Dean on this one.

We noted that Sargeant Henny gives a slight degree more attention to his lady friend than he does to his platoon. 'Tain't fair to the platoon.

We didn't like to see that Mrs. Wright and Mrs. Gillanders had to stand when visiting the committee room at the dance, but we were pleased to see good old Red Jack of "real folding money" fame playing Uncle Wiggily to the younger fry.

Our amazement at seeing Alf Bennett out with two good-looking girls amounted to sheer disbelief when we learned that they were his sisters.

Bruce Legge to Dr. Wright—"May I get a drink, sir?"

Dr. Wright (mistaking drink for ink)—"Sorry, Legge, I lent my bottle to Miss Hunter."

You just have to take one glance at Chappell, Dent and Kendall in battle dress and you realize why the government is issuing dress uniforms. We would recommend that gas masks be issued the Osgoode unit at the same time.

We think that Mac Craig got disgusted with the hair tonic he was using and tried to scalp himself. That car accident line sounds pretty thin; so did the line he handed ye editor's girl the night of the formal.

at **EATON'S**



**BRITAIN
DELIVERS
THE GOODS**

From **SCOTLAND**

"SAXONE" OXFORDS

Right from Kilmarnock, Scotland, come these fine "Saxone" Oxfords, sold exclusively by **EATON'S**! Made from soft-tanned Martin's calf leathers in black or brown. Choice of blucher, balmoral or brogue styles. Sizes 6 to 12 and widths A to E in the group.

EATON PRICE, pair, 9.50

MAIN STORE, SECOND FLOOR.

T. EATON CO. LIMITED

LAWYERS' LETTERS

Under consideration—means—Never heard of it.

Under active consideration—means—We will have a shot at finding the file.

Has received careful consideration—A period of inactivity.

Have you any remarks—means—Give me some idea of what it's all about.

The project is in the air—You have forgotten or never knew, because I don't.

You will remember—means—You hold the bag awhile. I'm tired of it.

Concur—generally means—Haven't read the documents and don't want to be bound by anything I say.

In conference—means—Gone out don't know where.

Kindly expedite—means—For

whether the benchers gave "Mac" an "A" for his brilliant exposition of the fundamentals, or whether Mac gave the benchers any rating ex-officio. Our guess is that professional jealousy reared its ugly head and allowed no ratings to anybody.

Note: Since going to press, Mr. Alpine has petitioned the Law Society that the benchers undergo an annual oral examination prepared, exercised and supervised by Mr. Alpine. "In the interests of my profession," Mr. Alpine is quoted.

Note: Any resemblance in the above article to any person, living or dead, is purely intentional.

heaven's sake try and find the papers.

Passed to higher authority—Pigeon-holed in more sumptuous offices.

In abeyance—means—A state of grace for a disgraceful state.

Appropriate action—means—Do you know what to do with it—we don't.

**DYE &
DURHAM**

**LAW AND GENERAL
COMMERCIAL
STATIONERS**

Legal Forms a Specialty

9 - 11 Yonge Street Arcade.

ELgin 2228, Toronto.

**COMPLETE STOCK OF
LEGAL FORMS AND
OFFICE SUPPLIES**

3 CONVENIENT STORES
PROMPT PHONE SERVICE

GRAND & TOY LIMITED

332 Bay St. 115 Yonge St.
8-14 Wellington St. West
Toronto ELgin 6481

**THORNE, MULHOLLAND,
HOWSON & McPHERSON**

CHARTERED ACCOUNTANTS

FEDERAL BUILDING
TORONTO

E. J. HOWSON
R. S. McPHERSON
Licensed Trustees

GALT
KITCHENER