



## Law Society of Upper Canada.

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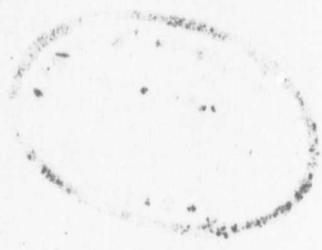
*To the Benchers in Convocation Assembled:—*

The Library Committee begs leave to report as follows:

Your Committee submits herewith the Librarian's report for the year 1893, and, in view of the information therein contained of interest to the profession, recommends that the said report be printed and distributed with the next number of the current Reports.

*Toronto*  
February 5th, 1894.

G. F. SHEPLEY,  
*Chairman.*



## THE LIBRARY,

OSGOODE HALL, January 31st, 1894.

*To the Chairman and Members  
of the Library Committee of the  
Law Society of Upper Canada :—*

The Librarian begs to submit the following report for the year 1893 :—

The total expenditure upon Library account during the year was \$7,795.84, being \$204.16 less than the amount estimated. This sum was expended as follows :

Books and Periodicals .....	\$4,006 94
Binding .....	365 80
Rebinding, repairs, etc.....	359 07
Supplies, incidentals. etc.....	272 03
Salaries .....	2,792 00
	<hr/>
	\$7,795 84

A further sum of \$318.61 was spent upon the Phillips Stewart Library for Students. Details of these expenditures will be found in the statements appended to this report.

During the year 1,244 volumes were added to the contents of the Library, as against 1,211 in the previous year. Of these, 182 were donated, 196 came from the bindery, and 866 were purchased, the average cost of the latter having been \$3.62 a volume. These accessions include a number of costly works, as well as many others which, though they represent no great expenditure, will increase in value from year to year. About two-thirds of the books received consisted of legal treatises, reports and statutes, as follows: Legal Treatises, 174 vols.; Reports, 401 vols.; Statutes, 241 vols. Every new English, Canadian and American

legal treatise thought to be adapted to the needs of the profession in this province has been placed on the shelves. Several sets of reports not previously in the Library were purchased, among them being the reports of the Australian colony of Victoria, which have been frequently consulted since their arrival. It is proposed to add, gradually, the reports of the other Australasian colonies. The laws of the United States, Federal and State, are now represented on our shelves by about 200 volumes, covering 41 states, as against 80 volumes covering 15 states a little over a year ago. The plan pursued with respect to these statutes is to purchase the latest revision or consolidation in each state, with the subsequent sessional laws, and to keep the latter up to date. Nine volumes required to fill up the set of United States Statutes-at-Large have at various times been acquired at comparatively small cost. Several new periodicals have been added to the list of these publications, the total number now taken, other than reports received in parts, being 28. Special attention has been paid to the collection of books of general reference, and to the completion of sets of Canadian almanacs, law lists, parliamentary registers and other publications of like character, which in the course of time will possess extraordinary value as records of the past. In the case of the latter the great difficulty experienced in filling sets is due, not to the cost of copies, but to the fact that they are usually thrown away or destroyed as soon as the succeeding volume appears. Among other accessions which are most valuable as records, and rare because of their limited circulation, are a number of volumes of pamphlet literature relating to the railways of Canada. Of these, 11 were kindly donated by the Treasurer of the Society, Mr. Æmilius Irving, Q.C. The collection will be extended from time to time, and may at any day prove of great service to counsel. An effort is being made, also, to procure a complete set of the Minutes of Proceedings of the City Council of Toronto, which were first published in book form in the year 1859. Of the 34 volumes of these Minutes, 19 have, after much trouble, been procured without cost to the Society. For the first two volumes, 1859 and 1860, the Library is indebted to the kindness of the widow of the late Sir Adam Wilson, Mayor of Toronto in those years.

Believing that a great law library should number among its contents the records of the Legislatures of the country in which it is located, the Librarian has sought to obtain for the Society's Library—which is now entitled to rank among the largest law libraries in America—sets of the proceedings, etc., of the Canadian Provincial Legislatures. Through the very kind assistance of the President of the Council of the North-West Territories, and the Provincial Secretaries of British Columbia, Manitoba and New Brunswick the Librarian has succeeded in procuring—at little greater expense than that of carriage—sets almost complete of the Journals and Sessional Papers of the Territories and the Provinces mentioned. Further effort will be made to add to this collection similar records of the other Provinces, and all the Provincial Governments have promised to supply the Society henceforth, without charge, with all their publications of this character. Other accessions in the Parliamentary section include the Behring Sea Arbitration papers, a complete set of the Geneva Arbitration papers, a number of volumes of papers relating to Canadian boundary questions, and other Imperial State papers relating to Canadian affairs. Among many important miscellaneous acquisitions may be mentioned the "Century Dictionary," Lecky's "History of England in the 18th Century," the second Supplement (1887-1892) to Poole's "Index to Periodical Literature," and the American Library Association's "Index to General Literature." A number of the more valuable pamphlets in the Library have been collected in bound volumes, and indexed, and others will be similarly dealt with from time to time.

A careful enumeration and estimate of the contents of the Library was made in December last, and while it was impossible to obtain strictly accurate results by the method of counting then adopted, the figures given below may be accepted as very nearly correct:

Canadian Reports.....	1,404	vols.
English, Irish and Scotch Reports....	1,516	"
The "Law Reports".....	975	"
Australasian Reports. ....	31	"
United States—State and Federal Re- ports .....	4,199	"
"    "    Serial Reporters. ....	809	"
Imperial and Canadian Statutes.....	1,160	"
United States—Statutes.....	204	"
Parliamentary .....	1,589	"
London "Times," "Mail," Annual Reg- ister, etc.....	340	"
Law Treatises, Works of General Liter- ature, and all other books not in- cluded above.....	13,779	"
	<hr/>	
Total number.....	26,006	"
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This total is believed to differ from the correct figure by not more than 200.

In this connection the following information, gathered from a collection of "Statistics of Public Libraries in the United States and Canada," for the year 1891, recently published by the United States Bureau of Education, may be of interest. Of 3,804 libraries in the United States containing 1,000 volumes or more, 226 had over 25,000 volumes; of 203 in Canada, 10 had over 25,000 volumes. Of the State libraries, which contain both legal and general literature, 21 had over 26,000 volumes. Only 5 law libraries on this continent are larger than this Library, viz: New York State Law Library, 45,982 volumes; New York Law Institute Library, 40,691 volumes; New York Bar Association Library, 40,000 volumes; San Francisco Law Library, 31,000 volumes; Harvard University Law School Library, 28,157 volumes.

In October last, the laborious and difficult task of "taking stock" was undertaken, and the spare time of the Assistant Librarian was thus occupied for about two months. The latest accurate record of the contents of the Library at a given time is the catalogue of 1880. In the preparation of the catalogue of 1886, it appears, the contents of the receiving-book were merely amalgamated with those of the former catalogue—no attempt

having been made to check over the books by the entries in either, and thus to ascertain what the contents of the Library actually were at that time. It is probable, therefore, that some of the books that appear in the catalogue of 1886 were at that time missing. In fact, of the books which cannot now be found, all but 44 had been published, and were probably in this Library, prior to 1886, so that many of them may have disappeared during the period 1880-86, although retained in the catalogue of the latter year.

The result of the stock-taking was the discovery that since 1880 the Library had lost 253 volumes, other than reports and statutes, and not a few of the latter. A catalogue list of the 253 missing books accompanies this report. It shows that 39 are books of general literature, 31 books prescribed by the Law Society on its curriculum, and 41 other books designed for the use of students. It is worth noting that 62 volumes were of duodecimo, or still smaller size. Among the missing books is Theodore Martin's "Life of the Prince Consort," presented by Her Majesty the Queen, with her autograph. It is possible that a few of the missing books may yet be restored, as volumes that have been absent for many months occasionally re-appear in a mysterious manner. During the past year several that had been missing for periods varying from twelve months to two years were returned to the shelves, and others that had disappeared from view for only a few months were discovered in offices and rooms throughout the building.

It is the intention of the Librarian to introduce a system which, when once perfected, will render the operation of stock-taking a comparatively easy one, so that it may be performed every year without much trouble. It is at present impossible to determine accurately what the Society's stock of certain classes of books is.

The attention of the Committee is earnestly directed to the fact that the shelf accommodation for books is so nearly exhausted that, at the present rate of accession, the whole space now vacant on the shelves will be filled within a little over two years. This space, measured by the average volume, is made up as follows :

On the stacks .....	1,751 vols.
On the walls, within reach .....	171 "
On the walls, above reach .....	819 "
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	2,741 "
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The rate of accession is about 1,200 volumes a year. The space on the wall-shelves above reach cannot, without great inconvenience, be utilized for books in constant use, and much of the space on the stacks is made up of small intervals at the ends of alphabetical and sectional divisions, which should not be completely filled before further accommodation is provided. Some sections are already so congested, that it is necessary to move hundreds of volumes in order to make room for one new one. The utilization of the whole remaining space would entail the shifting of several thousand volumes, with much consequent confusion of arrangement. For these reasons additional shelf-room will have become in twelve months at least, an absolute and immediate necessity, and steps should be taken during the next Long Vacation towards the removal of the difficulty.

Increased accomodation may be provided, to a limited extent, in two ways—by placing stacks at the backs of the pillars in the Great Library, as laid out in the original plan of the present shelf arrangement; and by the erection of wall-shelves in the two consultation rooms. Additional space would thus be obtained as follows:

Twelve new stacks .....	3,900 vols.
Consultation rooms, east and south walls	1,800 "
"                    west walls ....	1,080 "
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	6,780 "
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Adding this to the space for 2,700 volumes still available, accommodation would thus be found for about 9,500 additional volumes, that is to say, the accessions of nearly eight years. The consultation rooms could be used for storage of books not in frequent use.

As, however, objection may be taken to the use of the consultation rooms for any such purpose, and as, at all events, the

measures suggested would afford only temporary relief, it may be well for the Committee to grapple at once with the greater and still more serious problem which will present itself for solution in six years at the most: What is to be the future of the Library? If it is to remain in its present location, in what direction shall room for its expansion be sought?

A new catalogue of the contents of the Library is greatly needed, and some of the preliminary work of preparation therefor has been in progress for several months past. After much study of the question, the Librarian has been forced to the conclusion that, notwithstanding the advantages of the modern "card catalogue," a book catalogue is still a necessity in this Library. The preparation of such a book will involve much more than the mere revision and enlargement of the edition of 1886. The present catalogue must be entirely re-written and re-arranged, and the subject-index wholly re-constructed. As this work can be done only in spare moments, it will occupy a year at least. In view of this fact, and of the large expense which a new edition would involve, the Librarian is anxious, while continuing his preparations in this direction, to experiment with a new system, combining the best features of both the book and the card catalogue, which is now meeting with much favour in large libraries in the United States. For this purpose a sum has been placed in the estimates of Library expenditure for the current year, decreases in other items rendering it possible to do so without increasing the total estimate. Should the system in question prove satisfactory, the large expenditure necessary for a new printed catalogue may be avoided.

At the instance of the Hamilton Law Association the Dominion Government, it is said, is considering the advisability of removing the duty imposed upon law books imported into this country for the exclusive use of law libraries, and there is believed to be ground for the hope that at the approaching session of Parliament the tariff will be thus amended. The Librarian begs to suggest that Convocation be recommended to add the weight of the Law Society's influence to the movement towards this end. In 1892 the amount expended by the Society in duties upon imported books was \$338.30; last year the amount paid out on this account was \$372.50.

The Government might at the same time be asked to supply this Library, without charge, with the "Canada Gazette," which is now sent free to the Law Associations, and also with the Commons and Senate Debates.

During the year, 337 volumes were rebound or repaired, at a total cost of \$298.10. The contents of the Library have now been placed in good condition in this respect, but a considerable annual expenditure for repairs will always be necessary. The injurious effects of heat upon the leather bindings and the rough usage to which the books are subjected, keep the work of repair in constant progress. The Librarian regrets that he has occasion to report several instances of wanton mutilation of books, three of them being of a most outrageous character. Unfortunately the guilty parties were careful to avoid detection.

In February last a "Current Digest" of the Law Society's Reports was instituted. In this book are collected under their proper headings the contents of the digests of the volumes subsequent to those covered by the "Ontario Digest." In the section containing the tables of cases are noted references to all appeals in cases therein. The "Current Digest" now covers eight volumes—four "Ontario," three "Ontario Appeal" and one "Practice"—and the constant use that is made of it is an indication that the book is of service to the profession.

During the year all cases contained in the "Weekly Notes" quarterly "Table of Cases Affirmed, etc.," were, as each part appeared, noted up in all volumes of the "Law Reports" and other reports in the Library. In April, the work of noting up in our own Reports all Appeal, Supreme Court and Privy Council decisions was undertaken and completed to date, and will be continued as new volumes are published. Some idea of the labour involved and the time consumed in "noting up," where several copies of each book are on the shelves, may be gathered from the following statistics: In noting the Canadian reports, entries were made in 77 books of the various series, comprising on our shelves 519 volumes, and the total number of entries was 5,218. The number of cases in the "Weekly Notes" quarterly "Table" for April 1, was 114, and in noting these up 464 entries were made. The constant use made of the Canadian and English reports renders this work the more difficult.

During the Long Vacation much was done in the way of cleaning and renovation. The unsightly gaselier which hung from the dome was removed. Under the direction of the Public Works Department a new galvanized-iron roof was built over the Great Library, the felt and gravel roofs over the annexes were repaired, and all damaged portions of the ceilings and ornamental plaster work were renewed. It was hoped that an end had thus been put to the frequently recurring leaks, but, while this seems to have been almost accomplished, one leak re-appeared in December last. The Department was promptly notified and it is now reported that the roof is water-tight.

The Library was open on 231 evenings in the year, the attendance being as follows :

		Average.
Members of the profession . . . . .	1,510	6.53
Students . . . . .	2,460	10.64
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	3,970	17.17
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The largest attendance on any evening was 40, the smallest 2.

The attendance in the reading-room of the Phillips-Stewart Library for Students was as follows:

	Days.	Readers.	Average Attend'ce.
January 2-June 10 . . . . .	127	4,169	32.82
September 23-December 23	71	1,845	25.98
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	198	6,014	30.37
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The great difference in the averages for the two portions of the year is due to the increased attendance in April and May, prior to the examinations.

During the year, 40 volumes were placed in the Phillips-Stewart Library, of which 13 were transferred from the Great Library, and 27 were purchased at a cost of \$114.10. The total number of volumes on December 31, was 341. The expense of placing the Canadian Reports on these shelves has not yet been incurred, pending financial arrangements.

The expenditures on this account controlled by your Committee were, during the year, as follows:

Books .....	\$114 10
Repairs .....	32 55
Furniture .....	162 66
Incidental charges.....	9 30
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	\$318 61
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All of which is respectfully submitted.

W. GEO. EAKINS,  
*Librarian.*

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1893.

## EXPENDITURES.

*(Estimates for 1893 appear in brackets.)*

## BOOKS AND PERIODICALS :—

Books.....	(\$3,250 00)	\$3,208 13
Periodicals.....	( 375 00)	353 50
Duty, freight, etc.:		
Duty.....	\$372 56	
Freight, etc. . .	54 25	
Brokerage ....	18 50	
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	(\$ 400 00)	\$ 445 31
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	(\$4,025 00)	\$4,006 94

BINDING.....	( 400 00)	365 80
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## RE-BINDING, REPAIRS, ETC. :—

Class I.....	76 vols.	\$ 107 90
" II. ....	37 "	48 10
" III.....	22 "	22 10
" V. ....	197 "	116 70
Special .....	5 "	3 30
	<hr/>	
	337 vols.	\$298 10
Stamping.....	407 "	60 97
	<hr/>	
	744 vols.	(\$500 00)
		\$359 07

SUPPLIES, INCIDENTALS, ETC. . .	( 300 00)	272 03
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## SALARIES :—

Librarian .....	\$1,800 00
Assistant Librarian .....	800 00
Night Assistants (Dec. 1, 1892—Dec. 31, 1893)..	192 00
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	(\$2,775 00)
	<hr/>
	\$2,792 00

Total Expenditures..	(\$8,000 00)	<u>\$7,795 84</u>
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## PHILLIPS-STEWART LIBRARY FOR STUDENTS:—

Books. ....	\$114 10
Re-binding, Repairs, etc .....	32 55
Furniture . . . . .	162 66
Incidentals. ....	9 30
	<u>          </u>
	<u><u>\$318 61</u></u>

## ESTIMATED EXPENDITURE, 1894.

## BOOKS AND PERIODICALS:—

Books .....	\$3,225 00
Periodicals .....	400 00
Duty, freight, etc.....	425 00
	<u>          </u>
	\$4,050 00
 BINDING .....	 400 00
RE-BINDING, REPAIRS, ETC.....	400 00
SUPPLIES, INCIDENTALS, ETC., including \$100 possible expenditure in preparing for new catalogue.....	375 00
SALARIES .....	2,775 00
	<u>          </u>
	<u><u>\$8,000 00</u></u>

## LIBRARY ACCESSIONS.

	VOLS.	COST.
Canadian Texts.....	37	\$136 75
"    Reports.....	80	183 61
English Texts.....	88	403 58
"    Reports.....	98	355 42
Australian Reports.....	31	381 12
United States Texts.....	49	264 50
"    Reports.....	192	759 60
Digests, Indexes, etc.....	30	151 70
Statutes.....	241	304 15
Parliamentary.....	186	123 80
Miscellaneous (Bound Periodicals).....	177	325 70
General Literature.....	35	113 19
	<hr/> 1,244	<hr/> \$3,503 12
 Volumes purchased.....	 866	
"    donated.....	182	
"    received from binder.....	196	
	<hr/> 1,244	

In the case of the 196 volumes received from the binder, their original cost as periodicals, etc., is not included in the above figures. The average cost of the volumes purchased was \$3.62 per volume.